



## 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

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

### REGULAR MEETING MINUTES

October 8, 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 Peter Hernandez,  
District #3.**

The Pledge of allegiance was led by Supervisor Peter Hernandez, District #3.

- b. Acknowledge Certificate of Posting

## Certificate of Posting.

MOTION:

Motion to Acknowledge the Certificate of Posting:

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*

**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.

Shawn Tennabaum, San Benito High School Superintendent, thanked the Board for their leadership. He said that the collaborate efforts that the Board has shown and CAO Espinosa has been tremendous for the High School. He said that we have been able to accomplish so much with collaborate efforts from safety of our students to building a road a temporary closing road and steps moving forward with the closing of Nash Road and a future parking lot. He said on behalf of the San Benito High School District we are here to say thank you. He said that those efforts mean everything to them as we strive to have the safest environment possible for our staff and students. He said that he and Roseann would like to present a check in the amount of \$394,000 dollars for their portion of the project to the CAO Ray Espinosa for the County of San Benito to help move forward in the continuous efforts.

Roseann, Chief Business Officer, said that she would like to echo Chief Tennabaums feelings about our gratefulness and the safety of our employee's and students. She said I appreciate everything and thank you all.

Supervisor Anthony Botelho said working on the committee for the Nash Road we were able to get a lot done. He thanked Mr. Tennabaum.

CAO Ray Espinosa thanked Mr. Tennabaum and his team for the time and energy put forth.

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

Kris Mangano, Interim OES Director provided an update on the power outages that P.G.&E. has been broadcasting the last few days. She said as of this morning at 7:30 a.m. San Benito County is not on the blueprint to be affected. She said we are expecting winds which could cause some shut downs but not because of the fires. She said that she would continue to keep the Board updated if there are any changes.

Supervisor Peter Hernandez asked if there was a map of the places being affected, in addition to notifying the County.

Ms. Mangano said that P.G.& E. does have a map on their website; pge.com. that is current and up to date. She said that if there is an outage due to the wildfires they would contact each customer

affected.

Supervisor Anthony Botelho said that he hopes that next year we can address mowing in some of those potential fire areas. Maybe OES can work with RMA on this. We need to address how we mow as it is a concern to several residents.

Ms. Mangano said that she would work with RMA on that.

Supervisor Jim Gillio said that you can also put in your address on the website to see if your address would be affected by the power outages.

Supervisor Jaime De La Cruz asked if this was going to be an on going thing.

Ms. Mangano replied probably because this is a new program of theirs.

RMA Director Harry Mavrogenes introduced some new employees and promotions in his department: Maria Aldape, Secretary; Megan Stevens, Staff Specialist; Arielle Goodspeed, Planner; Duane Dauphine, Chief Building Official; Kathy Smallwood, County Technician; Rich Brown a retiree working in Code Enforcement 3 days a week. He said that there has been 11 recruitment's and are interviewing for road maintenance supervisor's. Have an accountant I position open which we will be interviewing for next week. He said that we are working on getting a full department.

CAO Ray Espinosa stated we are removing Item #3 from consent agenda will be bringing back at a later date. Met with Assemblyman and discussed Highway 25 and the roundabout concerns along with Supervisor Botelho and Gillio.

**f. Board Announcements: Information Only**

Supervisor Jaime De La Cruz reported that he attended RCRC Conference and that they generated \$900.00 to help out a non profit, FFA for that particular County, on the basket that was put together for a raffle.

Supervisor Peter Hernandez reported that he attended RCRC Conference in Lake Tahoe and sat through different session one being Economic Development. Sat down with lobbyist in regards to roundabout. Reported that he had a productive Vet's Commission meeting yesterday pertaining to Vet's Park.

Supervisor Anthony Botelho said that he had a correspondence from a person in regards to an issue with odors on Hemp. He said I think it is something that we need to take a look at at the end of the growing season and evaluate our ordinance. He said that it has been a privilege for me to be on the Board these years to help promote economic development. He said that he is concerned and somewhat disappointed in regards to the area on the 101 corridor that this is such a controversy right now. He said that I feel that people are very misguided and putting out falsehoods to get signatures for a referendum to put this on the ballot. He said this is going to cost the County a lot of money. We want the public to be involved in these projects but they are going about it the wrong way. He said that I would like to have an estimate possibly at the next meeting what the cost would be to the taxpayers to put this on the ballot.

Supervisor Jim Gillio commented on the San Benito County Fair, gave Dara Tobias and the entire fair board credit and the community, it was amazing and well attended. He spoke on Supervisor De

La Cruz's question on funding on SB1. He said that SB277 has still not been signed by the governor which will reallocate how SB1 funds are allocated. He said that smaller counties would get less funding.

## 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 #1-13, with the exception of Item #3 which was pulled from the agenda, Item #9, #11 and #12 which were pulled for discussion:

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. **BOARD OF SUPERVISORS**  
Appointment of Supervisor Jim Gillio to the Central Coast Housing Working Group to represent the Board of Supervisors.  
SBC FILE NUMBER: 156
2. **CHILD SUPPORT SERVICES- J. MURRAY**  
Approve the FY 2019-2020 Plan of Cooperation between the California Department of Child Support Services and the San Benito County Department of Child Support Services, and authorize the Director of Santa Cruz/San Benito Regional Department of Child Support Services to sign on behalf of County.  
SBC FILE NUMBER: 22
3. **CHILD SUPPORT SERVICES- J. MURRAY**  
Approve Amendment (Addendum G) to the Commercial Lease for the Department of Child Support Services extending lease from June 30, 2019 to June 30, 2024, in the amount of \$8,000.00 per month for the five years of the amended lease.  
SBC FILE NUMBER: 22
4. **COUNCIL OF GOVERNMENTS - M. GILBERT**  
Receive Draft Airport Land Use Compatibility Plan and Draft Initial Study - Negative Declaration for the Frazier Lake Airpark.  
No action to be taken at this time, information only.  
SBC FILE NUMBER: 1035

5. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**  
 Adopt 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.  
 SBC FILE NUMBER: 160  
 ORDINANCE NO: 996
  
6. **HUMAN RESOURCES - E. NOLASCO**  
 Adopt Resolution approving Tentative Agreements, authorizing the CAO to implement terms and conditions as outlined in the TA's, and extending the economic terms and conditions outlined in the MEG Tentative Agreement to all other unrepresented, confidential management, confidential employees, Department Heads, and Elected Officials (except the COLA for the Board of Supervisors).  
 SBC FILE NUMBER: 630  
 RESOLUTION NO: 2019-103
  
7. **PROBATION DEPARTMENT - J. FRONTELLA, JR.**  
 Approve the payment of \$155,000.00 from the Community Corrections Partnership (CCP) AB109 fund agreed upon by the San Benito County Community Corrections Partnership Executive Committee (CCP-EX) to the City of Hollister's Police Department for UNET officer services in FY18/19.  
 SBC FILE NUMBER: 510
  
8. **RESOURCE MANAGEMENT AGENCY- H. MAVROGENES**  
 Approve renewal of the user license for Accela Civic Platform in the amount of \$57,464.32 for a term beginning November 23,2019 to November 22, 2020.  
 SBC FILE NUMBER: 790
  
9. **RESOURCE MANAGEMENT AGENCY - H. MAVROGENES**  
 Approve a contract amendment #1 with Cleaning Services adding \$26,618.00 to the original contract amount of \$519,828.00 for additional janitorial services at the County Library during the next three years.  
 SBC FILE NUMBER: 105.3

This item was pulled by Supervisor Jaime De La Cruz. He had a question if there were any local companies that could do maintenance services for the County.

RMA Director Harry Mavrogenes replied that they are just adding services to the contract that they already have. He said that once the contract is up for renewal they can go out for bid.

MOTION:

*Motion to approve contract amendment per staff recommendation:*

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*

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

Approve amendment #2 to the contract with EMC Planning Group who is conducting the environmental review for the Highway 101 Commercial Nodes Project. The contract amendment will add additional compensation in the amount of \$68,000.00 for a total contract amount of \$212,000.00. Additional services have become necessary in order to complete the review.  
SBC FILE NUMBER: 105

11. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**

Accept bids received for the Behavioral Health Center project, find Silver Creek, as the lowest responsible bidder, award contract to Silver Creek Industries Inc. in the amount of \$7,373,359.00, approve contract and authorize the RMA Director to execute it upon receipt of all documents required in the Invitation for Bids, and authorize the RMA Director to issue change orders per Public Contract Code 20142; approve budget adjustment in the amount of \$6,100,000.00. (4/5 vote)  
SBC FILE NUMBER: 810

This item was pulled by Chairman Medina. He had a question if the dollars spent on this would it be general fund monies or state.

RMA Director Harry Mavrogenes responded they are from the State.

CAO Ray Espinosa provided additional information.

Budget Officer Stewart Patri provided additional information.

Discussion ensued by Board and staff.

Gabriel Orozco Accountant for Behavioral Health spoke about the funding from the State on this project and how they need to spend them.

Discussion continued with Board and staff in regards to using general fund money if we move forward.

Mr. Mavrogenes said that there is a correction to the contract amount; in the Board report it shows the amount of \$7,397,000., which is higher than what it shows on the cover page. The correct amount is \$7,397,000.

MOTION:

Motion approve per staff recommendation with the budget correction by RMA Director in the amount of \$7,397,000.:

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

**4 - 1**

For (4):

Against (1):

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

12. **RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**

Authorize the RMA Director to approve Contract Change Order Number 1 in the amount of \$250,000 to Granite Rock Company's PWP-1903 Public

Works Road Maintenance Potholes Repair contract to include the Panoche Road for pothole repairs; Adopt Resolution ratifying the County Administrator's Letting of contracts to remediate local emergency and confirming the County Administrator's authority to enter into emergency contracts pursuant to public contracts code 22050 without competitive bidding, finding that there is a need to continue such emergency action, finding that the repair work is statutorily exempt from the California Environmental Quality Act (CEQA). (4/5 vote required)  
SBC FILE NUMBER: 105  
RESOLUTION NO: 2019-104

This item was pulled by Supervisor Jaime De La Cruz. He said there are people that are not happy with the patching of the roads or pot holes, is that going to be addressed.

RMA Director Harry Mavrogenes said that they are working on pot holes now. He said that Fairview Road has been a problem but overall they have done a very good job.

MOTION:

Motion to adopt Resolution No. 2019-104 Made by **Supervisor Jim Gillio** and seconded by **Vice-Chair Jaime De La Cruz**  
per staff recommendation:

**5 - 0**

For (5):

Against (0):

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

**13. RESOURCE MANAGEMENT AGENCY- HARRY MAVROGENES**

Approve Contract Amendment #4 with 4Leaf Inc. to continue providing professional services to the County RMA in an amount not to exceed \$600,000.00 and extend the expiration date of service from December 31, 2019 to December 31, 2020.  
SBC FILE NUMBER:105

**PUBLIC HEARING**

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

Conduct a public hearing to consider the Planning Commission recommendation and the adoption of an ordinance to amend the zoning map for Assessor's Parcel 020-280-054, a four-acre parcel located one-quarter-mile west of the Southside Rd.–Enterprise Rd. intersection, near Hollister, unincorporated San Benito County, from Agricultural Productive (AP) to Single-family Residential (R1).  
SBC FILE NUMBER: 790  
ORDINANCE NO: 997

Michael Kelly Associate Planner provided information on the project. He said that there were 10 residential lots approved by the Planning Commission on August 21, 2019. He provided a PowerPoint which included the following: maps; CEQA; staff recommendations: Board review the materials and hold a public hearing to consider the project and make a motion to accept the introduction of the ordinance, waiver further reading and adopt the ordinance attached to the document; questions.



**Public Comment:**

Ann Hall, San Benito Engineering, spoke on behalf of the applicant. Said that zoning is just bringing the property in line with the general plan. She said that it has been in the works since 2014 and they are really glad to be here today to finalize this and move forward.

Supervisor Jim Gillio said that he would support this today, staff and our Planning Commission did a good job on this.

Supervisor Jaime De La Cruz said that he had a question in regards to in lieu of fees for habitat conservation, but does not see anything about low income housing.

Mr. Kelly provided information.

MOTION:

Motion to adopt Ordinance No. 997 per Made by **Supervisor Jim Gillio** and seconded by **Supervisor Anthony Botelho**  
staff recommendation:

**3 - 2**

For (3): Against (2):  
*Ayes: Botelho, Gillio, Medina Nays: De La Cruz, Hernandez*

**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.*

**15. RESOURCE MANAGEMENT AGENCY – H. MAVROGENES**

Authorize the implementation of the Measure G Quick Start Road Improvement Projects Program and the use of the Enterprise Fund to improve road segments on Fairview Road; authorize the RMA Director to move forward with approval of the plans and specifications and Invitation for Bids process, subject to the RMA Director obtaining Board's approval for plans and specs and complying with public bidding processes as may be required by law and returning to the Board with proposed contracts for approval; authorize the RMA Director to approve a scope of work for projects in the amount not to exceed \$8 million from the Measure G Program and approve the scope of work for \$3 million from the Enterprise Fund; and approve in concept a budget adjustment from the General Fund in the amount not exceed of \$8 million to be paid back from the Measure G and Enterprise Funds over the next five years and direct RMA staff to return with a Budget Adjustment Form and financing plan at a future Board meeting

SBC FILE NUMBER: 105

RMA Director Harry Mavrogenes provided information to the Measure G Quick Start Road Improvements Projects Program and the sue of the Enterprise Fund to improve road segments on



Fairview Road. He said that they will bring projects back for specific review before they begin.

Budget Officer Stewart Patri provided a hand out which highlighted SB1 second table which outlines potential SB1 funding. He said that the first table outlines all of the road projects including the two projects that would be added today for Measure G and local road projects, which is part of the enterprise fund. The local road projects item includes the Best Road project, John Smith Road project, the quick pothole project that the Board approved this year as well as this new 3 million dollar Fairview project. He spoke about the Highway Bridge projects we have a 60.5 million dollar cost estimate on the 8 bridges, we have funding secured by the State in the amount of 54 million, we have a short fall of about 5 million.

Supervisor Anthony Botelho asked how are we going to address the bridge projects. These projects were recommended by CalTrans for Fema.

CAO Ray Espinosa provided additional information.

Greg Bucknell provided information to the Hospital Road Bridge.

Supervisor Jim Gillio thanked our team for putting this together. Would like to see if impact fees could be used for that bridge. We need to make a decision whether we want to move forward with the John Smith Road realignment or not. He said in regards to the potholing it has been a major concern in our community. The patches will at least get us through the winter.

Supervisor Peter Hernandez spoke about educating the public on what we are working on.

Supervisor Jaime De La Cruz commended staff for the report. He said that we need to take it one step further, if this gets approved today we need to put something on social media letting them know what we did and why.

Chairman Mark Medina said that he too would like to do something about the John Smith realignment, either we continue or scrap it. He said that the money we have in the enterprise fund needs to be used for these roads. He wanted to know what has to be done.

CAO Ray Espinosa said that you would need to give us direction to come back at the next Board meeting with a staff report to redirect those enterprise funds to a throughway, Fairview Road, John Smith Road, if your Board so chooses.

Supervisor Anthony Botelho said that he appreciates this list but he also is concerned about a few of the other roads that are deteriorating, if we could utilize enterprise funds for some of those impacts. We need to look at future funding from business licenses, etc. He said that we also have an obligation to our County Employees also.

Supervisor Gillio said that he would also like a report back on the Cienega Road realignment as far as what would the cost be and when it could possibly be done.

Supervisor Hernandez thanked staff for this list. He said that Fairview and Fallon road is a concern also for safety.

Chairman Mark Medina asked are we coming back on October 22nd with a list of funding and roads out of enterprise funds.

CAO Espinosa said that if it is the wish of the Board we would work with RMA on that and bring

it back on October 22nd.

**Public Comment:**

Wayne Norton spoke about the Rocks Road Bridge and how it needs to be fixed. He said if we loose that bridge we have a very significant issue for safety to get to Carr Avenue.

MOTION:

Motion to approve per staff recommendation:

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*

**16. LONG TERM CARE COMMISSION**

Receive update and report from the Commission.

SBC FILE NUMBER: 156

Mitch Matthews 2019 Chair of the Long Term Care Commission provided information on the Long Term Care Commission in San Benito County and what their role is.

Clay Kemp, Executive Director of the Senior Council for San Benito County, gave an update on the 2019 State Legislative Bills and how it is going to affect San Benito County. He highlighted some of the updates: Funding success that we had, Statewide we brought in \$17.5 million for senior nutrition programs (\$60,000 for San Benito County); Caregiver Resource Center and Long Term Ombudsman received additional funding; MSSP program was approved but there was no expansion to add to services in San Benito County; Legislation SB611 required the Master Plan on Aging to include housing for older adults and people with disabilities. He said a couple of other things that are not in the report is that there is funding for a pilot program which we can work with hospitals. He said that they are looking at age friendly communities and aging disability resources. He said they continue to be active as a Commission and through our statewide commission. He said that the Governor has put together a committee for aging and is happy to say he was one of thirty that was selected to be on that committee.

Supervisor Jim Gillio thanked them for the report and congratulated him for being selected for that committee, that is going to be a big impact for us locally.

Supervisor Anthony Botelho echoed Supervisor Gillio. He said that we do have a great partnership with Santa Cruz Area for Aging.

**CLOSED SESSION**

County Counsel Barbara Thompson read the closed session items in to the record. The Board adjourned in to closed session at 10:41 a.m.

The Board reported out of closed session at 11:52 a.m.

There was no 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.)

17. **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.

18. **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.

**ADJOURNMENT**

**Adjourn to the next regular meeting of October 22, 2019.**

MOTION:

Motion to adjourn the meeting at 11:54 a.m.: Made by **Supervisor Jim Gillio** and seconded by **Vice-Chair Jaime De La Cruz**

**5 - 0**

For (5):

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

Against (0):

*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. 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.*