



SAN BENITO COUNTY BOARD OF SUPERVISORS

Mark Medina
District No. 1
Chair

Anthony Botelho
District No. 2

Peter Hernandez
District No. 3

Jim Gillio
District No. 4

Jaime De La
Cruz
District No. 5
Vice-Chair

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

REGULAR MEETING MINUTES September 24, 2019 9:00 AM

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 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 (3) minutes unless otherwise permitted by the Board Chair.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chairman Mark Medina. Those present were Supervisors Anthony Botelho, Jim Gillio, Peter Hernandez and Jaime De La Cruz, as well as County Counsel Barbara Thompson, County Administrative Officer Ray Espinosa and Clerk of the Board Janet Slibsager.

- a. Pledge of Allegiance

Pledge of Allegiance to be led by Supervisor Jim Gillio, District #4.

The Pledge of Allegiance was led by Supervisor Jim Gillio.

- b. Acknowledge Certificate of Posting

Certificate of Posting.

MOTION:

Motion To Acknowledge the Certificate of Posting:

Made by Vice-Chair Jaime De La Cruz and seconded by Supervisor Anthony Botelho

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

c. Presentations and Recognitions

BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO

Present Proclamation to Behavioral Health Department declaring 30th Annual Red Ribbon Month for October 2019.

SBC FILE NUMBER: 810

Supervisor Jim Gillio presented Proclamation to Behavioral Health for Red Ribbon Month.

Behavioral Health Director Alan Yamamoto thanked the Board for their support of this event. He also thanked all of the people in the planning process because it takes a lot of work. He provided information on the Red Ribbon Run which will take place October 19th at 8:00 a.m. at the Vet's Hall. He said that they will be doing a Fall Festival this year that will take place at Maze Middle School on November 2, 2019. He also thanked all of the Agencies involved and businesses in town that donate things and everyone who helps with these events.

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: Jerry Tatro, resident on Salinas Grade Road, spoke about how nothing has been done on the road and how it is highly used on a daily basis and it is a mess. He said that he would like to see something done on it. He spoke of the invoice that he gave the County for the tree that he removed and is currently in the culvert. He said that it is the Counties responsibility.

Natasha Wist spoke about the 3 minute buzzer rule and how it is hard to speak under the 3 minutes and how we should hold up a 30 second sign to warn them.

e. Department Head Announcements: Information Only

Clerk/Auditor/Recorder/Elections Joe Paul Gonzalez introduced a new recent member to the Elections Department Francisco Diaz. He said that Mr. Diaz was with the County prior for 5 years and left for 18 months and now he is returning to work in our Department again.

Mr. Diaz thanked Joe Paul and Angela Curro for letting him return. He said that he is glad to be back and thanked the Supervisors for granting his return.

Joe Paul introduced Sheyla Gonzalez who has been working with outreach efforts.

Ms. Gonzalez announced that today was National Voter Registration Day and they will be out at the Public Library on the lawn area from 1:00 p.m. to 7:00 p.m. to help people register. The upcoming election will be on March 3, 2020.

Assistant Clerk Recorder/Register of Voters Angela Curro spoke of how party matter in the 2020 March Primary Election. She provided a handout for the March 3, 2020 Primary Election and spoke of crossover. She said that they will be sending out information to the voters in regards to this.

CAO Ray Espinosa announced that he and Supervisor Jaime De La Cruz and Peter Hernandez will be attending the RCRC Conference this week and have a scheduled meeting to talk about SB1, Caltrans, Hwy 25 roundabout and expansion project.

Mr. Espinosa asked that Item #33 be heard first under regular agenda and asked to pull Item #23 to be heard at another date. He mentioned that in regards to roads and measure G they will be coming back to the Board to have a presentation on Measure G, SB1 and any other funding that they have available for realignment of Cienega Road, John Smith Road and an overall financial overview of where we stand with our roads.

County Counsel Barbara Thompson announced that Item #26 has a correction on paragraph 5, references a date of December 24, 2017 that should be December 24, 2019. She said that there was also a need for an urgency item to be added to closed session in regards to potential litigation and that the Board needs to make a motion that it came to the attention of the agency after the agenda had been posted and cannot wait until the next agenda.

Motion by Supervisor Jim Gillio to add this urgency closed session item to the agenda as stated by County Counsel; seconded by Supervisor Peter Hernandez. (5/0 vote)

f. Board Announcements: Information Only

Chairman Mark Medina asked the Board if the Board Announcements could be moved to the end of the meeting.

The consensus of the Board was to move to the end of the meeting.

Supervisor Jaime De La Cruz thanked Dulce Alonso and the rest of the staff for making the basket that is going to RCRC. He thanked Supervisor Gillio for bringing the box, and all of those who donated towards the box.

Supervisor Peter Hernandez said that he appreciates Dulce for working with him on the ABC contract. He said that they have been working on the Sports Complex and the Nash Road closure.

Supervisor Jim Gillio said the he would like to challenge all of the Supervisors to attend the San Benito County Fair October 4-8. He thanked the Chair for his leadership and guidance and thanked all staff and team members.

Supervisor Anthony Botelho said that this was a good meeting today.

Chairman Mark Medina said on November 2nd Small Steps event will take place and would like to see all of the Supervisors out there helping out. He said that they help out children who need jackets, shoes, etc.

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 #1-28 with the exception of Item #2, #4 and #8, which were pulled for discussion and Item #23 was pulled from the agenda to come back at another meeting:

Made by **Supervisor Jim Gillio** and seconded by **Vice-Chair Jaime De La Cruz**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

1. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve contract renewal with Victor Treatment Centers Inc., for the period of July 1, 2019 through June 30, 2020, in an amount not to exceed \$80,000.00.
SBC FILE NUMBER: 810
2. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve contract with OpenGov for budgeting, citizen engagement, and strategic planning software in the amount of \$102,000 per year for a five year term of 10/1/19 through 9/30/24.
SBC FILE NUMBER: 119

This item was pulled by Supervisor Jaime De La Cruz.

Supervisor De La Cruz asked what are the benefits and cost savings to the County.

Budget Officer Stewart Patri provided information to the OpenGov contract and how it will save the County money and time.

Chairman Mark Medina asked the CAO what has changes to software done for the County

CAO Ray Espinosa provided information.

Supervisor Jim Gillio said that he has met with software people and feel that this is very important for us. He said it will save us money and time in the long run. He said that he would support this today.

Supervisor Anthony Botelho said that he supports this as well, we need to move forward with the

ERP system.

Supervisor Peter Hernandez said that he understands Supervisor De La Cruz's concerns as far as the cost but if it saves us money he is all for that. He said that down the road he would like to see reports.

Mr. Patri said that he would be bringing back to the Board time spent with our staff and reports showing the efficiency of this program and the public outreach of it as they move forward.

Supervisor De La Cruz said that he appreciates the comments but does not feel we have explored this enough and would not support it at this time.

Public Comment:

Natasia Wist, said that she agrees with upgrading the system but asked how many bids were gotten and why this particular committee was picked.

Mr. Patri provided information to Ms. Wist's questions and concerns.

CAO Ray Espinosa provided additional information to this software.

Supervisor De La Cruz made a motion to deny, was not seconded the motion failed.

MOTION:

Motion to approve per staff recommendation:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Jim Gillio**

4 - 1

For (4):

Against (1):

Ayes: Botelho, Gillio, Hernandez, Medina Nays: De La Cruz

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

Approve Professional Services Agreement with KNN Financial Services to provide the County of San Benito with the General Fund Lease Certificates of Participation for the Behavioral Health Center, for the period of September 3, 2019 through April 31, 2020, in an amount not to exceed \$78,000.00 USD. SBC FILE NUMBER: 119

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

Approve new contract with the City of Hollister to provide animal control services, extending the term of the contract through July 31, 2020. SBC FILE NUMBER: 425

This item was pulled by the public Marty Richman.

Mr. Richman said that he encourages the Board to approve this contract. He said that there has been some bumps in the road between us, but he hopes that we can get over those bumps and move forward. He urges the public to be responsible pet owners.

Management Analyst Dulce Alonso provided information to the contract the City and County agreed on. She said that the City passed a Resolution that they need a contract signed by the County no later than October 1, 2019.

Supervisor Anthony Botelho thanked the Ad Hoc committee on both sides. He said that we have had some issues with animal control and we need to work better together.

Supervisor Jim Gillio thanked Dulce, CAO Espinosa, Captain Reynoso, Lieutenant Olson, Chief Westrick, Cheryl Mullen, Bill Alvera, Sheriff, Eric Taylor and Supervisor Hernandez for his leadership on this.

Supervisor Peter Hernandez thanked Dulce and Supervisor Gillio for all of their help. He said that animal control is not an easy thing. He said that he also appreciated the Sheriff's Department for their conversation.

MOTION:

Motion to approve Animal Contract for one year and hopefully renew month to month after that indefinitely: Made by **Supervisor Jim Gillio** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

5. **COUNTY ADMINISTRATION OFFICE - R ESPINOSA**
Adopt Resolution adopting the Fiscal Year 2019-2020 budget for the County and Special Districts governed by the Board of Supervisors.
SBC FILE NUMBER: 865
RESOLUTION NO: 2019-88
6. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Adopt Resolution to delegate authority to the County Administration Officer to finalize, approve, and execute a 401(a) plan for Elected Department Heads.
SBC FILE NUMBER:119
RESOLUTION NO: 2019-89
7. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve Memorandum of Understanding (MOU) with the Economic Development Corporation of San Benito County (EDC), \$100,000 annually beginning in Fiscal Year 2019/20 for a period of five years ending in Fiscal year 2023/24 to support economic development within San Benito County.
SBC FILE NUMBER: 425
8. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Adopt Resolution authorizing the County Administrative Officer to prepare all necessary documents for the Board of Supervisors' consideration, to permanently close, vacate and dispose of a portion of Nash Road between West Street and Monterey Street, and authorize the County Administrative Officer to negotiate and execute the terms of a shared use agreement with the San Benito High School District for construction and shared use of a parking lot on the High School Campus, connected to the River Parkway Bypass Road, to be funded by the County in the estimated amount not to exceed \$301,000. Authorize CAO to approve payment for parking lot to be constructed by the SBHSD.

SBC FILE NUMBER: 119
RESOLUTION NO: 2019-102

This item was pulled by the public Marty Richman.

Supervisor Jaime De La Cruz as part of the Ad Hoc committee thanked staff, CAO and Dulce Alonso for all her hard work on this. He provided background information. He said that Nash Road needs to be closed and this is the first step. He said that we need to construct parking lot along River Parkway for the High School and for a future sports complex.

Supervisor Peter Hernandez as part of the Ad Hoc committee provided information and spoke of the value and the benefit to our kids and the economic benefits that this brings is huge.

CAO Ray Espinosa said that this is the first step to the process. He said that there is also some concerns about weed abatement in that area that we are working on as well. He said that we currently have a traffic study going on right now and when we get the report back we will be coming back to the Board for some mitigation on that.

Public Comment:

Marty Richman, Hollister resident, said that he shares the goals of the Board wanting to put a sports complex out there. He said that his one concern is the traffic issue. He said that the closing of Nash Road is going to bring some hardship. He said that he is glad there is a study being done because they are very important. He said I think we are on the right track.

Steve Ward, Professional Empire for Baseball and lives next to the River Parkway road, asked the Board to consider trip ends at both ends of River Parkway. He spoke about the agreement that they signed saying that this was not going to happen until 2021. He asked the Board to slow this down and not rush it because there is a lot of us that are impacted. He spoke of how this impacts EMS because of getting in an out if there was an emergency.

Supervisor Anthony Botelho said I think Mr. Ward brought up a couple of good facts. He said that it is important that we are in compliance with that agreement. He said that he thinks we should have the assessment of the traffic study before we do the road closure. We can still build a parking lot and continue to work with the park.

County Counsel Barbara Thompson said that the Board is not taking any action today to close the road that will require a public hearing and will come back at a future date. This is for the parking lot.

Supervisor Jaime De La Cruz said that Nash Road will not close anytime soon. This is a process and the first step of the process is building a relationship and working with the City of Hollister and the High School to work on a parking lot. The second step is working on the traffic study to see what would happen if we close Nash Road and the impacts.

Supervisor Peter Hernandez mentioned that there was a meeting with the City, High School and County staff in regards to mitigation measures.

Chairman Mark Medina stated for the record; we are not voting to close Nash Road today that would be done at a later date after mitigation measures have been completed. He said we are working on the parking lot only.

MOTION:

Motion to Adopt Resolution No. 2019-102 authorizing the CAO to prepare all necessary documents for the BOS consideration to permanently close, vacate and dispose of a portion of Nash Road between West Street and Monterey Street, and authorize the CAO to negotiate and execute the terms of a shared use agreement with the San Benito High School District for construction and shared use of a parking lot on the High School Campus, connected to the river Parkway bypass Road to be funded by the County in the estimated amount not to exceed \$301,000 and authorize the CAO to approve payment for parking lot to be constructed by the SBHSD:

Made by
Vice-Chair
Jaime De
La Cruz
and
seconded
by
Supervisor
Peter
Hernandez

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

9. **COUNTY CLERK/AUDITOR/RECORDER/ELECTIONS - J. P. GONZALEZ**

Adopt Resolution Fixing and Levying Fiscal Year 2019-2020 General and Debt Service Taxes and Special Assessments.

SBC FILE NUMBER: 608

RESOLUTION NO: 2019-90

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

Approve Amendment No. 1 to legal services agreement with Renne Public Law Group in the amount not to exceed \$90,000.00 for legal representation, plus an additional \$20,000.00 for reasonable costs, for a total contract amount not to exceed \$210,000.00; and authorize the CAO to execute an Amendment to this agreement in the amount not to exceed an additional 20%, if necessary. SBC FILE NUMBER: 160

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

Approve legal services agreement with Jones Hall for Bond Counsel Services in connection with General Fund Lease Certificates of Participation for the Behavioral Health Center, in an amount not to exceed \$58,500.00.

SBC FILE NUMBER: 119

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

Adopt Ordinance, amending Section 21.01.092 to allow movement of a building from one site to another even if it does not meet minimum code requirements at time of initial inspection.

SBC FILE NUMBER: 160

ORDINANCE NO: 988

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

Adopt Ordinance to add Chapter 7.04 to Title 7 of the San Benito County Code related to Hemp regulation, including but not limited to definitions, prohibitions, the establishment of the Hemp Entity Management Program, registration requirements and regulations, fees, zoning for cultivation, required setbacks, odor and pollen drift mitigation, minimum parcel size, other requirements and administration and enforcement provisions.

ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308.
APPLICANT/PROPONENT: San Benito County. PROPERTY:
Unincorporated San Benito County.
SBC FILE NUMBER: 160
ORDINANCE NO: 989

14. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Adopt Ordinance, amending Chapter 5.09, the County's ordinance related to purchasing, making minor modifications relating to service contracts.
SBC FILE NUMBER: 160
ORDINANCE NO: 990
15. **HEALTH & HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Adopt Resolution authorizing the County to participate in one-time Housing Funds for Whole Person Care Pilots funding opportunity available as a result of AB 74, the Budget Act of 2019; and approve a Budget Adjustment to accept \$1,600,251.00 in One-Time Funding for Whole Person Care Housing Program. (4/5 vote)
SBC FILE NUMBER: 130
RESOLUTION NO: 2019-91
16. **HEALTH & HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Approve and Authorize the Chair to Sign Amendment #2 with Community Homeless Solutions (CHS) for a new contract total of \$1,484,804.
SBC FILE NUMBER: 130
17. **HEALTH & HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Approve Allocation of Two Positions for Implementation of CalOAR.
SBC FILE NUMBER: 130
18. **HEALTH & HUMAN SERVICES AGENCY - T. BELTON, INTERIM**
Approve an Allocation of One Full Time Social Worker Supervisor II in Health & Human Services Agency (HHSA) for Child Welfare Services.
SBC FILE NUMBER: 130
19. **HUMAN RESOURCES - E. NOLASCO**
Approve modification to the Emergency Services Manager specification.
SBC FILE NUMBER: 630
20. **INFORMATION TECHNOLOGY - S. VILICANA**
Approve the Microsoft enterprise agreement (EA) for Microsoft Exchange 365 and Office 365 G3 Suite in the amount of \$150,276.00 per year for a three year term (for a total of \$450,828.00) and authorize the County Administration Officer to sign and execute the EA with Microsoft and other related documents with authorized re-seller CDWG.
SBC FILE NUMBER: 119.1
21. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**
Delegate authority to CAO to execute a Contract with Vanir Construction

Management, Inc. in the amount not to exceed \$496,800, subject to County Counsel approval, to provide Construction Management services for the County's Behavioral Health Center.
SBC FILE NUMBER:810

22. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**
Receive the report and adopt Resolution authorizing staff to apply for the State Housing & Community Development SB 2 Grant with the purpose to use the funds for the update of the local zoning ordinances that are inconsistent with San Benito County 2035 General Plan, San Benito County Housing Element 2014-2023, and State Legislature, and to streamline the approval process for Accessory Dwelling Units.
SBC FILE NUMBER: 790
RESOLUTION NO: 2019-92
23. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**
Approve a Job Order contract (JOC) with Newton Construction for an amount not to exceed of \$216,689.76 for emergency guardrail repair to the 4th Street Bridge.
SBC FILE NUMBER: 105
24. **RESOURCE MANAGEMENT AGENCY- H. MAVROGENES**
Approve Contract with Benchmark Resources for Surface Mining and Reclamation Act (SMARA) compliance support services for all mining operations in San Benito County in an amount not to exceed of \$708,700.00 for the term of September 24, 2019 through June 30, 2022.
SBC FILE NUMBER: 105
25. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**
Approve contract with Dishnet Inc. dba DAS Systems for the San Benito County New Jail Expansion Project Emergency Responder Radio System Design/Engineering and Equipment purchase for an amount not to exceed \$85,796.25 to be effective on September 24, 2019, and end on December 31, 2019.
SBC FILE NUMBER: 120.5
26. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**
Adopt Resolution of the Board of Supervisors (1) Ratifying the County Administrator's Letting of contracts to remediate local emergency; (2), Confirming the County Administrator's authority to enter into emergency contracts pursuant to public contracts code 22050 without competitive bidding, (3) Finding that there is a need to continue such emergency action, Pursuant to section 22050 of the California Public contract code; and 4) Finding that the repair work is statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15269(c) for Emergency projects.
(4/5 vote required)
SBC FILE NUMBER: 105
RESOLUTION NO: 2019-93
27. **SHERIFF'S OFFICE - D. THOMPSON**

Adopt Resolution approving Agreement No. 19-96180 with California Department of Public Health Care Services for the Medi-Cal County Inmate Program in an amount not to exceed \$2,463.60, for the period of July 1, 2019 through June 30, 2020, and authorizing the Sheriff to execute the agreement and other necessary documents with California Department of Health Care Services.

SBC FILE NUMBER: 110
RESOLUTION NO: 2019-94

28. **SHERIFF'S OFFICE - D. THOMPSON**

Approve contract with California Forensic Medical Group for health care services to the county jail and juvenile hall commencing October 1, 2019 and ending June 30, 2022, a total three year contract cost not to exceed \$4,229,099.76 plus quarterly per diem population overage when applicable.
SBC FILE NUMBER: 110

PUBLIC HEARING

29. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**

Hold public hearing for the Board of Supervisors to consider Planning Commission recommendations and take action related to the Regional Commercial Nodes to adopt resolutions (six) correcting figures in the General Plan and adopting CEQA findings, and to adopt ordinances (five) amending the County Code zoning text to establish regulations for the Regional Commercial (C-3) zoning district, and amend County zoning maps for each of four new Regional Commercial zoning districts.

SBC FILE NUMBER: 790
RESOLUTION NO'S: 2019-95, 2019-96, 2019-97, 2019-98, 2019-99, 2019-100
ORDINANCE NO'S: 991, 992, 993, 994, 995

MOTION:

Motion to accept introduction, waive formal reading and Adopt Ordinance No. 995 amending the County zoning map for the "Livestock 101" C-3 node, subject to Condition and Approval No. 1, set forth:

Made by **Supervisor Anthony Botelho** and seconded by **Vice-Chair Jaime De La Cruz**

5 - 0

For (5): *Against (0):*
Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to Adopt Resolution No. 2019-100 considering and addendum to the 2035 General Plan EIR and adopting the addendum and CEQA findings for the zoning map amendment for the "Livestock 101" node:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5): *Against (0):*

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to accept introduction, waive formal reading and Adopt Ordinance No. 994 amending the County zoning map for the "Rocks Ranch" C-3 node, subject to Condition and Approval No. 1, set forth:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Jim Gillio**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to Adopt Resolution No. 2019-99, considering an addendum to the 2035 General Plan EIR and adopting the addendum and CEQA findings for the zoning map amendment for the "Rocks Ranch" C-3 node:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to accept introduction, waive formal reading and Adopt Ordinance No. 993 amending the County zoning map for the "SR129" C-3 node, subject to Condition of Approval:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to Adopt Resolution No. 2019-98 considering an addendum to the 2035 General Plan EIR and adopting the addendum and CEQA findings for the zoning map amendment for the "SR129" C-3 node:

Made by **Supervisor Anthony Botelho** and seconded by **Vice-Chair Jaime De La Cruz**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to accept introduction, waive formal reading and Adopt Ordinance No. 992 amending the County zoning map for the "Betabel" C-3 node, subject to Condition of Approval No. 1, set forth:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Jim Gillio**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to Adopt Resolution No. 2019-97 considering an addendum to the 2035 General Plan EIR and adopting the addendum and CEQA findings for the zoning map amendment for the "Betabel" C-3 node:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to accept introduction, waive formal reading and Adopt Ordinance No. 991 amending the County Code zoning regulations to establish the Regional Commercial (C-3) Zoning District:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

MOTION:

Motion to Adopt Resolution No. 2019-96, considering the addendum to the 2035 General Plan EIR and adopting the addendum and CEQA findings for the zoning code amendment to establish the Regional Commercial (C-3) Zoning District:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

Daryl Boyd with the Resource Management Agency gave a brief presentation and a few slides on the following: Staff; Commercial Regional Node Locations: Rocks Ranch, Livestock 101, Highway 129 and Betabel Road; Board of Supervisor's Actions: Adopt a Resolution to accept corrected General Plan Figures 3.2-3.6 (incorporate transcripts); Adopt Five CEQA Resolutions & Findings to consider 5 Addenda to the 2035 General Plan EIR; Adopt an Ordinance to approve Title 25 Code Amendment to add a new Regional Commercial (C-3) Zoning District; Adopt Four Ordinances to Rezone each node to Regional Commercial (C-3); Questions from 9/4/19 Board of Supervisor Study Session-Scenic Highways/Corridors; He said that they are available for questions:

Chairman Mark Medina opened the public hearing.

Those speaking from the public were: Marty Richman, City of Hollister, said that he supports this, we need to do this we need the income.

Robert Robe, Aromas resident, said that he appreciates the time for this. He said that the decision on this will last a lifetime and feels that it is being rushed. Spoke of a possible conflict of interest

and transcripts for 101 Livestock.

Scott Fuller, San Benito County Business Council, read a letter from the Business Council President Bill Tiffany who was unable to attend today. It said that he encourages the Board to approve the Nodes and support the applicants and that the revenue from this could help in public safety, economic and workforce development, social services, infrastructure, roads, etc.

Natasha Wist, spoke about marching for climate justice.

James Starkewolf, Salinas resident and a member of Preserve our Rural Communities, said that he feels that the Board has already made up their mind. He said that the next step is to circulate a petition for the referendum to see what the people think.

Andy Hsia-Coron, Preserve our Rural Communities, spoke of how the nodes are cancerous, traffic has increased and the water situation has changed. Spoke of a economic report or study.

Mary Hsia-Coron, Aromas resident, read letter from a friend of hers Cara Vonk who heard on a newscast a report on the West Coast's most underrated cities and San Juan Bautista was ranked #2. She said I believe you are making a terrible mistake not capitalizing on our most valuable asset, the promotion of a still rural, agricultural, ranch, historical, wine and recreation County within striking distance of a major metropolitan areas. Ms. Coron said by creating a lot of shopping areas along the Hwy it could affect the shops in San Juan Bautista.

Richard Wist, spoke about public outreach and how we do not need this development.

Jackie Morris-Lopez, San Juan Bautista resident, spoke about the talk about all these wonderful jobs which is false, spoke of poor planning and over growth.

Mary Vazquez Edge, San Juan Bautista resident, said to take in to consideration San Juan Bautista. These nodes will affect the economy in San Juan Bautista.

Michael Ostrowsk, Preserve our Local Communities, said that he loves this area and has been a resident for 20 years. This is not what we need.

Zachary Walton, Law Firm for the Commercial Nodes, spoke of the concerns of developments, water, etc. He said that the Commercial Nodes were put in to the general plan by the Board and today is the zoning code consideration that was put in the general plan.

Jonathan Deikman, Royal Oaks, spoke about the Board making bad decision and how to stop them.

Chairman Medina closed the public hearing.

Supervisor Jim Gillio said that he met with the PORC group, met with landowners and walked out to the properties of the nodes and have studied the general plan use section 5.1. He said I believe there are a lot of protections for San Juan Bautista. He said that he supports this today and will scrutinize all of these projects to support San Juan Bautista.

Supervisor Anthony Botelho stated that this is in his district and that he has thought about this very deeply. He said that it is important to him to preserve and protect our environment on a number of different issues. He said that this is no exception. The zoning ordinance does address a number of clauses. This zoning ordinance is probably one of the most restrictive and detailed zoning

ordinance in the State. We need jobs in this County and tax revenues are important to this County. He thanked staff and consultants for bringing this forward and property owners.

Supervisor Jaime De La Cruz thanked the Aromas community for allowing him to meet with them, he appreciated their comments and feedback. He said that we are going to work hard to make sure everyone's concerns are addressed.

Supervisor Peter Hernandez said that he also set down with Preserve our Rural Community folks and appreciates their input. He also enjoys our small community but we are lacking in growth.

County Counsel Barbara Thompson provided guidance in the making of the motions since there are several. She asked if each one could be read separate and voted on.

MOTION:

Motion to Adopt Resolution No. 2019-95, correcting figures in the General Plan depicting the location of Regional Commercial Nodes to reflect the determinations by the Board of Supervisors when adopting the 2035 General plan:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Peter Hernandez**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

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.*

30. RESOURCE MANAGEMENT AGENCY – HARRY MAVROGENES

Delegate authority to the RMA Director to move forward with the Best Road CIR Maintenance and Shoulder – Drainage Repair PWB-1902 Project through an Invitation for Bids (IFB) process; Approve the RMA Director to approve the scope of work for the project not to exceed \$1,500,000; Approve budget adjustment increasing appropriation in the amount of \$1,500,000 for the transfer of fund balance from Integrated Waste Management Fund to the Road Fund and \$1,500,000 for increased appropriations in the Road Fund for expenditures related to the Best Road CIR Overlay Maintenance and Shoulder – Drainage Repair PWB-1902 project . (4/5)
SBC FILE NUMBER:105

Resource Management Agency Director Harry Mavrogenes provided information to the project to repair Best Road. He said that they would like to move quickly to get this repaired, so they are recommending that the Board approve this item.

Chairman Mark Medina had a question where the money is coming from.

Mr. Mavrogenes replied the money is coming from the Enterprise Fund.

Supervisor Jim Gillio thanked staff for getting this on the agenda so quickly.

Discussion ensued by Board and staff in regards to the use of Enterprise Funds.

MOTION:

Motion to approve this item as follows: delegate authority to the RMA Director to move forward with the Best Road CIR Maintenance and Shoulder Drainage Repair PWB-1902 project through an Invitation for Bids process; approve the RMA Director to approve the scope of work for the project not to exceed \$1.5 million, approve budget adjustment increasing appropriation in the amount of \$1.5 million for the transfer of fund balance from Integrated Waste Management Fund to the Road Fund and \$1.5 million for increased appropriations in the Road Fund for expenditures related to the Best Road CIR Overlay Maintenance and Shoulder-Drainage Repair PWB-1902 project:

Made by
Supervisor
Jim Gillio
and
seconded
by
Supervisor
Anthony
Botelho

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

31. RESOURCE MANAGEMENT AGENCY - H. MAVROGENES

Adopt a resolution endorsing the development and implementation of a traffic calming plan in cooperation with the City of Hollister for Buena Vista Rd. between San Benito Ave. and Highway 156, and committing the contribution of \$270,000.00 from Measure G funds implementation for Buena Vista Rd, a heavily traveled arterial which is about to have a missing piece of road (the North Street right of way between College Street and San Benito Avenue). It is anticipated that this final connection will further increase the volume and speed of traffic.

SBC FILE NUMBER: 105

RESOLUTION NO: 2019-101

Resource Management Agency Director Harry Mavrogenes provided information in regards to Buena Vista road traffic issues. He said that there is a need to work with the City of Hollister to develop a plan for traffic calming. He said that they have had a couple of meetings already. He said that they are proposing to use \$270,000.00 from the Measure G funds towards this.

Supervisor Jaime De La Cruz thanked the City of Hollister and our staff for getting together and working on this. He said it is important to move forward on this because we are going to get a lot more traffic on that road.

Supervisor Anthony Botelho said that he applauds Supervisor De La Cruz for tackling this issue. He said that he hopes that we also work with the City for complete sidewalks. He said that it does need to be addressed.

County Counsel Barbara Thompson said that she wanted to clarify if it was San Benito Avenue or San Benito Street.

Supervisor De La Cruz said that it is San Benito Street.

Public Comment:

Marty Richman, Hollister resident, said that yes this needs to be done. He said that he also encourages during that same meeting to discuss traffic control at the end of the road and appropriate pedestrian crossing. We need to bring to the COG Board also. He said that he would encourage the City to do the same.

MOTION:

Motion to Adopt Resolution No. 2019-101 endorsing the development and implementation of a traffic calming plan in cooperation with the City of Hollister for Buena Vista Road between San Benito Street and Highway 156, and committing the contribution of \$270,000.00 from Measure G funds to its implementation:

Made by **Vice-Chair Jaime De La Cruz** and seconded by **Supervisor Jim Gillio**

0 - 0

For (0): Against (0):

32. COUNTY COUNSEL'S OFFICE - B. THOMPSON

Read Title of the ordinance for the record, waive further reading and Accept Introduction of Ordinance adding Section 5.09.017 to the County relating to leases/licenses of County Real Property by establishing an alternate procedure pursuant to Government Code 25537, and continue to October 8, 2019, at 9:00 a.m. for adoption.
SBC FILE NUMBER: 160

County Counsel Barbara Thompson read the title of the ordinance for the record Ordinance adding Section 5.09.017 to the County relating to leases/licenses of County Real Property by establishing an alternate procedure pursuant to Government Code 25537 and provided information.

Supervisor Jim Gillio said that he supports this but thinks that a \$1,000 is to low, he would like to see it increased to at least \$7,500.00.

MOTION:

Motion to approve per staff recommendation with the change from \$1,000.00 to \$7,500.00 and continue to October 8, 2019 for adoption:

Made by **Supervisor Jim Gillio** and seconded by **Vice-Chair Jaime De La Cruz**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

33. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Discussion and approval of Second Amendment to landfill operating agreement with Waste Solutions Group of San Benito, LLC.
SBC FILE NUMBER: 119

CAO Ray Espinosa introduced Michael Colantuono who is the person that is contracted with the County to assist with this contract.

Chairman Mark Medina provided additional information that this is a contract that has been going

on for roughly two years so there has been a lot of research and work that has been put in to it.

Mr. Colantuono said that he is a local government lawyer and took on this project last November. He said that he had three things to talk about: 1) the relationship with Waste Connections; 2) the broad deal points in front of them today and 3) the changes that have been made in the last 24 hours. He said that the County owns the John Smith Landfill and the County use to operate the John Smith Landfill and has contracted with Waste Connections, Inc. which is a large corporation to operate the Landfill. He provided background information on the agreement. He said that Waste Connections has found the need to expand the landfill. He said getting expansion requires a lot of lawyers and consultants. He said that they came to us and said that we need your cooperation in order to achieve the expansion permit. He said that we said that we have a deal for you, we will certainly help you with that expansion but there are changes we want to see in our relationship as well. He said that is how we came to the agreement that we have today.

He provided information on the major deal points of this agreement: Waste Connections will always maintain 15 years capacity in the landfill promise; they are going to do the work to get the permitting for the landfill; engage in our community in regards to recycling issues; they are going to continue to cooperate with us in regards to compliance with the State laws to reduce the amount of waste that goes to the landfill; there is an existing provision in the agreement that gives them a cost of living adjustment on the compensation that they receive but will be temporary suspending that while we are in the process of working on the permits; spoke about the boiler plate of the agreement. He said that this is a much stronger contract than what it was. Page 29 of the agreement is the economic promise, landfill depletion fee; Page 30 there is a payment to the County \$200,000 per year until they give up on their expansion, achieve permits that is to improve the landfill roads; paragraph 5 the rate the locals pay is higher than the rate that is charged to the contracted individuals that bring in from the outside. He said that we got a reduction of tipping fees and a cap on future increase of fees; paragraph 6 Waste Connections is going to purchase the landfill, we will end up owning that land; paragraph 7 provides for an immediate increase in the tipping fee revenue to the County of a \$1.00 a ton for up to three years; paragraph 8 is a temporary increase in the depletion fee; paragraph 9, they are not happy with the intersection of John Smith Road and Fairview Road because they can only bring their trucks in from one direction the contractor shall pay County \$2,000,000 to fund the realignment project; paragraph 10 pertains to the environmental review which the County is responsible to do, Waste Connections is going to hire a consultant to write the report. He said what the EIR most likely will do is change the economics of the expansion, so we will probably be sitting down with Waste Connections in six months to do the 3rd Amendment to the contract which is not a bad thing it will give us another opportunity to maintain the relationship for the community; paragraph 11 on page 33 continue negotiations in regards to the haul route.

He went over the changes that have taken place in the last 24 hours. He said after the red line yesterday there was one more language change on page 30, we are getting lower tipping fees for our residents to 10%.

Discussion ensued by Board and Mr. Colantuono.

Supervisor Botelho thanked Mr. Colantuono for his thurl work on this contract and thanked Waste Connections. He said that this is a great agreement going forward for the County.

Supervisor Gillio thanked everyone for their efforts and time on this and Waste Connections for their negotiations.

Public Comment:

Marty Richman, Hollister resident, said he thinks you caught the boat on this one. I am glad to see

a contract that recognizes the value of that landfill. He said the value of our landfill have gone up like the transportation has gone up.

Natashia Wist, San Juan resident, asked how much trash are we taking from other Counties in to our Landfill. She said that she is surprised to hear that the Board has approved this corporation to pay for the Environmental Impact Report and choose the company that is going to do it. I feel we should get a neutral organization to do it. She said that methane gas is about 80% worse than Co2 in causing global warming, it is highly toxic. So she was wondering what could be done about this. She said that she is also concerned about our County being a dumping ground for bigger Counties to get rid of their trash.

Chairman Mark Medina provided information to some of her questions.

Maria Hsia Coron, Aromas resident, spoke about climate change and Methane gas issue.

MOTION:

Motion to approve the Second Amendment to the contract with Waste Solutions Group with the changes presented today along with the exhibits:

Made by **Supervisor Jim Gillio** and seconded by **Supervisor Anthony Botelho**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

34. **BOARD OF SUPERVISORS**

Approve Certificates of Recognition to the following for their dedication and commitment to the San Juan Bautista De Anza National Historic Trail: Ruth Macias de Escoto, Jerry Sierra, Michael Ostrowski, Jeffrey Ingalls and Jose Martinez to be presented at a later date.

SBC FILE NUMBER: 156

Supervisor Anthony Botelho said that he asked for this to be put on regular agenda and that these certificates will be presented at a later date. He said he wanted to put on the agenda to acknowledge the following: Ruth Macias de Escoto, Jerry Sierra, Michael Ostrowski, Jeffrey Ingalls and Jose Martinez for their dedication to the De Anza National Historic Trail in San Juan Bautista. He said with out volunteers this trail would go into disrepair. He said that we have a good partner with Granite Rock. He said it is one of our County gems and appreciates the support and volunteers.

Public Comment:

Michael Ostrowski said that they have ran in to a lot of trouble with the National Parks because we are not supposed to have any memorials on the trail. He said if we could move the rock down to the beginning of the trail off of the government property. He said to keep up the good work on the trail.

MOTION:

Motion to accept the recognition's but wants to add Jim & Gail Sleznick to the list to receive certificates:

Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Jim Gillio**

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

CLOSED SESSION

County Counsel Barbara Thompson read the closed session items in to the record. Reported that item #35 will be taken off of the agenda. Added #39 closed session item to the agenda.

The Board adjourned in to closed session at 12:30 p.m. and reported out of closed session at 1:30 p.m.

County Counsel reported there was not reportable action.

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.)

35. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Threat to Public Services or Facilities
Government Code 54957a.
SBC FILE NUMBER: 235.6

This item was taken off of the agenda.

36. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (d)(2), (e)(2) of Government Code Section 54956.9
Number of cases:1
Potential of additional litigation regarding Master Tax Agreement currently being litigated in *Award Homes and BMC Promise Way*.
SBC FILE NUMBER: 235.6

No reportable action.

37. CLOSED SESSION-CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Michael McDougall, Ray Espinosa, Edgar Nolasco, Stewart Patri, Elvia Barocio and Barbara Thompson.
Employee Organizations:
Institutions Association
Law Enforcement Management
Management Employees' Group
SEIU Local 521 (General Unit Employees)
Deputy Sheriff's Association
Confidential Employees
Confidential Management Employees
Appointed Department Heads
Unrepresented Employees
AUTHORITY: California Government Code Section 54957.6
SBC FILE NUMBER: 235.6

No reportable action.

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

No. of cases: 2 Subdivisions (a) and (d)(1) of Section 54956.9

Name of Case: BMC Promise Way, LLC, dba Benchmark Communities v. County of San Benito, City of Hollister, Sixth Appellate District, Court of Appeals, Case No. H046707.

Name of Case: Award Homes, Inc. v. County of San Benito, City of Hollister, et. al., Sixth Appellate District, Court of Appeals Case No. H044894)
SBC FILE NUMBER: 235.6

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of October 8, 2019.

MOTION:

*Motion to adjourn the meeting
at 1:36 p.m.:*

Made by **Vice-Chair Jaime De La Cruz** and seconded by
Supervisor Jim Gillio

5 - 0

For (5):

Against (0):

Ayes: Botelho, De La Cruz, Gillio, Hernandez, Medina

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.

