



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1

Anthony Botelho
District No. 2
Chair

Robert Rivas
District No. 3

Jerry
Muenzer
District No. 4
Vice - Chair

Jaime De La Cruz
District No. 5

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

REGULAR MEETING MINUTES March 20, 2018 9:00 AM

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman Anthony Botelho. Those present were Supervisor's Jaime De La Cruz, Mark Medina, Robert Rivas and Jerry Muenzer, as well as County Counsel Barbara Thompson, County Administrative Officer Ray Espinosa and Clerk of the Board Janet Slibsager.

Chairman Botelho announced before standing for the Pledge of Allegiance he spoke of the passing of County Counsel Matt Granger. He said our thoughts and prayers are with is family and friends during this period of time.

CAO Ray Espinosa said Matt was whitey and very smart and intelligent person. He was an asset to the County and will be truly missed.

County Counsel Barbara Thompson said that he lead us through some touch issues and he had a great sense of humor, and was a great communicator. She said that she learned a lot from him and that he is going to missed.

Chairman Botelho asked everyone to remain standing after the pledge for a moment of silence and remembrance of Mr. Granger.

a. Pledge of Allegiance

**Pledge of Allegiance to be led by Supervisor Jerry Muenzer,
District #4.**

The Pledge of Allegiance was led by Supervisor Jerry Muenzer.

b. Acknowledge Certificate of Posting

MOTION:

Motion to acknowledge the Certificate of Posting:

Made by **Supervisor Jaime De La Cruz** and seconded by **Supervisor Robert Rivas**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Muenzer, Rivas

Certificate of Posting

c. **Presentations and Recognitions**

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.

Those speaking from the public were: Mondisa Snodey, Chairperson of the Central Coast CalGrowers spoke of the meeting that they are having on March 26th at the San Juan Bautista Library in regards to regulated cannabis in the County. She said that she would give the Board an update at a future meeting.

Marty Richman, Hollister resident, gave his condolences to the Granger family. He mentioned how the County has a political problem. He spoke in regards to the Sanitary Sewer Master Plan that was presented at the City Council meeting.

Steve Becerra spoke in regards to the June ballot measures and the arguments that the Board presented. Spoke in regards to Measure C & D, cannabis tax. He said the Board needs to put in place an ordinance first before the vote.

e. **Department Head Announcements: Information Only**

Kevin O'Neil, Office of Emergency Services Director, introduced Bryan LaSota as a new employee in the Office of Emergency Services.

Joe Paul Gonzalez, Elections Director, informed the Board that his staff is putting together a local voter guide which is the same as a sample ballot that can be used for voting. He mentioned how are County is the first to do this.

CAO, Ray Espinosa, announced the arrangements for Matt Granger is on March 25th at 11:00 a.m. at the Grunnagle Ament Funeral home.

CAO, Ray Espinosa, reminded the Board that on March 22nd at 6:00 p.m. in the Board chambers they will be reviewing the RFP for the garbage pickup.

f. **Board Announcements: Information Only**

Supervisor Jerry Muenzer announced that he attended the Monterey Bay Community Powers Policy Board meeting and among some of the things discussed was how the Community Advisory Council members would be selected. He announced that they are accepting applications to serve on the citizen advisory council and the applications are on their website or they can contact him.

Supervisor Muenzer spoke in regards to exploring the idea in reinstating a Growth Management Ordinance for the County. He said that he would like to have this agendized for a future meeting.

Chairman Anthony Botelho asked if this could be put on a future meeting in April. CAO Ray Espinosa said that we could shoot for the last meeting in April the 17th.

Chairman Anthony Botelho reported that he attended the Rural Counties Regional Meeting (RCRC). He said some of the items discussed were PERS program and Opiates. He said that they took action on three propositions; 70 Greenhouse gas reductions, to support; 71 State Ballot Measures, to support; 72 Property Tax Exclusion for rain water capture, to support.

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.

MOTION:

Motion to approve consent agenda Items 1-11 with the exception of Item #3 and #6, which were pulled for discussion:

Made by **Supervisor Jaime De La Cruz** and seconded by **Vice Chair Jerry Muenzer**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Muenzer, Rivas

1. **ASSESSOR'S OFFICE - T. SLAVICH**

Adopt Resolutions Approving a Compatible Use Application for Agricultural Preserve Contract 13-08 (Brigantino); and a Lot-Line Adjustment Application for Agricultural Preserve Contract 09-03 (Winkle); and a Division Application for Agricultural Preserve Contracts 69-10 & 70-09 (Summit Ranch LLC).

SBC FILE NUMBER: 7

RESOLUTION NO: 2018-11, 2018-12, 2018-13

2. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**

Approve contract with Dr. Michael Fruchter, M.D. Psychiatrist for the term of March 20, 2018 to June 30, 2019, for a total amount not to exceed \$258,000.00.

SBC FILE NUMBER: 810

3. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Authorize the appointment of Janet Slibsager as the Clerk of the Board of Supervisors, at Step D, retroactively effective February 25, 2018. Benefits are those provided to all other members of confidential management.
SBC FILE NUMBER: 119

This item was pulled by Supervisor Mark Medina to recognize Clerk of the Board Janet Slibsager. She started her career with the County in 1994-1997 at the County Clerks Office then went to County Counsel's Office from 1998 to 2006, and from 2006 to present in the CAO's office at Assistant Clerk of the Board. She recently took the position as Clerk of the Board.

He said this goes to show you that we do look at promoting within, we have a valuable employee that we were able to retain and am proud to have her as our Clerk of the Board.

CAO Ray Espinosa mentioned that she has been working extremely hard and working late, she has been wearing to hats. He said that he appreciated the work she has been doing.

MOTION:

Motion to approve per staff recommendation:

Made by Supervisor Mark Medina and seconded by Supervisor Jaime De La Cruz

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Muenzer, Rivas

4. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - GONZALEZ, J.P.**

1. Approve five-year agreement, with possible one year annual renewals, with Tyler Technologies, Inc. to provide hosted system & software solution which will replace the current County Clerk/Recorder cashiering, recording and indexing system in an amount not to exceed \$316,945.00, where the first year costs will be \$129,789 and costs for each year thereafter will be \$46,789. The annual SaaS Fees under this agreement during any renewal term shall not increase by more than ten percent (10%) per renewal term, year over year; and
2. Authorize the County Administrative Officer to sign any and all change orders for this Agreement up to \$10,000.

SBC FILE NUMBER: 943.1

5. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Approve Professional Services Agreement with KNN Financial Services to provide the County of San Benito, CA with General Financial Services in an amount not to exceed \$100,000.00 USD.

SBC FILE NUMBER: 119

6. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Approve Reimbursement Agreement with BRISTOL SB LLC for reimbursement of initial project review costs in order to fully reimburse County costs for outside planning consultant work and internal staff costs related to initial review of Floriani Ranch project.

SBC FILE NUMBER: 790

This item was pulled by Supervisor Mark Medina with a question and clarification in regards to the

agreement with Bristol for reimbursement of the project.

RMA Director John Guertin provided information.

County Counsel Barbara Thompson provided additional information in regards to Section 5.

Supervisor Jaime De La Cruz said that he has a concern in this particular project. He said that he is not comfortable in moving forward with this today. He said he would like to see it go back to the Planning Commission for more work and address the buffer zone.

Mr. Guertin explained that the reimbursement agreement is to re coop our costs for the project only.

Discussion ensued by Board and Staff.

Those speaking from the public were: Jennifer Hernandez, Legal Representation for the Floriani project. She spoke as to how this gets us started, we have already filled out an application. She said that this agreement exclusively allows staff to charge us for their time.

MOTION:

Motion to rewrite this contract to include pre planning stage and bring back to the Board on April 3rd:

Made by **Supervisor Mark Medina** and seconded by **Supervisor Jaime De La Cruz**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Muenzer, Rivas

7. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve Spending Proposal for Commercially Sexually Exploited Children (CSEC) Training for various community members, providers and educators scheduled for March 29, 2018, for a maximum amount of \$14,990.00.
SBC FILE NUMBER: 130
8. **PROBATION DEPARTMENT R. T. BARAAN**
Approve Inter-Agency Agreement for use of Training Room between San Benito County Probation and Hollister Police Department effective March 6, 2018.
SBC FILE NUMBER: 510
9. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve the Stericycle term through June 30, 2019 for an amount not to exceed \$50,000 and authorize the Chair to sign the agreement. Note this is a Regional Agency program, therefore the costs are shared with Hollister (64%) and San Juan Bautista (3%). The cost to the County is 33% or \$16,500.00.
SBC FILE NUMBER: 142
10. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve Professional Services Agreement with EMC Planning Group, Inc. in an amount not to exceed \$79,570.95 for the performance of scope of

services directed by the Resource Management Agency to prepare a General Plan implementation program for the new commercial thoroughfare nodes along the U.S. Highway 101 corridor as identified on the County's 2035 General Plan Land Use and Transportation Diagrams. Approval of this agreement is contingent upon all property owners signing the reimbursement agreement approved by the Board of Supervisors on March 6, 2018; and authorize the RMA Director to sign future amendments to this agreement to amend the scope of services and compensation for Phase 1 services up to an additional \$16,429.05 for a maximum not-to-exceed amount of \$96,000.00.
SBC FILE NUMBER: 790

11. **SHERIFF'S DEPARTMENT - D. THOMPSON**

Approve Out-of-State Travel for two Veteran Peer Response team members to attend International Critical Incident Stress Foundation (ICISF) Regional Training in Baltimore, Maryland from May 30 - June 3, 2018. **Training and travel costs will be offset by a special revenue fund designated for this team and this purpose via Azalea Charities.**

SBC FILE NUMBER: 110

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.

12. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Progress report and update regarding Panoche Valley Solar Project, including compliance with the amended development agreement.

SBC FILE NUMBER: 119

County Counsel Barbara Thompson provided a PowerPoint presentation in regards to the Panoche Valley Solar project. Items that were covered were: Summary of obligations by May 31, 2018; Status in progress.

Discussion ensued by Board and Staff.

Those speaking from the public were: Marty Richman, Hollister resident, gave the Board credit for eventually ringing their neck. He also criticized the Board for not monitoring or keeping track of things. He said that the facts need to be put at the beginning rather than at the end of the agreement.

CAO Ray Espinosa said that this is a lesson learned, we will definitely do things different with projects moving forward.

This was a report only.

13. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Receive update on Regional Conservation Investment Strategy draft report.

Approve letter and authorize Chair to sign.
SBC FILE NUMBER: 160

County Counsel Barbara Thompson provided information in regards to the draft letter in regards to Regional Conservation Investment Strategy.

Those speaking from the public were: Jennifer Hernandez, Lawyer-Holland Knight, provided information and letter and map for the Board to review. She asked that the Board oppose the Santa Clara County Investment Strategy.

Scott Fuller, San Juan Oaks Golf Club, said that this does not effect San Juan Oaks Golf Club. He has some concern with the Fish and Wildlife's involvement.

Marty Richman, Hollister resident, spoke of how some of these organizations have goals other than what they state. He said if you let Fish & Wildlife get in to this thing you are going to have a problem, they have an agenda.

Discussion by Board and staff in regards to the letter.

Marc Landgroft, External Affairs Manager-RCIS, provided additional information in regards to entering into an agreement.

Discussion continued with Board and staff.

The consensus of the Board was to draft letter with their comments and concerns and delegate the Chairman to sign the letter.

MOTION:

Motion to authorize the Chairman to work with staff to come up with a letter for the Chairman to sign:

Made by **Vice Chair Jerry Muenzer** and seconded by **Supervisor Jaime De La Cruz**

4 - 1

For (4):

Against (1):

Ayes: Botelho, De La Cruz, Muenzer, Rivas Nays: Medina

14. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Receive update on the River Parkway Nash Road Bypass project from staff and presentation from San Benito High School Superintendent Shawn Tennenbaum on the High School's projects.

SBC FILE NUMBER: 105

Adam Goldstone from the Resource Management Agency provided information on the River Parkway Nash Road Bypass project. He said that they plan to come back at the April 3rd meeting to adopt the plans and specifications. He provided deadline dates for the project which included reimbursement agreement with the water district and easement for the road. He also mentioned that they would think of the naming of the road.

Hollister High School Superintendent, Shawn Tennenbaum, commended staff for all of their help. He gave an update of what they are doing; provided a facility master plan map and dates for the projects that they are working on.

He thanked the County, the City of Hollister and the Community for their support.

Supervisor Mark Medina thanked Shawn and the Principal for an excellent job for what they have done to make the High School a better place.

Chairman Botelho said that he was really impressed with this project. He also thanked Adam Goldstone for moving this project along.

Mr. Tennenbaum extended an invitation to the Board on April 18th at 5:00 p.m. will be the grand opening of the Visual Performing Arts Building and Gallery.

He thanked the Board for their support.

This was a report only.

CLOSED SESSION

Chairman Botelho announced that today is Louie Valdez's last Board meeting, he is going to Napa County. He said that he appreciated what he has done and wished him the best of luck at his next job.

County Counsel Barbara Thompson read the closed session items into the record.

Reconvened into closed session at 10:53 a.m. Reported out of closed session at 12:36 p.m.

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) and (b), Ralph M. Brown Act.)

15. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: Hollister School District v. County of San Benito, et. al.,
Superior Court of California, County of San Benito, Case No. CU-17-00085.
SBC FILE NUMBER: 235.6

No reportable action.

16. CLOSED SESSION PURSUANT TO SECTION 54956.95: LIABILITY CLAIMS

No of Cases: 2

-
Name of Claimant: Corina DeLeon

Agency claimed against: San Benito County (member of Trindel Insurance Fund)

Claim No.: TIBP-550100

Name of Claimant: Edward Escamilla

Agency claimed against: San Benito County (member of Trindel Insurance Fund)

Claim No.: TIBT-600027

SBC FILE NUMBER: 235.6

No reportable action.

17. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL :**

Conference with Legal Counsel - Anticipated Litigation

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

Number of Cases: 2

SBC FILE NUMBER: 235.6

No reportable action.

18. **CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (1)

Closed session is authorized by Section 54956.9(d)(2), (e)(1).

SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of April 3, 2018.

The Board adjourned at 12:36 p.m.

MOTION:

Motion to adjourn the meeting:

Made by **Supervisor Robert Rivas** and seconded by **Supervisor Jaime De La Cruz**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Medina, Muenzer, Rivas

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. and 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.