



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Chair

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Vice-Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING DECEMBER 17, 2013 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Botelho, De La Cruz, Rivas, Barrios and Muenzer were present. Also present were County Administrative Officer Ray Espinosa, County Counsel Matt Granger, and Assistant Clerk of the Board Janet Slibsager for the morning session and Clerk of the Board Denise Thome for the afternoon session. Chairman Botelho presided.

9:00 a.m. CALL TO ORDER:

- a) Pledge of Allegiance was led by Supervisor Rivas.
- b) Acknowledged Certificate of Posting.

Public Comment: Rosa Gonzales, in Home Care Provider, spoke in regards to the Health Care Insurance that ends on December 31st. She also spoke of the need for Health Care Workers/Providers.

Belen Martinez, in Home Care Provider, spoke as to how she is a home care provider for her daughter and how she feels that the negotiations are not fair. She said that we need Health Insurance.

Felicitas Corona, member of SEIU Long Term Care, spoke in regards to the Health Care Insurance. She said that they would like the help of the Board of Supervisors to help keep their insurance.

Marty Richman, Hollister resident, spoke in regards to it being the last board meeting of the year. He thanked the Board for their indulgence of him coming and bothering them. He also thanked the members of the County staff, the reelected officials, managers, supervisors, operators, everyone for being accommodating, helpful, professional and taking time out of their busy schedule to help him when he needed some kind of information. He wished everyone a Merry Christmas, Happy Holiday, Happy New Year and a great 2014.

Gang Prevention Coordinator Al DeVos spoke in regards to the Gang Prevention Policy Committee. He thanked the County for being a partner in the Gang Prevention collaborative that is comprised of the County, City of Hollister, Hollister School District and the San Benito County Office of Education. Mr. De Vos presented Certificate of Recognition to two representatives from the County that sit on the Gang Prevention Policy Committee, Chairman Supervisor Robert

Approved by the Board of Supervisors on 1/21/14

Rivas and Supervisor Jaime De La Cruz. He wished everyone a Happy Holiday and a wonderful New Year.

Department Head Announcements: CAO Ray Espinosa announced some changes to be made to the agenda: Items #13 and #14 are to be continued to a January meeting. Item #6 there was a typo, should read \$18,046, instead of \$18,026 and item #7, should read \$11,026, instead of \$18, 026. Item #20 being pulled and moved to a meeting in January.

Mr. Espinosa introduced the new Child Support Services Director Jamie Murray.

Ms. Murray said that she was pleased to be a part of San Benito County and that she looks forward to learning more about the County and continuing to strengthen and enhance the Child Support Services that we provide to the community and families in this County. She said that she has over 20 years of experience in the Child Support Program at the local and state level and believes that her experience will help her enhance the services that they can provide here in San Benito County.

Chairman Botelho wished her the best of luck in her job with San Benito County.

Public Works Administrator Steve Wittry said that he wanted to keep the Board apprised of the situation with Nash Road and the High School negotiation. He said at last night's City Council meeting they did a presentation looking for the City's willingness to continue the process to come up with some kind of arrangement for the transfer of property and the park situation. He said that they made a very strong statement that they want to continue the negotiation process through the intergovernmental committee. He said that this would continue to be on the Board agendas for the next few months.

e) **Board Announcements:** Information only.

Supervisor De La Cruz wished everyone a Merry Christmas and a Happy New Year.

Supervisor Barrios wished everyone a Happy Holiday and a wonderful 2014. She announced that she attended a Non-profit organization meeting regarding affordable housing and will be working with Planning Department to move this forward.

Supervisor Muenzer thanked Steve Wittry and the Public Works Road Department for putting up the Share the Road Signs. He said this county is a county that has a lot of bicyclists and to be aware and respectful of them and to share the road with them. He wished everyone a Merry Christmas and a Happy New Year.

Chairman Botelho announced that he attended RCRC meeting in Sacramento and shared our dilemma in regards to the new Courthouse security and additional costs to our general fund. He said that Calaveras County and some of the other rural counties are experiencing the same issues that we are having. He said that they are going to keep the issue alive with CSAC and RCRC and hopefully move to the state for some legislative relief.

Chairman Botelho mentioned that his life was now complete as he was asked to be the Grand Marshall of the San Juan Bautista's Christmas parade.

Chairman Botelho thanked his colleagues on the Board for their hard work and support this year, it was a challenging year. He thanked the San Benito

County staff for giving 100%. He said that the fire consolidation was a huge success and hopes that it leads to further cooperation with the two cities and county for other services that will lead to better service to the public. The oil ordinance was another accomplishment. She said that there were several things accomplished by the Board this year but one of the things that we need to get done is the General Plan.

Chairman Botelho thanked everyone for the privilege of being chair in 2013; it was a great year and would be something he will always remember.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **approved** Consent Agenda Items 1 through 22, with the exception of Items #6, Item #7, Item #10, Item #12 and 21, which were pulled for discussion. Item #13, Item #14 and Item #20 were pulled to continue to a January meeting. (Unanimous)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approved** contract with Department of Food & Agriculture for Light Brown Apple Moth services for the period of October 1, 2013 through December 31, 2013, in the amount of \$5,209.83. *(File #1.1)*

ASSESSOR'S OFFICE – T. Slavich:

- 2) **Adopted Resolution No. 2013-85, 2013-86, 2013-87**, establishing Agricultural Preserve and authorize the Chair to sign the LCA contracts. *(File #7)*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 3) **Approved** the amended lease agreement with Go Kids, Inc. for the property at 5391 Fairview Road, extending term of the lease to March 31, 2014. *(File #119)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) **Approved** contract with Dr. Wallace B. Mendelson, M.D. for psychiatry services for the period of December 17, 2013 through June 30, 2014, for a total maximum amount of \$157,000. *(File #810)*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 5) **Adopted Resolution No. 2013-88**, approving the determination of payments to the Family Support Services subaccount and approving and ratifying the actions of the Governing Board in the County Medical Services Program (CMSP) Resolution. *(File #130)*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 6) **Approve Memorandum of Understanding with San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$18,026; and authorize the HHSA Director to sign.**
Item pulled for discussion.

Supervisor De La Cruz had questions in regards to service fee for twelve months for satellite phone service and the use of the phones.

HPP Coordinator for the County Efrain Gomes provided information in regards to the funds that are being provided to San Benito Health Foundation and Hazel Hawkins Hospital to pay for satellite communications, which are two phones. These phones are to be used for emergency purposes, to make sure

that they have the means of communication during a disaster or an emergency in the County.

Those speaking from the public were: Marvin Jones, Hollister resident and Marty Richman, Hollister resident.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** Memorandum of Understanding between San Benito County and San Benito Health Foundation for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$18,046; and **authorized** the HHS Director to sign said agreement. (Unanimous) (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) **Approve Memorandum of Understanding with Hazel Hawkins Memorial Hospital for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$18,026; and authorize the HHS Director to sign.**

Item pulled for discussion.

Supervisor De La Cruz had questions in regards to service fee for twelve months for satellite phone service and the use of the phones.

HPP Coordinator for the County Efrain Gomes provided information in regards to the funds that are being provided to San Benito Health Foundation and Hazel Hawkins Hospital to pay for satellite communications, which are two phones. These phones are to be used for emergency purposes, to make sure that they have the means of communication during a disaster or an emergency in the County.

Those speaking from the public were: Marvin Jones, Hollister resident and Marty Richman, Hollister resident.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** Memorandum of Understanding between San Benito County and Hazel Hawkins Memorial Hospital for Hospital Preparedness Program (HPP) for use of grant funds in the amount of \$11,026; and **authorized** the HHS Director to sign said agreement. (Unanimous) (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Approved** contract with the State Department of Public Health (DPH) for Immunization Assistance Program (IAP) in the amount of \$100,000 for the period of July 1, 2013 through June 30, 2017; and **authorized** the HHS Director to sign and execute the grant agreement. (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) **Approved** Revenue Agreement with the California State Department of Parks and Recreation to fund EMS Services and mitigate impact of Hollister Hills SVRA, for the period of January 1, 2014 through December 31, 2015 for a combined contract total of \$114,000; and **authorized** the Director of Health and Human Services Agency to sign said agreement. (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) **Adopt Resolution to continue to assess an additional penalty of \$2 for every \$10 of fine, penalty, or forfeiture imposed and collected by the Courts for all specified criminal offenses for the Maddy EMS Fund. (Res. No. 2013-89)**

Item pulled for discussion.

Supervisor Muenzer had a question in regards to what the Maddy fund was and where the money goes to.

HNSA Director James Rydingsword replied that this is a fund that was intended for pediatric trauma care. He said that the funds come from court fines and the money is kept locally and we keep it in a separate account and is used locally.

BOARD ACTION: Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **adopted Resolution No. 2013-89**, to continue to assess an additional penalty of \$2 for every \$10 of fine, penalty, or forfeiture imposed and collected by the courts for all specified criminal offenses. (Unanimous) (File #130)

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) **Re-appointed** Ms. Kristi Alarid to the Workforce Investment Board for a three-year term effective December 17, 2013 through December 17, 2016. (File #130)

HUMAN RESOURCES – G. Cochran:

- 12) **Adopt Resolution authorizing the modification of hours for the specified departments in 2014 and closure of certain County Offices on specified days in December 2013. (Res. No. 2013-90)**

Item pulled for discussion.

Supervisor Barrios had a question in regards to Administration time off on the list.

Georgia Cochran provided explanation to Administration time off for December.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **adopted Resolution No. 2013-90**, authorizing the modification of hours for the specified departments in 2014 and closure of certain County offices on specified days in December 2013. (Unanimous) (File #630)

HUMAN RESOURCES – G. Cochran:

- 13) **Adopt new class specifications for Auditor-Accountant I and set salary range 22.2 of Class Title and Pay Plan; adopt new class specifications for Auditor-Accountant II and set salary range 25.2 of Class Title and Pay Plan; and adopt new class specifications for Auditor-Accountant III and set salary range 28.2 of Class Title and Pay Plan.**

Item pulled from the agenda to be brought back in a meeting in January 2014.

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

- 14) **Modify Schedule of Authorized Positions in the Auditor's Budget #1001110 to include two Auditor-Accountant I/II/III positions and delete two Accountant I/II/III positions.**

Item pulled from the agenda to be brought back in a meeting in January 2014.

PLANNING DEPARTMENT – B. Turner:

- 15) **Made** the CEQA Findings set forth on Attachment "A"; and **adopted Ordinance No. 921**, revising Article I of Chapter 15.05 of Title 15 of the San Benito County Code relating to Groundwater/Aquifer Protections. (File #790)

PROBATION DEPARTMENT – D. Blevins:

- 16) **Approved** the expenditure of AB109 Funding to purchase two vehicles in the amount of \$42,000. (4/5 vote) (File #510)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 17) **Approved** lease agreement with Xerox for two Xerox copiers, for a period of 60 months, through December 17, 2018, in the amount of \$4,375/year; and authorize the IT Manager or Designee to sign agreement. (File #105.3)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 18) **Approved** equipment purchase for the Veterans Memorial Park Irrigation Well project from Bruce Barton Pump Service, Inc., as the lowest, competitive provider, in the amount of \$27,858.67; **authorized** Public Works Administrator to make the purchase and sign the requisition and find that said purchase will enable the timely completion of the project pursuant to Public Contract Code Section 20150.3(a). (File #105.3)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 19) **Approved** grant agreement with Monterey Air Pollution Control District for one inspection vehicle in the amount of \$30,550; add to the schedule of fixed assets and **approved** the budget appropriation and **authorized** the Public Works Administrator to sign the grant agreement. (4/5 vote) (File #105)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 20) **Approve agreement with City of Hollister for the design, construction, maintenance and ownership of a Joint Underground Fiber Optic Cable Project.**

Item pulled from the agenda to be brought back in a meeting in January 2014.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 21) **Adopt Resolution of Intent to Sell the surplus real property located at 3110 Southside Road containing the former Southside Convalescent Hospital; and authorize the release of an RFP seeking development proposals. (Res. No. 2013-91)**

Item pulled for discussion.

Supervisor Rivas pulled item for some clarification of the RFP process.

Public Works Administrator Steve Wittry provided information in regards to the process.

Those speaking from the public were: Pat Loe, Hollister resident, urges the Board to reconsider keeping this great property. She said the County is going to need that land, she suggested cleaning up and keep as County property.

BOARD ACTION: *Upon motion made by Supervisor Rivas and seconded by Supervisor Barrios, **adopted Resolution No. 2013-91**, of Intent to Sell the surplus real property located at 3110 Southside Road containing the former Southside Convalescent Hospital; **authorized** the release of an RFP seeking development proposals. (Unanimous) (File #105.3)*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 22) **Adopted Resolution No. 2013-92**, to approve a right-of-way agreement and accept a Grant Deed from the Maria Ines Catalan Rebolledo for the Hospital Road Bridge project; and authorize payment for such purchase not to exceed \$2,500. (File #105)

REGULAR AGENDA:

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 23) **Receive update on the San Benito Route 156 Improvement Project.**

COG Executive Director Lisa Rheinheimer provided a background and update in regards to the 156 Improvement project.

Richard Rozales of Cal Trans provided a PowerPoint presentation which covered the following: Project overview; overview of presentation; background and history; relationships; litigation and settlement; project details; next steps and timeline.

Discussion ensued by Board, staff and Caltrans.

Those speaking from the public were: Marty Richman, Hollister resident.

(File #1035)

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 24) **Explore staffing and cost options that will provide an adequate level of security at the new courthouse; and develop a Memorandum of Understanding with the Superior Court that is consistent with Government Code 69926(b).**

CAO Ray Espinosa provided information in regards to the new courthouse security and some options to explore.

Sheriff Darren Thompson spoke in regards to security services and concerns. He said since the November Board of Supervisors meeting his office along with Supervisor Botelho, Supervisor Barrios, CAO Ray Espinosa and the Courts have met to discuss possible solutions for funding this year's short fall. He said that he is bringing good news; a local court has proposed to contribute the funds to solve this year's problem and offset the funding short fall through the end of our fiscal year. He said that he would continue to work with the courts to determine an appropriate or an adequate security staffing plan.

Sheriff Thompson noted that Government code section 69926(b) states: the Sheriff with the approval and authorization of the Board of Supervisors, shall on behalf of the County, enter into an annual or multi-year memorandum of understanding with the Superior Court specifying an agreed upon level of court security services and any other operating procedures. He said that he was here today to request the Boards consideration and authorization to: (1) explore staffing and costs options that would provide an adequate level of security at the new Courthouse; (2) is to develop an MOU in collaboration with the Court consistent with Government code section 69926(b) including language that documents the Sheriff's level of security staffing at the new Courthouse as well as the Courts amount of contribution to offset the shortfall. Upon completion the MOU would be submitted to the Board of Supervisors for consideration and approval.

Supervisor De La Cruz asked the Sheriff what the shortfall was for this year's budget that the courts are going to help us out with.

Approved by the Board of Supervisors on 1/21/14

Sheriff Thompson replied he believes it is going to be between \$125,000 and \$300,000.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Muenzer, **authorized** the Sheriff to explore staffing and cost options that will provide an adequate level of security at the new courthouse; and develop a memorandum of understanding with the Superior Court that is consistent with Government Code 69926(b). (Unanimous) (File #595)*

PLANNING DEPARTMENT – B. Turner:

- 25) **Approve contract for General Plan Update Phase Two professional planning consultant services with EMC Planning Group, Inc., in the amount not to exceed \$200,000; authorize the Planning Director to make minor amendments, authorizing additional work within the 10% of contract contingency amount not to exceed \$20,000; or review the provided materials and direct staff accordingly.**

Interim Director Byron Turner provided information in regards to the proposed contract with EMC Planning Group Inc. for the General Plan Update Phase Two professional planning consultant services.

Discussion ensued by Board and staff in regards to cost of contract, if the money would come out of the County's contingency fund and timeline of completion.

CAO Ray Espinosa replied that it looks like the money would come out of the contingency fund.

Those speaking from the public were: Pat Loe, Hollister resident; Christina Chavez Wyatt, Business Council and Marty Richman, Hollister resident.

County Counsel Matt Granger spoke in regards to the conflict of interest provisions in the contract that binds the consultant and the consultants sub contractor's from engaging in any work that would be in conflict with the County during the terms of this contract. There is nothing in the contract that prohibits the consultant from taking on clients after the expiration of this contract occurs.

Mr. Groves of EMC Planning Group, Inc. spoke in regards to cost, conflict of interest for environmental work and contracts with private entity. He said that the timeframe to get this done in the next 10 months plus is going to be dependent on the Board of Supervisors making decisions. He said that he would be working with Mr. Turner in regards to making some decisions and would be bringing back to the Board in regards to landowners requests, etc.

Supervisor Barrios said that she would like to continue to get an update every month, but let's leave the consultant to do their work.

BOARD ACTION: *Upon motion made by Supervisor Muenzer and seconded by Supervisor De La Cruz, **approved** per staff recommendation. (Unanimous) (File #790)*

The Board adjourned in to closed session at 11:24 a.m. and reported out at 12:05 p.m.

CLOSED SESSION:

- 26) **CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATORS**
Agency designated representatives: Dania Torres Wong, Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Mark Gregersen, and Georgia Cochran.
Employee Organizations: Institutions Associations
Law Enforcement Management
Management Employees' Group
SEIU Local 521 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Authority: California Government Code Section 54957.6
No reportable action. File #235.6
- 27) **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**
Authority: California Government Code Section 54957
The Board approved an Industrial Disability Retirement for Corey Cheeks with the San Benito County Sheriff's Office, it was a 5-0 vote (Unanimous). Approved Resolution No. 2013-93. (File #235.6)

The Board adjourned for lunch at 12:10 p.m. and will reconvene at 1:30 for Public Hearing.

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

ASSESSOR'S OFFICE – T. Slavich:

- 28) Public Hearing on Review Land Conservation Act Requests for Compatible Use and Division: **Pebble Ridge Vineyards & Wine Estates, LLC, John S. Dyson:** Lot Line Adjustment: 9 Assessor parcels in book 26, Page 8; **Doodlebug Ranches:** Lot Line Adjustment: 53 Assessor Parcels in Book 23, Pages 10, 11, 12, 13 & 14 and 3 Assessor Parcels in Book 26, Pages 7 & 9; **Medeiros Family Trust, Medeiros Family:** Lot Line Adjustment: APN: 026-130-001 & 026-130-002; **Charlie Stadtler, Stacey Porteur:** Lot Line Adjustment: 14 Assessor Parcels in Book 29, Pages 27, 28 & 29; **Karin Jacobson 1999 Revocable Trust & Jay Jacobson 1999 Revocable Trust:** Lot Line Adjustment: APN: 029-290-010, 029-290-012, 029-300-009, 029-300-011; **Karin Jacobson 1999 Revocable Trust:** Lot Line Adjustment: APN: 029-280-014, 029-300-010, 029-300-012; **Isha Institute of Inner Sciences, Vani Bahl:** Compatible Use: APN: 012-160-003.

Assessor Tom Slavich gave a staff report re: Lot Line Adjustment – Pebble Ridge Vineyards/Doodlebug Ranches/Medeiros, et.al.

There was no public comment.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **directed** staff to return at a future meeting with the findings that the Lot Line Adjustment – **Pebble Ridge Vineyards/Doodlebug Ranches/Medeiros, et.al.,** meets the criteria of San Benito County Code §19.01.021 (B)(3) & (D)(1) and Government Code Section 51257 and that the Agricultural Preserve Advisory Committee recommended the Board of Supervisors approve these lot line adjustment requests, based on the findings and conditions of approval set*

forth in and San Benito County Code §19.01.021(B)(3) & (D)(1) and Government Code Section 51257. (Unanimous)

Assessor Tom Slavich gave a staff report re: Lot Line Adjustment – Stadtler et. al./Jacobson, Karin & Jay/Jacobson, Karin.

There was no public comment.

*Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, **directed** staff to return at a future meeting with the findings that the Lot Line Adjustment – **Stadtler et. al./Jacobson, Karin & Jay/Jacobson, Karin**, meets the criteria of San Benito County Code §19.01.021 (B)(3) & (D)(1) and Government Code Section 51257 and that the Agricultural Preserve Advisory Committee recommended the Board of Supervisors approve these lot line adjustment requests, based on the findings and conditions of approval set forth in and San Benito County Code §19.01.021(B)(3) & (D)(1) and Government Code Section 51257. (Unanimous)*

Assessor Tom Slavich gave a staff report re: Isha Institute of Inner Sciences, Vani Bahl: Compatible Use request. He noted that it would be out of the Williamson Act in 2018 and the City of San Juan Bautista planned to annex this property in the future. He reported that the vote was 3 to 2 for approval but following the meeting one member stated that if he had to do it all over again he would vote no.

Chairman Botelho asked who the lead agency was if they decided to build, San Juan Bautista or the County.

Interim Planning Director Byron Turner explained that if they request a use permit from the County, they would discuss it with the City of San Juan Bautista in regards to the timing of the annex and who the lead agency would be.

The Chairman called for public comment.

Jim Adam explained that he was a resident on Salinas Road and was 1 ½ miles from the complex and that he had been an engineering contractor since 1986 and had a contracting business. He questioned how they could approve a project with no definite plan and indicated that they may be masking future plans with an underlying goal to build a complex similar to their one in Tennessee. He challenged them to fit an enormous building and parking on the hill, noting that it would be an impact on the hill landscape.

Chairman Botelho noted that no proposed building project had been submitted yet.

Tami Adams reported that at the last meeting she stated that she had personally been misled by Isha members. She indicated that they said they were just going to plant trees and watch them grow. She felt that it was very dishonest and frustrating to her and they said they were planting to help with erosion. She spoke of comparisons with the Tennessee compound and urged the Board to drop the proposal.

Jim Pacheco, Land Conservation Act Advisory Committee member, stated that since the November 17, 2013 meeting he had contact with several people regarding the Isha application. He added that he was one of the votes to approve it. He stated that he had made a huge mistake and hoped that the Board didn't make the same mistake.

Sergio Garcia, Land Conservation Act Advisory Committee member, stated that the orchard is 90 acres and requires 3 acre feet of water. He indicated that there was no way they were going to get 3 acre feet of water in that canyon. He added that they've been trucking water in and the trucks only hold 9,000 gallons

of water. He explained that in order for the trees to produce to the max they would need to keep watered fully for 4 to 5 years. He felt that long term productivity didn't seem reasonable. He added that the facility could not carry 6 animals for a year.

Richard Pitschka stated that from the very beginning he had a very favorable impression of the people. He reported that he read the comments from the mayor and vice-mayor of Tennessee where the other facility was and they were favorable. He felt the real question was if it was agricultural use. He further felt that what they were attempting to do was a more intensive form of agriculture on the property than has been done in the last 40 years. Mr. Pitschka stated that the law allows oil and fracking and that a meditation hall was certainly less impactful.

Anne Hall of San Benito Engineering, speaking for the Isha Foundation, stated that the limited scope is compatibility and if it puts trees then it's more compatible than before. She noted that there was 160 acres for cattle grazing and that the potential use of the other 5 acres would go through the use permit process and was not the item today. She stated that the well was tested in 2009 and it was a functioning well at that time and had to have met the minimum of 3 gallons per minute.

Cheri Kao, resident of San Juan Canyon, stated that there was no direct impact on them and the Isha Foundation was a good neighbor. She noted that people could go to the St. Francis Retreat and meditate and that was a good thing. She stated that she wanted to voice support of this proposal and it would need supervisors' approval for plans.

Michael Linthicum stated that they had nothing but truth and honesty out of these people. He felt it was compatible with the Williamson Act and provided improvements of the Williamson Act property. He hoped the Board would consider smart ways of doing business.

Chris Martorana stated that the use was incidental and not detrimental. He noted that the land was owned by a volunteer organization and that everyone he had met were professional. He felt that it was a terrific gain as a community.

Nicki Johnson spoke of the Isha Foundation and rumors that it was a religious group. She stated that she is a minister and a meditator and they were not gathering around religion. She added that there were members from all over the world and they were a high level of professionals. She stated that participation would bring great resources to the San Juan Bautista area. Ms. Johnson noted that since they acquired the land there was 12 + acres of orchards and that the meditation trails were open to the public. She added that if they were not displacing agriculture then what conditions are they not meeting.

Jayakrishnan "JK" Chathu stated that he was a software engineer at Amazon and was in charge of the planting on the property. He added that they were not just on their own ideas but of experts, locally. He stated that olives are a dry land crop and that was why they planted them there. He reported that the well produced 3 gallons a minute and at least 1,000 gallons. He noted that there had not been as much rain and that they could support 40 animals.

Chairman Botelho asked when they acquired the property.

Mr. Chathu replied in 2010.

Chairman Botelho noted the non-renewal by the Nyland family and asked if they looked into the Williamson Act with respect to the meditation center being compatible prior to purchase.

Mr. Chathu stated that he did not think they dug into the details because when they talked to Roger Grimsely and Tom Slavich they said when they were out of the Act they could do what they wanted to do.

Christopher Jones stated that he lived on Lang Street and he was a psychotherapist. He noted that integrity and honesty was important to him and to be good neighbors was to be honest and open. He reported that he lived in Tennessee while he was in grad school and at that time they were groundbreaking (for the meditation center) and were all about wanting to be good neighbors. He explained that it was inconspicuous and very green. He noted that a project would go through a process where community would have a voice. He explained that they wanted to engage the community and a building would be extremely compatible. He reiterated that it's compatible.

Kurt Kurasaki, Mission Farm, stated that he resides next to the Isha Foundation. He stated that he had spoken and gotten to know the members and they were forthcoming with their plans. He commented that regardless what the Board decides they will move forward in 4 to 5 years. He noted that it was 5 acres and they should look towards other factors. He explained that if they allow, they would be servicing work and business in the local community. He felt it was nothing but a positive impact and asked them to vote to support.

James Dassel, neighboring property owner, stated that he had witnessed many changes and it had morphed into an eyesore with deer fencing, etc. He felt they seemed most concerned with getting the trees in at all cost. He viewed the shed as a blight noting that the footprint was larger than the Briggs Building. He spoke of the traffic impact, noise, runoff and sewage. He felt that his rights were being impacted and expressed concern about the long term viability. He noted the sale price of \$800,000.

Supervisor Muenzer asked Mr. Dassel about his well.

Mr. Dassel replied that it was 5 gallons per minute maximum and was marginal at best. He added that their well was 15 feet from his well and that feed was hauled in for cattle.

Tony Boch, Mayor of San Juan Bautista, stated that he had no opinion on the project. He pointed out that in the introduction an annexation was mentioned. He stated that there has been no application for annexation and if it was annexed to the City of San Juan Bautista, there is a process through City Council and LAFCO and it was a long involved process.

Supervisor De La Cruz asked about the application for annexation.

Interim Planning Director Byron Turner stated that he did not know if it will be annexed or not.

Supervisor Rivas stated that he was not a water expert but they were not dealing with water today and only dealing with compatible use.

Interim Planning Director Byron stated that he did not believe so.

Supervisor Rivas reiterated that the water issue was not before them.

Chairman Botelho stated that if you invest \$90,000 in an orchard you would make sure of water first. He spoke of planting an orchard to be compatible to circumvent a set of rules.

Supervisor Rivas stated that they could not make a decision on what ifs.

Supervisor De La Cruz concurred that they were there on a compatible use issue, period.

Chairman Botelho agreed and indicated that they did not have an application or facts for a project.

Supervisor Muenzer stated that historically grazing land grandfathered in doesn't meet the 260 acre minimum. He added that 10 acres of orchard meets the requirement of sustainable. He stated that without water it was not sustainable, if they were trucking water in.

Supervisor De La Cruz stated that if that's the case then open up the entire county and discuss.

Laurie Farmer stated that she lived on Mission Vineyard Road and if a 22,500 building was built it her and her neighbor's privacy would be impacted. She added that roads and infrastructure could not support. She expressed that she was vehemently opposed to the massive building being proposed.

Anne Hall stated that a water test in 2010 showed 3 gallons a minute.

Sergio Garcia stated that it was not viable because it requires so much water. He indicated that you can grow trees but never get a crop. He added that range cattle and feed lot were two different things.

Vani Bahl, architectural designer, stated that they needed a new well and the current well was not functioning and they were hauling in water at \$200 per truckload. It was noted that in the winter you do not water as much and they had established 2 locations to dig 2 new wells.

Chairman Botelho closed the public comment section.

Chairman Botelho expressed concerns with finding it a compatible use. He noted that his background was in agriculture, adding that Isha planted an orchard to meet a minimum. He added that a 22,000 foot building was a very large complex, the size of the courthouse across the street. He felt it was not compatible. He asked the Assessor if there was anything else like this.

Assessor Slavich stated that San Benito Cattle had a hunting lodge on Lone Tree Road with 8 hunting lodges and a main center.

Chairman Botelho stated that a hunting lodge had 5 to 6 hunters at a time and was a different set of circumstances. He felt the two options were cancellation of the contract or wait 4 years to allow the contract to expire. He stated that there were constraints to the property and a lot of issues to accommodate this type of facility. He indicated that he could not see a compatible use.

Supervisor Rivas stated that the issue before them was if it was a compatible use. He felt there was no correct answer and it was all open to interpretation. He believed that it did qualify as a compatible use. He added that if it did not expire in 2018 he may have a different view. He noted that if it was feasible it would be a good thing for San Benito County.

Supervisor Barrios stated that Isha was a great organization, doing great things and were good neighbors. She did not feel the building was compatible. She stated that the trees were not in question but the 22,500 square foot building was before them. She stated that under state and local legislation she would not support.

Supervisor Muenzer asked if they were denied the compatible use request if the applicant wanted to purchase their way out.

Assessor Slavich stated that the next application was March and they would meet in May to come before the Board in June. He explained there was a 12 ½% cancellation fee. He added that they could cancel the whole property or a portion thereof. He further explained that certain findings have to be met like CEQA and not just paying the cancellation fee.

Supervisor Muenzer asked for a timeline.

Assessor Slavich stated that it depended if a full blown EIR was required and Building and Planning would make that determination.

Supervisor Muenzer asked how long Solargen took.

Assessor Slavich indicated that was a big ordeal and was 4,500 acres.

Supervisor Barrios asked if they come off the Williamson Act 5 years from now, if they would no longer be under the Williamson Act and just go through the application process as any other.

Mr. Turner replied yes, if they don't cancel.

Assessor Slavich stated that it was actually 4 years because in the last year they can start using the permit process and the 5th year you're out, December 31, 2018. He spoke in regards to the talk of annexation and explained that Roger Grimsley, City of San Juan Bautista manager, mentioned the annexation and that was where it came from.

Supervisor De La Cruz asked to be a compatible use, if the olive trees were not there could they still come and ask for a compatible use.

Assessor Slavich answered that they could come ask but would have less chance and they would have to at least qualify for being in the act.

Supervisor De La Cruz felt that the application, regardless of the Board's decision, will go through a more stringent process and the further the process, the more barriers.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **denied** the Compatible Use request: APN: 012-160-003 Isha Institute of Inner Sciences, Vani Bahl. (the motion passed 4-1 with Supervisor Rivas voting no). File #7*

There being no further business the Board adjourned at 3:04 p.m. to September 10, 2013 at 9:00 a.m.

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

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager, Assistant Clerk of the Board

ATTEST:
Denise R. Thome, Clerk of the Board