



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3
Vice-Chair

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5

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

REGULAR MEETING MINUTES AUGUST 4, 2015

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide it to the Clerk of the Board prior to the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair.
- If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.

Each individual speaker will be limited to a presentation total of three (3) minutes.

9:00 a.m. CALL TO ORDER:

The Chair called the meeting to order and asked Supervisor De La Cruz to lead the meeting in the Pledge of Allegiance.

- a) Pledge of Allegiance to be led by Supervisor De La Cruz.
- b) Acknowledge Certificate of Posting.

The Chair entertained a motion to approve the Certificate of Posting.

- Supervisor Robert Rivas made a motion to approve the Certificate of Posting.
- Supervisor Jerry Muenzer Seconded the Motion.

➤ **Motion Approved 5 to 0.**

Voting Yes	Voting No
Barrios	
Botelho	
De La Cruz	

Muenzer
Rivas

c) **PRESENTATIONS AND RECOGNITIONS:**

d) **BOARD OF SUPERVISORS (Page 1- 2)**

Present Certificate of Recognition to Don Kelley in appreciation for visionary leadership to promote and develop Parks and Recreation Programs, Services and Projects in San Benito County, CA.

The Chair entertained a motion to approve the Certificate of Posting.

- Supervisor Jerry Muenzer made a motion to approve the Certificate of Posting.
- Supervisor Robert Rivas Seconded the Motion.

➤ **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	
Botelho	
De La Cruz	
Muenzer	
Rivas	

The Chair presented the Certificate of Recognition to Mr. Kelly and thanked him for a lifetime of service and visionary leadership in the area of recreation on behalf of San Benito County.

Mr. Kelly addressed the Board and thanked them for their continued support throughout the years.

e) **OFFICE OF EMERGENCY SERVICES – K. O’NEILL (Page 3)**

Presentation of the Storm Ready Designation by the National Weather Service.

The Chair then asked CAO Espinosa to introduce the next agenda item.

CAO Espinosa asked Kevin O’Neill, OES Manager, to present the item to the Board on behalf of the Administration.

Mr. O’Neill introduced Mr. Larry Smith, Lead Meteorologist and Storm Ready Program Manager with the National Weather Service to address the Board.

Mr. Smith indicated that his office had been working very closely with Kevin O’Neill and offered his congratulations on the designation of being Storm Ready on behalf of the National Weather Service.

Supervisor Anthony Botelho commended the OES Department and asked if any steps had been taken to address heat-related emergency related to the weather that involved Senior Citizens with San Benito County.

Director O'Neill indicated that the Storm Ready Program included preparations for these types of emergencies.

- f) **Public Comment:** Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

The Chair entertained public comment from member of the public with regard to items not on the agenda.

Mr. Marty Richman, Resident of the City of Hollister, addressed the Board with regard to condensing the Board of Supervisors Meeting Minutes and that he was concerned about this possibility.

Mr. Marvin Jones addressed the Board with regard to his concerns related to greenhouse gas emissions and provisions for this factor in the San Benito County General Plan.

- g) **Department Head Announcements:** Information only.

The CAO called on Health and Human Services Director James Rydingsword to provide his report.

Mr. Rydingsword introduced Cynthia Larca as the new Deputy Director of the Health and Human Services Department.

CAO Espinosa then asked Sheriff Darren Thompson, San Benito County Sheriff, to provide his report to the Board.

Sheriff Thompson announced that this evening is National Night Out which occurs the first Tuesday in August of each year.

CAO Espinosa reminded the Board that next Tuesday, August 11, 2015 is the Board of Supervisor Retreat which is a continuation from the February Retreat Session.

- h) **Board Announcements:** Information only.

Supervisor De La Cruz reported about local efforts regarding the Battle of the Bands Activity for participation of the County Fair.

He also announced that Mayor Velasquez, San Benito County Management Analyst Sara Fontanos and himself visited the Twin Creeks Recreational Sports Complex facility and he indicated that perhaps this public-private motel is one that San Benito County should consider.

Supervisor Rivas had no report to provide the Board.

Supervisor Muenzer announced that he attended the swearing-in ceremony of the new Hollister Fire Chief.

Supervisor Botelho had no report to provide the Board.

The Chair congratulated the new Fire Chief.

The Chair announced that she would like to appoint a new Ad Hoc Committee regarding Marijuana Regulation and that Supervisor Botelho and herself would serve on the committee.

Supervisor De La Cruz asked County Counsel about the legality of marijuana growth related to this issue.

The Chair raised a constituent request regarding Deferred Impact Fees and asked that this item be included on the Board Agenda in the future.

The Chair also thanked James Rydingsword, Director of Health and Human Services, for all his efforts in addressing the homeless issues within San Benito County. She further asked that Mr. Rydingsword provide a monthly update with regard to this issue going forward.

CONSENT AGENDA:

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

Having concluded Board Reports, the Chair moved to the next section of the Board Meeting Consent Agenda.

Chairwoman Barrios asked if any member of the Board would like to pull any agenda items under the Consent Section for individual discussion. No requests were received.

The Chair then asked if any member of the public would like to pull any item on the Consent Agenda for discussion. No requests were received.

There being no requests, the Chair entertained a motion to approve the Consent Agenda as presented.

- Supervisor De La Cruz made a motion to approve the Consent Agenda as presented.
- Supervisor Robert Rivas Seconded the Motion.

➤ **Motion Approved 5 to 0.**

Voting Yes _____ Voting No _____
Barrios
Botelho
De La Cruz
Muenzer
Rivas

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto: (Page 4 – 29)

- 1) Approve the County Behavioral Health Department’s FY 2015-16 Mental Health Services Act (MHSA) Plan Updates to the Innovation and Capital Facilities/Tech Components funds transfers of a total \$380,221 to be reassigned to the Capital Facilities/Tech. MHSA component and the addition of \$50,000.00 to add the Mobile Clinic Services; and authorize the County Auditor to sign the MHSA Plan Auditor’s Fiscal Certification.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto: (Page 30 – 45)

- 2) Approve contract with DRWanted.com for the contract term FY 2015-16 for a maximum annual total of \$374,400.00 and authorize the Chair of the Board of Supervisors to sign said contract once approved by the Board.

BOARD OF SUPERVISORS: (Page 46 – 48)

- 3) Resolution 2015-62, A Resolution of the San Benito County Board of Supervisors supporting efforts in the prevention of Commercial Sexual Exploitation of Children in our County and to work collaboratively with all County partners to identify, protect and serve these vulnerable children and youth.

COUNCIL OF GOVERNMENTS – M. Gilbert: (Page 49)

- 4) Extend appointment of Mary Gilbert as COG Interim Executive Director to September 30, 2015.

COUNTY ADMINISTRATION OFFICE – R. Espinosa: (Page 50 – 61)

- 5) Approve contract with Advocacy Inc. for FY 2015-16 as provided in the CBO Division of the County Budget in the amount of \$6,000.00.

COUNTY ADMINISTRATION OFFICE – R. Espinosa: (Page 62 – 72)

- 6) Approve contract with the Community Food Bank of San Benito County for FY 2015-16 as provided in the CBO Division of the County Budget in the amount of \$12,500.00.

COUNTY ADMINISTRATION OFFICE – R. Espinosa: (Page 73 – 86)

- 7) Approve the contract with Emmaus House for FY 2015-16 as provided in the CBO division of the County Budget in the amount of \$15,000.00.

COUNTY ADMINISTRATION OFFICE – R. Espinosa: (Page 87 – 99)

- 8) Approve the contract with Jovenes de Antano for FY 2015-16 as provided in the CBO Division of the County Budget in the amount of \$40,000.00.

COUNTY ADMINISTRATION OFFICE – R. Espinosa: (Page 100 – 110)

- 9) Approve the contract with Senior Citizens Legal Services for FY 2015-16 as provided in the CBO Division of the County Budget in the amount of \$4,000.00.

COUNTY ADMINISTRATION OFFICE – R. Espinosa: (Page 111 – 121)

- 10) Approve contract with Seniors Council of Santa Cruz and San Benito Counties as provided in the CBO Division of the County Budget in the amount of \$30,000.00.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword: (Page 122 – 157)

- 11) Approve acceptance of funding from the California Department of Public Health Tuberculosis Control Branch in the amount of \$3,597.00 for the term of FY 2015-16 and authorize the Director of HHS to sign the Acceptance of Allotment Agreement and other required certifications for this disbursement.

HUMAN RESOURCES DEPARTMENT – G. COCHRAN: (Page 158 – 161)

- 12) Adopt new Class Specifications for Services Support Assistant I and II with a salary range of 13.1 and 15.1 respectively.

PLANNING AND BUILDING DEPARTMENT – B.TURNER: (Page 162 – 204)

- 13) Approve the amendment to contract with Rincon Consultants Inc. in an amount not to exceed \$27,550.00 for a total contract amount not to exceed \$179,830.00 to address the 2035 General Plan Goals and Policies as part of the Sunnyside Estates EIR Preparation and authorize the Chair of the Board of Supervisors, Supervisor Margie Barrios, to execute the contract *and* authorize the Resource Management Director to approve minor contract amendments to authorize additional work within the ten percent (10%) contract contingency amount not to exceed \$17,983.00.

PUBLIC WORKS DEPARTMENT – J.HORWEDEL: (Page 205 – 243)

- 14) Approve the Plans and Specifications for the Library Electrical System Upgrade, PWB-1504 and authorize the Public Works Director to solicit bids for the Library Electrical System Upgrade.

REGULAR AGENDA:

For each regular agenda item, the following schedule shall occur:

- a) *Staff report.*
- b) *Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) *Consideration by the Board.*

Having concluded action on the Consent Agenda section of the Board Meeting, the Chair took up Regular Agenda Item Number 15 and asked CAO Espinosa to introduce the item to the Board on behalf of the Administration.

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa (Page 244)

- 15) Introduction of New City of Hollister Fire Chief, Hollister Fire Update and Fire Recovery USA Presentation – Bridgette Bugbee, West Coast Regional Account Manager regarding cost recovery efforts related to emergency calls.

CAO Espinosa invited the newly appointed City of Hollister, CA Fire Chief, Martin Del Campo, to address the Board and to provide a report to the Board. The record shall reflect that San Benito County procures fire services under contract from the City of Hollister, CA.

The Chief reported significant problems related to the drought and many wildfires throughout the State of California. Locally, the City of San Juan Bautista, CA also experienced a fire that was extinguished by the fire services while maintaining a Continuity of Service to the rest of the County.

The Chief then introduced Bridgette Bugby from Fire Recovery USA. She described her firms cost recovery services to the County.

After extensive discussion regarding the proposed services, the CAO was instructed to bring a complete discussion item related to this topic back to the Board on a future meeting agenda.

Mr. Marty Richman, Resident of the City of Hollister, CA, opined that the entire presentation was baloney and took strong issue with the merits of such an effort.

Mr. Marvin Jones echoed Mr. Richman's comments.

At the conclusion of the discussion regarding the topic of financial recovery services, the entire Board offered their congratulation to the new fire chief and wished him the best of luck.

There was no formal action taken on this item by the Board.

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

PUBLIC WORKS DEPARTMENT – J. HOROWDEL: (Page 245 – 336)

16) (1) Hold a public hearing regarding the County Service Areas (CSA) Numbers 16, 21, 22, 23, 24, 28, 31, 34, 35, 42, 46, 47, 48, 50, 51, 53, 54 and 55, and

(2) Close Public Hearing

(3) Adopt Resolution 2015-63 imposing property-related fee in CSA Numbers 16, 21, 22, 23, 24, 28, 31, 34, 35, 42, 46, 47, 48, 50, 51, 53, 54 and imposing a special tax in CSA 55 and confirming the Fee/Special Tax Report, Fee/Tax Scheduled and Fee/tax providing for the levy of the Fiscal Year 2015-16 Property-Related Fees and Special Taxes and making certain related findings. (Res. No. 2015-63).

The Chair asked CAO Espinosa to introduce the item to the Board.

CAO Espinosa asked Mr. Joe Horwedel, Interim Public Works Director, to present the item to the Board on behalf of the Administration.

Mr. Horwedel offered one correction to the agenda item as follows:

- CSA #50, Dunnville Estates, costs for Slurry Seal Project has been paid off. The Regular Rate listed in the Staff Report is \$1833.96.

- Staff requests that the figure be reduced by \$133.32 to setting the Regular Rate at \$1700.64 and that the report be corrected in due course on pages 232, 233 and 314 in the Board Agenda Packet. The Secondary Rate would remain the same.

The Chair then proceeded to open the Public Hearing.

The Clerk of the Board advised that Mr. Marty Richman had submitted a Speaker Card.

Mr. Richman asked through staff if the CFD's require the same level of administrative reporting.

Joe Horwedel, Interim Public Works Director, answered in the affirmative and provided a detailed explanation regarding the same.

County Counsel Matt Granger asked to be heard. Mr. Granger advised that the biggest difference is that CSA's are actually a subset of the County where as CFD's are independent entities.

There being no additional comments from the public, the Chair closed the Public Hearing portion of the agenda item.

Assistant County Counsel Barbara Thompson asked that the changes requested by Mr. Horwedel be included as part of the motion to approve the agenda item as presented.

Without objection, it was so ordered along with additional corrections offered by Chairwoman Barrios to be included as part of the record:

- One of the streets was called Clearwater when it should be named Clearview on page 255.
- On page 253, the report in the agenda packet indicates that Holiday Estates as, "an area being west of Sunnyslope Lane, "when the area is actually east of Sunnyslope Lane. Also, the report indicates that Holiday Estates being east of Fairview instead of west of Fairview.

The Chair entertained a motion as suggested by the Chair.

- Supervisor Anthony Botelho made a motion to adopt Resolution 2015-63 imposing property-related fee in CSA Numbers 16, 21, 22, 23, 24, 28, 31, 34, 35, 42, 46, 47, 48, 50, 51, 53, 54 and imposing a special tax in CSA 55 and confirming the Fee/Special Tax Report, Fee/Tax Scheduled and Fee/tax providing for the levy of the Fiscal Year 2015-16 Property-Related Fees and Special Taxes and making certain related findings including those changes requested by staff as stated for the record.
- Supervisor Jerry Muenzer Seconded the Motion.

➤ **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	
Botelho	
De La Cruz	
Muenzer	
Rivas	

CLOSED SESSION:

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

The Chair asked Matt Granger, County Counsel, to read the Closed Session Agenda items into the record.

Mr. Granger read all items listed under the Closed Session Section of the Board Meeting into the record.

The Chair entertained public comment on the Closed Session Agenda items.

There was no public comment offered by any member of the public.

Chairwoman Barrios recessed the meeting to Closed Session.

- 17) Conference with Legal Counsel-Existing Litigation **(Page 337)**
Subdivisions (a) and (d) (1) of Section 54956.9

Name of Case: Kimberly Mello et al. v. County of San Benito, et al., filed in the Northern District of California, United States District Court Case No. 5:14-05331EJD.

- 18) Closed Session-Conference with Labor Negotiators **(Page 338)**

Agency-designated representatives: Allyson Hauck, Dania Torres-Wong, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran, and Steve Coffee.

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

- 19) Conference with Legal Counsel-Existing Litigation **(Page 339)**
Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Award Homes, Inc. v. San Benito County, City of Hollister, et. al.,
Superior Court of California, County of San Benito, Case No. CU-15-00099

- 20) Conference with Legal Counsel-Anticipated Litigation. **(Page 340)**

Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9
Number of Cases: (2)

- 21) Conference with Real Property Negotiator: **(Page 341)**

Property: (APN's 050-110-030 and 050-110-031), Hollister, California
Agency Negotiator(s): Alan Yamamoto, Behavioral Health Services Director; Joe Horwedel, Interim Public Works Director; Ray Espinosa, CAO; Joe Paul Gonzalez, Clerk-Recorder-Auditor; Maria Sanchez, Behavioral Health Case Management Services/Administrative Services Specialist II; Matthew W. Granger, County Counsel; Barbara J. Thompson, Assistant County Counsel; and Shirley L. Murphy, Deputy County Counsel
Negotiating Parties: Sonny Flores, Executive Dir., Community Services Development Corporation
Under Negotiation: price and terms of payment
Authority: California Government Code section 54956.8

- 22) Conference with Real Property Negotiator **(Page 342)**

Property: 1135 San Felipe Road (APN 051-110-034), Hollister, California
Agency Negotiator(s): Alan Yamamoto, Behavioral Health Services Director; Joe Horwedel, Interim Public Works Director; Ray Espinosa, CAO,; Joe Paul Gonzalez, Clerk-Recorder-Auditor; Maria Sanchez, Behavioral Health Case Management Services/Administrative Services Specialist II; Matthew W. Granger, County Counsel; Barbara J. Thompson, Assistant County Counsel; and Shirley L. Murphy, Deputy County Counsel.
Negotiating Parties: George L. Renz
Under Negotiation: price and terms of payment
Authority: California Government Code 54956.8

After reconvening from Closed Session, Chairwoman Barrios asked County Counsel Matt Granger to report out from Closed Session on behalf of the Board.

For Closed Session items 17 – 22, Mr. Granger reported to the public that there was no reportable action taken by the Board.

The Chair entertained a motion to adjourn the Board Meeting.

- Supervisor De La Cruz made a motion to adjourn the Board Meeting.
- Supervisor Robert Rivas Seconded the Motion.

➤ **Motion Approved 5 to 0.**

<u>Voting Yes</u>	<u>Voting No</u>
Barrios	
Botelho	
De La Cruz	
Muenzer	
Rivas	

MEETING ADJOURNED TO TUESDAY, AUGUST 18, 2015 AT 9:00 A.M.

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.cosb.us/government/meetings-agendas/. All proposed agenda items with supportive documents are also available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.