



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

February 5, 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 Jaime De La Cruz,
District #5.**

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 **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

c. Presentations and Recognitions

BOARD OF SUPERVISORS

Receive Presentation for the Emerald Star Project on Safety Awareness on Bullying.

SBC FILE NUMBER: 156

Samantha Slykas a 4-H member did a presentation for her Emerald Star project on bullying and safety awareness. She announced that on March 2nd at 9:00 a.m. to 11:30 a.m., she is hosting a free self-awareness event for the public located at the Veterans Memorial Building in the main hall. She invited everyone to attend.

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.

Richard Ferreira, representing property owners of CSA #35, spoke in regards to CSA #35 Agreement and their meeting with the CAO, Ray Espinosa, Edgar Nolasco and Supervisor Anthony Botelho. He said that the meeting was mostly fact finding. He said that they want to know the Boards position on this agreement as they have felt there has been enough time to review it.

e. Department Head Announcements: Information Only

Mary Gilbert, Executive Director, spoke of the Council of Governments website and gave an update on measure G. She thanked the voters for passing and said that they are moving forward with the implementation of the measure. She said that the Council of Governments website has been updated with a lot of the information; sanbenitocog.org/measureg.

Supervisor Peter Hernandez had a question in regards to feedback for the public and deadlines.

Ms. Gilbert provided information.

Supervisor Anthony Botelho had a question in regards to the benchmark schedule and improvement of Hwy 25.

Ms. Gilbert provided information.

Supervisor Jaime De La Cruz had a question in regards to parallel activities going at the same time, Hwy 25 and substance to the public-measure G.

Ms. Gilbert provided information.

Supervisor Jim Gillio spoke about work starting with measure G and how we won't see any monies coming in until April of this year.

Alan Yamamoto, Behavioral Health Director, reported that on January 24th they did a presentation trying to get approval for a new Enovation project which he provided information as to what it is for and how it will help San Benito County.

Chairman Mark Medina asked what the success rate of a program like this is and are we spending our money wisely.

Mr. Yamamoto provided information.

Supervisor Peter Hernandez had a question on data.

Mr. Yamamoto provided information.

Management Analyst Dulce Alonso provided an update on the Census. She passed out a flyer in regards to their 1st kick off meeting for the 2020 Census on February 21st from 3:00 p.m. to 5:00 p.m. at the Veteran's Memorial Building. She mentioned how the City of Hollister adopted a Resolution in support of the Census.

John Guertin, RMA Director, reported that they are talking with COG as to how to best utilize the tax money from Measure G and how to get projects done now, as we won't be able to assess the tax until April, which means the money won't come in until the Fall.

Supervisor Anthony Botelho said that we need to have a plan in place when the monies start coming in and utilization of SB1 monies being a secured source that we didn't have before.

Mr. Guertin spoke as to how they are trying to utilize SB1 monies.

Supervisor Botelho said that he hopes we get in a position that we can have a few crews.

Supervisor Jaime De La Cruz had questions in regards to borrowing monies now to take advantage of getting projects done in the summer, instead of waiting until the money comes in.

Mr. Guertin provided information.

Supervisor Peter Hernandez said that he appreciates all of the hard work that everyone is doing.

Mr. Guertin also reported on staff training and development. He announced that on January 24th they hosted the Monterey Bay Chapter District meeting for the American Public Works at San Juan Oaks and that Adam Goldstone received the Award of Merit on behalf of the County for the River Parkway Road project. The award was for projects under 5 million dollars. He said that it was nice to get the recognition for the Community and the Board.

Kevin O'Neill, OES Manager, provided an update on the recent storms noting that there has been no major impacts.

CAO Ray Espinosa announced that they would be pulling items #16 and #35 from the agenda. He

spoke of the Board Retreat that is scheduled for February 13, February 14th and 15th. He mentioned that we will not be having the February 13th retreat only February 14th and 15th and requested Board's attendance and asked Department Heads to attend. He said that we have invited the City of Hollister and City of San Juan Bautista to attend the February 14th meeting, which will mainly be on our strategic plan for the County and February 15th will be discussing the brown act and Roberts rules and policy items, general plan and land use items and have also asked the two Cities to attend along with the Planning Commission.

He announced that the location will be at the Sheriff's Office Conference Room on 2301 Technology Parkway starting at 9:00 a.m. on both days and we dress business casual.

CAO Ray Espinosa announced that we are requesting that the Board move Items 37-40 to the first part of the regular agenda.

CAO Ray Espinosa said in regards to CSA's, we are working on getting that information, that this is a priority for us, and we will be getting back to them as soon as possible.

f. Board Announcements: Information Only

Supervisor Peter Hernandez reported that he has had a busy first start of his year. Has had several meeting with CAO Ray Espinosa getting him up to speed. He reported that he attended the Monterey Bay Community Power meeting. He has started to sit down with Department Heads to get familiar with what they do.

Supervisor Jaime De La Cruz mentioned that he would like to have an ad hoc committee created by the Chair for the possibility of having a Field of Dreams concept in our community, because we need space to play and this could bring sports to our county and possibly bring in revenue. He said that he would like to be part of the committee. He said that he has heard that the City of Hollister has selected a committee to help with this concept.

Supervisor Peter Hernandez said the he would support it and would also like to be part of the committee.

Chairman Mark Medina said that he had no problem in creating an ad hoc committee for Field of Dreams made up of Supervisor Jaime De La Cruz and Supervisor Peter Hernandez.

Supervisor Anthony Botelho mentioned that he had some concerns in his district in regards to zoning on the commercial nodes along the 101 in the general plan as to what is being planned for out there. He said that he is excited about this and wants to make sure people understand that this is a zone change. He encourages anyone who may have questions to give him a call.

Supervisor Jim Gillio, thanked OES for taking the time to educate the community on the storm and getting notices out to us; thanked the Community Action Board and Workforce Development Board as well as Jim Rydingsword at HHSa for having him at their executive meeting to hear more about their departments. He thanked RMA as he has had a lot of calls and concerns in regards to building services and roads and that they have been super responsive. He asked if RMA could take a look at Panoche Road and Cienega Road, as he has had a ton of phone calls, he knows that they are stretched thin with only four road crew.

Supervisor Gillio spoke of COG meeting and that the Major of San Juan Bautista Mr. Flores was voted the Chair and he was voted to be the Vice-Chair and that they have a lot of good things going

on. He also spoke of attending a Hwy 25 meeting in San Jose and will be attending another meeting on Thursday night to support that on our behalf.

Chairman Mark Medina said that we need to follow up on the CSA's as we need closure on this, would like to see closure by the next meeting. He spoke of looking at some kind of time line as to how we are going to fix our roads. We need to come up with a plan and would like to have that at the first meeting in March.

Supervisor Jaime De La Cruz said that he would like to move items #11 and #14 off the consent agenda.

CONSENT AGENDA

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

MOTION:

Motion To approve Consent Agenda, Items #1-26, with the exception of Item #10, ##11 and #14, 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. **ASSESSOR'S OFFICE - T. SLAVICH**
Adopt Resolutions Approving Four Land Conservation Act Division Applications for Contract Numbers 69-034 (Las Aguilas Corp), 74-39 (Shingai), 11-02 & 11-03 (The Wine Group) and 68-50 (Tobias Trust/Partnership); Two Compatible Use Applications for Contract Numbers 71-059 (Lone Tree Ranch) and 69-034 (Las Aguilas Corp); and a Lot line Adjustment Application for Contract Number 68-100 (Asellus - Benito LLC).
SBC FILE NUMBER: 7
RESOLUTION NO: 2019-4, 2019-5, 2019-6, 2019-7, 2019-8, 2019-9, 2019-10
2. **BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO**
Approve appointment of Emanuel Gonzalez to the Behavioral Health Board for the Term of February 05, 2019 to February 05, 2022.
SBC FILE NUMBER: 810
3. **BOARD OF SUPERVISORS**
Approve the appointment of Patrick Fancher to the Fish & Game Advisory Commission as a District #4 representative effective February 5, 2019.
SBC FILE NUMBER: 156

4. **BOARD OF SUPERVISORS**
Approve Certificate of Appreciation for John & Deb Fox for their valued contribution and commitment to San Benito County and Santa Cruz Large Animal Rescue Team for the past 10 years, to be presented at a later date.
SBC FILE NUMBER: 156
5. **BOARD OF SUPERVISORS**
Approve re-appoint of the following to the Long Term Care Commission: Mitchell Matthews, Pauline Valdivia, Patsy Pence, Creighton Mevdivil, John Beleutz, David Reikowski, Clay Kempf and Rumi Saikia for the period of January 2019 to January 2023.
SBC FILE NUMBER: 156
6. **BOARD OF SUPERVISORS**
Approve Certificate of Recognition for Jack Swallow, Fish and Game Commissioner for 12 years representing District #4, to be presented at a later date.
SBC FILE NUMBER: 156
7. **BOARD OF SUPERVISORS**
Approve Certificate of Recognition for 2019 San Benito County Chamber of Commerce's 98th Annual Awards Dinner Dance for the following honorees: Chamber of Commerce Man, Woman and Businesses of the Year. To be presented at the awards dinner on February 16, 2019.
SBC FILE NUMBER: 156
8. **BOARD OF SUPERVISORS**
Approve the appointment of Nelda Escamilla to the Parks & Recreation Commission as a District #5 representative for the period of February 5, 2019 through December 31, 2020.
SBC FILE NUMBER: 156
9. **CLERK OF THE BOARD OF SUPERVISORS - J. SLIBSAGER**
Approve the action minutes of the December 11, 2018 regular meeting and the January 15, 2019 regular meeting.
SBC FILE NUMBER: 119

Supervisor Peter Hernandez abstained from this item as he was not present at the December 11, 2018 meeting.

10. **COUNTY ADMINISTRATION OFFICE - R. ESPINOSA**
Approve out of state travel for 11 County Employees to attend the Tyler Connect 2019 Conference to be held on April 7 - 10 in Dallas, Texas in accordance with San Benito County Travel Policies and Procedures, for an estimated amount of \$30,943.00.
SBC FILE NUMBER: 119

Supervisor Anthony Botelho pulled this item to say he is for this item and believes staff gets a lot out of these conferences. He said at a future meeting he would like a report of the full implementation of this system to make sure we are getting the full value of the system.

CAO Ray Espinosa thanked Board for investing in this new system. He provided a recap of the system for the new Board members. Mr. Espinosa said that they would make sure that a report comes back in the future.

MOTION:

Motion To approve per staff recommendation:

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

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

Approve contract with Granicus for new County website design, implementation and 5 year annual maintenance, hosting, and licensing.
SBC FILE NUMBER: 119

Supervisor Peter Hernandez pulled this item with questions on updating the website and what that means. Said that he thinks that it is a great idea to be more user friendly.

CAO Ray Espinosa provided information on some of the goals and how it is out of date.

Kevin O'Neill provided additional information as to how the current website is out of date and is difficult to use and how we are looking at making it more user friendly for the public and staff to be able to go in and make sure current information is available. He said that it will also make it mobile friendly.

Supervisor Hernandez said that he is definitely in support of this.

Supervisor Jaime De La Cruz said that he would like to see a user friendly platform.

Supervisor Jim Gillio asked if we could incorporate a San Benito County app into this website.

Kevin said we would have to look into that.

Supervisor De La Cruz said that we should table this item and bring back with what we want.

Kevin O'Neill mentioned that this is a 5 month process and that there will be time for that kind of input. He said he has heard from County Counsel it is very important that we get this done before the end of the next fiscal year for billing purposes.

Supervisor De La Cruz said he is o.k. with moving forward with this and direct the IT committee to work on this.

Public Comment: Mary Hsia-Coron, spoke as to how the website is a non functioning system right now.

MOTION:

Motion To approve contract with Granicus for new County website design per staff recommendation:

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

12. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Approve out of state travel for County Administrative Officer and 2 Board of Supervisors to attend the Legislative National Association of Counties Conferences to be held on March 2 - 6 in Washington, D.C. in accordance with San Benito County Travel Policies and Procedures. The total estimated cost for three attendees is estimated at \$8,859.00.

SBC FILE NUMBER: 119

13. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Approve the appointment of Deputy County Administrative Officer, Edgar Nolasco, as the primary and Budget Officer, Stewart Patri, to serve as alternative on the Trindel Board of Directors.

SBC FILE NUMBER: 156

14. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Approve the allocation of Economic Development Funds for FY 18/19.

SBC FILE NUMBER: 865

Supervisor Jaime De La Cruz pulled this item, to ask if we should delay this and entertain other ideas or go ahead and approve. He said that this is a perfect opportunity for the Supervisors to ask what role we want to play in regards to Economic Development for the County.

Chairman Mark Medina said that \$35,000 is not enough. He said that he is looking at shifting these dollars from lobbyist and putting them to the economic development corporation. He said that it is extremely important to invest in our Community. He said that he is looking at tabling this to the next meeting and come up with a dollar amount that we can put to the economic development corporation.

Supervisor Anthony Botelho said that he agrees with Supervisor Medina and De La Cruz that we do not take action on this item today and look at it further. He would like to see what the goals are for the funds. He also spoke about investing in an Economic Development manager. He said that he supports that we take another look at this.

Supervisor Peter Hernandez said that he also agreed with Supervisors that \$35,000 is not a lot. He said that we need a greater assessment of what we want as far as results. He would support this, but would like a really strong measurement that there is going to be results that are going to give us a tangible return.

Supervisor Jim Gillio said that he agrees that we should table this and talk about it at the next meeting with a date to be certain. He said I think we need to think about a 3-5 year plan opposed to year by year so that agencies can plan.

Discussion ensued by Board and staff.

Public Comment: Mary Gilbert spoke as COG and a member of the Board of Directors for the San Benito County Economic Development Corporation. She reported that they have the

economic development strategy that was adopted last year and have been working at the EDC Board level on putting together a budget plan and a comprehensive job description for a full time executive director along with looking at benchmarks and investments.

John Freeman, Central Coast Broadband Consortia, spoke of importance of broadband and fiber for new business to want to come here.

MOTION:

Motion To table this item to the next board meeting of February 19th: 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

15. **COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ**
Adopt Resolution. approving the Second Amendment to the By-laws of the Pacheco Pass Water District.
SBC FILE NUMBER: 285
RESOLUTION NO: 2019-11
16. **COUNTY COUNSEL'S OFFICE - B. THOMPSON**
Approve amendment No. 1 of legal services agreement with Shute, Mihaly and Weinberger, LLP in the amount not to exceed \$50,000, for a new total amount not to exceed \$100,000, to provide specialized legal advice in the area of solid waste.
SBC FILE NUMBER: 160
17. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve contract Amendment #2 with the City of San Jose for the Housing Opportunities for Persons with AIDS (HOPWA) in the amount of \$50,000 retroactive to July 1, 2018.
SBC FILE NUMBER: 130
18. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve Grant Agreement Modification No. 1 with the City of Sunnyvale for the NOVA and Prison to Employment Grant in the amount of \$123,725.00 and approve Budget Adjustment in the amount of \$43,800.00. (4/5 vote)
SBC FILE NUMBER: 130
19. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Recognize Revenue Increase and Approve Budget Adjustment for Tobacco Programs in the amount of \$125,899.00. (4/5 vote)
SBC FILE NUMBER: 130
20. **HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD**
Approve new appointments to the Workforce Development Board of Mr. Leonor Nelson to represent the Public Sector, and Mr. Frowein Chuck, to represent the Private Sector, both are mandated board positions, for a three

year term, effective 2/5/19 through 2/5/22.
SBC FILE NUMBER: 130

21. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve purchase of office furniture from Pivot Interiors in the amount of \$102,300.43 for the Jail Expansion project using budgeted funds.
SBC FILE NUMBER: 120.5
22. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve Supplemental Work Order for existing Job Order Contract (JOC) in the amount of \$24,615.18 for additional scope of work on the Juvenile Hall Renovation project; and authorize the RMA Director to sign the supplemental work order.
SBC FILE NUMBER: 120.5
23. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve Supplemental Work Order for existing Job Order Contract (JOC) in the amount of \$63,357.31 for additional scope of work on the Sheriff Locker Room & Showers project; Authorize the RMA Director to sign the supplemental work order; and Approve purchase of Personnel Lockers in the amount of \$34,201.00. Funding for these items is from Sheriff Equipment Impact Fees.
SBC FILE NUMBER: 110
24. **RESOURCE MANAGEMENT AGENCY - J. GUERTIN**
Approve a Purchase Order in the amount of \$70,133.17 to pay for the renewal of the user license for Accela Civic Platform for a term beginning May 23, 2018 to November 22, 2019, and approve an amendment to an existing contract with True Point Solutions for Accela support and system enhancement services in the amount of \$37,000.00.
SBC FILE NUMBER: 105
25. **SHERIFF'S DEPARTMENT - D. THOMPSON**
Approve out of state travel for 2 Veterans Peer Response Team members to attend Academic & Health Policy Conference on Correctional Health on March 20-22, 2019 in Las Vegas, NV, in acceptance of an invitation to present our team model in a break-out session. Education and travel costs will be offset by a special revenue fund designated for this team and purpose via donations from a non-profit organization, Azalea Charities.
SBC FILE NUMBER: 110
26. **TREASURER-TAX COLLECTOR - M. CASILLAS**
Adopt a resolution, delegating authority to the San Benito Treasurer to invest and reinvest County funds and the funds of other depositors in the County Treasury, or to sell or exchange securities subject to the guidelines set forth in the County's Investment Policy.
SBC FILE NUMBER: 685.2
RESOLUTION NO: 2019-12

The Board adjourned as the Board of Supervisors and reconvened as the IHSS Authority. (5/0

vote)

The Board will adjourn as the Board of Supervisors and reconvene as the IHSS Public Authority re:

SITTING AS THE PUBLIC AUTHORITY FOR IN-HOME SUPPORTIVE SERVICES:

27. HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD

Sitting As the Authority For In Home Supportive Services, Consideration of Health & Human Services Agency (HHS) and San Benito County Public Authority (PA) Agreement for Conducting Required Provider Background Checks and Orientations for In Home Supportive Services (IHSS) Program, and Authorize Chair to Sign.

SBC FILE NUMBER: 130.1

The Board will adjourn as the IHSSW Public Authority and reconvene as the San Benito County Board of Supervisors re:

Health and Human Services Director Jim Rydingsword provided information in regards to the background checks agreement.

Cynthia Larca from HHS) provided additional information in regards to the MOU and the State requirements for this.

MOTION:

Motion To approve per staff recommendation. The Board adjourned as the IHSS Authority and reconvened as the Board of Supervisors. (5/0 vote):

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

4 - 0

For (4):

Against (0):

Ayes: De La Cruz, Gillio, Hernandez, Medina

PUBLIC HEARING

28. EMERGENCY MEDICAL SERVICES - K. O'NEILL

1) PUBLIC HEARING - Conduct public hearing regarding the proposed ordinance amending Chapter 11.09 of the San Benito County Code providing for the regulation of ambulance service in San Benito County:

2) Consider adoption of an Ordinance amending Chapter 11.09 of the San Benito County Code providing for the regulation of ambulance service in San Benito County:

a) Waive the second reading of the ordinance; and

b) Adopt the Ordinance.

SBC FILE NUMBER:1068

ORDINANCE NO: 977

EMS Director Kevin O'Neill provided information as to this being the second hearing for this ordinance.

EMS Coordinator Kris Mangano provided additional information to the adoption of the proposed ordinance.

MOTION:

Motion To Adopt Ordinance 977 as presented:

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

29. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

1) PUBLIC HEARING - Conduct public hearing regarding the schedule of proposed fees and fee deposits related to the cannabis business regulatory program as authorized by Ordinance No. 974, specifically with regard to the cannabis business permit application; and

2) Consider adoption of a resolution setting forth a new Cannabis Business Permit Application Fee, Zoning Verification Fee, Background Check Fee, Appeal Fee, and the applicable fee deposits for the San Benito County Cannabis Business Regulatory Program; and

3) Consider adoption of a resolution designating the Agricultural Commissioner to serve as the County Administrative Officer's designee, who shall be authorized to build and manage the Cannabis Business Regulatory Program, including, but not limited to, preparing the necessary forms, promulgating any necessary rules, regulations, and standards governing application requirements and processes, soliciting applications, conducting evaluations of the cannabis business applicants, as well as, the cannabis employee-applicants, and otherwise implementing the Cannabis Business Permit and Cannabis Employee Work Permit processes and requirements.

SBC FILE NUMBER: 425

RESOLUTION NO: 2019-13

RESOLUTION NO: 2019-14

Management Analyst Dulce Alonso provided information in regards to the two resolutions, one to appoint the Agricultural Commissioner as the County Administrative Officer's designee and the other one is to set the deposit fees and regulations.

David McPherson from HDL provided information in regards to fees and regulations for the cannabis business regulatory program.

Discussion ensued by Board, staff and HDL.

CAO Ray Espinosa thanked Karen Overstreet for taking this on for our County.

MOTION:

Motion To Adopt Resolution 2019-13, Establishing cannabis business permit application fee, zoning verification fee, background check fee and appeal fee; Adopted Resolution 2019-14, Designating the San

Made by **Supervisor Anthony Botelho** and seconded by **Vice-**

4 - 1

For (4):

Against (1):

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

30. RESOURCE MANAGEMENT AGENCY - J. GUERTIN

Conduct a public hearing to consider approval of County file PLN170009, a proposal to 1) adopt an ordinance to rezone a 0.64-acre residential property with three duplexes, or six dwellings, to Residential Multiple/Planned Unit Development (RM/PUD) and 2) affirm, by adoption of a resolution, the conditional approval of a tentative subdivision map to subdivide the property into six lots of non-standard dimensions, each containing one of the existing residences.

SBC FILE NUMBER: 790

ORDINANCE NO:978

RESOLUTION NO: 2019-15

Associate Planner Michael Kelly provided information in regards to the proposed zone changes and project. Provided a PowerPoint presentation which covered: Map; Current zoning; Proposed zone-RM/PUD-Planned Unit Development; Proposed zoning-PUD; Subdivision ordinance; Planning Commission Res. 2018-12; Ordinance; Board Resolution; Staff recommendations on the Ordinance and Resolution.

Supervisor Jim Gillio had a question in regards to in lieu of fee.

Mr. Kelly provided information.

Discussion ensued by Board and staff.

County Counsel Barbara Thompson read the title of the ordinance for the record.

Public Comment: Jack Murphy, Ridgemark Homes Association, wanted to reaffirm that this is in the middle of Ridgemark Homes Association and they are favorable disposed to the actions being taken.

MOTION:

Motion To Adopt Ordinance 978, Approving the Zone Change Petition of County File PLN170009 and Rezoning the Parcel described herein to the Residential Unit Development. Adopted Resolution No. 2019-15, to affirm the conditional approval of a tentative subdivision map proposed under file PLN170009:

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

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.*

31. HEALTH AND HUMAN SERVICES AGENCY - J. RYDINGSWORD

Receive presentation from the Child Abuse Prevention Council.
SBC FILE NUMBER: 130

Health and Human Services Director Jim Rydingsword said that the Child Abuse Prevention Council will do the presentation.

Vice Chair Eric Taylor of the Child Abuse Prevention Council of San Benito County introduced some of those on the Council and provided a PowerPoint presentation as to who they are and what they do: CAPC History; CAPC Finances; CAPC Representation.

Chair Erica Elliot spoke about the following: CAPC Functions; A Snapshot of Child Abuse & Neglect in San Benito County; Our priorities; Questions:

Supervisor Jaime De La Cruz congratulated them for what they are doing.

This was a report only.

32. ASSESSOR'S OFFICE - T. SLAVICH

Consider adoption of an Ordinance amending Section 19.01.023 of Title 19, Chapter 19.01 of the San Benito County Code.

- 1) Read the title of the Ordinance "An Ordinance Amending Section 19.01.023 of Title 19, Chapter 19.01 of the San Benito County Code Pertaining to Compatible Uses on Agricultural Preserves";
 - 2) Make a motion to accept the introduction of the Ordinance;
 - 3) Waive the reading of the Ordinance; and
 - 4) Continue the matter to February 19, 2019 for adoption of the Ordinance.
- SBC FILE NUMBER: 7

Assessor Tom Slavich provided information in regards to the Ordinance which is the William Act Ordinance, also known as our Land Conservation Ordinance. He provided background information in regards to the compatible use listing that was previously adopted by the Board.

He said today they are asking the Board to read the title of the Ordinance amending Section 19.01.023 of title 19, Chapter 19.01 of the San Benito County Code; make a motion to accept the introduction; and waive the reading of the ordinance; and continue the matter to February 19, 2019 for adoption of the ordinance.

Discussion ensued by Board and staff.

Public Comment: Mary Hsia-Coron, Aromas resident, said that she is very supportive of this concept of promoting our agricultural economy, but had some questions about how you are going about doing this and a possible zoning conflict and concerns about event centers.

Andy Hsia-Coron, Aromas resident, echoed this wife's support of the idea of this county

developing its echo tourism potential. Had some concern, need a little more review process on list of uses.

Supervisor Anthony Botelho said that he has a contract under the Williamson Act should he be a part of this conversation.

County Counsel Barbara Thompson advised him that he could recuse himself from today and that they could look into it for the future.

Botelho recused himself from this discussion.

Mr. Slavich provided additional information into the process of the Williamson Acts and why this is done by the Assessor's Office.

MOTION:

Motion To approve read the title of the ordinance "An Ordinance Amending Section 19.01.023 of Title 19, Chapter 19.01 of the San Benito County Code pertaining to Compatible Uses on Agricultural Preserves; accept the introduction of the Ordinance; and continue the matter to February 19, 2019 for adoption of the Ordinance:

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

4 - 0

For (4):

Against (0):

Ayes: De La Cruz, Gillio, Hernandez, Medina

33. BEHAVIORAL HEALTH DEPARTMENT - A. YAMAMOTO

Receive an 18-19 Status Update on Behavioral Health Building Construction Bidding Process and Request for Approval to Source Building Contractor Quotes for Construction of the County Behavioral Health Building.
SBC FILE NUMBER: 810

Behavioral Health Director Alan Yamamoto gave an update on the Behavioral Health building. He spoke in regards to the bidding process and continuing to move forward.

Adam Goldstone from RMA provided some background information and additional information on the bidding process.

Discussion ensued by Board and staff.

MOTION:

Motion To approve and to proceed with contract quotes for the construction of the County Behavioral Health building and stay within the staff recommendation and bidding laws and to allow modifications to specifications as required by law:

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

34. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Strategic plan study session: accept staff presentation, authorize the development

of a strategic plan for San Benito County and expenditures associated in the creation of a strategic plan.

FILE NUMBER: 156

Management Analyst Dulce Alonso provided information on the Strategic Plan. Provided a PowerPoint presentation that covered: Overview: What is a Strategic Plan; Value of a Strategic Plan: Influence the Future; Leaders articulating visions to staff; Develop commitment to the organization's strategies and objectives; Focuses on the importance of things; Santa Cruz Strategic Plan; Yolo County Strategic Plan; Mono County Strategic Plan; Why Implement a Strategic Plan: Framework to guide San Benito County decision-making and allow (the Board) to communicate a common message, as well as set a clear direction priorities; Staff recommendation: To develop a strategic plan for San Benito County which we will discuss at our Board Retreat on February 14th.

CAO Ray Espinosa provided additional information as to how he thought it would be a good idea to bring to a retreat to start the process.

Supervisor Jim Gillio said that he supports this, is a good idea. He said that we need to commit to using it not putting it on a shelf.

Supervisor Peter Hernandez encourages the conversation and supports a strategic plan goes in hand with a vision. Thinks this is a good idea and agrees with Supervisor Gillio that we need to use it or it doesn't have a value.

MOTION:

Motion To accept staff presentation and authorize the development of a strategic plan for San Benito County:

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

5 - 0

For (5):

Against (0):

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

35. HUMAN RESOURCES - E. NOLASCO

Adopt Resolution for Exception to the 180-Day Wait Period Government Code Sections 7522.56 & 21224 for Rita Campbell.

SBC FILE NUMBER: 630

RESOLUTION NO: 2019-__

This item was pulled from the agenda by CAO Ray Espinosa.

36. RESOURCE MANAGEMENT AGENCY – J. GUERTIN

Adopt the plan to revise the proposed connection of San Juan-Hollister Rd to Union Rd as currently included in the design of Caltrans' Highway 156 Improvement project. The revised plan would increase safety and improve traffic operations by placing a cul-de-sac at the south end of San Juan-Hollister Rd and eliminating the connection to Union Rd. If adopted, Caltrans will revise their current plans to incorporate these improvements, Route 156 Expressway – San Juan Hollister Rd Connection to Union Rd.

SBC FILE NUMBER: 105

RMA Director John Guertin provided information on the Cal trans improvements on Highway 156 and the proposed connection of San Juan-Hollister Road to Union Road. He provided a map of

the design to review. He said that the revised plan would increase safety and improve traffic operations by placing a cul-de-sac at the south end of San Juan-Hollister Road and eliminating the connection to Union Road.

Discussion ensued by Board and staff.

MOTION:

Motion To adopt the plans to revise the proposed connection of San Juan-Hollister Road to Union Road as presented:

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

37. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Receive update on jail financing sources and approve Budget Adjustment recommendation in the amount of \$1,445,394.00. (4/5 vote)
SBC FILE NUMBER: 120.5

CAO Ray Espinosa invited Melinda Casillas, Treasurer/Tax Collector; Joe Paul Gonzalez, Clerk/Auditor/Recorder; Stewart Patri and Dulce Alonso to the podium. He thanked each one of these individuals for being instrumental for the work that has been done to move forward with the rating for our County, long hours and meetings, etc. He said that the County hasn't had a rating for quite some time and believe it was in the B range. He said that he was happy to announce that we have received an AA rating which is a big deal for our County. He felt that we needed to congratulate these folks as well as Administration and Staff in our County as they have all been a part of the process that has gotten us to where we are today financially.

He spoke as to what the report means for the County and how we have grown. He mentioned how the rating will affect the Jail project as well as other projects coming forward.

Joe Paul Gonzalez, Clerk/Auditor/Recorder, spoke about the S & P rating for the County and how it is very significant for this County because it is the culmination of years of efforts by the CAO Ray Espinosa and the Board of Supervisors.

Melinda Casillas, Treasurer/Tax Collector, said that it was a pleasure to be a part of this team and that it was a lot of work and feels that our 5 year plan and strong budget paid off for us.

Supervisor Jaime De La Cruz said that he and Supervisor Jerry Muenzer served a lot of years on the Audit Committee and felt that this is a result of the discussions we had. He thanked Joe Paul Gonzalez and Melinda Casillas for the work on the 5 year plan.

Supervisor Anthony Botelho congratulated the staff, Board and previous Boards for discipline to get this AA rating. He said that it is a big deal, not only for projects today but in the future.

Budget Officer Stewart Patri provided information and staff recommendation on the Certificate of Participation (COP) issue and a PowerPoint presentation on the San Benito County Jail Expansion Project which included: Project Background: Began September 2017 and estimated completion should be May 2019; Project Budget: State AB900 is \$15,053,000 and the County's Cash Match is \$9,345,394, in kind match \$618,000; Funding Sources adopted 18/19; Funding Sources Revised: asking for a budget adjustment in the amount of \$1,445.394 which will be explained later; General

fund Contribution Advantages; Annual Payments and General Fund Reimbursement.

He said that this item is requiring the approval of the Budget Adjustment in the amount of \$1,445,394.00.

Supervisor Jim Gillio thanked Stewart, CAO Espinosa and the team for the rating that we received, said that AA is a huge deal for us.

Discussion ensued by Board and staff.

CAO Ray Espinosa added some additional history to the jail project and other avenues of funding.

Discussion ensued by Board and staff in regards to funding and the risks.

MOTION:

Motion To accept presentation; approved budget augmentation 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

38. COUNTY ADMINISTRATION OFFICE - R. ESPINOSA

Adopt Resolution, which authorizes the issuance of lease Certificates of Participation in the maximum amount of \$8,500,000 to contribute toward financing the new County Jail project, approves as to form the lease agreements and other financing documents, and delegates authority to certain County officials to execute and deliver them on behalf of the County.

FILE NUMBER: 156

RESOLUTION NO: 2019-16

David Leifer from KNN provided a PowerPoint presentation on the Role of the Municipal Advisor: KNN has served as San Benito County's Municipal Advisor since 2007; our role is to provide the County with independent financial analysis and advice; KNN has worked closely with County staff since last fall to bring the 2019 Certificates of Participation before your Board for approval today; Plan of Finance: The County is financing \$7.5 million of the approximate total \$24.5 million cost of the jail project through the 2019 COPs; other sources of funds includes a \$15 million grant under the State's AB900 program and \$1.5 million of County reserves; the County is utilizing the existing Sheriff Administration/County Permit Center as the leased asset for this financing; the 2019 COPs will be structured as a fixed-rate, 30 year transaction, with a 10-year optional par call; Background and Overview of the Project; Background and Overview of the Leased Asses; Anticipated 2019 COPs Structure; Credit Rating Highlights: County staff made a presentation to S&P credit analysis in San Francisco on January 24th highlighting the key credit strengths of the County; Standard & Poor's has assigned a rating of "AA" to the 2019 COP's reflecting the County's overall strong credit profile, is a very high rating; Long-term interest rates remain low; Questions:

Discussion ensued by Board, staff and KNN.

MOTION:

Motion To Adopt Resolution No. 2019-16, which authorizes the issuance of lease Certificates of participation in the amount \$8,500,000.00, and stated as per staff recommendation: 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

39. (The Board will adjourn as the Board of Supervisors and reconvene as the Board of Directors of the San Benito County Financing Corporation)

a. Acknowledge Certificate of Posting.

Motion: By Gillio and seconded by De La Cruz to adjourn as the Board of Supervisors and reconvene as the Finance Corporation.

MOTION:

Motion To acknowledge the Certificate of Posting:

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

40. REGULAR AGENDA

Adopt Resolution, which authorizes the issuance of lease Certificates of Participation in the maximum amount of \$8,500,000 to contribute toward financing the new County Jail project, approves as to form the lease agreements and other financing documents, and delegates authority to certain Officers to execute and deliver them on behalf of the Corporation.

SBC FILE NUMBER: 156.5

RESOLUTION NO: FC-2019-1

Management Analyst Dulce Alonso provided information on the Finance Corporation Resolution.

MOTION:

Motion To Adopt Resolution FC-2019-1 per staff recommendation. Motion to adjourn as the Finance Corporation and reconvene at the Board of Supervisors (Gillio/Hernandez) 5-0 vote:

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

The Board will adjourn as the Board of Directors of the San Benito County Financing Corporation and reconvene as the Board of Supervisors.

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.)

41. **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 3239 Southside Road (020-320-031), Hollister, California

Agency Negotiator(s): John Guertin, RMA Director, Adm Goldstone, Capital Program Manager; Ray Espinosa, CAO; James Rydingsword, HHSa Director, Enrique Arreola, HHSa Deputy Director, Barbara Thompson, County Counsel, Irma F. Valencia, Deputy County Counsel

Negotiating Parties: Farm Labor Association (Pat Wirz, President)

Under Negotiation: Price and terms of payment

Authority: California Government Code Section 54956.8
SBC FILE NUMBER: 235.6

No reportable action.

42. **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Section 54956.8

Property street address: 2733 John Smith Road, Hollister, CA 95023

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

Negotiating parties: County of San Benito and Waste Connections, Inc.

Under Negotiation: Price and Terms of Payment
SBC FILE NUMBER: 235.6

No reportable action.

43. **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: Potential of litigation relating to the collection of impact fees on behalf of the San Benito High School District.

SBC FILE NUMBER: 235.6

No reportable action.

44. **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: Potential of litigation relating to letter received on January 22, 2019 requesting County to enforce zoning contract between the County and Ridgemark Corporation.

SBC FILE NUMBER: 235.6

No reportable action.

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

Government Code Section 54956.9, subd. (d)(2), (e)(1)

Number of potential cases: 1

SBC FILE NUMBER: 235.6

Directed staff to address the concerns raised by CSA #45 in regards to the road maintenance.

46. **CLOSED SESSION PER GOVERNMENT CODE SECTION 54957**

Public Employee Discipline/Dismissal/Release

SBC FILE NUMBER: 235.6

No reportable action.

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

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

No reportable action.

ADJOURNMENT

Adjourn to the next regular meeting of Tuesday, February 19, 2019.

MOTION:

Motion To adjourn the meeting at Made by **Supervisor Anthony Botelho** and seconded by **Supervisor Jim Gillio**
3:44 p.m.:

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.