



# 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 FEBRUARY 3, 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 De La Cruz led the Pledge of Allegiance.
- B) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- C) **Public Comment.** Joe Thompson, local resident, voiced concern that we need to do something about the redundant, excessive, uncountable government.
- D) **Department Head Announcements.** County Administrative Officer Susan Thompson stated that California State Association of Counties (CSAC) is asking us to provide them with some very detailed information about the potential impacts in San Benito County should the State defer all their payments to us for the Social Service Programs that they are proposing, as well as all of the road projects that they are holding back funds on right now. Ms. Thompson mentioned that we are in the process of assembling that information and would be reporting back to the Board of Supervisors what the actual impact would be in cash dollars if that deferral occurs.

Ms. Thompson reported that there is a statewide meeting in Sacramento scheduled for Friday, February 6, 2009 and she would be participating by phone. Ms. Thompson stated they would be discussing the issues related to how counties will be able to react under the law to the States withholding of funds.

Ms. Thompson said that the impact to us is going to be substantial noting that the State or the law will not allow us to discontinue providing services to people.

Ms. Thompson said that she hopes to have more to report at the next board meeting.

Ms. Thompson reported that at this time our budget and cash flow is solid and fortunately we are in a position to be able to continue but it is not indefinite.

Supervisor Monaco mentioned that CSAC is recommending that counties hold public forums to raise awareness of the impact on counties in regards to deferral of state funding for social services and transportation programs.

Supervisor De La Cruz commended staff for allowing us to move forward on fiscal budget.

Supervisor Loe stated that there is a cost to us for this and the State is basically hurting the people that can least afford it. Supervisor Loe stated that we need to take a strong stand on this and let our frustrations be known in Sacramento.

Supervisor Barrios mentioned possibly setting up at the next Board of Supervisors meeting a discussion in regards to mandates and priorities.

Chairman Botelho stated he would like this item agendized at a future Board meeting.

Chairman Botelho reported that he attended a Regional Council of Rural Counties (RCRC) meeting in Sacramento and they talked about the budget and it was very frustrating to hear what they had to say.

Health & Human Services Director Kathy Flores mentioned that our community would be impacted by this proposal. Ms. Flores stated that the state portion would be affected, not the federal.

Acting County Counsel Barbara Thompson reported that she received a phone call from Monterey Bay Area Pollution Control District inquiring if they would be interested in providing legal services to their district. Ms. Thompson said that at this time she did not think it was the correct time for us to be taking on other districts legal representation.

The consensus of the Board was to not engage in providing services to the Monterey Bay Area Pollution Control District at this time.

Transportation Planning Manager of Council of Governments (COG) Mary Dinkuhn announced that they would be opening the Highway 25 Bypass on Thursday, February 5<sup>th</sup> between 10:00 a.m. and 2:00 p.m. to the public. Ms. Dinkuhn said they would be working with the Hollister Police Department and the California Highway Patrol to have extra enforcement out at that time for all the traffic.

**E) Board Announcements, Introductions and Presentations.**

Supervisor De La Cruz reported that he attended the Veterans Park Commission meeting and that due to lack of funds some of the projects they were planning are going to have to be delayed due to the State of California's budget crisis.

Supervisor Barrios reported that she met with Congressman Sam Farr and his biggest statement was the economy is in a crisis not seen since the great depression, but the federal government is still going forward with making sure that local government and regional government get monies so that we can go ahead and use money for roads, bridges etc.

Supervisor Botelho mentioned that there is a bill out to exempt solar energy from property taxes.

Supervisor De La Cruz asked if an item could be put on the agenda to discuss how to stimulate the local economy and support our local businesses.

Supervisor Monaco mentioned that we need to look at all the agencies in our county, not just the private enterprises.

## CONSENT AGENDA:

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Monaco, approved Consent Agenda Items 1 through 9 with the exception of Items 8 & 9, which was pulled for discussion. (Unanimous)*

### **BOARD OF SUPERVISORS:**

- 1) **Reappointed** Jill LaCorte to the Area Developmental Disabilities Board VII to represent persons with developmental disabilities for a three-year term effective January 1, 2009 to January 1, 2012. (Supervisor Monaco)
- 2) **Appointed** Virginia Grant to the Area Developmental Disabilities Board VII to represent the general public for a three-year term effective February 3, 2009 to January 1, 2012. (Supervisor Monaco)
- 3) **Approved** out of state travel for Supervisor De La Cruz to attend the 2009 NACO Annual Conference and Exposition in Washington, DC from March 7–11, 2009. *File #156*

### **CITY OF HOLLISTER REDEVELOPMENT AGENCY – W. Avera:**

- 4) **Adopted Resolution No. 2009-9** subordinating the County's interest in tax increment revenues to proposed bonded indebtedness of the Redevelopment Agency of the City of Hollister. *File #20*

### **CLERK OF THE BOARD – L. Churchill:**

- 5) **Approved** the action minutes for the meetings of January 13, 2009.

### **FISH & GAME ADVISORY COMMISSION – J. Ingram:**

- 6) **Approved** request to purchase one Digital Eye RF Camera in an amount not to exceed \$579.95 for the Sheriff's Department Trail Cam Surveillance Project with funding to come from Fish & Game Advisory Commission budget. *File #24*

### **INTEGRATED WASTE MANAGEMENT – M. Rose:**

- 7) **Adopted Ordinance No. 834** amending Solid Waste Regulations, Chapter 15.01, to expand non-exclusive solid waste collection Franchises to include 10-50 yard dumpsters (Roll-offs), to establish the penalty for failing to meet solid waste construction and demolition diversion and to make other miscellaneous changes. (Ordinance was introduced on January 27, 2009). *File #75.4*

### **PUBLIC WORKS DEPARTMENT – J. Cox:**

- 8) **Accept the proposals received on January 5, 2009; award contract to Mechanical Systems, Inc. for HVAC Maintenance and Services, for the period of February 1, 2009 through January 31, 2010 in an amount not to exceed \$90,000 annually with option to renew two successive years.**

Supervisor Barrios had a question in regards to the contract amount.

Acting Public Works Director Janelle Cox provided clarification.

**BOARD ACTION:** *Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **accepted** the proposals received on January 5, 2009; **awarded** contract to Mechanical Systems Inc. for HVAC Maintenance and*

Services, for the period February 1, 2009 through January 31, 2010, in the amount not to exceed \$90,000; and authorized the chair to sign the contract.  
File #105.3

- 9) **Accept the proposals received on January 7, 2009; award contract to EarthTech Landscape, for County Service Area Landscape Maintenance and Services, for the period of April 1, 2009 through March 31, 2010 in the amount of \$44,280 annually with option to renew two successive years.**

Supervisor Barrios asked if there was anyway the county could provide these services or do we have to go out to bid.

Acting Public Works Director Janelle Cox replied that possibly if the county had the equipment and staff available we could consider providing those services.

Supervisor Monaco stated that he does not feel that we have the equipment and manpower to be able to provide those services and not including the wear and tear on the equipment. Mr. Monaco stated that outside contracting at this time seemed like a more prudent way to handle this issue.

Supervisor De La Cruz mentioned that he looks at this as an opportunity to hire people in San Benito County and possibly hire temporary help.

Supervisor Loe said that we should possibly look at this at budget time and have department head look at how many employees it would take to do this and what it means equipment-wise.

Chairman Botelho mentioned that we have plenty of work for our Public Works Department to do at this time and believes a bidding process was the best way to go.

**BOARD ACTION:** Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **accepted** the proposals received on January 7, 2009, **awarded** contract with amendment to contract number 6, termination from 30 to 60 days to EarthTech Landscape for County Service Area Landscape Maintenance and Services for the period of April 1, 2009 through March 31, 2010 in the amount \$44,280; and authorized the chair to sign said contract. File #105.3

## REGULAR AGENDA:

### **ADMINISTRATIVE BUSINESS – S. Thompson:**

- 10) **Receive presentation of the Hollister Downtown Specific Plan and implementations strategies.**

County Administrative Officer Susan Thompson introduced Chairman Jerry Muenzer and Executive Director Brenda Weatherly of the Hollister Downtown Association who provided a power point presentation on the specific plan funded through participation of private businesses, the City of Hollister Redevelopment Agency and the County of San Benito. Those items discussed were the findings and the recommendations of the plan, the next steps and implementation strategies.

Chairman Botelho mentioned that the Board of Supervisor wants to be a partner in this effort along with the City of Hollister to support our downtown.

Joe Thompson, local resident, does not think this is a wise approach-stating look at what has happened to Gilroy. Mr. Thompson feels that we need things like canneries to produce tax dollars and pumping money out into the economy locally.

Marvin Jones, Hollister resident, spoke of all the vacant buildings down town, and he hopes that we can get some development down town. Mr. Jones mentioned reducing regulations on these businesses could help some. *File #119*

**11) Adopt Community Based Program application and funding process in collaboration with the Community Foundation of San Benito County and direct preparation of a memorandum of understanding.**

County Administrative Officer Susan Thompson provided background information and recommendations for the Board to consider in regards to Community Based Program and the funding process in collaboration with the San Benito County Community Foundation.

Discussion ensued by Board and staff.

Gary Burns spoke on behalf of the San Benito County Community Foundation. Mr. Burns provided information as to what the foundation provides.

Executive Director Pauline Valdivia of Jovenes de Antano spoke in regards to the need for the support of the elderly and provided background information as to the services Jovenes de Antano provides to the elderly. Ms. Valdivia thanked the Board for their funding in the past.

Executive Director Clay Kempf of Seniors Council Area Agency on Aging in Santa Cruz and San Benito County thanked the Board for the funding the Board has provided to this agency and provided background information on what the Seniors Council provides to senior citizens.

Mr. Kempf mentioned that at the state level the senior programs are under serious attack.

Jim West, Aromas resident, believes this is a great idea. Mr. West mentioned that we need some group that could look at all of our needs and resources and make right decisions on where the funding should go.

Discussion ensued by Board and staff in regards to supporting or not supporting a community-based program funding process.

***BOARD ACTION:*** *Upon motion made by Supervisor Monaco and seconded by Supervisor Barrios, **authorized** the Community Foundation of San Benito County to conduct an annual Community Based Program funding process on behalf of San Benito County and make funding recommendations to the Board for use of County funds, and **directed** staff to prepare a Memorandum of Understanding between the County and the Foundation establishing policies and guidelines for use during the proposal review process. (3-2 vote) File #119*

**PLANNING DEPARTMENT & HEALTH & HUMAN SERVICES AGENCY – A. Henriques, K. Flores:**

**12) Accept report on AB 885 – proposed regulations for onsite wastewater treatment systems and provide direction to staff.**

Health & Human Services Director Kathy Flores provided information in regards to AB 885 proposed regulations for on site wastewater treatment systems.

Ms. Flores stated there has been significant opposition to the proposed regulations and now the State Water Resources Board is considering redrafting those regulations. Ms. Flores mentioned at this time the comment period and the public hearings have been suspended.

Planning Director Art Henriques provided information from Planning and Buildings perspective and how this would affect San Benito County's land use

designations by requiring a substantial increase in the area of a proposed septic tank systems and reserve area regulations.

Environmental Health Director Bob Shingai provided information as to how AB 855 would affect San Benito County homeowners with septic tanks and wells if passed.

Discussion ensued by Board and staff.

Sally Bettencourt, Hollister resident, mentioned that there are other Board of Supervisors up in the northern area that are writing resolutions to the governor and the state as we are talking about doing. Ms. Bettencourt stated that the work we are doing here is helping and appreciates what the Board is doing.

Jeff Gilles of Lombardo and Gilles stated this is a type of issue that is extremely important for the county and downtown because they will end up suffocating our industries here if we don't do things to protect them.

Chairman Botelho stated the consensus of the Board was to have staff draft a Resolution that make it clear where San Benito County stands and bring back to the next board meeting for adoption. Chairman Botelho would like a copy of a resolution sent to our assemblywoman and state senator as well. *File #790/130*

## **AFTERNOON SESSION**

### **1:30 P.M.**

<b>1:30 P.M. PUBLIC HEARINGS</b> <i>(or as soon thereafter as the matter may be heard)</i>
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#### **PLANNING & BUILDING DEPARTMENT – A. Henriques:**

- 13) **Hold 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: Action may include a decision on the appeal or further direction to staff. 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. (Continued from January 13, 2009 meeting.)**

Planning Director Art Henriques provided information in regards to the options that the Board requested at the hearing on January 13, 2009.

Mr. Henriques reported that they have provided five (5) options for the Board of Supervisors review today. Mr. Henriques mentioned that staff was recommending Options #2 and #5 for consideration.

Discussion ensued by Board and staff in regards to the different options proposed by Planning Department staff.

Chairman Botelho opened public hearing.

Jim Weaver of Santana Ranch spoke in favor of Option #5 stating this option would solve all the problems and supports that. Mr. Weaver mentioned in regards to the water and sanitary sewer the draft Environmental Impact Report (EIR) will be out later this spring and would answer those questions.

Frank Guerra of Santana Ranch mentioned that he would hate to see this project shut down before they get the Environmental Impact Report (EIR).

Chairman Botelho closed the public hearing.

Board members expressed their views in regards to the option that they were in support of.

**BOARD ACTION:** Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **chose** Option #5 and **continued** this item so that Staff may take this matter before the Planning Commission and further generate a resolution granting the appeal of the Santana Ranch owners group utilizing the increase in the numerical limits pursuant to Section 31-10 of the Growth Management Ordinance.

**Roll Call Vote:**

Monaco	-----	Yes
Loe	-----	No
Barrios	-----	Yes
De La Cruz	-----	Yes
Botelho	-----	No

**Motion passed 3-2.**

Planning Department staff to come back on February 24, 2009 with the resolution for Board adoption.

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 February 10, 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