



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 MARCH 4, 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) **PRESENTATIONS & RECOGNITIONS:**

BOARD OF SUPERVISORS:

Present Certificate of Recognition to Ruth Erickson for 30 Years on the Board of the Friends of the San Benito County Free Library and a volunteer and advocate since 1983.

Supervisor Barrios presented the Certificate of Recognition to Ruth Erickson.

Ms. Erickson thanked the board and stated that it was an honor and privilege to serve the county library through thick and thin.

District Representative Bill Ritz representing Senator Cannella thanked Ms. Erickson for her 31 years of service. *File #156*

The Board adjourned into closed session at 9:05 a.m. and reconvened into regular session at 9:57 a.m.

CLOSED SESSION:

- 1) **Conference with Legal Counsel-Anticipated Litigation.**
Significant Exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9: Number of Cases: (1)
Closed session is authorized by Section 54956.9(d)(2),(3)(1)
No reportable action. File #235.6

2) **Conference with Legal Counsel-Anticipated Litigation.
Initiation of litigation pursuant to subdivision (d)(4) of
Section 54956.9: Number of Cases: (1)**

No reportable action. File #235.6

d) **Public Comment:** Those speaking under public comment were; Marty Richman, Marvin Jones and Keith Snow.

e) **Department Head Announcements:**

County Administrative Officer Ray Espinosa noted that they were continuing items 13, 14 and 15 and noted that S.E.I.U. had still not signed off on the M.O.U.

Health & Human Services Agency Director James Rydingsword introduced Lynn Mello, the new Director of Nursing. He spoke of the subsidized employment project that became effective March 1st wherein they could place up to 10 families at a time into 6 month training spots – fully paid. He noted that the goal was to move from welfare to regular employment.

Clerk-Auditor-Recorder Joe Paul Gonzalez gave an election update.

County Librarian Nora Conte reported that April 13 – 19 was National Library Week and April 14 at 6:00 p.m. they were having a celebration of volunteers working at the library. She gave an update of other library items.

f) **Board Announcements:**

Supervisor De La Cruz stated that he would be at the red ribbon cutting ceremony at the San Benito Health Foundation, that day at 4:00 p.m., for the new bus stop made possible through grant efforts through COG.

Supervisor Botelho requested for the Board to hear and allow he and County Counsel to work on a resolution and a joint authority agreement for the Highway 156 project. He added that it was not his intent to slow things down and felt the county should be part of the final process. He further suggested an agreement on how the county accepts frontage roads and conditions and requested that it be brought to the next meeting.

Chairman Muenzer felt that was a great idea and that Supervisor Botelho should talk to County Counsel and the CAO and put it on the agenda.

Supervisor Barrios reported that she attended a CSAC Board of Directors meeting via phone conference and made mention of their priorities for 2014.

CONSENT AGENDA:

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor De La Cruz, **approved** Consent Agenda Items with the exception of Items 3 and 6 which were pulled for discussion (Unanimous)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

3) **Approve contract renewal with CompHealth for Psychiatry services for the period of March 4, 2014 through June 30, 2015, for a maximum annual total of \$373,400.**

Supervisor Barrios stated that on this contract usually a fee is stated, an hourly rate, which she did not see.

Behavioral Health Director Alan Yamamoto explained that the agency has to negotiate a rate as they find a Psychiatrist I, for which he gave a range of \$170 to

\$180. He added that he has to agree on the psychiatrist and rate before approval.

Supervisor De La Cruz asked if non-English speaking patients wait longer for a psychiatrist.

Mr. Yamamoto replied no and that Spanish speaking patients on the telephone have an interpreter.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** contract renewal with CompHealth for Psychiatry services for the period of March 4, 2014 through June 30, 2015, for a maximum annual total of \$373,400. (Unanimous) File # 810*

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 4) **Adopt Resolution No. 2014-18 acknowledging** the 2014 Drought and supporting state and local water conservation measures. *File #156*

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 5) **Approved** the organizational transfer of the Office of Emergency Services (OES) Division from the Sheriff's Office to the County Administrative Office. *File #75.5*

COUNTY COUNSEL – M. Granger:

- 6) **Approve the legal services agreement with the law firm of Miller Starr Regalia for legal services related to the San Juan Oaks Specific Plan project, in the amount not to exceed \$200,625.**

Keith Snow, a member of the public, asked that the item be pulled so that he could comment.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **approved** the legal services agreement with the law firm of Miller Starr Regalia for legal services related to the San Juan Oaks Specific Plan project, in the amount not to exceed \$200,625 and amended to authorize the Chair to sign. (Unanimous) File #160*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) **Appointed** Mr. Ramiro Prado Jr. to the Workforce Investment Board for a three year term effective March 4, 2014 through March 4, 2017. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Appointed** Ms. Ana R. Jimenez to the Workforce Investment Board for a three year term effective March 4, 2014 through March 4, 2017. *File #130*

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

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) **Hold a public hearing to introduce and consider an Ordinance to repeal and replace Ordinance #637 providing for the Regulation of Ambulance and Emergency Medical Services and amending Chapter 11.09 of the San Benito County Code; continue to the April 1, 2014 meeting for adoption.**

Health & Human Services Agency Director James Rydingsword gave a staff report noting that the last time the ordinance was adopted was 1993 and this was

an update and replacement for that. He added that it provides for ambulance service in San Benito County.

The Chairman called for public comment.

Rebecca Jones, Director of the Emergency Department at Hazel Hawkins Hospital stated that they were unclear how, if in any way, this would affect the hospital.

Keith Snow stated that unless there was anything better they should go with that.

The Chairman closed public comment.

Assistant County Counsel Barbara Thompson stated that she could always modify it at the April meeting.

Supervisor Botelho felt they should continue it to April 1st.

Ms. Thompson noted that it would take two meetings.

Mr. Rydingsword stated that if there were any changes, they could highlight them.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **continued** to April 1, 2014 to **reintroduce** at that time and allow staff and other organizations to review changes in the proposed ordinance. (Unanimous) File #130*

REGULAR AGENDA:

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 10) **Review and discuss the report provided by BLM regarding the Record of Decision and approved Resource Management Plan for Clear Creek Management Area and provide direction to staff on how to proceed given the release of the Record of Decision.**

Rick Cooper, Field Manager of the Hollister Bureau of Land Management, gave a PowerPoint presentation. He noted that protests had been resolved and the final decision was made by the Office of the Interior. He indicated that the BLM would be opening it to the public on March 14th. He added that three gates were managed by the agency; one in Fresno and two in San Benito.

Supervisor Barrios stated that she was not happy. She indicated that changing the combination on an annual basis was cumbersome. She stated that it was not freedom for property owners and they were governing property owners on where and when they go. She gave an example of a property owner having a picnic for 100 people and each person would have to have a permit.

Mr. Cooper indicated that he was not saying that the permit process was not cumbersome at the start. He added that they were working with recreation government for issuing permits and group events. He stated that permits were \$5 for a vehicle and \$10 for an ATV. He added that private land owners do not pay a vehicle fee and they would have an annual pass they could go in on.

Chairman Muenzer asked if the owners did not have a fee but their guests would have to pay a fee.

Mr. Cooper stated that they would not have to pay a fee if they were just using the right of way to the landowner's parcel.

Supervisor Botelho expressed concern with the gates on the county road and asked why there were gates.

Mr. Cooper stated that they were access points with best use.

Supervisor Botelho asked what if the Board doesn't want gates on the county road and asked what made the BLM special. He felt it was a convenient way to limit access to citizens of the United States with this asbestos theory. He added that beyond principles, it was economics.

Mr. Cooper stated that there was no doubt that they have cooperated over the years with the county on the roads. He indicated that the county did not have the right of way for the roads in Clear Creek. He felt it needed to be addressed. He stated that the BLM would embrace them bringing that to clarify the situation. He stated that they previously attempted an agreement, but the county declined. He added that the county didn't want to get engaged in maintenance on the county road. Mr. Cooper stated that the county says they're their roads but don't maintain them. He noted that they incurred liability for an accident on that road and lost an award of 10 million dollars.

Supervisor Botelho felt clarity should take place before the gates are erected.

Mr. Cooper stated that the county has had the opportunity since 1976.

Supervisor Barrios stated that having a right of way does not require the county to maintain the roads. She added that the county does have a right of way but that it was a moot point as they were in the process of installing gates. She stated that if it's so dangerous they should erect a 12 foot fence. She indicated that until studies are conclusive and that there were no reports of asbestos related illness.

Supervisor Rivas stated that they could appeal but it can't be an email and it had to be in writing. He noted that the BLM plans to open up to public use on March 14th.

Supervisor Botelho asked about oil exploration and what if the BLM does oil leases.

Chairman Muenzer called for public comment.

Those speaking under public comment were; Don Amador representing Blue Ribbon Coalition, Keith Snow, Rodger Tiffin, Ray Iddings, Dee Murphy, Steve Wells, John Ortiz, Sharol Bernardo, Marvin Jones, Francisco Agrew, Mike Soberanes, Bruce Brazil and Marty Richman.

There being no further speakers, the Chairman closed public comment.

Supervisor Botelho stated that roads were a major concern. He commented that the economic and social impact this plan had was immeasurable. He stated that they could take down the gate that was erected, eliminate plans for the second gate and formulate alternatives. He expressed concern with permits and having to apply in Hollister. He agreed that the appeals had to be in writing and not emails. He felt it was an inconvenience to citizens. He suggested that they could reevaluate the gate and make their working relationship solid.

Mr. Cooper stated that if they were going to delay the unlocking of the gates they would need to have a discussion with County Counsel and BLM's Counsel to determine the appropriate procedure to determine long term ownership of the road. He added that the status of the road would be helpful.

Chairman Muenzer thanked everyone for coming and appreciated their concern. He encouraged them to contact their congressman and senators for support of the bill. He indicated that he had had a time with them putting up gates and making private property owners jump through hoops.

Chairman Muenzer noted that it was the consensus of the Board that Mr. Cooper was willing to meet with County Counsel and BLM's Counsel.

Supervisor Botelho asked, in the meantime, if Mr. Cooper was committing to keeping the gates open.

Mr. Cooper stated that he never intended to close the gates for another 30 days and they may not even have the gates set up because it's pretty wet. He stated that in the meantime they could get together and discuss. He added that he would be glad to come back and revisit.

Supervisor Botelho felt that it should be on the agenda for a future date before anything happens with the roads.

Mr. Cooper stated that he was okay with that and a short time frame.

Chairman Muenzer asked if they have to appeal.

County Counsel Matt Granger stated that they could meet with BLM and an appeal could be filed by the March 14th deadline.

Chairman Muenzer gave direction to go forward with the appeal.

Mr. Granger stated that they could pursue an appeal of the agency's decision and file by March 14th. He added that Rick Cooper and his attorney could contact his office to arrange a meeting ASAP. *File #755*

The Board adjourned for lunch at 12:06 p.m. and reconvened into regular session at 1:30 p.m.

PLANNING DEPARTMENT – B. Turner:

11) Review and discuss landowner requests regarding the General Plan Update and direct staff accordingly.

Interim Planning Director Byron Turner stated that the purpose of the meeting was that over the last five years requests for updates to the General Plan have been made. He indicated that they had collected the requests and went to the General Plan Advisory Committee (GPAC) who discussed the concept and they didn't want to discuss or look at specific properties. He proceeded to give a PowerPoint presentation. He spoke of two areas that were included on the map already. He indicated that there was discussion by the Board about Aromas and Tres Pinos and they could be included at some level as they had already received direction from the board in meetings in the past. He stated that the other one is the wine corridor overlay and that it would be amended and they didn't need direction. He stated that individual properties had not been analyzed by staff and if they address them it will change the timeframe. He concluded if they did not include them they would have a meeting on the 19th. Mr. Turner concluded that the question that day was if they wanted to entertain requests at that time.

Supervisor De La Cruz stated they would have to decide policy whether to allow or not.

Chairman Muenzer asked the dollar amount per application that would be added to the budget and how much time it would take.

Mr. Turner replied that it would be a case by case basis.

Chairman Muenzer asked for a ballpark figure.

Michael Groves of EMC Planning Group estimated that it would be about \$5,000 to \$10,000 for a ballpark estimate but that it could be a lot more or a lot less each.

Chairman Muenzer asked for an estimate of time it would take.

Mr. Groves replied that it depended on what it was. He stated that if they considered taking the meeting on the 19th to consider requests, it could add three to four months to the timeframe.

Supervisor De La Cruz stated that any allocation requires a 4/5 vote.

County Counsel Matt Granger stated that with budget adjustments all amounts are subject.

County Administrative Officer Ray Espinosa brought up the contingency set aside.

Supervisor De La Cruz noted that would also require a 4/5 vote.

CAO Espinosa concurred.

Mr. Groves stated that the \$25,000 set aside was at Mr. Turner's discretion. He added that it was intended for decisions for extra meetings, which they may get into later. He added if they use it up, but it was a fairly small budget.

Supervisor Barrios spoke of commercial corridors. She asked if it was possible to not rezone and designate areas instead and if they would have the leeway to do that so as not to slow down the process.

Mr. Turner brought up the preferred method. He added that within these general areas you could be found consistent and could consider applications in the future.

Mr. Groves stated that in their initial research, the area there was already approved and directed by the board to be included as residential, designated for two different types of residential. He added that it wasn't transferred to the land use map and it was an error. He indicated that they discovered it and absorbed that as part of the contract and they made it right. He stated that Aromas industrial may use land for heavy industrial, or asterisk conditions for future heavy industrial. He added that dots on the map defined what they mean.

Supervisor Barrios asked about doing that on the March 19th meeting.

Mr. Groves stated that the 19th would be there before they knew it and there was a lot to be done. He noted every comment on the General Plan and EIR and they were trying to get the definitions done.

Supervisor Botelho stated that the Aromas heavy industrial was not intended to slow down the General Plan. He felt the county should move forward with the General Plan and they can come with an application.

Supervisor De La Cruz asked for confirmation that Tres Pinos was not a fiscal or time issue.

Mr. Turner stated that was correct.

Supervisor De La Cruz asked if Aromas was still an issue.

Mr. Turner stated that they had not decided how to handle it.

Supervisor Botelho expressed that he would like to have Aromas as industrial zoning.

Chairman Muenzer called for public comment.

Bill Wiseman of Kimley-Horn & Associates stated that he was representing the Lico-Greco properties. He stated that in November of 2010 they put together a conceptual plan analyzing the two pieces of property and met with Gary Armstrong. He indicated that they submitted a letter in May of 2013 and commented on the General Plan and EIR. He felt the lines were ambiguous and there needed to be language and policy clarifications.

Gary Coats consultant on behalf of the Lompa family stated that a request was made for the change to the General Plan amendment. He indicated that the

request was to continue in the process with the general plan application fee. They wanted the opportunity to proceed and did not want to slow anyone down.

There being no further speakers, the Chairman closed public comment.

Chairman Muenzer asked if Greco and Lico were in or out of the circles.

Mr. Turner indicated that the problem with the circles was that it was hard to tell. He stated that the first one mentioned was in and the second one was hard to tell. He indicated that they have asked for clarification and they hadn't given it to them.

Supervisor De La Cruz asked if they thought they were part of the Housing Element.

Mr. Turner replied yes, higher density and that was consistent with the Housing Element, but they would still need to go through the process.

Supervisor Barrios noted that the map may be more inclusive. She suggested enlarging the map so the lines are clearer and there is more definition.

Mr. Groves stated that playing with maps is costly and requesting the original map was not all that easy. He expressed that they would do their best but it was not in their budget to do maps and they only had the PDF.

Supervisor Barrios asked if they needed the Board of Supervisors' help in getting that information.

Mr. Groves noted that they would also need the GPS information. He stated that he would contact Mintier-Harnish, but they may only have it done in PDF. He noted that they had a budget of \$25,000 they can dip in for maps and that may be a wise choice to use.

Chairman Muenzer asked if this jeopardized the March 19th meeting.

Mr. Groves replied yes and that he needed more time and there was so much information they would probably need two meetings.

Supervisor De La Cruz indicated that out of all the applications submitted only a few showed up.

Supervisor Rivas stated that he was unwilling to entertain any other landowner requests. He added that they were in no position to have an option to entertain landowner requests. He felt they needed to move forward and get the map situation squared away.

Supervisor Barrios felt they should address the map and use some of the reserve for the maps.

Supervisor De La Cruz spoke about a letter from John Brigantino.

John Brigantino stated that a letter was written in 2008 and they started the process on their own and that people had to make sure to continue the process on their own.

Supervisor Botelho felt that was a strong point and that they were not ruling out any project or application. He stated that there was still the general process for application and the worst thing they could do was not get the process done.

Chairman Muenzer reported that he had been hearing from the business community and that we need to get this done and stay in budget.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, **directed** staff to clarify lines and circles on the map, using reserve money if needed, include Tres Pinos and Aromas study areas and not the landowner requests. (Unanimous)*

Supervisor Botelho stated that Aromas and Tres Pinos were already included.

Mr. Turner stated that they were already there but were missing from the map.

Supervisor De La Cruz indicated that he did not know the full cost of Aromas and couldn't move forward not knowing that. He stated that Tres Pinos was not an issue for him.

Mr. Groves stated that Aromas may be a cost issue.

Supervisor Barrios indicated that twelve property owners were not represented there that day. *File #790*

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

12) Receive status report on the establishment of a Tourism Business Improvement District (TBID).

Management Analyst Sara Fontanos reported the results of the February 18th meeting with the hotel owners and spoke of their concerns. She expressed that she was hopeful of a partnership with the county. She added that they had presented to the City of San Juan Bautista and had yet to present to the City of Hollister.

Supervisor Botelho felt it was imperative to bring the Transient Occupancy Tax (TOT) up to the level of other counties to pay for services and that the TBID needed to be pushed along. He suggested that they needed to promote what was here.

Chairman Muenzer noted that when it was presented before they were cold to the TBID and after research, they were warming up to it. He stated that perhaps instead of upping the TOT, they could self promote and the county could assist them. He added that they could come up with a new mechanism and funding to promote San Benito County.

Supervisor De La Cruz expressed that he supported the concept and felt there should be an appeal process mechanism for individuals to appeal to the Board of Supervisors.

Supervisor Rivas stated that the TBID can be a good process but that hotel owners need to run it. He noted that only 4 of 14 hotels were present and that needed to improve.

Ms. Fontanos stated that in the next few weeks they would be connecting with those already met and reaching out to the others. She added that they may be back to request some start up money.

Chairman Muenzer called for public comment.

Marty Richman asked if camping sites were going to be involved in the TBID. He felt they should try to contact the camping sites as they are considered transient if less than 30 days. He felt the TBID was a better answer than a TOT. He added that the TBID is driven by owners.

Sharol Rosatti Bernardo spoke of the town in Utah that she lives in. She stated that houses used for vacation purposes should also be taxed. She expressed that she would be happy to meet with them and tell them what she knows and that she was heading back to Utah in early April.

There being no further speakers, the Chairman closed public comment.

Chairman Muenzer gave direction to proceed. File #119

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

13) Adopt Resolution approving the collective bargaining agreement between the County of San Benito and SEIU; authorize the County Administrative Officer and County Auditor to take the necessary administrative actions appropriate to effectuate the purpose and intent of this action; and

authorize the County Administrator or his/her designee to make any technical edits as later identified.

This matter was continued to a date uncertain. File #119

HUMAN RESOURCES – G. Cochran:

- 14) **Adopt Resolution for Employer Paid Member Contributions for Miscellaneous Employees represented by SEIU Local #521.**

This matter was continued to a date uncertain. File #630

HUMAN RESOURCES – G. Cochran:

- 15) **Adopt Resolution for Employer contributions for CalPERS Health Insurance Contributions for Retirees.**

This matter was continued to a date uncertain. File #630

The Board adjourned into closed session at 2:38 p.m. and reconvened into regular session at 3:10 p.m.

CLOSED SESSION (Continued):

- 16) **Conference with Legal Counsel-Anticipated Litigation.**
Agency designated representatives: Dania Torres Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, George Cochran, and Mark Gregersen
Employee Organizations: Management Employees' Group
Institutions Association
SEIU Local 521 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Law Enforcement Management
Deputy Sheriff's Association
Authority: California Government Code Section 54957.6
No reportable action.

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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 3:12 p.m. to March 18, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board