



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2
Chairman

Pat Loe
District No. 3

Reb Monaco
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 JANUARY 13, 2009 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Barrios, De La Cruz and Botelho were present. Also present was County Administrative Officer Susan Thompson, Acting County Counsel Barbara Thompson and Assistant Clerk of the Board Janet Slibsager. Chairman Anthony Botelho presided.

9:00 a.m. CALL TO ORDER:

- A) *Supervisor Loe led the Pledge of Allegiance.*
- B) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- C) **Public Comment.** David Rovella, Hollister resident, voiced his concern in regards to the continuance of noise problem in his area (Lone Tree Road). Mr. Rovella stated that this has been going on since 2004 and nothing has been done about it. Mr. Rovella and his neighbors would like some type of answer as to when this may be resolved.
Acting County Counsel Barbara Thompson stated she would give Mr. Rovella a call later this afternoon in regards to the status of this matter.
- D) **Department Head Announcements.** County Administrative Officer Susan Thompson reported that they are still working diligently with Sacramento with regards to the State budget.
Ms. Thompson mentioned that she would be attending a state-wide County Administrative Officers meeting in Sacramento on Friday, January 16, 2009, which will provide an opportunity to meet with Governor's budget people and see if we can find out anything new.
Ms. Thompson reported that there was a meeting with the City of Hollister, Public Works Department and Council of Governments to discuss information pertaining to the economy stimulation packages.
- E) **Board Announcements, Introductions and Presentations.**
Supervisor Monaco reported that he attended the retirement party for Tim Foley, former Superintendent of School's, on Saturday and it was very well attended and was a very nice event.

CONSENT AGENDA:

Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, approved Consent Agenda Items 1 through 10 with the exception of Item 7, which was pulled for discussion. (Unanimous)

Supervisor Barrios stated that she abstained from Item 5.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Approved** the consolidation of the Local Mental Health and Substance Abuse Boards as one Behavioral Health Board; **approved** the appointment terms of the current Mental Health Board and Substance Abuse members to remain intact. *File #1053*
- 2) **Approved** request for the Behavioral Health Department's Substance Abuse Program Manager to attend the New Project Director's meeting in Washington, D.C. from February 5-6, 2009 sponsored by the United States Education Department. *File #810*

BOARD OF SUPERVISORS:

- 3) **Confirmed** appointments to the Historical Heritage Advisory Committee as follows:
 - a) **Confirmed** appointment of Janet Brians and Jack O'Donnell representing Supervisorial District 1 for a coterminous term with that of Supervisor Barrios.
 - b) **Confirmed** appointment of Georgana Gularte and Ted Thoeny representing Supervisorial District 2 for a coterminous term with that of Supervisor Botelho.
 - c) **Confirmed** appointment of Marvin Jones representing Supervisorial District 5 for a coterminous term with that of Supervisor De La Cruz.
File #156
- 4) **Directed** Clerk of the Board to prepare certificates of recognition for the Chamber of Commerce Man and Woman of the Year, Businesses of the Year and Ambassador of the year for 2009 for presentation on January 17, 2009. (Chairman Botelho) *File #156*

CLERK OF THE BOARD – L. Churchill:

- 5) **Approved** the action minutes of the November 4, 2008 and December 16, 2008 meetings.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 6) **Adopted Resolution No. 2009-3, authorizing** the Health & Human Services Director to execute and sign the Low Income Home Energy assistance Program Grant contract in the amount of \$80,725 and amendments to such grant. (CSWD)
File #939

INTEGRATED WASTE MANAGEMENT DEPARTMENT – M. Rose:

- 7) **Approve fund transfer from out/capital projects to closure/post-closure accounts in the amount of \$40,424.**
Supervisor Barrios questioned the transfer of funds.

Integrated Waste Manager Mandy Rose explained the need to transfer the funds.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **approved** the transfer from Transfer out/Capital Projects to the Closure and Post Closure accounts in the amount of \$40,424. (Unanimous)
File #142

INTERNAL SERVICES – R. Inman:

- 8) **Approved** contract with Bob Murray and Associates for executive recruitment services for the period of January 13, 2009 through June 30, 2009. *File #130*

PUBLIC WORKS DEPARTMENT – J. Cox:

- 9) **Approved** agreement with San Benito County Water District for the purchase commitment of a Drought Water Bank for CSA No. 31, effective January 26, 2009 for the water year 2009, in the amount of \$4,500; and **authorized** the Acting Public Works Administrator to sign said contract. *File #CSA/685*
- 10) **Acknowledged** the Lone Tree Road Bridge construction project completion and authorize the Acting Public Works Administrator to record a Notice of Completion for the project with the San Benito County Recorder's Office. *File #105*

9:00 A.M. - PUBLIC HEARINGS (Or as soon thereafter as the matter may be heard):

PUBLIC WORKS DEPARTMENT – J. Cox:

- 11) **Held a public hearing to consider and adopt a Resolution Modifying the Traffic Improvement Projects and Fees pursuant to the Traffic Impact Fee Ordinance. The proposed modification would raise the fees from \$20,400.00 to \$23,853.00 per residential building permit. The proposed Traffic Mitigation Fee schedule concerns public infrastructure improvements and is based upon the analysis presented in the 2007 Traffic Impact Fee Update Study prepared by Hexagon Transportation Consultants.**

Acting Public Works Administrator Janelle Cox provided information in regards to the traffic impact fee proposal and the recommendation of the adoption of resolution.

Supervisor Loe mentioned that she would like to put into the record that Steve Rosati, Hollister resident, handed in a letter and wanted to make the Board aware of it.

Discussion ensued by Board and staff.

Chairman Botelho opened public hearing.

Marty Richman, Hollister resident, mentioned that maybe we need to come up with some number, which mitigates the traffic impact or look at a way to reduce the costs.

Chairman Botelho closed the public hearing.

Lengthy discussion ensued by Board and staff in regards to the traffic impact fees and what happens if the Board does not adopt the resolution to increase fees at this time.

Transportation Planning Manager for the Council of Governments (COG) Mary Dinkuhn provided information in regards to the Hwy 156 project and the Hwy 25 bypass project costs.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, **adopted Resolution No. 2009-4**, establishing a Traffic Impact Fee of \$23,853 per new residential unit.

ROLL CALL: Supervisor Monaco – Yes
Supervisor Loe – Yes
Supervisor Barrios – No
Supervisor De La Cruz – Yes
Chairman Botelho – No

(Passed 3-2 vote) File #105

REGULAR AGENDA:

COUNTY FIRE DEPARTMENT – M. Marlow:

- 12) **Adopt the San Benito County Fire Department logo as the official seal of the department; adopt the mission, values and vision statement communicating the essence of the department to stakeholders and to the public.**

Battalion Chief Michael Marlow spoke in regards to the new County Fire Department logo and mission statement and asked for the Boards support and approval.

Supervisor Barrios, Monaco and Chairman Botelho thanked Mr. Marlow for his hard work, and teamwork and stated that they support the logo and mission statement.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **adopted** the San Benito County Fire Department logo as the official seal of the department, and **adopted** the Mission, Values & Vision Statement communicating the essence of the department to stakeholders and to the public. (Unanimous) File #60

PUBLIC WORKS DEPARTMENT – J. Cox:

- 13) **Status report on the County Service Areas initial analysis and recommendations report and provide comment and direction to staff.**

Acting Public Works Administrator Janelle Cox provided background information in regards to the analysis of the county service areas that was conducted by NBS.

Ms. Cox introduced Pablo Perez, director of NBS, who provided background information in regards to the analysis conducted by NBS with a power point presentation. Those items covered were: Prop 218 Compliance and Project Approach; Revenue Sources Available; Anticipated Budget Balances; Services Provided; Reserve Policies and Action Plan.

Lengthy Discussion ensued by Board and staff.

Marty Richman, Hollister resident, mentioned to stay out of the Prop 218 process. Mr. Richman recommended coming up with some kind of position in the county organization or outside agency to find out if we are getting our monies worth.

Marvin Jones, Hollister resident, thanked Mr. Perez for a nice presentation. Mr. Jones said that the recommendation not to grandfather was a good recommendation. File #CSA/105

14) **Adopt Resolution establishing procedures for the tabulation of protests submitted in connection with County Service Area rate setting proceedings.**

Acting Public Works Administrator Janelle Cox provided information pertaining to the guidelines in Exhibit A of the Resolution that is being presented for adoption which establishes procedures for the tabulation of protests submitted for the County Service Areas.

Marvin Jones, Hollister resident, mentioned that he had a question in regards to the voting process.

Pablo Perez of NBS provided clarification in regards to the voting procedure.

BOARD ACTION: *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **adopted Resolution No. 2009-5**, establishing procedures for the tabulation of protests submitted in connection with County Service Area rate setting proceedings. (Unanimous) File #CSA/105*

15) **Adopt Resolution initiating proceedings for the imposition of Property-Related Fees in various County Service Areas, the levy of Annual Fees therein, and ordering the preparation of fee reports.**

Acting Public Works Administrator provided background information in regards to the resolution initiating proceedings for the annual fees and fee reports for the various County Service Areas.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **adopted Resolution No. 2009-6**, initiating proceedings for the imposition of Property-Related fees in various County Service Areas, the levy of Annual fees therein, and ordering the preparation of fee reports. (Unanimous) File #CSA/105*

AFTERNOON SESSION

1:30 P.M.

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

ASSESSOR – T. Slavich:

16) ***Held public hearings to consider the following Land Conservation Act Requests:***

- **Baumgartner 2006 Rev. Tr. Et Al, Timothy-Annette Baumgartner, Michael Baumgartner & Buffalo Gypsum, Inc:** *Compatible Use Request: APN's: 32 Assessor Parcels in Book 29, Pages 13, 14, 17 & 19 and Book 30, Pages 3 & 8. Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved request as recommended. (Unanimous)*
- **George-Maria Matheou:** *Compatible Use Request: 28 Assessor's Parcels, 014-12-0-058-0; 014-12-0-060-0. Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)*
- **Elizabeth H. Lorenzen:** *Compatible Use Request: APN's: 023-07-0-052-0; 023-07-0-055-0; 023-07-0-056-0.*

Upon motion made by Supervisor Monaco and seconded by Supervisor De La Cruz, approved request as recommended. (Unanimous)

- **Brookhollow Ranch LP Et Al, Peter Schroder & Karen K. Schroder:** *Compatible Use Request: 8 Assessors Parcels in Book 18, Pages 1 & 3.. Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)*
- **Patrick Daugherty:** *Lot Line Adjustment: 028-26-0-002-0. Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)*
- **McDonald, Daniel Family Tr. Et Al, Patrick McDonald, Janelle McDonald, Anna White, Patricia McDonald, Haldon L. Weatherly, Chiappari 1994 Family Tr., Mary Adams:** *Lot Line Adjustment: 21 Assessors Parcels in Book 28, Pages 26, 28, 31, & 33 and Book 29, Page 16. Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, approved request as recommended. (Unanimous)*
- **Lavelle, Lee-Laurette Trust:** *Lot Line Adjustment: APN's: 030-12-0-012-0; 030-12-0-014-0. Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved request as recommended. (Unanimous)*
- **Regan Tully:** *Lot Line Adjustment: APN's: 030-12-0-011-0; 030-07-0-008-0. Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, approved request as recommended. (Unanimous)*
- **Danita A. Brigantino:** *Division Request: APN's: 7 Assessor Parcels in Book 27, Pages 10 & 12 and 3 Assessor Parcels in Book 27, Page 12. Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, approved request as recommended. (Unanimous)*

PLANNING & BUILDING DEPT. – A. Henriques:

- 17) **Held public hearing to consider an appeal of the decisions made by the Planning Commission on December 3, 2008, not to award the following application for Preliminary Allocation for fiscal year 2008/2009: Preliminary Allocation #09-07 (1,092 allocation requests). Location: Fairview Road, east of Sunnyslope and Hillcrest Roads, Hollister, APN 025-370-01, 02, 07,09 & 025-100-01. Zoning: Rural (R). Appellant: Santana Ranch Owners Group. (Continuance requested by staff.)**

Assistant Planning Director Byron Turner provided background information in regards to the process of the allocations that were distributed pursuant to the County's Growth Management Ordinance.

Mr. Turner stated that the applicant filed an appeal to the Planning Commissions decision and at this time staff recommends continuance of this item to the Board meeting on May 12, 2009.

Chairman Botelho asked if a decision could be made today instead of continuing to a later date.

Acting County Counsel Barbara Thompson replied that she does not recommend that a decision be made today. Ms. Thompson said that there needs

to be a full discussion before the Board about of the merits of the appeal, but it could be extended to a shorter period of time instead of May.

Discussion ensued by Board and staff.

Supervisor Botelho opened the public hearing.

Jim Weaver Project Manager for Santana Ranch spoke in regards to their appeal. Mr. Weaver mentioned that the continuance out to May 2009 would not have any bearing on their process. Mr. Weaver said that they would like to offer their assistance to help get the revisions to the ordinance.

Frank Guerra, Santana Ranch, mentioned that they would like to go through the process and allow the staff to go through the process and hopefully at the end of May changes would be made to exempt them or would like some allocations.

Brian Curtis, Santana Ranch, mentioned that even if we were granted a small amount of allocations, by the time we team up with apartments and affordable units we would have enough total units to start the project.

Al Guerra, Santana Ranch, mentioned that they do want to go through the appeal process and want the Board to make a decision.

Discussion ensued by Board and staff.

Planning staff provided more information to the Board in regards to the ratification of what some of the decisions might be based on the allocations.

Discussion ensued by Board with questions to Planning staff in regards to allocations and possibly bringing this back before May 12, 2009.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, continued the public hearing to February 3, 2009 at 1:30 p.m. (Unanimous) File #790*

REGULAR AGENDA:

PLANNING & BUILDING DEPT. – A. Henriques:

- 18) Receive update on the Hillside Ordinance; provide comments and direction to staff. Staff recommends this matter be set for a public hearing on January 27, 2009 at 1:30 p.m. for adoption of an ordinance reflecting the Planning Commission's recommendation for the proposed ordinance change.**

Planning Director Art Henriques provided background information in regards to the Hillside Ordinance.

Mr. Henriques stated that this item went to the Planning Commission on January 7, 2009, and the Commission voted and approved a resolution recommending approval of the amendments to the Board of Supervisors.

Mr. Henriques mentioned that staff is recommending this matter be set for a public hearing on January 27, 2009 at 1:30 for adoption of ordinance.

Christine Breen, Hollister resident, asked why are we considering a proposed amendment that is actually going to narrow the scope of the present ordinance.

Tony Ruiz, Hollister resident, voiced concern in regards to the ordinance. Mr. Ruiz mentioned that we need to look at the hills as part of our assets.

Scott Fuller, San Juan Oaks, mentioned that this issue should be dealt with through design review as opposed to raising slope to 30%.

Lengthy discussion ensued by Board and staff.

BOARD ACTION: Upon motion made by Supervisor Monaco and seconded by Supervisor Loe, moved to set public hearing on January 27, 2009 at 1:30 p.m. for adoption of an ordinance reflecting the Planning Commission's recommendation for the proposed ordinance and guidelines as presented. (4-1, vote) *File #790*

19) Receive El Rancho San Benito Project Update and Description of Notice of Preparation (NOP) Process for the Environmental Impact Report (EIR) and provide direction to staff.

Planning Director Art Henriques provided background information that would be provided in the power point presentation. Items covered were the: Project Background; Roles & Team Responsibilities; El Rancho San Benito (ERSB) Application; ERSB Land Use Summary; Overview of Project Application Submittals; County and Consultant Planning Tasks; California Environmental Quality Act (CEQA) Process-Notice of Preparation (NOP) and Environmental Impact Report (EIR).

Denise Duffy, Duffy & Associates, provided information in regards to the CEQA Process-NOP and EIR Process; Role of NOP and EIR; Notices of Presentation (NOP); Scoping; Public Scoping Meeting; NOP and ERSB project.

John Schwarz, David Powers & Associates, provided information in regards to the Environmental Analysis Approaches; Peer Preview Process and Approach; Action Based on Results of Peer Review; Environmental Issues Anticipated to be Evaluated in the EIR.

Discussion ensued by Board, staff and Mr. Schwarz.

Ms. Duffy presented items from the power point presentation as follows: Environmental Impact Report (EIR) Timeline; Next steps....the next 90 days and Project and EIR schedule.

Discussion and questions ensued by Board, staff, Ms. Duffy and Mr. Schwarz. *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: Monaco, Loe, Barrios, De La Cruz, Botelho
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned to January 27, 2009 at 9:00 a.m. for a regular meeting.

ANTHONY BOTELHO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Janet Slibsager
Asst. Clerk of the Board