



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 MAY 20, 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 Assistant Clerk of the Board Janet Slibsager. Chair 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:**

EMERGENCY MEDICAL SERVICES – M. Morrow:

Proclaim May 18-24, 2014 as Emergency Medical Services Week; and recognize individuals for outstanding EMS Service as recommended by the EMS Agency.

*Upon motion made by Supervisor Botelho and seconded by Supervisor Rivas, **approved** Proclamation. (Unanimous)*

Chairman Muenzer presented proclamation to Marcie Morrow of the Emergency Medical Services Agency.

Ms. Morrow thanked the Board for the proclamation and the opportunity to thank and recognize individuals for their outstanding services to the community.

Those being honored as heroes were: **Santa Cruz Regional 911:** Melody MacDonald, Dave Sumner, German Flores, Melanie Sherwood, Tammy Spath, Abby Marizette; **Hollister Fire:** Dennis McKnight, Greg Bettencort, Josh Buzzetta, Leo Alvarez, Mark Aguirre, Mel Nielsen, Mike O'Connor, Norm Fisher, Tim Schneider, John Camera, Earl Amesua, David Gonzales, David Lopez, Charlie Bedolla, Daniel Clampitt, John Parrinello; **American Medical Response:** Briana Lee, Ninette Dukelow, Jennifer Chaney, Mike Badano, Jessica Diaz, Ben Kerkes, Carlos Ramirez, Jennifer Guerrero; **CalSTAR:** Kerry Brown, Roger Meador, Sara Stearns.

- d) **Public Comment:** Marty Richman, Hollister resident, spoke of Memorial Day being this coming Monday and that we need to honor those who served and died

for our Country. He also spoke of the poor medical service for veterans and how the Federal Government is treating veterans who need medical care. He asked that the Board of Supervisors close their meeting today in memory of the Veterans.

Marvin Jones, Hollister resident, expanded on Mr. Richman's comments. He said that the first memorial service, shortly after the civil war, some slaves went out and honored black soldiers that were killed in the civil war. He also spoke of how the Bureau of Land Management (BLM) not being the only agency confiscating land the Forest Service in New Mexico is also going after land.

Bruce Lewis, Hollister resident, spoke in regards to Tax on Tourism (TOT) in San Benito County in regards to lodging.

Richard Bettencourt, Hollister resident, spoke in regards to the Veterans hospital in Palo Alto and their services for the veterans.

Keith Snow, Hollister resident, spoke in regards to mourning our Veterans and Tax on Tourism (TOT).

e) **Department Head Announcements:** Information only.

CAO Ray Espinosa announced that he attended the CSAC meeting last week and a couple of things they spoke about were the drought as well as the Trailer Bill for trial court security for the new courthouse, section 69927 of the Government Code. He said that he would keep the Board informed. He said that it is going to be good news for our County if passed.

Joe Paul Gonzalez announced for the upcoming election on June 3rd they are short of election worker help and especially for bilingual workers. He said if there was anyone from the public who would like to help to call Francisco Diaz at the Elections Department at 636-4016.

f) **Board Announcements:** Information only.

Supervisor Botelho announced that RCRC supports the trial court security cost bill. He said if it passes it would be a relief for our budget next year.

Supervisor Botelho said he also attended the COG meeting and they were able to move out the regional transportation plan, which they would be holding a public hearing for.

Supervisor Botelho mentioned that another item that was discussed was Hwy 25. He said that he would like to have a discussion at Board level in regards to Hwy 25 in regards to the needs on that road and how we are going to pay for that road.

Supervisor Barrios said that she would like to take Mr. Richman's comment and honor our Veterans now.

Chairman Muenzer directed a moment of silence to Honor our Veterans and Service Men who have given their lives for this Country.

Supervisor Barrios announced that she attended the CSAC Conference and items of discussion were: public safety, health care, drought and AB109 funding.

Supervisor Barrios mentioned that there is going to be a pilot program and a study to review and consider the liability of a mileage based user fee. The reason for that study is, it is determined, that there are more electric cars on the road. The electric cars are not paying any of the road taxes that come through gasoline; therefore, they are getting a free ride. So they are saying that this study needs to be done because we are getting more cars on the road and there

has been no increase in gas tax for twenty years. So they are going to do this study and we will see where it goes.

Supervisor De La Cruz mentioned that he thinks the County and City need to work together to develop more bike paths and walkways within the County and City.

Chairman Muenzer reported that he was contacted by Congressman Farr's office this last week; Congressman Farr was due to testify before the House of Committee on HR1776 public lands, which would reopen Clear Creek to motorcycle use and would end all claims of the Federal Government to the county roads if it passes. So he said he hopes to hear back good news on that soon.

Chairman Muenzer asked the CAO to agendaize for a future Board meeting a discussion on the Ridgemark Golf & Country Club complex and the Homeowners Association. He said there has been much discussion about the closing of the golf courses and how it is going to affect the property values and there are a lot of concerns.

CAO Ray Espinosa replied that he would agendaize for the next Board meeting.

CONSENT AGENDA:

*Upon motion made by Supervisor Barrios and seconded by Supervisor Botelho, **approved** Consent Agenda Items 1-22, with the exception of Item #1, which was pulled by a member of the public. Supervisor Botelho abstained on Item #17. (Unanimous)*

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) **Approve contract with the Department of Food & Agriculture (CDFA) to provide petroleum product inspections for the period of July 1, 2014 through June 30, 2015, for a total of \$975.**

A member of the public spoke: Keith Snow, Hollister resident.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** per staff recommendation. (Unanimous) File #1.1*

ASSESSOR'S OFFICE – T. Slavich:

- 2) **Approved** maintenance agreement with Megabyte System, Inc. for the Megabyte Property Tax System for the period of July 1, 2014 through June 30, 2015, at a cost not to exceed \$128,688. *File #7*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) **Approved** each Board of Supervisors member to submit the State Dept. of Health Care Services required Drug MediCal Certification application information, including copy of driver's license and authorize the County's Behavioral Health Director to submit the completed State Dept. of Health Care Services Drug Medi-Cal Certification application to DHCS. *File #810*

CLERK OF THE BOARD – D. Thome:

- 4) **Approved** the action minutes of the special meeting of March 11, 2014 and regular meeting of February 4, 2014.

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

- 5) ***Adopted Resolution No. 2014-42***, subordinating the County's interest in tax increment revenues to proposed bonded indebtedness of the Successor Agency of the Redevelopment Agency of the City of Hollister. *File #943.1*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 6) ***Accepted*** funding from the California Department of Public Health Tuberculosis Control Branch for the FY 2013-2014; ***authorized*** the Director of Nursing to sign the Acceptance of Allotment Agreement and other required Certifications. *File #420*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) ***Approved*** contract renewal with Sandra Montgomery for physical therapy services for the period of July 1, 2014 through June 30, 2014, for an amount not to exceed \$24,000. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) ***Approved*** contract with Youth Alliance for counseling services related to child welfare for the period of July 1, 2014 through June 30, 2015, in the amount of \$20,000. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) ***Authorized*** the purchase from Discount Furniture for new mattresses, mattress covers and disposal of existing mattresses from the San Benito County Migrant Center in the amount of \$39,906.30. *File #750*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) ***Approved*** contract renewal with Dr. Carol Johnson-Schroetlin for psychological services for the period of July 1, 2014 to June 30, 2015, in the amount of \$30,000. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) ***Approved*** contract with Melissa Molina-Casas for counseling services for the period of July 1, 2014 through June 30, 2015, in the amount of \$15,000. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) ***Approved*** agreement with the California State University of Monterey Bay for the placement of Masters of Social Work (MSW) interns for the period of July 1, 2014 to June 30, 2019. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 13) ***Appointed*** Mr. Mel Tungate as the Low Income Representative for District #4 to the Community Action Board for a three-year term effective May 20, 2014 through May 20, 2017. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 14) ***Adopted Resolution No. 2014-43***, extending services for CSA 36 "Emergency Medical Services & Advanced Life Support". *File #CSA #36*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 15) **Adopted Resolution No. 2014-44,** designating the San Juan Bautista Fire Station as a Safe Surrender Site pursuant to Health & Safety Code §1255.7(a)(1)(A). *File #130*

PLANNING DEPARTMENT – B. Turner:

- 16) **Approved** contract amendment with Rincon Consultants, Inc. for the San Juan Oaks project, in an amount not to exceed \$4,000, for a total of \$62,799; **authorized** the Interim Planning Director to approve minor contract amendments, authorizing additional work within the 20% contract contingency amount not to exceed \$6,279. *File #790*

PUBLIC WORKS DEPARTMENT – A. Nazemi:

- 17) **Acknowledged** and **consented** to the Assignment and Assumption Agreement between Road Reconstructors, Inc. and Granite Rock Company for the John Smith Road Overlay project; and **authorized** the Assistant Director to execute the Assignment and Assumption Agreement. *File #105*

PUBLIC WORKS DEPARTMENT – A. Nazemi:

- 18) **Adopted Resolution No. 2014-45,** accepting the Monterey Bay Unified Pollution Control District's donation of one (1) Nissan Leaf Electric Vehicle, valued at \$25,000, for use in the San Benito County Vehicle Fleet; and authorize the Assistant Public Works Director to receive the vehicle and sign acknowledgments of receipt and other agreements associated with accepting the vehicle. *File #105*

SHERIFF'S OFFICE – D. Thompson:

- 19) **Approved** contract with Emergency Vehicle Specialists, Inc. as a sole source provider of maintenance and repair for the San Benito County repeater sites for the period of July 1, 2014 through June 30, 2016. *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 20) **Approved** agreement with Los Angeles County for interstate transportation of prisoners for the period of July 1, 2014 through June 30, 2019. *File #110*

SHERIFF'S OFFICE – D. Thompson:

- 21) **Approved** Memorandum of Agreement (MOA) between the County of San Benito and the City of Hollister to allocate the 2014 Byrne Justice Assistance Grant (JAG) program award to the City of Hollister in the amount of \$13,088. *File #110*

TREASURER/TAX COLLECTOR – M. L. Andrade:

- 22) **Approved** letter of support to reinstate the Property Tax Postponement Program AB2231 and authorize the Chair to sign letter. *File #685.2*

PUBLIC HEARINGS – 9:00 a.m. (Or as soon thereafter as the matter may be heard)

PLANNING DEPARTMENT – B. Turner:

- 23) **Conduct a Public Hearing to review the project record and Planning commission Resolution 2014-03 and to consider the proposed zone change ZC 130176 at 720 Briggs Road, Hollister, APN 019090031000; make the**

CEQA/Zone Change findings as found in Attachment 1 to the AIT; adopt the mitigated negative declaration and mitigation monitoring and reporting program; adopt ordinance to approve Zone Change 13-176, based on the aforementioned findings and on the conditions of approval found in Exhibit B of the proposed ordinance. (Ord. No. 926)

Interim Planning Director Byron Turner spoke in regards to the proposed zone change request of Richard Hershey from the currently designated Agricultural Productive (AP) district to Heavy Industrial (M2) located at 720 Briggs Road adjacent to the City of Hollister off of Hwy 25. The whole of the project includes application for Use Permit. The purpose of which would allow the applicant to expand an automobile restoration/auto body shop business.

Mr. Turner said that staff would be bringing a use permit application before the Planning Commission if the zone change application is approved by the Board of Supervisors. He provided staff recommendation to the Board.

Chairman Muenzer opened the public hearing.

Those speaking from the public were: Richard Hershey, owner of the property. He thanked the Board for working with him and hopes that they are able to move forward with this project.

Richard Bettencourt, Hollister resident, said that this should have happened a long time ago.

Marty Richman, Hollister resident, thanked owner and operator for doing this the right way. He said that it seems to be an appropriate place for this business and supports it.

Chairman Muenzer closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** per staff recommendation. **Adopted Ordinance No. 926.** (Unanimous) File #790*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 24) **Hold a Public Hearing on the qualifications of the candidate(s) for the position of the San Benito County Road Commissioner; adopt Resolution appointing Arman Nazemi as San Benito County Road Commissioner; and direct the Public Works Department to furnish evidence to the Controller that San Benito County has complied with Streets & Highways Code Section 2006(a). (Res. No. 2014-46)**

CAO Ray Espinosa provided information in regards to Road Commissioner appointment of Arman Nazemi.

Discussion ensued by Board and staff.

Chairman Muenzer opened the public hearing.

There being no speakers, Chairman Muenzer closed the public hearing.

BOARD ACTION: *Upon motion made by Botelho and seconded by Supervisor Barrios, **adopted Resolution No. 2014-46**, appointing Arman Nazemi as San Benito County Road Commissioner. (Unanimous) File #105*

REGULAR AGENDA:

AGRICULTURAL COMMISSIONER – R. Ross:

- 25) **Accept Preliminary Engineer's Report; adopt Resolution of intent to levy assessment for FY 2014/2015; and schedule a Public Hearing for June 17, 2014. (Res. No. 2014-47)**

Agricultural Commissioner Ron Ross provided background information in regards to the Mosquito Abatement program and the preliminarily set assessment rate for FY 2014/2015. He said for the upcoming year per the Engineer's Report the recommendation was to keep the assessment rate at \$10.90 per single family equivalent.

Mr. Ross said that the recommendation by staff today is to accept the Engineer's Report; adopt a Resolution of intent to levy assessment for FY 2014/2015 and schedule a Public Hearing for June 17, 2014 to set the assessment.

Discussion ensued by Board and staff.

Those speaking from the public were: Marvin Jones, Hollister resident.

Discussion continued by Board and staff in regards to not raising rate above 3 percent a year.

County Counsel Matt Granger provided additional information, indicating that the Board has the discretion whether and how much to raise it, it is the Board's decision.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **approved** per staff recommendation; **adopted Resolution No. 2014-47**, intent to levy assessment for FY 2014/2015. (4-1, Muenzer voted no) File #1.1*

ASSESSORS OFFICE – T. Slavich:

26) Accept the San Benito County Assessment Practices Survey.

Assessor Tom Slavich provided information in regards to the San Benito County Assessment Practices Survey audit of the Assessor's Office performed by the State of Equalization which provided constructive observation and recommendations for the administration of the varied functions carried out by the Assessor's Office.

Mr. Slavich said that this is the second time in a row that they have been chosen for this audit. He did want to mention that they scored higher than last year's audit of 99.05%. He said that they were very pleased with the report and thanked his staff for doing a great job and for all their hard work.

CAO Ray Espinosa thanked Mr. Slavich and his staff for working so diligently in addition to the normal duties to get this done and receiving a 99.93% out of \$100%.

Supervisor Barrios commented on what the CAO said. Staff is doing a really good job to make sure that the assessments are done properly and she appreciates what he is doing and his staff.

BOARD ACTION: *Upon motion made by Supervisor Barrios and seconded by Supervisor Rivas, **accepted** the San Benito County Assessment Practices Survey. (Unanimous) File #7*

BOARD OF SUPERVISORS:

27) Approve letter of support of AB2703 to increase the amount of State assistance to County Veterans Services and authorize the Chairman to sign.

CAO Ray Espinosa provided information in regards to the AB2703 Assembly Bill for Veterans Services and mentioned that there were two representatives from the Monterey Veterans Service Office to answer any questions.

George Dixon, Director of the Monterey County Veterans Affairs Office, thanked the Board for their support and mentioned that if this Bill passes it would provide them funding to hire a part time person and get equipment up to par and be able to continue to extend services to San Benito County.

Supervisor Barrios mentioned that her nephew Anthony was sworn in yesterday as a new Army Service man and is on his way to Fort Benning, Georgia.

Those speaking from the public were: Marty Richman, Hollister resident.

BOARD ACTION: Upon motion made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** letter of support of Supervisor Botelho 2703 to increase the amount of State assistance to County Veterans Services Offices. (Unanimous) **File #156**

Board adjourned into closed session at 10:40 a.m. and reconvened in to open session at 11:21 a.m.

CLOSED SESSION:

28) Closed Session-Conference with Labor Negotiators

Agency designated representatives: Dania Torres Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Mark Gregersen, Georgia Cochran and James Rydingsword.

Employee Organizations: Institutions Associations

Law Enforcement Management

Management Employees' Group

SEIU Local 521 (General Unit Employees)

SEIU United Long Term Care Workers Local 6434

Authority: California Government Code Section 54957.6

No reportable action. File #235.6

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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 11:25 a.m. to June 3, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN

San Benito County Board of Supervisors

ATTEST:

Janet Slibsager, Asst. Clerk of the Board