



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 AUGUST 3, 2010 ACTION MINUTES

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 and Clerk of the Board Linda Churchill. Chairman Reb Monaco presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Barrios led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*
- c) **PRESENTATIONS & RECOGNITIONS:**
Present Certificate of Recognition to Kathy Francesco who is retiring after almost 23 years of service with the County of San Benito.
Supervisor Barrios presented plaque to Kathy Francesco and roses were presented on behalf of Ms. Francesco's library co-workers.
- d) **Public Comment:** Lisa Faulkner, Hollister Youth Alliance, gave an update on the Dunne Park Project grant possibilities. Ms. Faulkner thanked the Board of Supervisors for their support resolution.
- e) **Department Head Announcements:** County Administrative Officer Susan Thompson stated that the administrative office focus has been on budget hearings scheduled to begin August 10th at 1:30 p.m.
Health & Human Services Agency Director Kathy Flores encouraged families to attend the Kids at the Park Day on August 4th at Dunne Park.
County Librarian Nora Conte, handed out a community survey being distributed by the library stating this was a part of the Library's Strategic Plan. Ms. Conte noted that the survey was on the Library website as well as the Pinnacle Newspaper website and she encouraged participation in this survey.
Ms. Conte reported that there were well over 400 children attending the Summer Reading Program this year and she thanked various organizations for their support.

- f) **Board Announcements, Introductions and Presentations:** Supervisor Loe thanked everyone who participated in the Relay for Life over the weekend stating it was a great event with a good turnout. Supervisor Loe encouraged the community to attend the Kids in the Park Day on August 4th.

Supervisor Botelho reported that he has been following up with the Bureau of Reclamation in regards to the Zebra Mussel issue at the San Justo Reservoir. Supervisor Botelho stated that he and the Director and Deputy Director and two staff members from the Bureau of Reclamation visited the Reservoir on Saturday, July 31st along with John Tobias and Harry Blohm from the San Benito County Water District. Supervisor Botelho said the Director stated that they are working as hard as they can to resolve this problem noting that they have *not* eradicated a Zebra Mussel infestation as large as this one and they are trying to develop a successful technique.

Supervisor Botelho stated that the Bureau of Reclamation is willing to send someone down to San Benito County at the end of August to provide an update to the Board of Supervisors.

Supervisor Loe suggested that the Board members take a field trip to the reservoir in order to see the problem first hand.

CAO Thompson said she would coordinate visits by individual Board members to the reservoir.

Chairman Monaco stated that he has always had concerns about this problem of the Zebra Mussels but there is too much bureaucracy and what we need is closure to this problem noting this is the only aquatic recreation area we have in this county.

Supervisor Barrios thanked Supervisor Loe and all those who organized the Relay for Life event stating she attended both days and it was impressive.

Supervisor Barrios reported that she attended the Behavioral Health outreach presentation that was done by a National Guard Reserves Captain which dealt with understanding the many problems that our vets deal with when they come back from Iraq and Afghanistan.

Supervisor Barrios reported that she and Supervisor De La Cruz visited the new kitchen at the Farm Labor Camp stating it was a fabulous job done.

Supervisor Barrios also attended the Tiffany Motor Company 100 Year Anniversary Event stating they received national recognition.

Supervisor Barrios reported that the Tri County Association of Latino Elected Officials including San Benito County, Monterey County and Santa Cruz County are putting on a event at San Juan Oaks Club and the focus will be programs that are successful in education.

CONSENT AGENDA:

Upon motion made by Supervisor De La Cruz and seconded by Supervisor Loe, approved Consent Agenda Items 1 through 12 with the exception of Item 11 which was pulled for discussion. (Unanimous)

BEHAVIORAL HEALTH – A. Yamamoto:

- 1) **Approved** Fiscal Year 2010-2011 contract renewal with St. Helena Hospital for acute psychiatric hospital services in an amount not to exceed \$70,000. *File #810*
- 2) **Approved** contract renewal with Victor Treatment, Inc. for residential treatment facilities for the FY 2010-11 for a maximum amount not to exceed \$80,000.

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

- 3) ***Adopted Resolution No. 2010-85*** authorizing the consolidation and provision of services by the Registrar of Voters for the City of Hollister for the November 2, 2010 Statewide General Election. *File #285*
- 4) ***Adopted Resolution No. 2010-86*** authorizing the consolidation and provision of services by the Registrar of Voters for the City of San Juan Bautista for the November 2, 2010 General Election. *File #285*
- 5) ***Adopted Resolution No. 2010-87*** authorizing the consolidation and provision of services by the Registrar of Voters for the Special Districts for the November 2, 2010 Statewide General Election. *File #285*
- 6) ***Adopted Resolution No. 2010-88*** authorizing the consolidation and provision of services by the Registrar of Voters for San Benito Health Care District for the November 2, 2010 Statewide General Election. *File #285*
- 7) ***Adopted Resolution No. 2010-89*** authorizing the consolidation and provision of services by the Registrar of Voters for the School Districts, Community College District and Board of Education for the November 2, 2010 Statewide General Election. *File #285*
- 8) ***Adopted Resolution No. 2010-90*** authorizing the consolidation and provision of services by the Registrar of Voters for the Aromas Tri-County Fire District for the November 2, 2010 Statewide General Election. *File #285*

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 9) ***Approved*** Amendment #2 to the Joe Serna Jr. Farmworker Housing Grant Program Standard Agreement No. 05-FWHG-328 to extend the expiration date of June 30, 2010 to June 30, 2011 and ***authorized*** HHS Director to sign. *File #939*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 10) ***Approved*** contract with the California Conservation Corps to perform storm drain marker maintenance and public refuse and recycling container maintenance in the amount of \$18,000; and ***authorized*** the Director of Integrated Waste Management to sign said contract. *File #142*
- 11) **Approve contract with Alexander Electric, Inc. for electric services and line and pole removal along John Smith Road for the period of August 3, 2010 through December 31, 2010 in the amount of \$16,174.74.**
Item was pulled for discussion and continued to afternoon session at 1:30 p.m. at which time the item was continued to date uncertain to allow Integrated Waste Management Director to solicit local contractors to bid project. *File #142*

SHERIFF'S DEPARTMENT – C. Hill:

- 12) ***Authorized*** the applicant agent (OES Manager) to submit the CalEMA FY 2010 Homeland Security Grant Program on behalf of the County Operational Area; ***adopted*** applicant agent ***Resolution No. 2010-91*** and ***authorized*** positions

named to execute for and on behalf of the County for making application, filing, and obtaining state and federal assistance and funding under the State Homeland Security Grant Program in the amount of \$215,080. *File #75.5*

SITTING AS THE PUBLIC AUTHORITY FOR IN HOME SUPPORTIVE SERVICES (IHSS):

The Board adjourned as the Board of Supervisors and reconvened as the IHSS Public Authority re:

IN HOME SUPPORTIVE PUBLIC AUTHORITY:

- 13) **Adopt Resolution authorizing the Chair to appoint the Public Authority Manager to act in all matters relating to the CSAC Excess Insurance Authority, except as to actions that must be approved by the IHSS Governing Board.**

Gifford Swanson, Manager, IHSS Public Authority, explained that the CSAC Excess Insurance Authority has determined that it is necessary for each member of the Authority to delegate a person or position to act on the member's behalf in matters relating to member and the Authority and that it must be formally approved by the IHSS Governing Board.

BOARD ACTION: *Upon motion made by Governing Board member Barrios and seconded by Governing Board member De La Cruz, adopted Resolution No. 2010-1 IHSS delegating authority to the Public Authority Manager to act on behalf of the San Benito County IHSS Public Authority. (Unanimous)*

The Board adjourned as the IHSS Public Authority and reconvened as the Board of Supervisors re:

REGULAR AGENDA:

INTERNAL SERVICES – R. Inman:

- 14) **Presentation of the One Stop Career Center “We Can Help” and “San Benito Now” videos.**

Enrique Arreola, Community Services & Workforce Development Deputy Director, explained that the main function of the One Stop Career Center is to train our local residents in meaningful employment where they will learn skills and help them to obtain further employment. Mr. Arreola presented a video titled “We Can Help” which highlights the many services being offered at the One Stop Career Center to both job seeker and employers.

Nancy Martin, Economic Development Corporation Executive Director, presented a video titled “San Benito Now” which will be used as a business attraction, expansion and retention tool and highlights the features, assets, benefits and statistical attributes of the county as it relates to economic and workforce development.

Board members commended Mr. Arreola and Ms. Martin for a job well done. *File #939*

15) **Presentation of program activities and budget of the Economic Development Corporation (EDC) of San Benito County.**

EDC Executive Director Nancy Martin presented a PowerPoint presentation covering the following points: Accomplishments; Plan; Business Attraction; How Decisions are Made; Actions; Asset Support; Tool Kit; Business Retention/Expansion; Marketing; Public Relations; Programs and Activities; and Budget Overview.

Ms. Martin indicated that she needs an administrative assistant to offload some of her work.

Lengthy discussion ensued and Ms. Martin answered questions posed by Board members.

Board members expressed concerns that the county will be laying off employees and would find it difficult to add to EDC budget.

Supervisor Barrios felt that this would be a small investment for a lot of opportunity and possible money to keep our community employed.

Ken Lindsey, Investment Developer and Scott Fuller, President of the EDC Board addressed the Board supporting Ms. Martin's efforts and the many benefits they feel are provided by the EDC. *File #119.2*

PUBLIC WORKS DEPARTMENT – S. Wittry:

16) **Receive report on prioritization of New Bridge Repair/Replacement Projects and provide direction to staff.**

Public Works Director Steve Wittry provided an update noting that several bridge repair/replacement projects within San Benito County have been approved for Federal Funding and the bridges we are talking about at this point are Panoche Road Bridge, Rocks Road Bridge, Rosa Morada Bridge and some upgrades to the Shore Road Bridge.

Mr. Wittry reported that in mid-July we received a notification from CalTrans Local Assistance that due to the tremendous backlog that the State has as a whole on some of these bridge projects that the bridge projects already in the pipeline would be subject to 100% funding through CalTrans. Mr. Wittry stated he would like to move ahead with all of the bridges as listed noting there are timelines to fulfill.

Mr. Wittry answered questions and received comments from Board members.

CAO Susan Thompson commented with regards to a newspaper report about ARRA (American Recovery & Reinvestment Act) funding and the accessibility for certain projects and the assumption that the County was not aggressive in seeking ARRA funds. Ms. Thompson stated that was a complete inaccuracy and the newspaper never asked her for the facts.

Chairman Monaco stated that there was no action required and directed Mr. Wittry to move forward. *File #105*

17) **Adopt Resolution establishing an interim Traffic Impact Fee of \$11,995 per new residential unit.**

Public Works Director Steve Wittry provided background information stating on July 9, 2010 the Board of Supervisors met with the Council of Governments and the City of Hollister in a joint meeting where Traffic Impact Fees were discussed and at that time staff was directed to re-evaluate our current Traffic Impact Fees in light of the current economy and building

slowdowns and look at ways to delay certain projects and reduce Traffic Impact Fees. Mr. Wittry reported that an analysis has been completed by staff and staff is suggesting the delay of three specific projects that were included in the 2007 report, specifically Highway 25 widening, the Union Road (East) and Union Road (West). Mr. Wittry stated that staff is recommending the postponement of these three projects and reduce the Traffic Impact Fees on an interim level to approximately \$11,000. Mr. Wittry emphasized that this is an interim process that is being recommended.

Board members provided input and posed questions to Mr. Wittry.

Scott Fuller, San Juan Oaks Golf Club, addressed the Board thanking the ad hoc committee of Supervisor Botelho and Barrios for getting this done quickly.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, adopted **Resolution No. 2010-92** establishing an interim Traffic Impact Fee of \$11,995 per new residential unit. (Unanimous)*

Supervisor Loe made a motion to direct Planning staff to come back with some kind of format for a survey and some kind of documentation of the process or some kind of letter from the applicant basically stating how much material they bought locally and how many local people benefit from jobs by the building being done. Supervisor De La Cruz seconded the motion.

County Counsel Matt Granger stated this could be construed as a Brown Act Violation since it was not listed on the agenda.

Chairman Monaco directed staff to place this item on the Consent Agenda for the next Board meeting of August 10, 2010 to direct staff to come back with a format for a survey template as requested by Supervisor Loe. File #105

AFTERNOON SESSION 1:30 P.M.

PLANNING & BUILDING DEPT. – C. Woodbury:

- 18) 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 *(Continued from the June 22, 2010 meeting)*

Interim Planning Director Cathy Woodbury reported that Mr. Leal has made great progress on bringing all of the property into compliance with codes and regulations and everyone has been very cooperative.

Ms. Woodbury referred to the report in the Board's packet that listed the various issues that they have been dealing with and provided an update with regards to the following issues: Traffic Study, Noise, Building Permits, Barrel Room, Tasting Room, Tent/Canopy Structure, Bridal Room and Service Area, Vineyard House & Tower House, Wine Cave, Parking, ADA Compliance and Turn Lane.

Lengthy discussion and question and answer period ensued. Board members provided input.

Matt Kelley, Kelley Engineering, addressed the Board on behalf of Mr. Leal reporting that two new hydrants have been installed in the Lavanda area.

Mr. Kelley reported that in the Barrel Room the exiting corridor has been constructed with the exception of the fire doors which have been ordered and expected to be here within six weeks. Mr. Kelley further reported that the fire sprinkler system has been installed and expected to be complete on Thursday, August 5th. Mr. Kelley stated he would be working on the event plan in the next coming weeks. Mr. Kelley also noted that five of the eight building permits that have been issued are now final.

Mr. Kelley further stated that the outstanding permits include the fire sprinkler system to be completed by Thursday; the exiting corridor in the Barrel Room which also includes the wine barrel rack system and the third item is the structural requirements for the tent and that construction hasn't started yet.

Mr. Kelley reported that with regards to the wine cave there isn't any exploring going on and it has been made extremely clear to Mr. Leal by Fire Chief Itson that it is not a wine cave but a storage room.

Mr. Kelley also addressed the parking issue on Maranatha stating that a previous Condition made with regards to the parking has to be removed.

Discussion ensued with regards to the Vineyard House and what Mr. Leal plans for its usage and getting it permitted and making it compliant for whatever use he plans.

County Counsel Matt Granger explained the Use Permit process with regards to the Vineyard House and how it will be used. County Counsel Granger stated that if it is stand alone project there is no current zoning code on the property that would allow a Bed & Breakfast or a use of that type so we have consistently been telling Mr. Leal and his attorneys that there is a lot of wisdom in processing these two homes together with the Conditional Use Permit.

Further discussion ensued with regards to the two houses and the fact that at this point in time the house cannot be used commercially.

Chairman Monaco directed Planning staff to get the zoning issue resolved and bring it back to the Board of Supervisors for clarification as to whether this is Rural Residential Zoning or Agricultural Zoning.

Bill Lee, appellant, addressed the Board stating that he appreciates the Board's work on this because the one issue that really triggered him to bring this whole matter to the Board of Supervisors was the noise. Mr. Lee stated that at the last meeting the Board directed the Planning Department staff to come back with something more concrete in terms of how he can be protected from noise in the future and this has not been done. Mr. Lee said he has an issue with self monitoring by Mr. Leal and he needs something more concrete.

Mr. Lee stated that there hasn't been a noise issue since this matter has been before the Board and he doubts that there will be a major noise problem between now and September 14th but Mr. Lee encouraged the Board to direct Planning Staff to come back with something more concrete than self monitoring for future possible noise problems.

Chairman Monaco stated that staff is moving to resolve the noise issue in a way that creates a Conditional Use Permit that Mr. Leal has to meet very specific conditions and will afford Mr. Lee the protection of living a life style of relative comfort which include things like time limits, limits on number of events, and a specific time for these to end. Chairman Monaco emphasized that these are conditions that will be in place and that Mr. Leal has to agree with in order to operate his business and if he does agree then the County has the power to basically stop him from having those uses.

Mr. Lee expressed concerns as to what process he would have to follow in the future if Mr. Leal didn't comply with the noise requirements.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, continued the matter to the September 14, 2010 meeting and to get some closure to all of the items that are listed by the Planning Department.*

Under the question. Supervisor Loe suggested that they add to the motion that the Planning staff could come back with a least at update on the August 24, 2010 meeting agenda.

Supervisor Barrios added Supervisor Loe's suggestion to have an update on the August 24, 2010 meeting to her motion. Supervisor Botelho concurred.

Chairman Monaco called for the question.

The motion 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 2:55 p.m. to August 10, 2010 at 9:00 a.m.

REB MONACO, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Linda Churchill, Clerk of the Board