



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1  
Vice-Chair

Anthony Botelho  
District No. 2

Robert Rivas  
District No. 3

Jerry Muenzer  
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 JANUARY 21, 2014 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Muenzer, De La Cruz, Rivas, Botelho and Barrios were present. Also present were County Administrative Officer Ray Espinosa, County Counsel Matt Granger, and Clerk of the Board Denise Thome. Chairman Muenzer 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) **State of the County Address.**

Chairman Muenzer gave a state of the county address speaking of the challenges that face them and maintaining a level of service to the public with a fragile budget. He spoke of the success of the fire protection consolidation and the building of the new courthouse. He expressed a commitment to working towards law enforcement consolidation and completion of the General Plan by the end of the year. He spoke of the budget being a high priority and not only for next year's budget but also a five and ten year budget. Chairman Muenzer spoke of staff development and valuable and affordable training opportunities. He added that the CAO was looking at possible reorganization of departments or reorganization within departments for more efficiency. With respect to making the Board meetings productive and respectful, he asked his colleagues to join him in his commitment to hold effective, respectful public hearings. To minimize distractions, including technology such as using cell phones to text, surf the net and check e-mail during the meetings. He asked this of his colleagues, staff and the public. Minimize empty seats on the dais. He stated that he would have a break in the middle of each meeting and asked his colleagues to stay put during the rest of the time. A common commitment to courtesy and respect during the meetings.
- d) **Public Comment:**

Marvin Jones complimented Chairman Muenzer on his comments. He spoke in regards to AB 2780.

Denise Quintana, Child Support Services employee and S.E.I.U. Vice-president, commented that there was an item on the agenda today to impose cuts to county workers.

Chairman Muenzer told Ms. Quintana that she was to speak during the item which was #14.

e) **Department Head Announcements:**

County Administrative Officer Ray Espinosa reported that Governor Brown declared a drought and state reduction. He added that 27 counties received designation, including San Benito County. He indicated that they would have the San Benito County Water District come to the Board to highlight the issue. CAO Espinosa added that he and Supervisor Barrios had met with Assemblyman Alejo looking for his help with ERAF.

f) **Board Announcements:**

Supervisor Rivas reported that at the Emergency Medical Services meeting last week there was a cooperative agreement with the Hollister Fire Department to hold the first EMT academy. He indicated that it was a great deal for local residents and was from February 25 – April 19. He added that the course was offered to all individuals interested in becoming an EMT. He noted that it was a local first and an effort through last year's consolidation.

Supervisor De La Cruz reported on the Intergovernmental Committee meeting and how the issue of homelessness was discussed. He reported on the COG meeting that he and Supervisor Botelho attended and the discussion in regards to Highway 25.

Supervisor Botelho reported that he met with Assemblyman Alejo, Court Administrator Gil Solorio, Sheriff Thompson and Captain Bradley to discuss court security. He indicated that the courthouse would be opening in March and that Assemblyman Alejo was receptive to the issues the County faced. He hoped he would explore legislation or other means for security revenue. He noted that they also had the opportunity to talk about ERAF and felt that Assemblyman Alejo was going to carry legislation to address the issue. He asked that the CAO follow up.

Supervisor Barrios expressed her support for the Chairman's goals and endeavors for the year. She reported that she attended the 33<sup>rd</sup> Agricultural District meeting where they discussed Bolado Golf and the threat of closure because of lack of funds. She indicated that she would be talking to the Parks and Recreation Commission as it would be a shame to lose the golf course. She spoke of the informative Intergovernmental Committee meeting. Supervisor Barrios reported on a meeting in Marina with the County of Monterey Leadership Council to discuss regional help. She expressed support for the CAO with respect to the drought emergency and indicated that she would like the SBCWD at the next meeting along with a resolution of support.

Chairman Muenzer asked if Supervisor De La Cruz was asking for a resolution regarding Highway 25.

Supervisor De La Cruz replied no and that there would be a round table discussion and that he would report back from COG.

Chairman Muenzer asked Supervisor Botelho if he wanted a resolution re: ERAF.

Supervisor Botelho suggested a letter requesting what the steps are, for the Assemblyman's office. He added that they would be moving beyond verbal dialogue they had and submitting a written request.

CAO Espinosa stated that he would create a letter to Assemblyman Alejo reiterating the discussion and carrying a bill for them.

#### **CLOSED SESSION:**

Speaking under public comment were Wendy Solorio, Denise Quintana, Alisha Cardenas and Marty Richman.

The Board adjourned into Closed Session at 9:32 a.m. and reconvened into regular session at 10:39 a.m.

- 1) **Conference with Labor Negotiators:**  
**Agency designated representatives: Dana Torres Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, and Georgia Cochran**  
**Employee Organizations: Management Employees' Group**  
**Institutions Association**  
**SEIU Local 521 (General Unit Employees)**  
**SEIU United Long Term Care Workers Local 6434**  
**Law Enforcement Management**  
**Authority: California Government Code Section 54957.6**  
*No reportable action was taken. File #235.6*

Chairman Muenzer stated that the Consent Agenda would be considered in the afternoon and they would go to item #14 at this time.

#### **CONSENT AGENDA:**

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda Items with the exception of Items 8, 11, 12 and 13 which were pulled for discussion. (Unanimous)*

#### **BOARD OF SUPERVISORS:**

- 2) **Approved** Certificate of Recognition for Chamber of Commerce Man and Woman of the Year and Businesses of the year for 2014, to be presented at a later date. *File #156*

#### **CLERK OF THE BOARD – D. Thome:**

- 3) **Approved** the action minutes of the October 22, 2013 special meeting, December 3, 2013 regular meeting and the December 17, 2013 regular meeting.

#### **COUNTY COUNSEL – M. Granger:**

- 4) **Honored** the request from the Hollister Elementary School District in regards to School District Tax and Revenue Anticipation Notes (TRANS) and **authorized** the Clerk of the Board to date, sign and return the attached Memorandum to Orrick, Herrington & Sutcliffe LLP, no later than February 19, 2014. *File #13*

**PLANNING DEPARTMENT – B. Turner:**

- 5) **Approved** Reimbursement Agreement regarding Brigantino Development, to fully recover County costs to review and process this project involving 44.7 acres off of Southside Road. *File #15*

**PLANNING DEPARTMENT – B. Turner:**

- 6) **Approved** Reimbursement Agreement with Hollister Enterprises, LLC, to fully recover County costs to review and process this project regards to the proposed “Roberts Ranch” subdivision located off of Fairview road adjacent to the Cielo Vista Subdivision. *File #790*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 7) **Approved** agreement with City of Hollister for the Design, Construction, Maintenance and ownership of a Joint Underground Fiber Optic Cable Project. *File #105.3*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 8) **Approve Budget Adjustment increasing Public Works Road Maintenance Fund by \$1,218,413.93 from \$3,208,211.00 to \$4,426,624.93. (4/5 vote)**

This item was pulled for discussion.

Supervisor Barrios asked if this was additional monies.

Public Works Director Steve Wittry replied that it was not new money and was a realignment to clean up the process.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** the budget adjustment increasing Public Works Road Maintenance Fund by \$1,218,413.93 from \$3,208,211.00 to \$4,426,624.93. The motion passed 5-0. File #105*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 9) **Approved** contract Amendment #1 with Xerox for one Xerox copier, for a period of 60 months through December 17, 2018, in the amount of \$4,375/year; and authorize the IT Manager or Designee to sign said lease agreement. *File #105*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 10) Find competitive bidding would not be in the public interest because local vendor Tiffany Ford and Mercury of Hollister can provide the same vehicle at a lower price than the Federal Government; **authorized** a purchase order to Tiffany Ford and Mercury of Hollister, for the one fleet van, in an amount not to exceed \$29,847.42; and **authorized** the Public Works Administrator to sign purchase order. *File #105*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 11) **Find that competitive bidding would not be in the public interest because NJPA Cooperative Agreements achieve county purchasing requirement through its competitive bid process; authorize the issuance of a purchase order to Hollister Auto Parts (NAPA), for one (1) Tire Machine package, in the amount of \$18,296.82; and authorize the Public Works Administrator to sign purchase order.**

This item was pulled for discussion.

Supervisor Botelho asked if they had that many flat tires.

Public Works Administrator Steve Wittry stated that they picked up a lot of nails, at least a tire a day, and that it would pay for itself in 3 years. He added that there had been discussion with COG to split the cost of the machine.

Supervisor De La Cruz asked about the lifespan.

Mr. Wittry replied the machine's lifespan was about 10 to 12 years.

Supervisor De La Cruz asked about how many tires a year, roughly.

Mr. Wittry answered that they replaced about 5 a week, so about 250 a year.

There was no public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios **found** that competitive bidding would not be in the public interest because NJPA Cooperative Agreements achieve county purchasing requirement through its competitive bid process; **authorized** the issuance of a purchase order to Hollister Auto Parts (NAPA), for one (1) Tire Machine package, in the amount of \$18,296.82; and **authorized** the Public Works Administrator to sign purchase order. (The motion passed 5-0) File #105*

### **PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 12) **Approve contract amendment #1 with Rincon Consultants, Inc., for professional services to prepare an environmental impact report for the River Parkway/Regional Park Master Plan Project in the amount of \$18,790.**

This item was pulled for discussion.

Supervisor Botelho asked with respect to the closing of Nash Road, if further traffic studies were needed.

Public Works Administrator Steve Wittry reported that they were expanding the scope of the traffic consultant and it was now on the table with the same consultant. He explained they were working on that and would do a model. He added that the school would not be paying with cash dollars but with the transfer of land.

Supervisor Botelho was still not 100% sure it was the right thing to do. He questioned closing Nash Road completely and the impact of traffic on the neighborhood and getting around that. He added that it would make emergency access a lot more difficult with the proposed route. He did not like their bargaining position and suggested keeping it open during non-school hours instead of shutting down.

Supervisor Barrios assured Supervisor Botelho that she and Supervisor De La Cruz were involved in the whole conversation with the Intergovernmental Committee. She stated that it was going to make it easier to negotiate where they were going to go with these studies.

Mr. Wittry stated that there was hard data to show what would happen to the traffic.

Supervisor Barrios stated that they were asking for land in kind and it wouldn't go unnoticed.

Supervisor Botelho indicated that as long as they were keeping track, they should explore other options besides just closing Nash Road. He noted that the Master Plan for the high school had 4 to 5 ball fields and the Regional Park planned to have 4 down below. He felt that 8 ball fields was a lot.

Chairman Muenzer concurred with Supervisor Botelho. He indicated that he heard a lack of commitment from the City and they should continue until they get a commitment from the high school and the City.

Supervisor Barrios stated that it needed to move forward.

Chairman Muenzer asked why the County was bearing the full brunt.

Mr. Wittry indicated that this part out of the high school was from the negotiation process and they didn't have anything in writing. He added that it was a lot of trust and faith.

Supervisor Botelho stated that the only way he could support it is with the temporary closing of the road during school hours.

Mr. Wittry explained that the concern was that the gym is situated across the road and there was difficulty with after school events. He further explained when the gym was used, there were students trying to get back and forth and there were no campus supervisors. He noted that the lockers and the gym were on different sides of the road. He reported that there was mention of a seasonal closing.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** contract amendment #1 with Rincon Consultants, Inc., for professional services to prepare an environmental impact report for the River Parkway/Regional Park Master Plan Project in the amount of \$18,790. (The motion passed 4 -1 with Supervisor Botelho voting no.) File #105.3*

#### **TREASURER-TAX COLLECTOR – M. L. Andrade:**

- 13) **Adopt Resolution delegating authority to the county treasurer to invest and reinvest county funds and other depositors' funds in the county treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law.**

This item was pulled for discussion.

Chairman Muenzer asked Treasurer-Tax collector Mary Lou Andrade to explain the item.

Treasurer-Tax Collector Mary Lou Andrade explained that it was an annual item required by law delegating authority to the County Treasurer to invest and reinvest their securities.

The Chairman called for public comment.

Richard Bettencourt did not understand why they didn't ask what she's investing in and felt the public should know.

Supervisor Barrios stated that she receives a quarterly report from the Treasurer and hoped the other supervisors received one as well.

The Chairman closed public comment.

Ms. Andrade stated that the investment report was on their web page on the county website. She added that there was a copy in their office for the public to look at and the public could get a copy at cost.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **adopted Resolution No. 2014-6 delegating** authority to the county treasurer to invest and reinvest county funds and other depositors' funds in the county treasury or to sell or exchange securities so purchased, pursuant to the requirement of state law. (The motion passed 5-0) File #685.2*

**REGULAR AGENDA:**

**COUNTY ADMINISTRATION OFFICE – R. Espinosa:**

- 14) **Consideration of Non-Binding Fact-finding recommendations, Discussions of Impasse and Unilateral Implementation of Changes in Wages, Hours and Terms and Conditions of Employment for Employees in the Service Employees International Union, Local 521; and adopt Resolution Option 1 or 2, as listed on Agenda Item Transmittal.**

CAO Ray Espinosa thanked the administrative staff, S.E.I.U. labor relations teams and employees for the hard work noting that it was a difficult time for all. He explained that they were still not out of the woods regarding the depression. He added that pensions, healthcare and OPEB costs were rising throughout the state. He stated that costs were rising faster than revenue and it was coming in a ripple effect on the budget. He noted that they had to cut reserves to balance the budget to meet obligations. He reported that staff recommended moving forward with the last, best and final offer, option #2. He spoke of additional costs incurred in the way of not realizing savings and legal fees of about \$150,000. He surmised that they could no longer kick the can down the road.

Dania Torres Wong, lead from Renee Sloan Holtzman Sakai, gave a PowerPoint presentation.

Burke Dunphy of Renee Sloan Holtzman Sakai, spoke to the financial issues.

Ms. Torres Wong explained the two options and indicated that staff was recommending option #2.

Those speaking under public comment were; Henry Soria, Wendy Solorio, Marty Richman and Alisha Cardenas.

Chairman Muenzer closed public comment.

Supervisor Botelho commented that it had been a real tough job sitting there the last 4 to 5 years. He stated that they had two options and neither one was very good. He added that he did not take pleasure in effecting the net pay of SEIU county workers. He commented that he did not take it lightly and county revenues have not recovered to pre-recession time and will not. He explained that his worst decision as a supervisor was 3 years ago voting for the SEIU contract which turned out to be a mistake. Supervisor Botelho stated that they asked leadership of this county to make concessions and they all did except SEIU. He wished SEIU had done so a few years ago. He expressed that he had to support option #2 and hoped things got better as time went on. He felt it was the new reality and not unreasonable to ask employees to pay their portion of PERS. He admitted that it was a tough decision but he wanted to see the county remain prosperous and provide services to the county and keep staffing levels.

Supervisor Barrios stated that it was a sad day in San Benito County and that Supervisor Botelho had said it well. She indicated that she would also support option #2 noting that they had to be fiscally responsible. She added that if they had been fiscally responsible, they wouldn't be here today.

Supervisor Rivas stated that in the end they needed an equitable labor agreement to meet the needs of the workers and county taxpayer. He thought that moving forward with option #1 was the best way not to slap the employees in the face.

Supervisor De La Cruz support Supervisor Rivas and option A.

Chairman Muenzer stated that they had tried over the last two years and have been rejected. He continued by stating that they had tried to ease it in over the last two years and have been rejected. He indicated that the tentative agreement agreed to by the bargaining unit which would have eased in was rejected by the SEIU body.

County Counsel Granger presented changes on attachment A of the resolution on 8.9 and 14.1.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **declined** to accept the fact-finder's non-binding recommendations and **adopted Resolution No. 2014-5**, with changes as presented by County Counsel, **implementing** changes in wages, hours and terms and conditions of employment for employees in the Service Employees International Union, Local 521 (SEIU), which incorporates the changes in the language to the MOU consistent with the County's last, best and final offer and **authorized** the County Administrative Officer to take the necessary administrative actions appropriate to effectuate the purpose and intent of this action. (The motion passed 3 – 2 with Supervisors Rivas and De La Cruz voting no) File #119*

The Board adjourned to lunch at 12:02 p.m. and reconvened into regular session At 1:30 p.m. Upon reconvening the Board heard the Consent Agenda.

#### **PUBLIC WORKS DEPARTMENT – S. Wittry:**

15) **Receive report and presentation on the progress and design of the AB900 Jail Expansion project.**

Sheriff Darren Thompson indicated that they were there to give a progress report.

Project Manager Adam Goldstone gave a PowerPoint presentation.

Chairman Muenzer asked who is responsible for the cost overrun.

Mr. Goldstone replied that it was on the County

John McAllister from HMC Architect and architect for the project explained that they have a particular expertise in this type of project. He continued with the PowerPoint presentation and reported that they were where they needed to be in this stage of the project.

Supervisor Botelho asked how they were going to staff it and if the design concept would take into account minimal staffing.

Mr. McAllister replied absolutely and their primary concern was to minimize staffing requirements and it was designed to an absolute minimum requirement for staffing.

Mr. Goldstone added that was one of the primary goals they had tasked them with along with staying under budget.

Supervisor Barrios asked if the state mandates a certain level or if there was flexibility.

Mr. Goldstone replied that it was a little of both. He explained that there were established ratios of staff per inmate but they had flexibility with other aspects of the facility.

Mr. McAllister noted that it was master planned for additional beds into the future. He added that they had been able to add more project components within the budget and that they were within 3% of the budget. He proceeded to give an outline and projected that construction should be completed in 2017 with occupancy shortly thereafter. He indicated that they were on schedule.



Supervisor Barrios asked if there was a challenge connecting the old to the new and how would it be done.

Mr. McAllister explained that it was done with an exterior covered walkway with an expansion joint of one inch.

Mr. Wittry stated that no action was required.

Chairman Muenzer stated that they have to come in under budget and there should be no surprises. *File #120.5*

**PUBLIC WORKS DEPARTMENT – S. Wittry:**

- 16) **Adopt Resolution to modify the AB900 Jail Expansion Project's approved project scope summary as required by the California Board of State and Community Corrections; adopt an addendum to the adopted final Mitigated Negative Declaration. (Res. No. 2014-7)**

Public Works Administrator Steve Wittry gave a staff report.

Supervisor Barrios asked if they would still have areas with higher security.

Mr. Wittry explained that the existing jail facility was still in use for higher security and that this was going to be a joint facility.

There was no public comment.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios, **adopted Resolution No. 2014-7 to modify** the AB900 Jail Expansion Project's approved project scope summary as required by the California Board of State and Community Corrections; adopt an addendum to the adopted final Mitigated Negative Declaration. (The motion passed 5-0) File #120.5*

**COUNTY COUNSEL – M. Granger:**

- 17) **Approve agreement with Meyers, Nave, Riback, Silver and Wilson for legal services related to the acquisition of right-of-way for the Hospital Road Bridge and Union Road Bridge projects, for an amount not to exceed \$50,000.**

County Counsel Matt Granger gave a staff report.

Deputy County Counsel Shirley Murphy explained that they may need to issue a request for an eminent domain if it gets to that point. She believed this would enable them to resolve most if not all acquisition on these projects.

Supervisor De La Cruz questioned the rate of \$325 per hour.

Ms. Murphy stated that she was a partner and with someone at her level, this was a good deal. She added that with her level of expertise she turns things around quickly and that her estimates and bills are low.

There was no public comment.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** agreement with Meyers, Nave, Riback, Silver and Wilson for legal services related to the acquisition of right-of-way for the Hospital Road Bridge and Union Road Bridge projects, for an amount not to exceed \$50,000. (The motion passed 5-0) File #105*

Chairman Muenzer asked if it went to eminent domain if they would come back with an additional contract.

Ms. Murphy answered that yes it would be a new contract with a resolution of necessity first as well.

Public Works Administrator Steve Wittry explained that there would very likely be another contract with property negotiation and that it was not the final step by any measure.

**PLANNING DEPARTMENT – B. Turner:**

**18) Receive progress report on the General Plan Update.**

Interim Planning Director Byron Turner stated that the new consultant is reviewing the documents provided by Mintier-Harnish and there was not a lot of output during this period. He explained that there were two upcoming meetings with the Board of Supervisors. He stated that the first would be an introduction to the process by the consultant and how they see them proceeding. The second will be an in depth workshop review of each individual change. He hoped to include the Board of Supervisors and the Planning Commission at the same time. He added that the Planning Commission requested that it take place at night. He estimated coming back at the next meeting and if not the one after.

Chairman Muenzer stated that he wanted this done. *File #790*

**PLANNING DEPARTMENT – B. Turner:**

**19) Receive progress report on the Resource Recovery Park project.**

Interim Planning Director Byron Turner gave a PowerPoint presentation and stated that it would be before the Board on February 4, 2014.

Supervisor Rivas asked if there would be a final decision at the upcoming meeting in February.

Mr. Turner stated that he believed so.

Supervisor Barrios asked if they invented the Resource Recovery Park zoning.

Mr. Turner explained that they looked at other counties and kind of developed their own.

Supervisor Botelho thanked staff and the Planning Commission for time spent on this. He added that the County had gone out of its way to make sure it was a good project. He stated that it was a benefit to the County, created jobs and held down waste.

Supervisor Barrios indicated that there were still concerns out there and that they had requested a town hall meeting on the 27<sup>th</sup>.

Chairman Muenzer asked if there were additional conditions.

Mr. Turner replied that there were two additional conditions and they were at the Planning Commission meeting. One was for landscape review to go to the Planning Commission as opposed to being signed off by staff and an annual review with reporting to the Planning Commission.

There was no public comment. *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: Muenzer, De La Cruz, Rivas, Botelho, Barrios  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 2:43 p.m. to February 4, 2014 at 9:00 a.m.

**JERRY MUENZER, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**  
Denise R. Thome, Clerk of the Board