



# 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 OCTOBER 6, 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 meeting was called to order by Chairwoman Barrios at 9:00 a.m.

- a) Pledge of Allegiance to be led by Supervisor De La Cruz.

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

- b) Acknowledge Certificate of Posting.

- c) **PRESENTATIONS & RECOGNITIONS:**

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

- Supervisor Rivas made a motion to acknowledge the Certificate of Posting.
- Motion seconded by Supervisor Muenzer.

➤ **Motion Approved 5 to 0.**

Voting Yes \_\_\_\_\_ Voting No  
Barrios  
Botelho  
De La Cruz  
Muenzer  
Rivas

**BOARD OF SUPERVISORS:**

Approve Proclamation declaring October 23-31, 2015 as San Benito County's Red Ribbon Week.

The Chair entertained a motion to approve the proclamation as presented.

- Supervisor De La Cruz made a motion to approve the Proclamation declaring October 23-31, 2015 as San Bento County's Red Ribbon Week.
- Motion seconded by Supervisor Botelho.

➤ **Motion Approved 5 to 0.**

Voting Yes \_\_\_\_\_ Voting No  
Barrios  
Botelho  
De La Cruz  
Muenzer  
Rivas

**BOARD OF SUPERVISORS:**

Receive presentation from Assemblyman Alejo on yearly legislative updates regarding issues related to San Benito County.

Assemblyman Alejo provided a report on his extensive legislative activities on behalf of San Benito County via PowerPoint.

The Board thanked Assemblyman Alejo for all his work on behalf of San Benito County.

- d) **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 announced that the Board of Supervisors would now hear Public Comment on items not listed on the agenda.

Mr. Richman informed the Board that the audio feed was not working via the Community Media Access Partnership (CMAP). He also spoke about his support for the Fire Contract and associated response times.

Mr. Robert Crump spoke about space issues at the library.

Mrs. Pat Loe addressed the Board regarding homeless coalition and informed the public that this was the last year the coalition would be operating the Emergency Winter Shelter.

Ken Lindsey spoke about the location of the homeless shelter.

There was no additional public comment.

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

The Chair recognized CAO Espinosa that Joe Horwedel from the Resource Management Agency (RMA) was meeting with the Fire Chief regarding Fire Station 3 to determine if there is feasibility at the Rosa Morada/Fairview site and that it would be discussed at the Fire Committee.

Mr. Espinosa also asked that Regular Agenda Item 17 be pulled without comment and that it would be brought back to the Board at a later time.

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

The Chair entertained reports from members of the Board.

Supervisor De La Cruz thanked all County Residents for visiting his booth at the County Fair.

Supervisor Botelho informed the Board of an E-Mail Communication from the Area Agency on Aging from that organization's Executive Director, Clay Kempf, requesting a meeting to discuss possible significant reductions in funding by the AAA Board of Directors at their next Board Meeting.

The Chair indicated she would make every effort to make certain County representatives attended that meeting.

Supervisor Rivas encouraged the community to support the local high school team.

Supervisor Muenzer had no report.

The Chair indicated that she would provide her report during agendized items later in the meeting.

**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.*

The Chair asked the Board if they wished to pull any items from the Consent Agenda.

Supervisor Botelho asked that Consent Agenda Items 9 and 10 be pulled.

The Chair asked if any member of the public would like to pull any items from the Consent Agenda. No requests were received/

- Supervisor Rivas made a motion to approve Consent Agenda Items 1-13 with the exception of items 9 and 10 pulled by Supervisor Botelho.
- Supervisor Muenzer seconded the motion.
- **The Motion was Approved 5 to 0.**

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

**AGRICULTURAL COMMISSIONER – K. Overstreet:**

- 1) Approve contract with the California Department of Food & Agriculture for the Nursery Inspection Program for the period of July 1, 2015 through June 30, 2016, in an amount of \$1,306.00.

**AGRICULTURAL COMMISSIONER – K. Overstreet:**

- 2) Approve contract with the California Department of Food & Agriculture to conduct Light Brown Apple Moth regulatory activities for the period of October 1, 2015 through September 30, 2016, for a total amount of \$11,915.63.

**ASSESSOR'S OFFICE – T. Slavich:**

- 3) Adopt Resolution approving a Division Application for agricultural preserve (Contract Number 70-23/70-24 & 70-25, Brookhollow Ranch); adopt Resolution approving a Compatible Use Application for agricultural preserve (Contract Number 70-23/70-24 & 70-25, Brookhollow Ranch). (Res. No. 2015-75) & (Res. No. 2015-76)

**BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:**

- 4) Approve contract with the Crisis Services of the Alameda County for the provision of telephone screening, crisis intervention/counseling for the period of July 1, 2015 through June 30, 2016, for a maximum amount not to exceed \$45,000.00.

**CLERK OF THE BOARD – L. Valdez:**

- 5) Approve the minutes of the June 3, 2015 Special Joint Meeting.

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

- 6) Approve contract amendment with Hayashi & Wayland for assistance in preparation of the County's Comprehensive Annual Financial Report (CAFR), an additional \$60,000.00 is requested to complete the reconciliation and mapping process and to produce the CAFR, not to exceed \$85,000.00.

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

- 7) Approve the contract with KIS Professional Services for network support services for the period of October 6, 2015 through June 30, 2016, not to exceed \$42,000.00.

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

- 8) Approve the Household Hazardous Waste Services contract with Stericycle Environmental Solutions through June 30, 2018 with the opportunity to renew for one year to conduct solicitation as required by San Benito County Purchasing Code.

**OFFICE OF EMERGENCY SERVICES – K. O'Neill:**

- 9) Approve purchase of hand-held radios totaling \$53,874.00.

**OFFICE OF EMERGENCY SERVICES – K. O'Neill:**

- 10) Approve purchase of hand-held radios totaling \$20,455.64.

Supervisor Anthony Botelho pulled these items from the Consent Agenda.

Supervisor Botelho indicated that his questions were related to Agenda Items 9 and 10.

Supervisor Botelho asked how these radios will be inventories and/or assigned.

Kevin O'Neill, Director of the Office of Emergency Services, advised that technically the equipment is owned by the State of California via the County OES Department. He also advised that any lost and/or stolen equipment is the responsibility of the department that is using the equipment.

The CAO clarified that these are "Gang of Five" Funds.

- Supervisor Rivas made a motion to approve Consent Agenda Items 9 and 10.
- Supervisor Muenzer seconded the motion.
- The Motion was Approved 5 to 0.

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

**RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS – B. Barnes:**

- 11) Approve contract with DV Electric Company to upgrade the electrical system for the San Benito County Free Library in the amount not to exceed \$14,500.00.

**RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS – B. Barnes:**

- 12) Approve Final map for TSM 14-92, Tract No. 321 for Community Housing Improvement System and Planning Association, Inc. (commonly known as CHISPA); authorize staff to record the Final Map.

**RECOURCE MANAGEMENT AGENCY/PLANNING – B. Barnes:**

- 13) Find that the proposed ordinance is exempt from CEQA pursuant to Section 15061(b) (3) of the State CEQA Guidelines because it can be seen with certainty that adoption of the ordinance does not result in a physical change in the environment; adopt Ordinance 940, adding article X to Chapter 21.01 of the San Benito County Code for Small Residential Rooftop Solar Energy Systems. (Ord. No. 940).

The Chair announced that the Board would take up items 14 through 16 and then move to Closed Session she anticipates that the discussion will be very short.

The record shall reflect that Supervisor Anthony Botelho declared a Conflict of Interest with regard to the Public Hearing Agenda Item 14 and that he would recuse himself from discussion of that item. Supervisor Botelho declared his conflict prior to the opening of the public hearing.

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

**RESOURCE MANAGEMENT AGENCY/PUBLIC WORKS – B. Barnes:**

- 14) Hold a public hearing to adopt Resolution approving the new Controlled Access Highway Agreement for the new Hwy. 156 widening project between San Juan Bautista and Hollister. (Res. No. 2015-77).

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

CAO Espinosa provided a brief introduction and he introduced Brent Barnes, Director of the Resource Management Agency (RMA) to present the item to the Board on behalf of his department.

Mr. Barnes indicated that this resolution represented a small step towards moving the Highway 156 Project forward.

Chairwoman Barrios then proceeded to open the public hearing and she invited the public to comment on the item.

No comments were made by any member of the public.

The Chair then closed the Public Hearing.

- Supervisor De La Cruz made a motion to approve 2015-77 and the Control Access Highway Agreement.
- Supervisor Muenzer seconded the motion.
- **The Motion was Approved 4 to 0.**

|                   |   |
|-------------------|---|
| <u>Voting Yes</u> | <u>Voting No/Not Voting</u>                 |
| Barrios           | Botelho (Not Voting – Conflict of Interest) |
| De La Cruz        |   |
| Muenzer           |   |
| Rivas             |   |

### **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.*

### **BOARD OF SUPERVISORS:**

- 15) Receive report from Chair Barrios on the Regional Council of Rural Counties (RCRC) Conference.

The Chair announced that the name of the organization has changed to Rural County Representatives of California.

The Chair provided a report on her attendance at the conference as well as the Board of Directors Meeting.

The CAO also highlighted his attendance at the RCRC Annual Meeting and advised that preparation for the effects an extended drought and social media concerns regarding peer to peer networking stood out to him.

### **COUNCIL OF GOVERNMENTS – M. Gilbert:**

- 16) Receive update on the Council of Governments' Regional Transportation Plan Amendment to include a Highway 25 Widening Project on the Constrained List of Projects.

The Chair asked CAO Espinosa to introduce this item and the COG's efforts to the return Highway 25 to the Constraint List.

CAO Espinosa provided a brief introduction and asked Council of Governments (COG) Executive Director Mary Gilbert to present the item to the Board on behalf of her department.

Ms. Gilbert advised the Board that the item before them was a Regional Transportation Plan Amendment. She indicated that Mara Toomey, Executive Director of the Association of Monterey Bay Area Governments was in attendance and that she would also be addressing the Board.

Ms. Gilbert provided a PowerPoint presentation to the Board.

Ms. Toomey then addressed the Board and spoke about the Highway 25 Constrained List process.

Mr. Marty Richman and Mr. Marvin Jones address the Board regarding this issue and the great lengths to which the Board originally went to take Highway 25 off of the Financially Constrained List.

This agenda item was for presentation purposes only.

**The Board took no formal action on this agenda item.**

**COUNCIL OF GOVERNMENTS – M. Gilbert:**

**17) Appoint a member to the San Benito/Santa Clara Mobility Partnership.**

This item was pulled by CAO Espinosa without comment to be brought back to the Board at a future meeting date.

The Chair then asked County Counsel Matt Granger to read the Closed Session Agenda Items into the record on behalf of the Board as they would be taking up these items prior to considering Regular Agenda item 18.

Mr. Granger read Closed Session Agenda items 19 and 20 into the records.

No member of the public made any comment on this item.

The Chair then announced that the Board would adjourn to Closed Session after taking a short break.

**COUNTY COUNSEL – M. Granger:**

18) Receive presentation from Paul Smith on recent developments in marijuana legislation; discussion regarding proposed ordinance, marijuana cultivation, regulation and/or taxation; make CEQA Findings and Adopt Ordinance 939, adding new Chapter 11.15 to the San Benito County Code, restricting and regulating marijuana cultivation within San Benito County. (Ord. No. 939)

Having completed his report regarding Closed Session Items, County Counsel Matt Granger was asked by Board Chairwoman Barrios to introduce Regular Agenda Item 18.

Mr. Granger introduce Paul Smith, Senior Legislative Advocate, with the Rural County Representatives of California and Karen Keane, Legislative Analyst, with the California Supervisors Association of California were present to speak with the Board regarding the most recent legislation addressing marijuana cultivation from the State of California Legislature.

After the presentations, the Board will be asked to take up the Second Reading and Final adoption of Ordinance No. 939.



Mr. Smith addressed the Board first and then Ms. Keane addressed the Board.

At the conclusion of their presentations, the Chair opened the meeting to Public Comment from the following individuals:

- Aaron Johnson, Coastal Growers Association.
- James C. Walker, 2025 San Juan Road Property Owner.
- J.C. Reilly, Coastal Growers Association.
- Ross Bennett, representing company out of San Jose, CA.
- Elia Salinas, Resident of San Benito County.

There being no further public comment, the Chair closed the Public Comment portion of the agenda item discussion and brought it back to the Board for a decision.

- Supervisor Rivas made a motion to refer the proposed ordinance back to committee for further study.
- Supervisor De La Cruz seconded the motion.
- **The Motion was Approved 4 to 1.**

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

Assistant County Counsel advised that the Clerk of the Board will reserve the Ordinance Number in the event of future consideration of this item by the Board.

#### **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 reconvened the meeting from Closed Session.

Chairwoman Barrios asked County Counsel Matt Granger to report out on the Closed Session Agenda items on behalf of the Board.

**County Counsel Matt Granger advised that for Closed Session Agenda Items 19 and 20, the Board took No Reportable Action.**

- 19) Closed Session-Conference with Labor Negotiators:  
Agency designated representatives: Allyson Hauck, Dana 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 529 (General Unit Employees)  
SEIU Local 2015  
Deputy Sheriff's Association  
Confidential Employees  
Confidential Management Employees  
Department Heads  
Unrepresented Employees

Authority: California Government Code Section 54957.6

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

After discussion concluded on Agenda Item 18, the Chair entertained a motion to adjourn the Board Meeting.

- Supervisor De La Cruz made a motion to refer the proposed ordinance back to committee for further study.
- Supervisor Rivas seconded the motion.
- **The Motion was Approved 5 to 0.**

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

### **ADJOURN TO TUESDAY, OCTOBER 20, 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/](http://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.***