



## 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 September 10, 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 9:03 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 Anthony Botelho,  
District #2.**

The Pledge of Allegiance was led by Supervisor Jaime De La Cruz.

- b. Acknowledge Certificate of Posting

## **Certificate of Posting.**

MOTION:

Motion to Acknowledge the  
Certificate of Posting:

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*

### **CLOSED SESSION**

*Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) and (b), Ralph M. Brown Act.)*

County Counsel Barbara Thompson announced that Item #1 and #3 will be taken off of the closed session agenda. She read closed session Item #2 into the record.

The Board adjourned in to closes session at 9:04 a.m.

The Board reported out of closed session at 9:16 a.m.

County Counsel reported that there was not reportable action.

#### **1. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Section 54956.8**

Property street address: 0 Buena Vista Road (APN 019-230-002) (On Buena Vista Road across the road from where Buena Vista Road makes a 90 degree turn towards the north)

Agency Negotiators: Ray Espinosa, County Administrative Officer; County Counsel Barbara Thompson

Negotiating parties: Graniterock

Under Negotiation: Price and Terms of Payment

SBC FILE NUMBER: 235.6

This item was taken off of the agenda.

#### **2. 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

Facts and Circumstances Justifying Closed Session: Request for reimbursement from Union Heights/CSA 35 related to damage to roads.

SBC FILE NUMBER: 235.6

No reportable action.

#### **3. 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

This item was taken off of the agenda.

#### **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:

Sue Logue announced that on October 23rd at 6:00 p.m. they will be having a celebration for the Friends of the Library and they will also be having a drawing contest which they have sent out to all of the schools.

Mary Schreider, Friends of the Library, mentioned that today September 10th the Community Foundation is sponsoring San Benito Gifts and they have matching funds for people who would like to donate to a non profit organization. She said that she would like to recommend that you consider the Friends of the Library as a worthy recipient for your gift. She said that they would like to help the Library to enhance their technology as they grow. To learn more about the Friends of the Library you can visit their website at [sbcfriends.org](http://sbcfriends.org).

Suzy Caston, SEIU member and County Employee, spoke of their contract and that they are concerned with only having three more meetings left to negotiate to get it done by October 30th. She spoke of the study that is being done by the County and that that County workers deserve to get a fair salary increase. She said that the agreement that they end up with will be in place for an entire year. She spoke of the rising cost of the Health Care Benefits for the County. She said that we are looking forward to the results of the class and comp study and appreciate the investment that the County has made. We understand there is a lot of work to do to implement the results of the study and that it will take time. We encourage the Board to tell the negotiator to make a real offer that will abstain and maybe retain your employees for the next year.

Valerie Eglund, SJB resident, spoke about getting a number of calls about the traffic that is diverted off of the 101 Highway during busy times and the flow of traffic through the little country roads. She said that it is becoming more significant that people are considering moving. She said that she was thinking that the Board could ask the Public Works Department to look in to signage that would deter people from going down the road without saying that you cannot go down the road.

Denise Quintana, County Employee and member of SEIU, spoke about County Employees and people leaving our County for higher wages and lower cost in Health Care. She spoke about the comp study and negotiations that are in the works. She said that we are asking the County to respect the work that we do and stop San Benito County from being a training ground.

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

County Counsel Barbara Thompson introduced the new Assistant County Counsel Joel Ellinwood.

Mr. Ellinwood said that he is grateful for the opportunity to be of service for San Benito County.

f. **Board Announcements: Information Only**

The Board announcements were moved to the end of the meeting.

Chairman Mark Medina said that we have several people out in the audience today and we have several items on this agenda that may spur some reflection. He asked that everyone be courteous of each others opinions even if you disagree. He said that he will not tolerate any obscenities or disrespect towards anyone.

**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 the Consent Agenda with the exception of Item #13 which was pulled from agenda and moved to the next meeting, Item #14 & #22 which were pulled for discussion:

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*

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

Adopt Resolution Approving a Compatible Use Request on an Agricultural Preserve under Contract Number 70-828 for a Telecommunication Facility (Callan-Kreiger Family Trust).

SBC FILE NUMBER: 7

RESOLUTION NO: 2019-80

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

Approve contract renewal with Traditions Behavioral Health for Psychiatry Services for the period of July 1, 2019 through June 30, 2020, in an amount not to exceed \$456,352.00.

SBC FILE NUMBER: 810

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

Approve contract renewal with BHC Heritage Oaks Hospital for the period of

July 1, 2019 through June 30, 2020, in an amount not to exceed \$94,000.00.  
SBC FILE NUMBER: 810

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

Approve contract with Cielo House, Residential Treatment Facility for the period of September 10, 2019 through June 30, 2020, in the amount not to exceed \$100,000.00.

SBC FILE NUMBER: 810

8. **BOARD OF SUPERVISORS**

Approve Certificate of Recognition for Monica and Raymond Rodriguez, Hollister Youth Alliance for their outstanding commitment and leadership to our community's Youth & Families, to be presented at a later date.

SBC FILE NUMBER: 156

9. **BOARD OF SUPERVISORS**

Approve the appointment of Ralph Anthony Stork as Director of the San Benito Resource Conservation District for a term of September 10, 2019 through November 30, 2022 and John Nolan as Associate Director for a term of September 10, 2019 through November 30, 2022.

SBC FILE NUMBER: 1059

10. **BOARD OF SUPERVISORS**

Approve the appointment of Supervisor Peter Hernandez to serve as an additional alternate delegate on the Rural County Representatives of California (RCRC) board and authorize the Chair to sign the letter of appointment.

SBC FILE NUMBER: 156

11. **CLERK OF THE BOARD OF SUPERVISORS - J. SLIBSAGER**

Approve the action minutes of the regular meeting of June 25, 2019.

SBC FILE NUMBER: 119

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

Adopt resolution approving amendments to the Joint Powers Authority (JPA) Agreement for the Golden State Finance Authority (GSFA), a JPA of which San Benito County is a member.

FILE NUMBER: 119

RESOLUTION NO: 2019-81

13. **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 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.

SBC FILE NUMBER: 119

## RESOLUTION NO: 2019-82

This item was pulled and moved to the next meeting per Supervisor Jaime De La Cruz, he said it is the request of the Ad Hoc committee.

### 14. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**

Adopt resolution authorizing the CAO to execute a Memorandum of Understanding with the Economic Development Corporation of San Benito County, to allocate funds to the EDC to support economic development within San Benito County,  
SBC FILE NUMBER: 425  
RESOLUTION NO: 2019-83

This item was pulled by Supervisor Peter Hernandez. He said that he supports this item with a slight amendment to direct the CAO to coordinate with the Boards negotiating team which would include himself and from Administration Dulce Alonso to work out the contract before it is approved.

The Board said that they would be o.k. with that.

#### MOTION:

*Motion to move forward with item and Adopt Resolution No. 2019-83 with the amendment to direct the CAO to coordinate with the negotiating team before finalizing the MOU upon execution and to be brought back at our next meeting September 24, 2019:*

Made by **Supervisor Peter Hernandez** and seconded by **Supervisor Jim Gillio**

**5 - 0**

*For (5):*

*Against (0):*

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

### 15. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Approve Amendment No. 5 to legal services agreement with Thomas Law Group in additional amount not to exceed an additional \$50,000, for a total contract amount of \$181,880; and authorize the CAO to execute an additional amendment to this agreement if necessary in the amount not to exceed an additional 20%.

SBC FILE NUMBER: 160

### 16. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Approve Memorandum of Understanding with Dunneville Estate Common Properties, Inc, the property owner on which CSA facilities are located, 1) authorizing payments of CSA #50 funds in the amount of \$8,400.00 (for FY 19-20), and \$4,200.00 per year thereafter, plus an annual COLA; and 2) granting an easement to the County.

SBC FILE NUMBER: CSA #50

### 17. **COUNTY LIBRARY - N. CONTE**

The San Benito County Free Library requests Board approval to take the bookmobile to attend, as an exhibitor, the San Benito County Fair at Bolado Park beginning October 3rd, 2019.

SBC FILE NUMBER: 80

18. **HEALTH AND HUMAN SERVICES AGENCY – T. BELTON, INTERIM**

Adopt Resolution authorizing Closure of San Benito County Public Health Services, and Environmental Health Offices on October 29, 2019 for the annual community mass influenza vaccination clinic.

SBC FILE NUMBER: 420

RESOLUTION NO: 2019-84

19. **HEALTH AND HUMAN SERVICES AGENCY - T. BELTON, INTERIM**

Approve the Revised San Benito County Workforce Development Board (WDB) Bylaws to be effective from the time of BOS approval.

SBC FILE NUMBER: 130

20. **HEALTH AND HUMAN SERVICES - T. BELTON, INTERIM**

Approve the Homeless Emergency Assistance Program (HEAP) Capital Development Contract in the amount of \$1,100,000.00 and the Program Services contract in the amount of \$771,098.00 between the Monterey/San Benito Counties Coalition of Homeless Services Providers ("Coalition") and San Benito County; approve Budget Adjustment/Transfer in the amount of \$1,871,098.00. (4/5 vote)

SBC FILE NUMBER: 130

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

Approve Contract with Medina Systems Contracting, Inc., to replace existing Jail Controls to include New and Existing Jail Controls at Existing Jail to integrate with New Jail Expansion project, for the period of September 15, 2019 through June 1, 2020, for an amount not to exceed \$174,800.00.

SBC FILE NUMBER: 120.5

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

Approve Contract Change Orders No. 1, 2, 3, 4, 5, 6, 7, 8 for County Service Areas #11-#5-#8-#35-#9 Road Maintenance Project PWB-1903 with VSS International, Inc.; authorize the RMA Director to execute Contract Change Orders 1, 2, 3, 4, 5, 6, 7, 8, with VSS International, Inc.; and, so long as the requirements set forth in *Graydon v. Pasadena Redevelopment Agency* (1980) 104 C.A.3d 631 are met, authorize the RMA Director to issue change orders in an amount of not to exceed \$6,657.47 for these change orders (in addition to the original change order authority of \$38,310.00 for a total change order authority of \$44,967.47). (Contract Contingency).

SBC FILE NUMBER: CSA'S

This item was pulled from Matthew Thrasher of the public. He said that he would like the Board to reconsider speed humps that are being agreed upon on their street. He said that they would like the Board to possibly consider an access gate that would possibly help with the traffic.

Dee Slykas, Bonnieview resident, spoke about the speed humps and her concerns. She said there are a lot of residents that want the humps and some that would like the access gate. She said the Bonnieview residents would like to see if they could get four humps to decrease traffic the traffic coming down the road. She said that safety is an issue on that road.

Chairman Mark Medina said that there has been several meetings between the City and the County in regards to Bonnieview Road. They all decided on the speed humps.

MOTION:

Motion to approve the contract change orders number 1 through 8 for the County Service Areas #11, #5, #8, #35, #9 road maintenance project PWB-1903 with VSS International and not to delay the contract for the 4 speed humps; and authorize RMA Director to issue change orders and any supplemental change orders and other recommendation actions as stated:

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*

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

Accept all bids for the SB-1 Cold In-Place Recycling Overlay- Seal Coat Projects At Various Locations FY 2018-2019 PWB-1904, CIR-Overlay on Fairview Road from Fallon Road to Rosa Morada Road, CIR-Overlay on Union Road from Southside Road to Highway 25, CIR-CAPE Seal on Southside Road from San Benito River to near intersection of Highway 25, Seal Coat on F Street, find Granite Rock Company as the lowest responsive responsible bidder, award contract to Granite Rock Company in the amount of \$1,076,010.20, approve contract and authorize the RMA Director to execute the contract upon receipt of all contract documents required in the Invitation for Bids, and authorize the RMA Director to issue change orders in an amount of not to exceed \$66,300.51 (Contract Contingency).

SBC FILE NUMBER: 105

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

Approve contract with JT Plumbing in the amount of \$55,249.45 to replace back flow prevention devices in County Service Area (CSA) #31 - Stonegate, for the period of September 10, 2019 through November 30, 2019.

SBC FILE NUMBER: CSA #31

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

Approve Contract with DAS Systems, Inc. for the Emergency Responder radio System Installation for the San Benito County New Jail Expansion Project, for an amount not to exceed \$72,500.00. This contract shall commence on September 15, 2019, and end on November 1, 2019, unless sooner terminated as specified herein.

SBC FILE NUMBER: 120.5

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

Accept report on inmate welfare expenditures for FY 2018-19.

SBC FILE NUMBER: 110



## PUBLIC HEARING

### 27. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**

Continued Public Hearing from the June 11, 2019 meeting regarding new proposed hemp ordinance, County Code Chapter 7.04. Read title, waive further reading and continue to September 24, 2019 for adoption of an 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

County Counsel Barbara Thompson read the title of the ordinance for the record regarding new hemp ordinance and the recommended changes that the Planning Commission recommended to the Board.

Chairman Mark Medina opened the public hearing.

**Public Comment:** Elia Salinas said that the State does not require anything that it has to be separate, are we talking about cultivation or manufacturing. Does not understand why the County is going to go against what the State has already mandated.

Ms. Thompson said that they can bring that back and address that at the next meeting before they adopt it.

Chairman Medina closed the public hearing.

Supervisor Anthony Botelho said a lot of counties have banned hemp completely. He said I think the County has done a good job on this ordinance.

Supervisor Peter Hernandez provided information to the exclusions and how to separate hemp from cannabis, it is a lot more complicated and expensive. He said we are moving forward to try and support hemp.

Discussion ensued by Board and staff.

#### MOTION:

Motion to accept the introduction and waive further reading of the ordinance and continue the item to September 24th for adoption:

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

**5 - 0**

For (5):

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

Against (0):

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

Public hearing and study session for the Board of Supervisors to consider the recommendations of the Planning Commission adopted at a special meeting on September 4, 2019, in Resolution No. 2019-18 and Resolution No. 2019-10 adopted on May 15, 2019 with regard to the Regional Commercial (C-3) nodes, and take final action to either adopt the proposed ordinances as appropriate, or otherwise deny the following items.

**Environmental Evaluation:** The Board will consider finding that the creation of the C-3 zoning district nodes as currently proposed were adequately considered and consistent with the County 2035 General Plan Environmental Impact Report as certified in Resolution No. 2015-58, and that the adoption of an addendum is appropriate as more particularly described in the staff report and proposed CEQA findings.

1. **2035 General Plan Land Use Maps Clerical Corrections:** The Board will consider for accuracy five General Plan Land Use maps (Figures 3.2-3.6) corrected to accurately reflect the Board's adoption of the 2035 General Plan on July 21, 2015. The maps have been corrected to show the removal of the fourth commercial regional node not approved at State Route 156 that the Board approved for relocation to the "Livestock 101" site. This item will correct clerical mapping errors that do not reflect the final action taken by the Board.

2. **PLN180024-ZA (Zoning Code Amendment):** Change provisions of County Code including Chapter 25.16 and Sections 25.03, 25.05 and 25.29 to adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments.

3. **Amend the County Zoning Map to establish boundaries for the Regional Commercial (C-3) District:** If the Code amendment is approved, amend the County Zoning Map by ordinance to change the zoning district for land area recommended for inclusion in each of four separate Commercial Regional nodes, with specific site and property boundaries, to Regional Commercial (C-3) Zoning District. Each site will have its own unique theme and undergo site-specific review for uses not allowed through a master development permit or conditional use permit process in accordance with General Plan Policy and new Code provisions.

a. **PLN180024-ZC1 "Betabel" (Zone Change):**

OWNER/APPLICANT: McDowell Charitable Trust and Betabel RV Park, LLC. LOCATION: West side of U.S. 101 at Betabel Road interchange, 9664 and 9644 Betabel Road, San Juan Bautista, CA (APN 013-150-017, -018, -024 & -025). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP) to Regional Commercial-Floodplain (C-3-FP) on approximately 29-acres. GENERAL PLAN LAND USE DESIGNATION: Rangeland/Commercial Regional.

b. **PLN180024-ZC2 "SR129/Searle Road" (Zone Change):**

OWNER/APPLICANT: Weiler Family, Johnson Family, Lavagnino Family & Burke Family Trusts, Mohssin & Saleh, and Rubio.  
LOCATION: Westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista, CA (APN 012-010-006, -007, -021, -024, 012-030-017, -019 & -023). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP), Rural or Commercial Thoroughfare (C-2) to Regional Commercial (C-3) on approximately 33-acres. GENERAL PLAN DESIGNATION: Rural or Rangeland/Commercial Regional.

c. **PLN180024-ZC3 "Rocks Ranch" (Zone Change):**  
OWNER/APPLICANT: Bingaman Trust. LOCATION: Southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista, CA (portion of APN 011-310-006). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland (AR) or Agricultural Productive (AP) to Regional Commercial (C-3) on approximately 77.3-acres. GENERAL PLAN DESIGNATION: Commercial Regional and Rangeland or Agriculture

d. **PLN180024-ZC4 "Livestock 101" (Zone Change):**  
OWNER/APPLICANT: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). ZONING DESIGNATION: Request to change the zoning from Rural (R) and Neighborhood Commercial (C-2) to Regional Commercial (C-3) on approximately 159.3-acres. GENERAL PLAN DESIGNATION: Rural/Commercial Regional

SBC FILE NUMBER: 790

Daryl Boyd, Project Planner with the Resource Management Agency, said that he is going to do a PowerPoint presentation with a few slides and then he will hand it over to Michael Groves of EMC Planning Group to present the rest. He said that this is an implementation project for the 2035 General Plan and there will be 5 related ordinances that they will be asking for the Board to take action on. The first ordinance is to amend Title 25 to adopt the regional C-3 zoning districts. If the Board adopts that ordinance the next four actions would be to apply the C-3 zoning and regulations to the real property in four nodes. He said a couple of other key points is; if the Board adopts those ordinances there will be no construction or development, it is merely, to put the regulatory frame work in place so that in the future, at these four nodes, development proposals could come in and go through the development process. He said since this is the first time the Board is seeing this they have set this up as a study session/work session to allow staff to present the C-3 project. He said that we would take final action on September 24th. He provided information that it went to the Planning Commission for review and consideration and the process by law what needed to take place. He went over the Board packet materials and the public outreach process that took place; background; Regional C-3 Districts; C-3 Nodes being Betabel, Highway SR129, Searle Road, Rocks Ranch and Livestock 101; General Plan Policies directing the creation of Commercial Regional Nodes.

Micheal Groves, President of EMC Planning Group, provided additional information on the Regional Commercial (C-3) District Overview which included the following: Zoning, definition of specific node boundaries; Proposed Regional Commercial Code; C-3 District Code-Master Development Plan; C-3 District Code-Limitations; C-3 Economic Development; Betabel Road

zone change-29 acres, Theme: Mid Century Roadside; Hwy 129 zone change-33.1 acres, Theme: Early Farmstead; Rocks Ranch zoning change-77.3 acres, Theme: Old California Village; Livestock 101 zoning change-159.3 acres, Theme: Working Ranch; CEQA Compliance; General Plan Clerical Mapping corrections for the four nodes.

He provided the actions the Board will take for the C-3 Districts on the September 24th: Accept Map Correction, Adopt 5 resolutions, one for each node being considered; and ordinance for the new C-3 Code Section; and 4 ordinances for each node; and a resolution for finding of facts on the Regional Commercial Nodes. He said remember that no physical development occurs with the rezoning and all future development proposals will require a separate review and discretionary action by the Planning Commission and have a CEQA review.

Chairman Mark Medina said that he would like clarification from County Counsel on the two day hearing process and what we are voting on today.

County Counsel Barbara Thompson provided information as follows: The zoning ordinance only requires one public hearing and the hearing notice has to be published after the Planning Commission's recommendation is received, so there was no time to publish the public hearing with the Planning Commission's recommendation for today's date. So all of the actions that will be taken by the Board for approval, if approved today, will take place on September 24th and there will be public notice published with the Planning Commission's recommendation. Today's notice was to get as much outreach as possible for the public. We are having two public hearings which is unusual for zoning ordinances.

Chairman Medina said that they thought it would be wise to hear it twice because we want to make sure that everybody understands what we are voting on and what it is.

Chairman Medina opened the public hearing.

**Public comment:**

Marty Richman, Hollister resident, spoke about how revenue is important and the clean air quality. He said that we need this opportunity.

Mary Edge, San Juan Bautista resident, asked the Board to think of the City of San Juan Bautista before making this decision.

Zachary Walton, Attorney for Property Owners, thanked staff for putting together quality documents. Spoke about the adoption of the general plan and commercial nodes zoning in 2015.

Andy Hsia-Coron, Aromas resident and member of P.O.R.C., spoke of the nodes in the context of cancer. Spoke of how there will be more traffic with this development. He said that you can say no and change your mind to these commercial areas.

Cara Vonk, San Juan Bautista resident, said that the C-3 zone district authorizes development that will affect the natural beauty of our City. The City of San Juan Bautista City Council opposed this plan.

Ann Marie Sayers, Indian Canyon resident, said that this is a very sacred area and destroy for commercial is not acceptable.

Tom Karis, Aromas resident and member of P.O.R.C., voiced his objection to the commercial nodes along Highway 101 and asked the Board to not adopt the commercial zoning.

Mary Hsia-Coron, Aromas resident and member of P.O.R.C., read comments from another member that could not be present in regards to the 101 Livestock zoning clerical error that had been made.

Jackie Morris Lopez, San Juan Bautista resident, spoke in opposition of the C-3 Nodes and that she agrees with the previous speakers.

Jacob Mohammed, Aromas resident, spoke of how the traffic has gotten worse and that the Board should focus on the infrastructure like the roads before approving commercial development live these. He said I understand that the County needs money but this is not the way.

Natasha Wist, Hollister resident, said that she is asking for the Board of Supervisors to follow the legal mandates of the State regards to major zoning change.

Lori Iacopi, Aromas resident, thanked the Board of Supervisor for their service. Spoke of road, traffic control, security and water that can be affected by these nodes.

John Deikman, Royal Oaks resident and a member of P.O.R.C., spoke in opposition of the nodes.

Richard Wist, Hollister resident, asked that the Board consider every word they say. He said that this County if a Gold Mine, we have a beautiful place and it needs to be protected.

James Starkwolf, Prunedale resident and member of P.O.R.C., spoke about preserving their sacred rights, we don't want another Prunedale.

Adam Scow, Watsonville resident, spoke about ground water concerns and problems now. Echoed the concerns of the residents.

Demetrio Pruneda, Prunedale resident, read a poem and stated that he supports the Protect Our Rural Community (P.O.R.C.).

Robert Robe, Aromas resident, spoke about the 101 Livestock clerical error and how they should postpone the C-3 Node for 101 Livestock. Spoke of environmental concerns.

Jared McDonald, Vice-Chair of the Chamber of Commerce, said that they are in support of the adoption of the zoning change and appreciates the work that has gone in to this.

Joe Torquato, San Juan Bautista resident, spoke of having a beautiful County and Resources that we want to preserve. He said that this is an opportunity to bring business and income to our County to help the financial needs of the County. He asked that the Board support this.

Jim Warren, Owner of 101 Livestock, said that we have been commercial for all these years. He said that we promote agriculture and are not interested in developing the property. He said it is not about the money. We are an agriculture node and do promote agriculture to this community and all over the United States.

Ben Bingaman, Owner of Rocks property, provided clarification to the C-3 zoning and his site and about things that are being said.

Sarah Jones, President of Children's Cancer Funding Group, spoke in regards to the Betabel project and what it means to her. She spoke about a legacy that we would leave behind.

Daniel Dodge Jr., Watsonville resident, spoke about supporting the rezoning and smart growth.

Greg Weiler, San Juan Bautista resident, said that this is so well planned. I urge the Board to adopt this zoning.

Suzy Caston, County Employee and member of SEIU, spoke of how the zoning change of the nodes would put the County in a much better position to generate needed revenue that is currently lacking. It would help the County to provide much needed services to our community. She said our union fully supports the adoption of the zoning change.

Chairman Mark Medina announced that they received two letter's against the project and five letter's that were in support of the project.

Supervisor Anthony Botelho thanked everybody who took the time today to come out and speak. He spoke about the General Plan and the different C-3 nodes that are being proposed. He said that he is 100% support of the nodes. Expressed gratitude to staff and consultants.

Supervisor Peter Hernandez said that he is all for preserving our community. He said it is a tough decision but this is an opportunity for our County.

Supervisor Jim Gillio thanked everyone for being here. He said that there is a lot to look at before we decide. He said that, yes, the City of San Juan Bautista is concerned about what this could do to their City. He encourages folks to read our General Plan and Land Use Section which talks about all of the restrictions, etc.

Supervisor Jaime De La Cruz thanked Preserve Our Rural Communities (P.O.R.C.) and all the members of the public, staff and applicants. He said he is about fairness and the decisions they make don't always make everyone happy.

Chairman Medina thanked P.O.R.C., Mary Edge and Leslie Jordan. He said that he sat down with them and listened to what they had to say and I told them my view. He said that they will back here on the 24th and thanked everybody for their patience.

#### MOTION:

Motion to continue the public hearing Made by **Supervisor Anthony Botelho** and seconded  
to September 24, 2019: by **Vice-Chair Jaime De La Cruz**

**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.*

**29. HEALTH AND HUMAN SERVICES AGENCY – T. BELTON, INTERIM**

Receive Presentation from Public Health and Opioid Task Force with an update on local strategies that have been implemented to mitigate opioid overdose deaths, raise youth and parent education and awareness, and spotlight successes in the countering the opioid epidemic.

SBC FILE NUMBER: 130

Lynn Mello from Health and Human Services Agency provided an update on the efforts that have been happening the past year to mitigate the Opioid epidemic and crisis within our own jurisdiction.

Doctor Mary White from the Health Department thanked the Board for their support in regards to the Opioid crisis in our community. She provided a PowerPoint presentation that provided the following: San Benito County Opioid Task Force update and history: In 2017 San Benito County had the 12th highest opioid overdose death rate in the State; Established September 2017 over have grown to over 50 members; Narcan Opioid overdose reversing medication; Over 20% decrease in last 2 years; Outreach; 1,000 pounds collected in San Benito County; October 26th is take back days by the Hollister Police Department from 10:00 a.m. to 2:00 p.m.; Quick facts website- [www.sbcopioidtaskforce.org](http://www.sbcopioidtaskforce.org); Americorps Vista Program; Tipping Point achievements; 2017-2018 data; Congressman Panetta's visit. She thanked the Board for their continued support and time today.

She announced that flu season is fast approaching so they encourage everyone to get their flu shot and mentioned that the Countywide Flu Shot Clinic will be on October 29th from 3:00 p.m. to 8:00 p.m. at the Vet's Hall.

Presentation only.

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

Read Title for the Record, Waive formal reading and continue to September 24, 2019 for adoption an ordinance amending Chapter 5.09, the County's ordinance related to purchasing, making minor modifications relating to service contracts.

SBC FILE NUMBER: 160

County Counsel Barbara Thompson read the title of the ordinance for the record amending Chapter 5.09, the County's ordinance related to purchasing and making minor modifications relating to service contracts. She read the changes that are being made and would becoming back on September 24th for adoption.

MOTION:

Motion to waiver further reading and continue to September 24, 2019 for adoption:

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

**4 - 0**

For (4):

Against (0):

*Ayes: Botelho, Gillio, Hernandez, Medina*

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

Read Title of the ordinance for the record, waive further reading and Accept Introduction of 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, and continue to September 24, 2019 for adoption.

SBC FILE NUMBER: 160

County Counsel Barbara Thompson read the title of the ordinance into the record along with changes amending Section 21.01.092 to allow movement of a building from one site to another. This item will be continued to September 24, 2019 for adoption.

Discussion ensued by Board and staff.

MOTION:

Motion to adopt the staff recommendation waiver further reading of the ordinance per staff recommendation and continue to September 24, 2019 for adoption:

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

4 - 0

For (4):

Against (0):

Ayes: Botelho, Gillio, Hernandez, Medina

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

Adopt Resolution, expressing opposition and non-support of the State Highway Operations and Protection Program project to construct a Roundabout at the intersection of SR 156 and SR 25, and that the SHOPP funds be reallocated to another eligible project within San Benito County.  
SBC FILE NO:105  
RESOLUTION NO: 2019-85

Resource Management Agency Director Harry Mavrogenes said that this is actually mirroring the resolution that the City of Hollister adopted last week being in opposition of the roundabout at the intersection of Hwy 156/25. He said that this issue will be coming up at the next COG meeting as well. He spoke about some of the issues he was concerned about in regards to this roundabout and that the SHOPP funds be reallocated to another eligible project within San Benito County.

**Public Comment:**

Kevin Stopper, Hollister resident, spoke about letter opposing it and safety issues. He said that he doesn't think a roundabout is a good answer, should attack an overpass first.

Supervisor Anthony Botelho said that this has been discussed a number of times at COG. Concerned about safety at that intersection. He said he is in support of this resolution but feels that we need to continue to work with CalTrans to improve the safety of that intersection.

Supervisor Jim Gillio said that there is a vast amount of commercial traffic going one direction and vehicle traffic also. He said that we need to adopt this resolution today, we are not saying no to safety.

Supervisor Peter Hernandez said that we get a lot of truck traffic and need to address that intersection but CalTrans seems to be one sided. He said that he supports this resolution.

Supervisor Jaime De La Cruz said that there are safety concerns but CalTrans needs to work together with us.



MOTION:

Motion to adopt Resolution 2019-85 to oppose the roundabout at Highway 156 and Highway 25. With recommendation by Supervisor Botelho that the Resolution go out to everyone: 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. 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: 2019-87

County Counsel Barbara Thompson provided information to the resolution and pointed out some changes in paragraph 4 and 5.

RMA Director Harry Mavrogenes provided information to the resolution and that this is to improve the pothole projects so that they can get done before the rainy season.

Supervisor Jaime De La Cruz asked what is happening with Buena Vista Road.

Mr. Mavrogenes replied that would fall under the Measure G Funds but would also need to work with the City of Hollister on this.

Supervisor Anthony Botelho said that we need to work with the City of Hollister in regards to the impacts of the developments. He said that they need to pick up some of the costs.

MOTION:

Motion to Adopt Resolution No. 2018-87 with the changes made by County Counsel: 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

**34. BOARD OF SUPERVISORS**

Adopt Resolution authorizing the display of the National Motto, "In God We Trust", and delegate authority to accept donations.

SBC FILE NUMBER: 156  
RESOLUTION NO: 2019-86

Supervisor Peter Hernandez asked for this to be on the agenda to support the National Motto. He said that it is a sentiment in reflection of unity, dialogue, diversity, etc. He said this is something we should be proud of.

**Public Comment:**

Gary Cameron, he said that he was pleased to see this item was on the agenda because it is important to a democratic society. He said that motto's are more than just words. He said that "In god we trust" is appropriate for the Board of Supervisor to pass today.

Matt Kirkland, Pastor, said that he supports the motto to displayed here.

Supervisor Anthony Botelho said that he studied this really hard and that it is important. He said he has a concern that we may be getting to close to religion in the government setting for the people that don't share the same faith. We may be taking a step to far. He supports donations going to a display is okay. He said that he can't support the resolution as written.

Supervisor Jaime De La Cruz said that he does understand in government that there needs to be a separation. He does support Supervisor Hernandez position to support the resolution.

Chairman Mark Medina said that he also spent a lot of time researching this. We are not creating anything it is on our money and it is the right thing to do. He said that he would agree to this National Motto.

Supervisor Jim Gillio said this was a tough one for him. He said that personally he supports the National Motto 100%, but can't support this today in the fashion that it is. He said that he can support a Resolution four our National Motto.

Supervisor Peter Hernandez said to clarify, there is nothing religious about the resolution the reality is that is is very patriotic. He said that he has had County Counsel look at it and it does not interfere with any legal issues.

County Counsel Barbara Thompson she said that the Board would be adopting it for historic and patriotic purposes, not religious.

Chairman Medina asked how may other cities or counties have done this.

Ms. Thompson provided information.

**MOTION:**

*Motion to adopt Resolution No. 2019-86 authorizing the display of the National Motto "In God We Trust" and delegate authority to accept donations:*

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

**4 - 1**

*For (4):*

*Against (1):*

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

**35. COUNTY ADMINISTRATIVE OFFICE - RESPINOSA**

Received FY18/19 3rd Quarter Financial Report.  
SBC FILE NUMBER: 119

Chairman Mark Medina announced that they will be bringing this item back with the Fourth Quarter report at a future meeting.

MOTION:

Motion to adjourn the meeting  
at 2:45 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*

**CLOSED SESSION**

County Counsel Barbara Thompson read the closed session items in to the record. She mentioned that Item #40 was taken off of the agenda.

Chairman Medina announced that they would be back from closed session at 1:30 p.m.

The Board adjourned in to closed session at 12:01 p.m.

The Board reported out of closed session at 1:48 p.m.

Ms. Thompson reported that there was no reportable action except on Item #38 she was authorized to sign a conflict wavier and on Item #40 approved a tolling agreement.

*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.)*

**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:3

Facts and Circumstances Justifying Closed Session: Potential of litigation  
relating to current landfill agreement; 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 LEGAL COUNSEL**

Threat to Public Services or Facilities

Government Code 54957a.

SBC FILE NUMBER: 235.6

No reportable action.

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

Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (2)

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

SBC FILE NUMBER: 235.6

The Board authorized County Counsel to sign a conflict waiver.

39. **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.

40. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL-  
EXISTING LITIGATION**

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

Rose, et. al. v. County of San Benito, Superior Court of California, County of San Benito, Case No. CU-17-00151.

SBC FILE NUMBER: 235.6

This item was taken off of the agenda.

41. **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: 1

SBC FILE NUMBER: 235.6

The Board approved a tolling agreement.

**ADJOURNMENT**

**Adjourn to the next regular meeting of September 24, 2019.**

*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.*