



# 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

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

## REGULAR MEETING AUGUST 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 and Barrios were present. Supervisor Muenzer was absent. Also present were County Administrative Officer Rich Inman, County Counsel Matt Granger, and Clerk of the Board Denise Thome. Chair 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.*

Chairman De La Cruz announced that they would be pulling Item #20 and Item #21 from the agenda to be continued to September 11, 2012. He noted that he would allow speakers for the two items under public comment.

- c) **Public Comment:** Ed Tobin of the Salinas Ramblers Motorcycle Club talked about coordinating a discussion in the future for items 20 and 21. He further suggested the Board talk to their counterparts in Northern California. He spoke of Congressman Farr's efforts with respect to Clear Creek.

John Eade spoke in regards to Duke Energy Solar Farm and felt it was wise for the Bureau of Land Management (BLM) to change the lines and leave out the solar project as it was unnecessary to the budget and would cost tens of millions of dollars to buy those easements.

Paul Wattis stated that he was there at the request of John Eade and that he did not want Foothill Legacy or any more restrictions.

Marvin Jones stated that it was another land grab by the wonderful Federal government. He indicated that if they find endangered species you could not do anything with your own land.

- d) **Department Head Announcements:**

Agricultural Commissioner Ron Ross made a request to pull Item #1 off consent in order to make a presentation.

Public Works Administrator Steve Wittry gave a status report on the Nash Road stop sign indicating that Hollister City Council had approved the stop signs

at Nash Road and West Street and that progress was being made. He estimated that the stop signs would be up within the next couple of weeks.

Building and Planning Director Gary Armstrong reported that the Planning, Building and Public Works offices would be closed this Thursday and Friday in order to make their move to the new office at 2301 Technology Parkway. He added that they would be up and running Monday morning.

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

Supervisor Botelho reported that he had attended the Regional Council of Rural Counties (RCRC) meeting in Sacramento the previous week and their staff had requested the Boards discuss a position on Proposition 30. He explained that Proposition 30 is Governor Brown's tax measure and requires a simple majority. He added that it provided for a higher tax for those making \$250,000 and over. He requested discussion on the next agenda. He explained that Proposition 31 is sponsored by California Forward and it was a government accountability act and was, in essence, interagency cooperation at different levels. He suggested they talk about Propositions 30 and 31. He then gave an update on septic tank regulations, SB 885.

Chairman De La Cruz directed that Proposition 30 be placed on the agenda and he would talk to Supervisor Botelho about Proposition 31.

**CONSENT AGENDA:**

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios **approved** Consent Agenda items with the exception of Items 1, 7 and 16 which were pulled for discussion. (Unanimous)*

**AGRICULTURAL COMMISSIONER – R. Ross:**

- 1) **Accept the 2011 Crop Report; and authorize the release of this report to the public via the department web-site.**

This item was pulled for presentation.

Agricultural Commissioner Ron Ross gave a presentation on the crop report for 2011.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas accepted the 2011 crop report. (Unanimous) File #1.1*

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

- 2) **Approved** contract renewal with Kings View Corporation for Management Information System for the FY 2012-13-14-15. *File #810*

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

- 3) **Approved** contract renewal with Kings View Corporation for Telepsychiatry Services for the FY 2012-12 for a maximum total of \$110,000. *File #810*

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

- 4) **Approved** contract renewal with Monterey County Behavioral Health for Behavioral Health Services for the FY 2012-13, for a maximum amount of \$25,000. *File #810*

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

- 5) **Approved** contract renewal with North Valley Behavioral Health, LLC for acute psychiatric hospital services for the FY 2012-13, for a maximum amount of \$100,000. *File #810*

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

- 6) **Approved** contract renewal with Victor Treatment, Inc. for residential treatment facility for the FY 2012-13, for a maximum amount not to exceed \$80,000. *File #810*

**CLERK OF THE BOARD – D. Thome:**

- 7) **Approve the action minutes of the July 24, 2012 regular meeting.**  
Supervisor Barrios indicated that she brought a typo on the minutes to the attention of the Clerk of the Board and she had already taken care of it.  
*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, approved the action minutes of the July 24, 2012 regular meeting. (Unanimous)*

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

- 8) **Adopted Resolution No. 2012-48 authorizing** the consolidation of the Special Districts and provision of services by the Registrar of Voters for the November 6, 2012 General Election. *File #285*

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

- 9) **Adopted Resolution No. 2012-49 authorizing** the consolidation and provision of services by the Registrar of Voters for the City of San Juan Bautista for the November 6, 2012 General Election. *File #285*

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

- 10) **Adopted Resolution No. 2012-50 authorizing** the consolidation and provision of services by the Registrar of Voters for the City of Hollister for the November 6, 2012 General Election. *File #285*

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

- 11) **Adopted Resolution No. 2012-51 authorizing** the consolidation and provision of services by the Registrar of Voters for the school districts for the November 6, 2012 General Election. *File #285*

**HEALTH & HUMAN SERVICES AGENCY – M. Corona:**

- 12) **Appointed** Larry Smith as the Low-Income Representative for District #5 to the Community Action Board for a three year term effective August 21, 2012 through August 21, 2015. *File #130*

**HEALTH & HUMAN SERVICES AGENCY:**

- 13) **Approved** contract with Hazel Hawkins Memorial Hospital for Eligibility Workers Term of contract for the period of September 1, 2012 to June 30, 2014; **authorized** the addition of one Eligibility Worker to HHSA's schedule of authorized positions; and **authorized** the Interim Director of HHSA to sign said agreement. *File #130*

**HUMAN RESOURCES – J. Credico:**

- 14) **Approved** an increase in the allocation of one Deputy County Counsel III position by .1 FTE to .6 FTE, effective September 1, 2012. *File #630*

**PLANNING DEPARTMENT – G. Armstrong:**

- 15) **Adopted Ordinance No. 903 amending** Article VII of Chapter 21.01 of Title 21 of the San Benito County Code regarding Agricultural Exemptions. *File #790*

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

- 16) **Approved Change Orders #1, 2 and 4 with the Wattis Construction Company for the total amount of \$99,546.58 for the San Juan Hwy Bike Lane Project; and authorize Public Works Administrator to sign change orders; and restore Public Works change order authority to \$100,000 for the remaining work on the project.**

Public Works Administrator Steve Wittry indicated that he received Mr. Wattis's letter the previous day and understood that there was some confusion with the consultant using current Cal Trans standards and not the old ones as specified in the contract.

Further discussion ensued between the Board, staff and Paul Wattis.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, approved Change Orders #1, 2 and 4 with the Wattis Construction Company for the total amount of \$99,546.58 for the San Juan Highway Bike Lane Project; and authorized Public Works Administrator to sign change orders; and restored Public Works change order authority to \$100,000 for the remaining work on the project. (Unanimous) File #105*

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

- 17) **Approved** contract with LSA Associates, Inc. for design and engineering services on the County Drainage Improvement Project, in the amount of \$13,150. *File #105*

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

- 18) **Approved** Amendment No. 4 with Biggs Cardosa Associates, Inc. for additional design and engineering services on the Union Road Bridge replacement project, in the amount of \$309,800 for a total contract amount not to exceed \$2,691,890. *File #105*

**REGULAR AGENDA:**

**COUNTY COUNSEL – M. Granger:**

- 19) **Receive update regarding a proposed Fee Schedule for Applications for Changed Assessment and Preparation of Written Findings of Fact, and provide direction.**

Deputy County Counsel Shirley Murphy gave a staff report.

Discussion ensued.

Direction was given to bring back the proposal for the deposit for findings of fact and the application filing fee on September 11, 2012 and set the public hearing for September 25, 2012. *File #160*

**PLANNING DEPARTMENT – G. Armstrong:**

- 20) **Review letters regarding California Foothills Legacy Area Program and direct staff accordingly.**

This item was continued to September 11, 2012. *File #790*

**PLANNING DEPARTMENT – G. Armstrong:**

- 21) **Discussion regarding Level of Service C vs. D for purposes of the General Plan.**

This item was continued to September 11, 2012. *File #790*

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

- 22) **Receive information on the old County hospital at 3110 Hospital Road and provide direction to staff; approve appropriation adjustment, reducing the Courthouse Renovation project, 3000-831 by \$5,000 and increasing the Building and Grounds Budget Unit 1001-160 by \$5,000. (4/5 vote)**

Public Works Administrator Steve Wittry gave a staff report and presented a handout to the Board. He indicated that it would take half a million dollars to abate the site. He stated that he would transfer the funding from one capital fund project to another to do the appraisal. He added that it may not be worth half a million dollars of clean up.

Supervisor Barrios supported the appropriation, commenting that it was a beautiful site and she hoped the interest was there.

Public Works Administrator Wittry spoke in regards to property line questions that would need to be answered.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **received** information on the old County hospital at 3110 Hospital Road ; **approved** appropriation adjustment, reducing the Courthouse Renovation project, 3000-831 by \$5,000 and increasing the Building and Grounds Budget Unit 1001-160 by \$5,000. (4/5 vote) (The vote passed 4-0-1 with Supervisor Muenzer absent) File #105.3*

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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, Barrios, De La Cruz  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: Muenzer

There being no further business the Board adjourned at 10:13 a.m. to September 11, 2012 at 9:00 a.m.

**JAIME DE LA CRUZ**

San Benito County Board of Supervisors

**ATTEST:**

Denise R. Thome, Clerk of the Board