



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING FEBRUARY 1, 2011 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Barrios, Botelho, Rivas, Muenzer and De La Cruz were present. Also present were County Administrative Officer Rich Inman, County Counsel Matthew Granger, and Clerk of the Board Denise Thome. Chair Barrios 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:**
Chair Barrios presented a Certificate of Recognition to "Friends of the San Benito County Free Library" for winning the 2010 National Friends of Libraries Week Award. Ruth Erickson accepted on behalf of the Friends of the San Benito County Free Library.
- d) **Public Comment:** Marty Richman expressed concern with the street vendors selling food. He noted that many parked near the schools. He indicated that they have no business licenses, no traceability and that the City of Hollister and the County needed to coordinate to do something.
Chair Barrios directed the County Administrative Officer Rich Inman to agendaize for the next Intergovernmental meeting.
- e) **Department Head Announcements:** There were no department head announcements.
- f) **Board Announcements, Introductions and Presentations:** Supervisor Botelho initiated further discussion with respect to street vendors and felt that Environmental Health and the Planning Department needed to be involved.
Chair Barrios directed that Environmental Health be at the next Intergovernmental meeting.
Supervisor De La Cruz spoke of the upcoming grand opening of McCarthy Park which was being constructed by the continuation high school.

Chair Barrios reported that the Gang Prevention Board was doing a bullying prevention project. She explained that it was a pro-active approach to training staff, students and parents. She noted that Cerra Vista School was holding a kick-off event on February 2, 2011 at 6:00 p.m. Chair Barrios reported that she, Supervisor Rivas and Supervisor Muenzer attended a presentation by USDA rural development on what is available from the USDA for rural counties. She stated that the county is over the 50,000 population and therefore did not qualify for much of the funding.

CONSENT AGENDA:

*Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** Consent Agenda Items with the exception of Items 3, 4, 5, 6 and 9 which were pulled for discussion and item 1 which was pulled by County Administrative Officer Rich Inman from the agenda to be brought back at a later date. (Unanimous)*

AGRICULTURAL COMMISSIONER - R. Ross:

- 1) Approve contract with the California Department of Food & Agriculture for Pest Detection Trapping Services effective July 1, 2010 through June 30, 2011, in the amount of \$48,776.

This item was pulled from the agenda to be brought back at a later date.

ASSESSOR'S OFFICE – T. Slavich:

- 2) **Adopted Resolution No. 2011-8** approving a compatible use request on an agricultural preserve (Contract Numbers 68-013, 87-004, 88-003, 89-013, 90-001 and 91-003, Lone Ranch, LLC); **adopted Resolution 2011-9** approving a lot line adjustment with an agricultural preserve (Contract Number 84-014, Edwards; and **adopted Resolution No. 2011-10** approving the division of one agricultural preserve (Contract Number 72-10, Oveyssi). *File #7*

COUNTY CLERK/RECORDER – J. P. Gonzalez:

- 3) **Adopt Resolution authorizing the County Clerk to render all necessary election services for the County Service Area (CSA No. 53) Mail Ballot Election to be held on May 3, 2011.**

Item was pulled for typographical error. The date on the third paragraph should be January 25, 2011 and *not* February 25, 2011.

BOARD ACTION: *Upon motion duly made by Chair Barrios and seconded by Supervisor Botelho, **adopted Resolution No. 2011-11** authorizing the County Clerk to render all necessary election services for the County Service Area (CSA No. 53) Mail Ballot Election to be held on May 3, 2011, with corrections as stated. (Unanimous) File #285*

HEALTH & HUMAN SERVICES AGENCY - K. Flores:

- 4) **Receive and approve the HHSA Director's report and approve the sub-recipient contract for the 2011/2012 Community Development Block Grant (CDBG) with the Community Food Bank of San Benito County for the period of February 1, 2011 through June 30, 2012, for the amount not to exceed \$110,000. (CSWD)**

Item was pulled for discussion.

Mary Ann Hughes, Executive Director of Community Food Bank, commented at how they were thrilled to be working with the County on this program.

BOARD ACTION: Upon motion duly made by Supervisor Botelho and seconded by Supervisor Rivas, **received** and **approved** the HHSA Director's report and **approved** the sub-recipient contract for the 2011/2012 Community Development Block Grant (CDBG) with the Community Food Bank of San Benito County for the period of February 1, 2011 through June 30, 2012, for the amount not to exceed \$110,000. (Unanimous) File #939

- 5) **Receive and approve the HHSA Director's report and approve the sub-recipient contract for the 2010/2011 Community Development Block Grant (CDBG) with the Homeless Coalition of San Benito County for the period of January 1, 2011 through June 30, 2012 for the amount not to exceed \$100,000. (CSWD)**

Item was pulled for discussion

Doug Emerson of the Homeless Coalition thanked the Board for the funding.

BOARD ACTION: Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **received** and **approved** the HHSA Director's report and **approved** the sub-recipient contract for the 2010/2011 Community Development Block Grant (CDBG) with the Homeless Coalition of San Benito County for the period of January 1, 2011 through June 30, 2012 for the amount not to exceed \$100,000. (Unanimous) File #939

- 6) **Receive and approve the HHSA Director's report and approve the sub-recipient contract for the 2010/2011 Community Development Block Grant (CDBG) with Friends of the Library for the period of February 1, 2011 through June 30, 2012 for the amount not to exceed \$40,000.**

Item was pulled for discussion.

Harriet Brin, Treasurer of the Friends of the Library, thanked the Board for considering the grant. She explained many of the positive effects the program produces.

Chair Barrios stated that there was a typographical correction on page 2-3, where 2 was listed twice instead of 3. It was noted that a corrected page 2-4 was submitted.

BOARD ACTION: Upon motion duly made by Chair Barrios and seconded by Supervisor Muenzer, **received** and **approved** the HHSA Director's report and **approved** the sub-recipient contract for the 2010/2011 Community Development Block Grant (CDBG) with Friends of the Library for the period of February 1, 2011 through June 30, 2012 for the amount not to exceed \$40,000, with corrections as stated. (Unanimous) File #939

- 7) **Approved budget augmentation in the amount of \$155,000 from Community Development Block Grant (CDBG) to reflect grant activities that will be performed in FY 2010/11. (4/5 vote) File #130**
- 8) **Appointed Jerry Muenzer to the Community Action Board as a District #4 representative effective January 11, 2011 and concurrently with his term as a Board of Supervisors for San Benito County. File #939**

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 9) **Accept all responsive bids received on December 21, 2010; find that the bid received from John Valasque was not responsive; award contract to Forster & Kroeger Landscape Maintenance, as the lowest responsive, responsible bidder for Landscape Maintenance Services at County Service Areas 46 Quail Hollow, 47 Oak Creek and 53 Riverview Estates for the period of February 1, 2011 through June 30, 2016, for an annual amount not to exceed \$13,440.**

Item was pulled for discussion.

Discussion was had by Board members and questions were answered by staff in regards to the bidding procedure.

BOARD ACTION: *Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **accepted** all responsive bids received on December 21, 2010; and **found** that the bid received from John Valasque was not responsive; and **awarded** the contract to Forster & Kroeger Landscape Maintenance, as the lowest responsive, responsible bidder for landscape maintenance services at County Service Areas 46 Quail Hollow, 47 Oak Creek and 53 Riverview Estates, for the period February 1, 2011 – June 30, 2016, for an annual amount not to exceed \$13,440.00; and **waived** Provision 4.5(b) of the Purchasing and Contracting Policy Manual requiring the recertification or renegotiation of contracts every three years, as the budget for these services is established by an approved property-related fee for a five year period; and, **approved** the contract and **authorized** the chair to sign. (Unanimous) CSA File*

REGULAR AGENDA:

ADMINISTRATION – R. Inman:

- 10) **Determine appropriate date in March 2011 for a Board Retreat.**

County Administrative Officer Rich Inman asked Board members to determine a date in March to have their annual Board retreat to discuss issues of concern.

The recommendation from the Board was to hold the annual retreat of the Board of Supervisors on Thursday, March 10, 2011 from 8:00 a.m. to 2:00 p.m. at the Behavioral Health Center conference room.

INTERNAL SERVICES – R. Inman:

- 11) **Receive Annual Impact Fee Report for the fiscal year 2009/2010. Reports are available for public review until February 22, 2011 at the Clerk of the Board, 481 Fourth Street, Hollister, California.**

Margie Riopel gave a staff report.

Discussion ensued by supervisors and staff.

County Administrative Officer Rich Inman stated that he would put the topic of prioritizing which impact fees to tackle first on the retreat agenda.

Members of the public speaking on the matter were; Marty Richman, Hollister resident and Richard Bettencourt, Hollister resident.

County Administrative Officer Inman summarized that the traffic impact fees were on the table currently and they would discuss which impact fees to address and when they could get to it, at the retreat.

BOARD ACTION: Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **accepted** the Annual Impact Fee Report for the fiscal year 2009/2010. (Unanimous) File # 119.2

PLANNING DEPARTMENT – G. Armstrong:

- 12) Approve Amendment #3 with Precision Inspection Company, Inc to extend term of contract for Building Division Services from June 30, 2011 to June 30, 2016; waive Provision 4.5 (b) of the Purchasing and Contracting Policy Manual requiring the recertification or renegotiation of contracts every three years, as Precision Inspection Company is not increasing costs or requesting any contact modifications for five years.

Planning Director Gary Armstrong gave a staff report. He noted that the amendment extended the current contract, with no increases, for five years. He added that Precision's charges were 75% of the fees collected.

Frank Garden, SEIU Local 521, strongly opposed the contract and felt Precision had not lived up to the agreement. He proceeded to list specific details. He asked to meet with the supervisors before they approved.

Marty Richman, Hollister resident, expressed concern that a member of the public, a union representative, accusing an outside contractor of taking money for work they have not done, waiting until the contract is up for renewal before reporting it. He doubted that all county employees lived in Hollister and added that if something illegal was being done, they should have gone to the District Attorney.

Discussion ensued and supervisors' questions were answered by staff.

Upon motion duly made by Supervisor Botelho and seconded by Chair Barrios, moved to approve amendment #3 with Precision Inspection Company, Inc. Supervisors Rivas, De La Cruz and Muenzer voted no. The motion failed 2 to 3.

BOARD ACTION: Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Rivas, moved to **continue** the matter to March 1, 2011 meeting allowing time for SEIU to present a proposal to the Board to cut costs. Supervisor Botelho and Chair Barrios voted no. The motion passed 3 to 2. File #790

Planning Director Armstrong noted that the contract with Precision Inspection Company, Inc. did not expire until June 11, 2011.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 13) Adopt Resolution authorizing one or more of its members to file written arguments in support of the ballot measures presented to the voters at the May 3, 2011 All-Mail Ballot Election for Riverview Estates, CSA No. 53. The Board is also requested to discuss and approve if desired, the argument attached to the staff report as "Exhibit A".

CSA Coordinator Lynette Redmond gave a staff report noting that the only change was the approval date.

BOARD ACTION: Upon motion duly made by Supervisor Muenzer and seconded by Supervisor Botelho, **adopted Resolution No. 2011-12** authorizing one or more of its members to file written arguments in support of the ballot measures presented to the voters at the May 3, 2011 All-Mail Ballot Election for Riverview Estates, CSA No. 53. (Unanimous) File CSA #53

CLOSED SESSION:

The Board adjourned into Closed Session at 10:50 a.m. and reconvened at 12:31 p.m.

- 14) Conference with Legal Counsel – Existing litigation (Subdivision (a) of Government Code Section 54956.9) Number of case(s): 1

Easley v. County of San Benito, et al.; U.S. District Ct, San Jose;

Case No. CV10-05520 JF

No reportable action. File #235.6

- 15) Conference with Legal Counsel – Anticipated Litigation.

Initiation of litigation pursuant to subdivision (c) of Section 54956:

Number of Cases: (1)

No reportable action. File #235.6

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, Rivas, Muenzer, De La Cruz, Barrios

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 12:33 p.m. to February 8, 2011 at 9:00 a.m.

MARGIE BARRIOS, CHAIR

San Benito County Board of Supervisors

ATTEST:

Denise R. Thome, Clerk of the Board