



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3
Vice-Chair

Reb Monaco
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING ACTION MINUTES JUNE 22, 2010

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Botelho, Loe, Barrios, De La Cruz and Monaco were present. Also present was County Administrative Officer Susan Thompson, County Counsel Matthew Granger, Assistant Clerk Janet Slibsager for the morning session and Clerk of the Board Linda Churchill for the afternoon session. Chairman Reb Monaco 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) **PRESENTATIONS & RECOGNITIONS:**

Introduction of Taylor Rae Wood, Miss San Benito Rodeo 2010, who is representing the San Benito County Saddle Horse Association in the 2010 Saddle Horse Show and Rodeo Downtown Parade and the Saddle Horse Show and Rodeo to be held June 25-27 at Bolado Park. (Chairman Monaco)

Chairman Monaco introduced Taylor Rae Wood, Miss San Benito Rodeo 2010 and Alyssa Abercrombie Miss San Benito Rodeo 2009.

Taylor Wood provided information as to what activities would be taking place for the 2010 Saddle Horse Show week starting with Thursday's Downtown Parade put on by the Chamber of Commerce at 6:00 p.m., and the Saddle Horse Show starting Friday, June 25th at 7:00 p.m. and Saturday and Sunday performances starting at 1:30 p.m., with a Barbeque Saturday evening following the show.

Chairman Monaco shared some history about the 77th Saddle Horse Show and encouraged the public to attend.

- d) **Public Comment:** *Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.*

Tony Ruiz, Hollister resident, stated he has been a strong Union person and an advocate for developers. Mr. Ruiz said that we need to get involved and

make sure that the local people's needs are met before we let outside developers come in.

Lisa Faulkner, Program Developer for the Dunne Park Project, announced that she had received good news that San Benito County was among the top three applicants for a grant to restore Dunne Park. Ms Faulkner said they would be picking two of the three applicants. Ms. Faulkner thanked the Board for their support.

- e) **Department Head Announcements:** County Administrative Officer Susan Thompson announced that she attended a Williamson Act working group meeting in Sacramento and said that it was a very productive meeting and she would be reporting back in the next month or so.

Public Works Administrator Steve Wittry announced that he attended the Hollister City Council meeting and the topic of Clear Creek area was discussed and that it was a unanimous decision to support the County Board of Supervisors in their role to open the Clear Creek area as soon as possible.

Mr. Wittry said that the Public Works Department would be paving Mitchell and Freitas Roads the next couple of days and asked those driving in the area to drive with caution and be careful.

Deputy Director of HHSA Enrique Arreola announced some events that would be taking place with the Workforce Investment Board; Video Premier at the Premier Cinema on June 29th at 5:30 p.m. and the One Stop Career Center Open House on July 7th at 10:00 a.m.

County Librarian Nora Conte spoke about the Library's Summer Reading Program and a new computer program Tutor.com.

Chairman Monaco thanked Ms. Conte for her ability to lead our Library in new directions and her role as a mentor.

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

Supervisor Loe announced that she attended the Inter-governmental meeting where they discussed consolidation and that she would be reporting back to the Board of Supervisors at a later date.

Supervisor Botelho announced that he attended an AMBAG meeting and received the draft of the local Government Operation Green House Emissions Signatory.

Supervisor Botelho announced that he attended the RCRC meeting and some of the items that were discussed were: Williamson Act; Legislation-Commercial Mandatory Recycling; Continued funding for Local and Safety Protection Account.

Supervisor Botelho spoke in regards to the San Benito County Sprinkler Ordinance stating any building of 500 feet or larger would require a sprinkler. Mr. Botelho stated that was not the intention of the Board of Supervisors and he would like to have this corrected as soon as possible.

Chairman Monaco said that he appreciated Supervisor Botelho for bringing the issue of the sprinkler ordinance forward and would like to see it come back to the Board for clarification.

Chairman Monaco spoke in regards to State regulations and the Election.

Supervisor Barrios mentioned that she also attended the AMBAG and Inter-governmental meetings.

Supervisor Barrios said that she would like to see the Parks and Recreation Master Plan come before the Board at the next special meeting.

Supervisor Barrios announced that AMBAG presented the County of San Benito with a Certificate of Appreciation for recognition of sponsorship.

Chairman Monaco said that he was asked to add Item 42.1 to the consent agenda for the Sheriff's Department as an urgency item, this item came up after the posting of the agenda and needs action before the next Board of Supervisors meeting.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **moved** to add this items to the consent agenda as 42.1.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, approved Consent Agenda Items 1 through 42, with the exception of Items 13, 24, 25, 27, 28, 35, 38, 41 & 42.1 which were pulled for discussion.

ADMINISTRATION:

- 1) **Approved** Board of Supervisors response to Grand Jury reports; Vector Control Program and Jail Review. *File #605*
- 2) **Approved** the General Fund budget transfer in the amount of \$80,000 from Non-Dept Expenses & Contributions to Public Defender. *File #865*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Approved** contract renewal with Rebekah Children's Services, Inc. to provide therapeutic behavioral services for Medi-Cal beneficiaries for FY 2010-11 for a maximum amount of \$40,000. *File #810*
- 4) **Approved** contract renewal with Traditions Behavioral Health for psychiatry services for FY 2010-11 for a maximum annual total of \$283,932. *File #810*
- 5) **Approved** contract renewal with Hope Rehabilitation Services for rehabilitation services for FY 2010-11 for a maximum annual total of \$25,000. *File #810*
- 6) **Approved** contract renewal with Kings View Corporation for telepsychiatry services for FY 2010-11 for a maximum total of \$116,000. *File #810*
- 7) **Approved** contract renewal with Natividad Medical Center for inpatient acute hospital psychiatric services for FY 2010-11 for a maximum annual total of \$250,000. *File #810*
- 8) **Approved** contract renewal with 7th Avenue Center for sub-acute level psychiatric skilled nursing services for FY 2010-11 for a maximum amount of \$89,000. *File #810*
- 9) **Approved** contract renewal with Door to Hope for substance abuse residential treatment facilities for FY 2010-11 for a maximum amount of \$49,375. *File #810*

- 10) **Approved** contract renewal with K & R Manor and Salvador Lodge for board and care facilities for FY 2010-11 for a total annual maximum amount not to exceed \$15,000. *File #810*
- 11) **Approved** contract renewal with Santa Cruz Counseling Center, Inc. for residential treatment provider for FY 2010-11 for a maximum total of \$105,000. *File #810*
- 12) **Approved** contract renewal with Hollister Youth Alliance for prevention and early intervention services for FY 2010-11 for a maximum amount not to exceed \$192,610. *File #810*
- 13) **Approve contract renewal with Gary Ernst for administrative/fiscal consultant services for FY 2010-11 for a maximum annual total of \$95,000.**
Item pulled for discussion.
BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved contract renewal with Gary Ernst for administrative/fiscal consultant services for FY 2010-11 for a maximum annual total of \$95,000. File 810 (Unanimous)*
- 14) **Approved** contract renewal with IDEA Consulting for special projects assistance services for FY 2010-11 for maximum annual total of \$122,000. *File #810*
- 15) **Approved** contract renewal with Connecting Principles for providing domestic violence diversion support groups for FY 2010-11 for a maximum total amount of \$25,000. *File #810*
- 16) **Approved** contract renewal with Front Street, Inc. for residential care facility for the elderly for FY 2010-11 for a maximum amount not to exceed \$48,000. *File #810*
- 17) **Approved** contract renewal with Charis Youth Center, Inc. for therapeutic behavioral services for FY 2010-11 for a maximum amount of \$80,000. *File #810*
- 18) **Approved** contract renewal with Remi Vista, Inc. for therapeutic behavioral services for FY 2010-11 for a maximum amount of \$70,000. *File #810*
- 19) **Approved** contract renewal with Advanced Computer Experts for professional computer services for the FY 2010-11 for a maximum amount of \$20,000. *File #810*
- 20) **Approved** contract renewal with Kings View Corporation for Management Information System for FY 2010-11 for a maximum annual total of \$122,654. *File #810*
- 21) **Approved** contract renewal with Project Ninety, Inc. for residential substance abuse treatment for the FY 2010-11 for a maximum total not to exceed \$105,000. *File #810*
- 22) **Approved** contract renewal with Planned Parenthood for HIV/Aids Testing, Pre and Post Counseling for FY 2010-11 for an amount not to exceed \$13,500. *File #810*

- 23) **Approved** contract with Unity Care Group, Inc. for residential treatment facility services for FY 2010-11 for a maximum amount of \$40,000. *File #810*

CLERK OF THE BOARD – L. Churchill:

- 24) **Approved** the action minutes of the May 25, 2010 meeting and June 1, 2010 afternoon session.

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Monaco, **approved** action minutes as presented.

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

- 25) **Approve the Professional Services contract with Melinda Casillas for assistance compiling the County Auditor's adopted budget for the current and next fiscal year, subject to approval of appropriation in next year's budget.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** contract as presented. *File #608 (Unanimous)*

COUNTY COUNSEL – M. Granger:

- 26) **Approved** agreement regarding property related fee in County Service Area No. 23 (Rancho San Joaquin). *File #CSA #23*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 27) **Approve contract with Goodfellow Occupational Therapy Services for the period of July 1, 2010 through June 30, 2011 in amount not to exceed \$79,800.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** contract as presented. *File #130 (Unanimous)*

- 28) **Approve contract renewal with UC Davis for child welfare and eligibility training for the period of July 1, 2010 through June 30, 2011 in the amount of \$11,040 and \$25,024.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** contract as presented. *File #130 (Unanimous)*

- 29) **Approved** contract renewal with Sandra Montgomery for physical therapy services for the period of July 1, 2010 through June 30, 2011 in amount not to exceed \$24,000. *File #130*

- 30) **Adopted Resolution No. 2010-72**, authorizing the lease between the County and CSDC for use of the county Migrant Mobile Home Park on Southside Road for the period of June 22, 2010 through June 30, 2011. *File #939.1*

- 31) **Approved** the transfer of \$82,000 in expenditures from various budget units to other budget units within the overall Public Health Fund as per Budget Adjustment Transfer attachment for FY 09/10. *File #130*

INTEGRATED WASTGE MANAGEMENT – M. Rose:

- 32) **Adopted Resolution No. 2010-73**, which **authorized** the Integrated Waste Management Department to apply for the Oil Payments Program grant funds on behalf of the San Benito County Integrated Waste Management Regional Agency. *File #142 (Unanimous)*

INTERNAL SERVCIES – R. Inman:

- 33) **Approved** contract with Lynx Technologies for GIS Consulting Services for the Countywide GIS Enterprise for the period of July 1, 2010 through June 30, 2013 in an amount not to exceed \$153,000. *File #119.2*
- 34) **Approved** agreement with Megabyte Systems, Inc. for the maintenance of the Megabyte property Tax System MPTS 2000 at a cost not to exceed \$47,926.80 for the period of July 1, 2010 through June 30, 2011; **approved** agreement with Megabyte System, Inc. for SQL Server Database Support at a cost not to exceed \$23,558.88 for the period of July 1, 2010 until terminated by either party. *File #7*
- 35) **Delete one (1) FTE Assistant Director of the Health & Human Services Agency and allocate one (1) FTE Deputy Director and delete one (1) FTE Eligibility Worker I/II and allocate one (1) Eligibility Supervisor in the Human Services schedule of authorized positions effective July 1, 2010.**
Item pulled for discussion.
BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, approved item as presented. File #130 (Unanimous)*

PLANNING DEPARTMENT – C. Woodbury:

- 36) **Approved** Amendment #1 to contract with Cathy Casillas for tracking of reimbursement project costs for Santana Ranch. *File #790*

PROBATION DEPARTMENT – B. Cardall:

- 37) **Approved** revenue agreement with the San Benito County Office of Education providing funding in the amount of \$47,500 to continue the Truancy Reduction Program in FY 2010-2011. *File #510*

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 38) **Accept all bids received; award contract to Bracewell Engineering, Inc., as the lowest responsive, responsible bidder for operation and maintenance of water treatment plant for County Service Area #31, Stonegate, #50 Dunneville Estates and wastewater treatment plant at CSA #22 Cielo Vista for the period of July 1, 2010 through June 30, 2015 for an annual amount not to exceed \$145,920 and waive Provision 4.5(b) of the Purchasing and Contract Policy Manual.**
Item pulled for discussion.
BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, approved item as presented. File #CSA's/105.3 (Unanimous)*
- 39) **Approved** contract amendment with Biggs Cardosa Associates, Inc. for additional engineering, design, environmental and mitigation services for the

Union Road Bridge Replacement project in the amount of \$374,760 for a total contract amount of \$1,653,760. *File #105*

- 40) **Approved** budget adjustment from General Fund Contingency for the CSA Internal Service Fund and CSA Nos. 30, 33, 42, 46 and 48; and **approved** related actions in the amount of \$46,985. (4/5 Vote) *File #CSA's*

- 41) **Approve General Fund budget transfer in the amount of \$1,600 and General Fund Contingency appropriation in the amount of \$71,000 for Year End Cleanup of Public Works budget units.** (4/5 Vote)

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Monaco, **approved** item as presented. *File # 105 (Unanimous)*

SHERIFF'S DEPARTMENT – C. Hill:

- 42) **Approve out of state travel retroactively for Victor Casada to attend the University of North Texas for the Missing Persons and Unidentified Human Remains Workshop in Bellevue, Washington from June 20, 2010 through June 23, 2010.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor De La Cruz and seconded by Supervisor Barrios, **approved** out of state travel as presented. *File #110 (Unanimous)*

- 42.1) **Approve Memorandum of Agreement between the County of San Benito and the City of Hollister agreeing that the \$18,008 allocation of JAG award funds shall be distributed to the City of Hollister.**

Item pulled for discussion.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** item as presented. *File #110 (Unanimous)*

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

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 43) **Hold a public hearing to discuss the Fiscal Year 2010-2011 Community Development Block Grant (CDBG) General Allocation application; and adopt Resolution authorizing submission of the 2010 CDBG grant application and authorizing the HHSA Director and Deputy Director to accept the grant, sign the grant agreement and sign Funds Requests and other required reporting forms regarding the grant; authorize the County Administrative Officer to sign the Assurances pertaining to the grant.**

Deputy Director of HHSA Enrique Arreola provided information regarding the FY 2010-2011 Community Development Block Grant (CDBG) General Allocation application and asked the Board of Supervisors to approve submittal of this application for funding to the State Department of Housing and Community Development.

Discussion ensued by Board and staff.

Chairman Monaco opened the Public Hearing.

Marty Richman, Hollister resident, said that he supported the application for the Block Grant but did not agree with the State's ridiculous regulations that you have to go through to get things.

Mary Schneider, Vice-President of the Friends of the San Benito County Free Library, said that they supported the grant application.

County Librarian Nora Conte said that she supported the grant and stated that this would be a wonderful opportunity and hoped it is a great success.

Chairman Monaco closed the Public Hearing.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **adopted Resolution No. 2010-74**, authorizing submission of the 2010 CDBG application and **authorized** the HHS Director and Deputy Director to accept the grant, sign the grant agreement and any subsequent amendments, and sign Funds Requests and other required reporting forms regarding the grant; **authorized** the County Administrative Officer to sign the Assurances pertaining to the grant. File #130 (Unanimous)*

REGULAR AGENDA:

INTERNAL SERVICES – R. Inman:

- 44) **Presentation by Richard Garza, Director Monterey County Department of Military and Veterans Affairs Office, who will provide an update of the services being provided to San Benito County veterans and the plans for the future.**

Director of Monterey County Veterans Affairs Office Richard Garza provided information in regards to Veterans Affairs Office services provided to San Benito County Veterans and the changes to the Veterans Affairs Office in Monterey County.

Discussion ensued by Board and Mr. Garza.

Jesse Garza, Representative of Foreign Wars Post 9242 in Hollister, voiced his concern in regards to contract with Monterey County. Mr. Garza said that he would like to see the funds be kept in the County through our local Veterans Service Office.

Marty Richman, Hollister resident, thanked the Monterey County Veteran's Service office for their services that they provide to San Benito County.

Supervisor Loe said that she and Supervisor Barrios would try and meet with the Veterans Group and Mr. Garza and report back to the Board of Supervisors meeting on July 27, 2010. File #119.2

PUBLIC HEARINGS – 9:30 A.M. (Or as soon thereafter as the matter may be heard)

AGRICULTURAL COMMISSIONER – R. Ross:

- 45) **Hold a public hearing for the continuation of a benefit assessment in fiscal year 2010-2011 that funds the San Benito County Mosquito Abatement Program's mosquito, control and disease prevention services and projects in the northwest area of San Benito County and adopt Resolution to levy the rate of the Mosquito and Disease Control Assessment for FY 2010-2011.**

Agricultural Commissioner Ron Ross provided information in regards to the Engineers Report and the Benefit Assessments for the FY 2010-2011 for the San Benito County Mosquito Abatement Program.

Chairman Monaco opened the Public Hearing.

There was no one from the public addressing the Board.

Chairman Monaco closed the Public Hearing.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by supervisor Botelho, **adopted Resolution 2010-75**, to levy the rate of the Mosquito and Disease Control Assessment for FY 2010-11 based on the Engineer's Report prepared by SCI Consultants. *File #1.1 (Unanimous)*

PLANNING DEPARTMENT – C. Woodbury:

- 46) **Hold a public hearing to consider an ordinance adopting weed abatement regulations, to be codified as San Benito County Code, Title 19, Chapter 19.37. Applicant: County of San Benito. Environmental Review: The Board shall also consider the adoption of a Notice of Exemption pursuant to the California Environmental Quality Act (“CEQA”), California Public Resources Code section 21084 and CEQA Guidelines, California Code of Regulations, title 14, sections 15061(b)(2) and 15304.**

Interim Planning Director Cathy Woodbury provided background information in regards to the final reading and the adoption of the Weed Abatement ordinance.

Supervisor Barrios excused herself from this item.

Chairman Monaco opened the Public Hearing.

There was no one from the public addressing the Board.

Chairman Monaco closed the Public Hearing.

BOARD ACTION: Upon motion made by Supervisor Loe and seconded by Supervisor De La Cruz, **adopted Ordinance No. 857**, adopting a Notice of Exemption under the California Environmental Quality Act (CEQA), finding the ordinance to be categorically exempt pursuant to CEQA guideline sections 15061(b)(2)&(3) and 15304, and adopting Weed Abatement Regulations.

File #160 (4-0 vote, Barrios abstained)

REGULAR AGENDA (Continued):

PLANNING DEPARTMENT – C. Woodbury:

- 47) **Receive verbal report of Affordable Housing Ad Hoc activities.**

Interim Planning Director Cathy Woodbury reported that they are making great progress on the Affordable Housing Ordinance.

Ms. Woodbury announced that they have scheduled a workshop before the Planning Commission on July 7th and are anticipating scheduling it for a public hearing on August 4th.

Ms. Woodbury provided additional information and spoke in regards to equity sharing, deed restriction housing and impact fees.

Discussion ensued by Board and staff.

Scott Fuller, San Juan Oaks, said that he was disappointed in the conversation of impact fees for affordable housing. Mr. Fuller encouraged staff to continue to research the impact fees or waiver of impact fees for affordable housing from other jurisdictions.

Discussion continued by Board and staff.

No action taken. *File #790*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 48) **Open all timely proposals received for proposed Resource Recovery Park and direct staff to review and bring back for consideration on July 27, 2010.**
There were no proposals received for Resource Recovery Park. File #142

INTERNAL SERVICES – R. Inman:

- 49) **Adopt Resolution regarding waiver of salaries for elected offices of County Supervisor for Districts 1, 2, 3, 4 and 5; adopt and accept the completed and signed Elected Officials Base Pay Salary Waiver forms.**
BOARD ACTION: *Upon motion made by Supervisor De La Cruz and seconded by Supervisor Botelho, **adopted Resolution No. 2010-76**, regarding wavier of salaries for elected officials of County Supervisor for Districts 1,2,3,4 and 5; **adopted** and **accepted** the completed and signed Elected Officials Base Pay Salary Waiver forms. File #130 (Unanimous)*

**AFTERNOON SESSION
1:30 P.M.**

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

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 50) **Held a public hearing on the Fiscal Year 2010-2011 Capital Budget and the 2010-2015 Five-Year Capital Improvement Program (“CIP”) including capital projects and equipment. Location: an adopted CIP applies County-wide.**

Adam Goldstone, Capital Projects Manager, presented PowerPoint presentation titled “FY 2010/11 Capital Improvement Program, Proposed C.I.P. Budget” and covering the following points:

48 Projects – 20 Facility Improvements, 8 Bridge Repair/Replacement, 14 Road Improvement Projects, 15 Equipment Purchases and 1 CSA Project; Proposed Budget - \$34,652,928.

Facility Improvements – Courthouse Renovation, Library Improvements, New Landfill, Park Improvements, Planning Department Improvements (\$37,000), Public Works Yard Improvements, Resource Recovery Park, Sheriff Administration Building Painting, Re-budgets from FY2009/10: Adult Detention Center Expansion, County Permit Center, Farm Worker Dorms & Kitchen, HVAC Repair & Replacement, Juvenile Hal Maintenance & Improvements, Landfill Electrical Line, Public Works Building Improvements, Regional Park, Restrooms at Abbe Park, Restrooms at San Juan School, Santa Ana School Playground, Sheriff’s Administration Building.

Roads & Bridges – Anzar Road Bridge Replacement, Hospital Road Bridge, Panoche Road Bridge Replacement, Rocks Road Bridge Replacement, Rosa Morada Road Bridge Replacement, Shore Road Bridge Replacement, Union Road Bridge Replacement and Preventative Bridge Maintenance Program, Street Rehab, Guardrail Improvements, and Road Realignment, Street Lights,

San Juan Highway Bike Lane, Traffic Signal – Fairview @ Santa Ana and Lovers Lane Drainage Improvements.

Equipment – Bi-Tech Upgrade, Public Works Vehicles & Equipment, I.T. Infrastructure, Library Self-Checkout System, Treasury Management Software. CSA Improvements, Stonegate Capital Improvements and Developer Reimbursements.

Mr. Goldstone and Mr. Wittry answered questions posed by Board members and the Board provided direction.

Don Marcus, local contractor, suggested that as the county moves forward with their capital projects that they maintain a philosophy with departments of trying to break these down into segments that are affordable for local contractors to bid on and make it simpler and more affordable to bid.

Chairman Monaco closed the public hearing.

Public Works Administrator Steve Wittry stated that they would be back on July 27, 2010 with status on the bridges and further discussion would take place at budget hearings in August. *File #105*

The Board adjourned at 2:40 p.m. for a break and reconvened at 2:45 p.m.

REGULAR AGENDA (Continued):

PLANNING DEPARTMENT – C. Woodbury:

51) Continuation of an appeal of the San Benito County Planning Commission's April 7, 2010 approval of Use Permit No. 789-99 (B).

APPELLANT: William S. Lee.

APPLICANT: Frank Leal, LOCATION: 300 Maranatha Dr, Hollister

ZONING: Rural (Item Continued from 6/1/10)

Chairman Monaco explained that the public hearing on this matter was held on June 1, 2010 but the public could still address this item if they wish to do so.

Supervisor Botelho stated that he had been following this item very closely since it was introduced to the Board of Supervisors on June 1st and at that first appeal hearing we all found that there were a number of issues that need to be worked through. Supervisor Botelho commended Frank Leal, Leal Vineyards, for assembling a team that worked in a professional manner, along with county staff, to identify the issues and to reach solutions. Supervisor Botelho stated that this was a positive move forward and that the issues of public safety have been addressed and he looked forward to compliance with all the conditions that have been set forth.

Cathy Woodbury, Interim Planning Director, stated that staff is optimistic that all of the issues can be resolved with Mr. Leal and there have been good meetings and conversation with his representatives. Ms. Woodbury pointed out that a letter to the Board of Supervisors and dated June 22, 2010 was received this morning from Jennifer M. Pavlet, Attorney representing Frank Leal, which reiterates his willingness to cooperate with staff and to resolve the issues.

Ms. Woodbury further noted that staff has met with Mr. Lee, the appellant, to bring him up to date on our discussions and the direction that we're going into to gain compliance on the outstanding issues. Ms. Woodbury stated that there are four major areas of concern and two are life safety areas and one is

compliance with the Fire Code and second is compliance with the Building Code, basically building permits, and then there were issues related to the Use Permit for the property and that is primarily issues related to noise when there are events on the property. Ms. Woodbury further stated that there are traffic and road improvement issues and also an outstanding traffic study that needs to be completed. Ms. Woodbury stated that staff, who are experts in each of these areas, would explain the issues and the solutions and how to handle them.

Curt Itson, Cal Fire, addressed the Fire Code issues stating that he performed a thorough walk through of the facility and he was feeling positive that the fire issues would be taken care of. Chief Itson noted that at the July 1, 2010 hearing he said that the State Fire Code is more restrictive than locally; however, our ordinance is more restrictive and he would be working towards getting that changed.

Evan Hill, County Building Official, addressed the building permits and building code issues stating that there are still permits that need to be completed and the entire area must meet ADA requirements and they were working on moving forward with permanency status of the tent.

Byron Turner, Assistant Planning Director, addressed the use permit issues and the noise issue stating that commercial decibal levels were chosen and that is consistent with commercial projects in the past and this is a commercial use and only allowable by a use permit which is approved at a public hearing. Mr. Turner stated that staff recommends additional language be added specifying curfew times for the outdoor events and should state that events must be over by 10:00 p.m. which is a better way to enforce the noise issues and staff also recommends that the applicant do some self monitoring.

Supervisor Barrios asked if there could be special consideration for enclosed special events, such as the barrel room, to be later in time provided they notify the county ahead of time.

County Counsel Matt Granger indicated that he has had similar discussions with Mr. Leal's representative and they've also brought up this issue and they would like some flexibility in the scheduling of special events such as New Year's Eve. County Counsel Granger said we told them that we would consider it but we would want them to present an event schedule to the county that spelled out on a yearly basis what they anticipated their events would be and then the county could consider approval.

Supervisor Botelho stated that there should be a standard for violations and then certain standards to look at such as at what point do we revoke a use permit.

It was the consensus of the Board that there should be clarification of the standards and parameters and clear consequences for violations should be spelled out.

Mr. Turner addressed the issue of the one house that was red tagged for being used without a permit stating that staff recommends that the two homes be incorporated into the overall project and move forward from there. Mr. Turner pointed out that any improvements made on this property need permits and inspections.

Ms. Woodbury stated that Mr. Leal had not made a decision on the two houses yet.

Steve Wittry, Public Works Administrator, addressed the traffic and road improvements issues stating that Engineer Matt Kelly says that the Traffic Report

will probably require a left turn lane. Mr. Wittry indicated that there should be no parking signage on Maranatha Road.

Chief Itson noted that the Fire Code requires 18 feet for the road to have an unobstructed fire access whether or not it is a county owned road.

Interim Planning Director Cathy Woodbury stated that an August 1st deadline has been discussed for the Fire Code issues and staff feels confident that they can also address all life safety issues within that time frame with Mr. Leal's cooperation which means building permits for all the things that are necessary and have the construction or any corrective actions performed, have our inspections and issue the final Certificates of Occupancy on all of those buildings and also ask to have some resolution as to what is happening with the houses when there is a final decision made by Mr. Leal on that. Ms. Woodbury said we are working on the traffic study and we need to get that in but it takes time to determine what sort of analysis is required and if it is required.

Jennifer Pavlet, Attorney for Frank Leal, showed site maps and explained the applicant's plans to be in compliance, as stated in her letter that was distributed to the Board of Supervisors, with regards to the outstanding building, planning and fire issues on the subject property. Ms. Pavlet noted that at this point the applicant has not made a decision on how he wants to proceed with the issues of the two separate parcels and would like further discussion with county representatives.

Ms. Pavlet stated that with regards to differentiating between indoor and outdoor events and noise levels, the applicant would fully intend to comply with the 10 p.m. curfew for events at the Lavanda venue (tent) but would like consideration for events indoors in the barrel room that would perhaps go after 10:00 p.m.

Supervisor Botelho stressed that getting the houses correctly permitted is necessary.

Bob Huenemann, 120 Harbern Way, stated that he lives seven tenths of a mile from the facility and he can hear the events from his house at whatever time of day they take place and there is no reason for it to be that loud. Mr. Huenemann stated that this venue should not have been allowed in that area.

Bill Lee, appellant, stated that he felt that things were headed in the right direction and he did not want this to still be going on in 2011 and 2012. Mr. Lee felt that there was more positive issues going on in the past three weeks and he thanked the Board and staff for that. Mr. Lee asked that something definitive be done with regards to the noise decibals and the hours.

Mr. Lee asked that when this is all done we have something definitive so that he can know and Mr. Leal can know that what is happening is either in compliance or it is violation, and if it's in violation he would like to know what his next step is so we don't have several years of violations before getting to this level.

Mr. Lee referred to his letter to the Board of Supervisors dated June 11, 2010 and received on June 15, 2010 and clarified some of the statements he made in that letter.

Mr. Lee stated that he did not want to see the Board of Supervisors get snowed. Mr. Lee stated that he agreed with the 10:00 p.m. curfew and the recommended noise levels. Mr. Lee indicated that he would foot the bill for a noise monitor if that is what the County would like to accept.

Mr. Lee stated he would like to know when special events are scheduled

Mr. Lee emphasized that whatever the Board decides to do please make it definitive and not leave it nebulous and to wrap it up so he doesn't have to come back again.

Matt Kelley, Kelly Engineering, representing Mr. Leal, provided an update on some of the issues he has been involved with including the fire sprinkler designed for the winery and he has also been in contact with the water districts. Mr. Kelley stated they are also preparing the new exit plan for the barrel room. Mr. Kelley further reported that he has requested a proposal from the traffic engineer to prepare the final Traffic Impact Report. Mr. Kelley also addressed the water main issue.

David Cox, Chief Executive Director, St. Joseph's Family Center in Gilroy, stated that he was supportive of the positive things that Mr. Leal has done and commended his generosity. Mr. Cox felt that there should be some flexibility to give Mr. Leal a little bit of time to make decisions and encouraged a little patience.

Chairman Monaco stated that with all of the information and discussions we have been hearing on this issue we lose sight of the fact that this was brought before the Board of Supervisors because of an appeal that was filed and that appeal was very specific and the Board has a legal obligation to resolve that appeal one way or another at some point. Chairman Monaco stated that there are legal issues that the County has with regards to permits and having things not permitted in the use of this facility and while those are not directly related to Mr. Lee's appeal they need to be resolved. Chairman Monaco noted that in moving forward the prime thing that is under consideration is a specific appeal which requires a legal response from the Board of Supervisors.

Supervisor Barrios asked about a timeline to respond to the appellant.

County Counsel Granger stated that the item could be continued to a date certain and he recommended August 3, 2010 which would allow time for Mr. Leal to submit the necessary plans and drawings that the Board has heard about and also allow time for the Planning Department and Cal Fire to review those documents and make some final decisions and then on August 3, 2010 we would have answers to all of the questions and have an agreement in place at that time.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, continued this item to August 3, 2010 at 1:30 p.m. for status update and decision on the appeal.*

Under the question. Supervisor Loe asked if there was a date set when the traffic study would be done.

Ms. Woodbury answered that we do not have a date yet and she understood from Engineer Matt Kelley that he has requested the consultant to proceed with the work.

Supervisor Loe asked if we would have some kind of an idea at the meeting of August 3rd.

Ms. Woodbury answered yes.

Chairman Monaco called for the question. The motion to continue the item to August 3, 2010 at 1:30 p.m. passed unanimously. Appeal File

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, Loe, Barrios, De La Cruz, Monaco
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at to July 9, 2010 at 1:30 p.m. for a special meeting.

REB MONACO, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Assistant Clerk
Morning Session
Linda Churchill, Clerk of the Board
Afternoon Session