



# 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 20, 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:**

Chairwoman Barrios called the meeting to order promptly at 9:00 a.m.

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

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

- Supervisor Robert Rivas made a motion to acknowledge the Certificate of Posting.
- Supervisor Jerry Muenzer seconded the Motion.
- **The Motion was Approved 5 to 0.**

Voting Yes	Voting No
Barrios	
Botelho	
De La Cruz	
Muenzer	
Rivas	

c) **PRESENTATIONS & RECOGNITIONS:**

The Chair entertained a motion to approve the Presentations and Recognitions as presented.

- Supervisor Muenzer made a motion to acknowledge the Certificate of Posting.
- Supervisor Botelho 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	

**BOARD OF SUPERVISORS:**

Approve Proclamation declaring October 18-23, 2015 as National Friends of the Library Week in San Benito County.

Chairwoman Barrios presented the Proclamation on behalf of the Board.

**BOARD OF SUPERVISORS:**

Approve and present Proclamation to Al Castaneda in recognition of the contributions he has made to San Juan Bautista and the County of San Benito.

Supervisor Botelho suggested that the presentation be held over so as to present the Proclamation in person as he was not present at the Board Meeting. Without objection, the Chair ordered the matter held over until the November 3, 2015 Board Meeting.

- 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 entertained comment from the public on items not appearing on the agenda.

- Mr. Marty Richman addressed the Board regarding transportation issues. He expressed his concern about Santa Clara's interests regarding Highway 152 and Route and the implications for air pollution. He also admonished the Board about the economic interests of Santa Clara County with regard to these efforts.
- Ruth Erickson from the Friends of the Library invited the Board and the community to attend a one-time screening of Man from Reno, a film made

exclusively in San Juan Bautista and Hollister, CA. Film Director David Boyle will be available for questions and answers after the screening.

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

The Chair recognized CAO Espinosa who asked Sara Fontanos to report on the proposed sales tax measure RFP for Communication and Education Plan purposes. She advised that no RFP has been received.

Mr. Brent Barnes from the Resource Management Agency (RMA) reported that the CEQA process for the Homeless Services Center is underway with all four sites in addition to any other sites that emerge during the CEQA Process.

CAO Espinosa indicated that with regard to the video streaming provided by CMAP has moved from analog to digital and that the image being transmitted may look a bit different.

The CAO also announced the County Bar B.Q. on October 29<sup>th</sup>, 2015 from 12:00 p.m. to 2:30 p.m.

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

The Chair entertained reports from the Board Members beginning with Supervisor Muenzer who indicated he had no report.

Supervisor Botelho reported on his attendance at the Council of Governments (COG) Meeting and commended Supervisor Botelho in his capacity as Board Chair of COG.

Supervisors De La Cruz and Rivas both did not have announcements.

Chairwoman Barrios reported on her attendance at the Area Agency on Aging and she asked for an agenda item to be placed on the November 3, 2015 Board Meeting so as to appoint representative to that Board.

She also asked that the Sales Tax be added to the Intergovernmental Committee Meeting agenda.

The Chair announced the Legacies of Woman Event sponsored by the Community Foundation Women's Fund.

**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 any member would like to remove any items from the Consent Agenda.

Supervisor Botelho asked that Consent Agenda Item 7 be pulled.

No items were pulled by members of the public.

- Supervisor Muenzer made a motion to approve the Consent Agenda Items as presented with the exception of Consent Agenda Item 7.
- Supervisor De La Cruz 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	

**CHILD SUPPORT SERVICES – K. Johnson:**

- 1) Approve the (MOU) Memorandum of Understanding for the Santa Cruz-San Benito Regional Department of Child Support Service; and authorize the County Administrative Officer to sign the MOU on behalf of San Benito.

**CLERK OF THE BOARD – L. Valdez:**

- 2) County Counsel had directed that this item be placed on the agenda regarding Petition for Conditional Liquor License-Blackburn Enterprises LLC, Pietra Santa Winery, and no recommendation to the Board at this time.

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 3) Approve contract with Janneke Jobsis-Brown, LCSW, LCS to provide group clinical supervision and individual supervision for MSW Social Workers from November 10, 2015 through June 30, 2016, in the amount of \$15,000.00.

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 4) Approve Lease and Maintenance Agreements with Sharp Business Systems for Photocopy Machines and authorize the HHSA Director to sign said agreements.

**HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**

- 5) Approve the budget adjustment; approve sublease agreement amendment for 1111 San Felipe Road, Hollister; and authorize the HHSA Director to sign all associated documents and any subsequent amendments.

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

- 6) Correction to previously approved vendor and purchase price of OES vehicle using Homeland Security Grant program funding; find it in the best interest of the County to allow OES purchase a vehicle not to exceed \$31,100.00.

**RESOURCE MANAGEMENT AGENCY – B. Barnes:**

- 7) Approve Jail Construction Agreement with the State of California for Construction of the San Benito County Jail Expansion AB900 Phase II project; and adopt Resolution delegating to the County Administrator approval to sign the agreement on behalf of the County to support the Main Jail Expansion project. (Res. No. 2015-78)

Supervisor Botelho asked Joe Horwedel, Special Projects Director with the Resource Management Agency (RMA) about timelines and deadlines associated with this project.

Mr. Horwedel acknowledged Supervisor Botelho’s concerns and indicated he would receive assurances from the State of CA in writing.

- Supervisor Botelho made a motion to approve Resolution 2015-78.
- 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	

**SHERIFF’S OFFICE – D. Thompson:**

- 8) Approve the multi-year lease for copier with DataFlow Business Systems for the Sheriff’s UNET division in the amount of \$165.63 per month a total of \$1,987.56 per year.

**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.

**COUNTY COUNSEL – M. Granger:**

- 9) Discuss the formation and membership of a committee to assist in the review and preparation of a marijuana cultivation ordinance; create a committee consistent with the Board’s determination: (a) creation of an ad hoc committee, and (if desired) direct the Ad Hoc committee to hold two or more public meetings, and direct that those public meetings shall be held at a time/location convenient to the public; or (b) or create a standing committee, specifying the composition of the committee. Direct the Clerk of the Board to post notice of vacancy pursuant to Government Code 54974, and bring back the matter in November 2015 to appoint any public members of the committee.

The Chair recognized Assistant County Counsel Barbara Thompson who presented the item to the Board. Mrs. Thompson explained the Board's previous actions and available options related to the establishment of an Ad Hoc Committee.

Public Comment was received from the following individuals:

- Aaron Johnson, Coastal Growers Association.
- Christina Chavez-Wyatt.
- Ann Ross.
  
- Supervisor Botelho made a motion for the creation of an Ad Hoc Marijuana Regular Committee.
  
- Supervisor Muenzer seconded the Motion.
  
- Chairwoman Barrios indicated she was supportive of the concept so long as Supervisor Botelho added that the Ad Hoc Committee Meetings were open to the public.
  
- Supervisor Botelho accepted the suggested amendment to his original motion and Supervisor Muenzer accepted agreed to the amendment as part of his second of the motion.
  
- **The Motion was Approved 5 to 0.**

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

The Chair proceeded to appoint Supervisors Botelho and Muenzer as members of the Ad Hoc Committee. Both members accepted.

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

- 10) Adopt Resolution approving the collective bargaining agreement between the County of San Benito and SEIU Local 521; authorize the County Administrative Officer and County Auditor to take the necessary administrative actions appropriate to effectuate the purpose and intent of this action including signing the final MOU agreement; and authorize the County Administrator or his/her designee to make any technical edits as later identified. (Res. No. 2015-79).

CAO Espinosa introduced the item to the Board and then asked Interim Human Resources Director Georgia Cochran to present the item to the Board.

Director Cochran provided background information and a highlighted discussion of the agreement to the Board. She also responded to questions as well as recommended actions.

- Supervisor Botelho made a motion to Adopt Resolution approving the collective bargaining agreement between the County of San Benito and SEIU Local 521; authorize the County Administrative Officer and County Auditor to take the necessary administrative actions appropriate to effectuate the purpose and intent of this action including signing the final MOU agreement; and authorize the County Administrator or his/her designee to make any technical edits as later identified. (Res. No. 2015-79).
- Supervisor De La Cruz 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	

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

- 11) Approve contract between the County of San Benito and the City of Hollister for the provision of fire protection services in San Benito County.

CAO Espinosa introduced the item to the Board and provided highlights on the renewal of the fire services agreement. He asked Joe Horwedel, Special Project Director, to present the item to the Board.

Mr. Horwedel presented an overview of the provisions of the contract and provided his recommendations.

- Supervisor De La Cruz made a motion to approve contract between the County of San Benito and the City of Hollister for the provision of fire protection services in San Benito County.
- 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 – B. Barnes:**

- 12) Consideration of Fire Station #3 location and initiation of CEQA Process; consider Rosa Morada on Fairview Road as the preferred site for Fire Station #3; and direct staff to proceed with appropriate CEQA review for the selected preferred site.

CAO Espinosa introduced the item to the Board at the request of Chairwoman Barrios.

CAO Espinosa provided a brief introduction and then asked Mr. Horwedel to present the item to the Board.

Mr. Horwedel provided an overview of the project and staff recommendations.

- Supervisor Muenzer made a motion to consider Rosa Morada on Fairview Road as the preferred site for Fire Station #3; and direct staff to proceed with appropriate CEQA review for the selected preferred site.
- Chairwoman Barrios 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	

Immediately following the discussion of Regular Agenda Item 12, the Board took a short break.

**HUMAN RESOURCES – G. Cochran:**

- 13) Discussion on Provision of Broker Services for Health Care through December 31, 2016; provide direction to staff with respect to continuing the current contact on a short term basis or fully developing and issuing a Request for Proposals for a new contract for services through December 31, 2016.

Chairwoman Barrios reconvened the meeting after the short break and she asked CAO Espinosa to introduce the item to the Board.

CAO Espinosa introduced the item to the Board and then asked Georgia Cochran, Interim Human Resources Director, to present the item to the Board.

Mrs. Cochran provided an overview and responded to questions from the Board.





Facts and Circumstances Justifying Closed Session: Receipt of email from Michael Burke, Attorney for Rancho Gavilan Corporation, dated October 7, 2015.

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 14 and 15, the Board took No Reportable Action.

The Chair entertained a motion to adjourn the Board Meeting.

- Supervisor De La Cruz made a motion to adjourn the meeting
- 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, NOVEMBER 3, 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.***