



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 AUGUST 5, 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 and Barrios were present. Also present were County Administrative Officer Ray Espinosa, County Counsel Matt Granger and Clerk of the Board Denise Thome. Supervisor Botelho was absent. Chairman Muenzer presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

c) **PRESENTATIONS & RECOGNITIONS:**

- **Presentation of the Trindel Employee Safety Award to Dixie Zamzow, Emergency Medical Services (EMS) and recognize nominees Michael Kelly, Building & Planning Department; Lynn Stephens, District Attorney's Office; Vivian Austin, Health & Human Services Agency; Guadalupe Vasquez, Public Works Department.**

Trindel Senior Consultant Randy Robertson recognized nominees Michael Kelly, Lynn Stephens, Vivian Austin and Guadalupe Vasquez and presented the Trindel Employee Safety Award to Dixie Zamzow.

d) **Public Comment:**

Marvin Jones spoke of the oceans rising and not from global warming.

Richard Bettencourt spoke of the dead tree by the old Planning Department that concerned him. He felt they should put up yellow warning tape around it. He further spoke of the pull out just down from the Public Works where a lot of people are dumping trash.

e) **Department Head Announcements:**

County Administrative Officer Ray Espinosa spoke of his experience at Darden School of Business at the University of Virginia and thanked the board for letting him go. He stated that they would remove item #26 and continue it to another day and remove item #19 as the applicant removed the application.

HHSA Director James Rydingsword announced the letter of retirement from Emergency Services Medical Director Kent Benedict. He added that they put out

a request of interest local and statewide. Mr. Rydingsword reported that he had received contact from the Veterans Resource Center and spoke of what the Veterans Service Bond Measure would do if passed.

CAO Espinosa introduced Joe Horwedel, Interim Public Works Director.

Interim Public Works Director Horwedel told the Board about his experience and job history and noted that he felt he was probably looking at a six month term at San Benito County.

f) **Board Announcements:**

Supervisor Barrios thanked Byron Turner at Planning for organizing the pre-application meeting. She reported out on the City of Hollister's 5-0 vote of no confidence in the Bureau of Land Management. She stated that she would like the matter of a soft water ordinance to be discussed at an Intergovernmental Committee meeting. She spoke of a possible town hall meeting with a representative from the Division of Oil Gas and Geothermal Resources (DOGGR) educating the public in regards to the bill. She suggested September 23rd and asked for a consensus of the board to extend the invitation.

Supervisor Rivas indicated that if it was related to the initiative in November he did not want to spend taxpayer's dollars for a town hall meeting as it was a political issue.

Supervisor De La Cruz stated that if it was education wise, they should move forward.

Supervisor Barrios stated that it was primarily for educational purposes and there should be no cost for the county.

Chairman Muenzer directed Supervisor Barrios to research the matter and bring it back on the 19th.

Supervisor Rivas reported having dialogue over the past couple of months with Shawn Novack of San Benito Water Resources regarding the potential use of gray water. He spoke of recent changes in state law and options for local governments to potentially use gray water and residents also. He requested agendaing the matter for August 19th or September 9th. He noted that representatives from the water agency were there as well.

Supervisor De La Cruz reported on the Veteran's Commission meeting the night before and expressed confusion regarding the skate park as he thought it would be on the agenda that day.

Management Analyst Sara Fontanos stated that it was in Clay's hands to review and would be ready on August 19th. She added that it only had to go back to the Veteran's Commission and Public Works.

Supervisor De La Cruz stated that he and Supervisor Botelho had been discussing the tent cities that were being started by the San Benito River. He spoke of having a container out there and a portable restroom and sitting down with the people and educating them.

Chairman Muenzer spoke of the tires being dumped by the San Juan Bridge and asked that it be agendaed.

Supervisor De La Cruz asked that the tent city matter be on the next meeting of August 19th.

CAO Espinosa stated that he would try, but if not, September 9th.

Chairman Muenzer reported that on July 26th the Historical Park had several functions including a ribbon cutting ceremony of the new dance hall which he and

Supervisor Botelho attended. He added that the dance hall was a wonderful facility that was available for rent.

CONSENT AGENDA:

*Upon motion made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** Consent Agenda Items with the exception of Items 3, 6, 16, 20 and 21 which were pulled for discussion and Item 19 which was withdrawn. (The motion passed 4-0-1 with Supervisor Botelho absent)*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 1) **Approved** contract renewal with K & R Manor and Salvador Lodge for Board and Care services for the period of July 1, 2014 through June 30, 2015, for a total annual maximum amount not to exceed \$15,000. *File #810*

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 2) **Approved** contract with North Valley Behavioral Health, LLC for inpatient psychiatric hospital services for the period of July 1, 2014 through June 30, 2015, for a maximum amount of \$100,000. *File #810*

CLERK OF THE BOARD – D. Thome:

- 3) **Approve the action minutes of the Board of Supervisors regular meetings of April 1, 2014, May 20, 2014 and June 17, 2014 and the special joint meeting of March 19, 2014.**

Supervisor Barrios noted a correction on the vote count for one of the items.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz approved the action minutes of the Board of Supervisors regular meetings of April 1, 2014, May 20, 2014 and June 17, 2014 and the special joint meeting of March 19, 2014 with correction. (The motion passed 4-0-1)

COUNCIL OF GOVERNMENTS – L. Rheinheimer:

- 4) **Approved** the COG Board's action of July 17, 2014 appointing Mary Gilbert as Council of Governments Interim Executive Director. *File #1035*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 5) **Corrected** FY 2014/15 Schedule of Authorized Positions for the District Attorney's Office and Mental Health Department as specified on the AIT. *File #630*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 6) **Accept the California Tobacco Control program Allocation Agreement in the amount of \$150,000 for the period of July 1, 2014 through June 30, 2015; authorize the HHSA Director to submit and sign the Comprehensive Tobacco Control Plan on behalf of the county and any amendments to said document.**

Supervisor Barrios noted that it was a three year grant from 2014 through 2017 and asked why they only approved \$150,000 of it and not the whole thing.

HHSA Director Jim Rydingsword stated that they had to renew every year even though it was approved already.

Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz **accepted** the California Tobacco Control program allocation agreement in the amount of \$150,000 for the period of July 1, 2014 through June 30, 2015; **authorized** the HHSA Director to submit and sign the Comprehensive Tobacco Control Plan on behalf of the county and any amendments to said document. (The motion passed 4-0-1) File #130

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) **Approved** agreement with the California Dept. of Public Health for public health emergency preparedness, for the period of July 1, 2014 through June 30, 2017, in the amount of \$1,004,715; approve the hiring of a part-time temporary Emergency Services Specialist for the term of the contract; and **authorized** the H&HSA Director to execute the agreement and any amendments. File #130

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Approved** contract with Natasha Kowalski for Tobacco Control Program evaluation services for the period of July 1, 2014 through June 30, 2017, in the amount of \$18,000. File #130

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) **Adopted Resolution No. 2014-70 approving and authorizing** submission of the Community Services Block Grant (CSBG) 2014-NOFA-35 Discretionary Funding grant application and **authorizing** the HHSA Director to accept the grant, if awarded, enter into and execute the grant agreement and any subsequent amendments, and **executed** other required forms for purposes of administering the grant in the amount of \$70,000. File #130

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) **Adopted Resolution No. 2014-71 approving and authorizing** submission of the Community Services Block Grant (CSBG) 2014-NOFA-36 Discretionary Funding Targeted Initiatives and Emergency Services grant application and **authorizing** the HHSA Director to accept the grant, if awarded, enter into and execute the grant agreement and any subsequent amendments, and **executed** other required forms for purposes of administering the grant in the amount of \$75,000. File #130

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 11) **Approved** stand-by pay for temporary, part-time Social Workers in the Human Services Agency. File #130

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 12) **Re-appointed** Ms. Soila Rojas to the Workforce Investment Board for a three-year term effective July 31, 2014 through July 31, 2017. File #130

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 13) **Appointed** Steve Van Den Heuvel as alternate commissioner representing the San Benito County Sheriff's Office on the Emergency Medical Care Commission, effective August 5, 2014 to December 31, 2014. File #130

HUMAN RESOURCES – G. Cochran:

- 14) **Approved** the corrected class specification for the Heavy Equipment Mechanic I.
File #630

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 15) **Accepted** the Household Hazardous Waste (HD 23) Grant Award in the amount of \$68,568; **authorized** the Director of Integrated Waste Management to sign the grant agreement; and **augmented** the Integrated Waste Management Regional Agency budget in the amount of \$68,568. (4/5 vote) *File #142*

PLANNING DEPARTMENT – B. Turner:

- 16) **Adopt Resolution** requesting that the Council of San Benito County Governments amend the June 2014 San Benito Regional Transportation Plan (RTP) as soon as possible to reflect that the Highway 25 widening project is constrained. (Res. No. 2014-72)

Marvin Jones, a member of the public, pulled this item from the Consent Agenda. He expressed that he agreed with this item and if it was not on the list it won't get done. He felt they could improve the traffic with a flyover.

Chairman Muenzer surmised that they all agreed that it needs to be on the list but added that they needed to address funding.

Mary Gilbert of COG recognized the importance of Highway 25 and the need to review planning efforts.

Chairman Muenzer stated that AMBAG had no problem putting it on the list as soon as COG does.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **adopted Resolution No. 2014-72** requesting that the Council of San Benito County Governments amend the June 2014 San Benito Regional Transportation Plan (RTP) as soon as possible to reflect that the Highway 25 widening project is constrained. (The motion passed 4-0-1 with Supervisor Botelho absent) *File #790**

PLANNING DEPARTMENT – B. Turner:

- 17) **Approved** the amendment to contract with Rincon Consultants, Inc., for the San Juan Oaks project in an amount not to exceed \$20,000, for a total of \$82,799; and **authorized** the Interim Planning Director to approve minor contract amendments, authorizing additional work within the 10% contract contingency amount not to exceed \$8,279. *File #790*

PLANNING DEPARTMENT – B. Turner:

- 18) **Approved** contract with Rincon Consultants, Inc., for management of the Sunnyside/Brigantino project, in an amount not to exceed \$152,280, and **authorized** the Interim Planning Director to approve contract amendments, authorizing additional work within the 10% contract contingency amount not to exceed \$15,228. *File #790*

PLANNING DEPARTMENT – B. Turner:

- 19) **Approve contract with Benchmark Resources for development EIR and project management of the Paicines Quarry project, in an amount not to exceed \$366,707; and authorize the Interim Planning Director to approve**

minor contract amendments, authorizing additional work within the 10% contract contingency amount not to exceed \$36,670.

This item was removed from the agenda.

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 20) **Ratify Change Order No. 1 with Midstate Barrier, Inc. for the Salinas Grade Guardrail project in the amount of \$4,736.99, for a total contract amount of \$44,573.99; and authorize the Assistant Director to sign Change Order.**

Supervisor Barrios stated that in regards to Item numbers 20 and 21 they were being asked beyond a change order that they've already approved. She did not feel it was the county's responsibility to pay and did not see the rationale.

Interim Public Works Director Joe Horwedel reported that he met with the engineer yesterday and the engineer's budget for these were \$5,000. He added that they went to a local engineering firm to do and they were operating as an extension of county staff. He noted that there was a little disconnect between the county and the engineer regarding underground utilities. He indicated that with respect to the Salinas Grade guardrail, the next bidder was \$4,300 more. He concluded that they were still dollars ahead and he was a firm believer in what you bid for should be delivered.

There was no public comment.

Supervisor Rivas stepped out at 9:54 a.m.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **ratified** Change Order No. 1 with Midstate Barrier, Inc. for the Salinas Grade Guardrail project in the amount of \$4,736.99, for a total contract amount of \$44,573.99; and **authorized** the Assistant Director to sign Change Order. (The motion passed 3-0-2 with Supervisors Botelho and Rivas absent) File #105*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 21) **Ratify Change Order No. 1 with Midstate Barrier, Inc. for the Fairview Road/John Smith Road (Install Guardrail) in the amount of \$5,636.99, for a total contract amount of \$27,286.99; and authorize the Assistant Director to sign Change Order.**

Discussion was had regarding Item number 21 under Item number 20.

Supervisor Rivas returned to the meeting at 9:59 a.m.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **ratified** Change Order No. 1 with Midstate Barrier, Inc. for the Fairview Road/John Smith Road (Install Guardrail) in the amount of \$5,636.99, for a total contract amount of \$27,286.99; and **authorized** the Assistant Director to sign Change Order. (The motion passed 4-0-1 with Supervisor Botelho absent) File #105*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 22) **Approved** contract with Brummel, Myrick & Associates for commissioning services for the AB900 Jail Expansion project in the amount of \$22,500, effective August 5, 2014. *File #105*

PUBLIC WORKS DEPARTMENT - J. Horwedel:

- 23) **Hold a Public Hearing with regards to County Service Areas (CSA Nos. 16, 21, 22, 23, 24, 28, 31, 34, 35, 42, 46, 47, 48, 50, 51, 53 and 54; adopt Resolution imposing property-related fees, confirming the Fee Report, Fee Schedule and Fee, providing for the levy of the Fiscal Year 2014/15 Property-Related Fees and making certain related findings. (Res. No. 2014-73)**

Assistant County Counsel Barbara Thompson gave a staff report noting that CSA 55 has a special tax instead of a fee.

Chairman Muenzer opened the public hearing.

Deanne Judd spoke under public comment.

There being no further public comment, the Board closed the public hearing.

Chairman Muenzer indicated that he thought they could only raise the fees by a percentage.

Ms. Thompson concurred and that was the Consumer Price Index (CPI) and only five years. She added that a couple of the CSAs were reaching their 5th year of increase.

Chairman Muenzer asked if CSA #21 was within all of the constraints.

Ms. Thompson stated that they could still increase, in the fifth year now. She added that they were imposing at less than the maximum.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz held a Public Hearing with regards to County Service Areas (CSA Nos. 16, 21, 22, 23, 24, 28, 31, 34, 35, 42, 46, 47, 48, 50, 51, 53 and 54; **adopted Resolution No. 2014-73 imposing property-related fees, confirming the Fee Report, Fee Schedule and Fee, providing for the levy of the Fiscal Year 2014/15 Property-Related Fees and making certain related findings. (The motion passed 4-0-1 with Supervisor Botelho absent) File #CSA***

REGULAR AGENDA:

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 24) **Adopt Resolution proposing to increase the Transient Occupancy Tax (TOT) to twelve percent and amending the definition of “operator”, and submitting the proposed language to the electorate at the November 2014 general election; and discuss/determine whether to appoint one or more members of the Board of Supervisors to submit an argument in favor or against the proposed ballot measure/ordinance on behalf of the Board. (Res. No. 2014-74)**

County Administrative Officer Ray Espinosa noted that the matter was continued from the last board meeting.

Management Analyst Sara Fontanos stated that the proposal sets the rate at 12% and the question was whether to publish full text or not.

Assistant County Counsel Barbara Thompson stated that they changed the definition of operator and expanded it to anyone receiving money for the hotel, i.e. online reservations services. She explained that they increased the TOT to 12% and modeled it after the City of Baltimore’s TOT tax.

There was no public comment.

Ms. Thompson asked if the Board wanted to publish the full text estimating the cost to do so between \$6,000 and \$9,000.

Supervisor Barrios recommended full text.

Supervisor De La Cruz supported Supervisor Barrios.

CAO Espinosa recommended full text as well noting that it was important for residents to understand.

Supervisor Rivas stated that they did it for the oil initiative. He added that it was common in other communities to publish the full text.

Assistant County Clerk-Recorder Angela Curro stated that in her experience it was common practice, basically for transparency.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **adopted Resolution No. 2014-74**, checking the "yes" box for full text (#6) and **appointed Supervisor Barrios to submit an argument in favor of on behalf of the Board of Supervisors.** (The motion passed 4-0-1 with Supervisor Botelho absent) File #119*

INTEGRATED WASTE MANGEMENT – M. Rose:

25) **Receive information on the Release of Financial Assurance Mechanism for the Closure and Post-Closure Accounts for John Smith Road Landfill per new Landfill Operating Agreement.**

Integrated Waste Management Director Mandy Rose gave a staff report noting that it was an information only item.

Discussion was had between board members and staff.

Speaking under public comment was Marvin Jones. He noted that years ago they announced that they had 15 years of space and the question was, what is the current fill date of our expanded one. He also asked what the fill date would be if they did not import several 100 tons of waste per day from out of the county.

Ms. Rose asked that they allow her some time and have a future agenda item on capacity and that she could get the other information then too.

Chairman Muenzer noted that no action was needed. *File #75.4*

County Counsel Matt Granger noted that item #26 had been withdrawn.

The Board adjourned into Closed Session at 10:20 a.m. and reconvened into regular session at 10:55 a.m.

CLOSED SESSION:

26) **Closed Session-Conference with Labor Negotiators**
Agency designated representatives: Dania Torres Wong, Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas and Georgia Cochran
Employee Organizations: Institutions Associations

Law Enforcement Management

Management Employees' Group

SEIU Local 521 (General Unit Employees)

Deputy Sheriff's Association

SEIU United Long Term Care Workers Local 6434

Authority: California Government Code Section 54957.6

This matter was removed to be continued to a date uncertain.

27) **County Employee Appointment**
Title: Director of Human Resources
Authority: California Government Code 54957
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:	Muenzer, De La Cruz, Rivas, Barrios
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	Botelho

There being no further business the Board adjourned at 10:56 a.m. to August 19, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board