



SAN BENITO COUNTY BOARD OF SUPERVISORS

Don Marcus
District No. 1

Anthony Botelho
District No. 2
Vice-Chair

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5
Chair

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

REGULAR MEETING AGENDA DECEMBER 2, 2008 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date *in regular session*. Supervisors Monaco, Loe, Marcus, Botelho and De La Cruz were present. Also present was Assistant County Administrative Officer Rich Inman, County Counsel Dennis Le Clere and Clerk of the Board Linda Churchill. Chairman Jaime De La Cruz presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Loe led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

PRESENTATIONS / RECOGNITION:

- c) **Present Certificate of Recognition to Barney Clamage, Employment Training Worker III, Health & Human Services Agency, who is retiring after nearly 21 years of dedicated service to the County of San Benito. (Chairman De La Cruz)**

Chairman De La Cruz presented Mr. Clamage with a Certificate of Recognition for his service to the County.

Mr. Clamage thanked the Board and the community for the privilege. *File #630*

Certificate of Recognition for Vincent Luna, Hollister Youth Alliance 2008 Community Hero, for his outstanding dedication and commitment to the community of San Benito County. Certificate to be presented at a later date. (Supervisor Loe)

Upon motion made by Supervisor Loe and seconded by Supervisor Marcus approved the Certificate of Recognition for presentation to Mr. Luna at a later date. (4-0 Vote. Monaco absent.

- d) **Public Comment:** There was no public comment.
- e) **Department Head Announcements:** Assistant CAO Rich Inman stated there was an Urgency Item to be considered.

Deputy County Counsel Shirley Murphy reported that there was a problem with the newspaper's publication deadline stating that the County did not receive notification from the newspaper advising us of moving its deadline up one day and therefore the Clerk of the Board was unable to meet the required deadline for the scheduling of a public hearing on December 16, 2008 to consider the adoption of the ordinance enacting the 2008 edition of the County Code as previously directed by the Board of Supervisors.

Board members expressed their dissatisfaction with the newspaper and not being able to make an exception for this publication.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Marcus, added Item 2.1 to the Regular Agenda to consider re-scheduling of the public hearing; and, made findings that the item came up after the posting of this agenda and there is a need to take action before the next meeting in order to meet deadlines.*

Planning Director Art Henriques announced that the Gavilan College Proposed Final EIR has come in to the Planning Department. Mr Henriques stated that public comments must be received within 10 days and if the Board of Supervisors had any more comments than previously given they should let the Planning Department know before December 11, 2008.

f) **Board Announcements, Introductions and Presentations:**

Supervisor Loe reported that she and City Councilman Doug Emerson and Supervisor Elect Margie Barrios toured the Southside Hospital facility and looked it over as a potential homeless shelter.

Supervisor De La Cruz announced the new City of Hollister Mayor is Eugenia Sanchez and the new Vice Mayor is Victor Gomez. Both were elected last night at the City Council meeting.

CONSENT AGENDA:

Upon motion made by Supervisor Loe and seconded by Supervisor Botelho, approved Consent Agenda Items 1 and 2. (4-0 Vote. Monaco absent.)

AGRICULTURAL COMMISSINER – P. Matulich

- 1) **Approved** contract with the California Department of Food & Agriculture for Weed Management for the period of January 1, 2009 to December 31, 2009 in the amount of \$16,757; **authorized** the chair to sign contract and **authorized** the Agricultural Commissioner to sign contract certification. *File #1.1*

SAN BENITO RESOURCE CONSERVATION DISTRICT – K. Guerra:

- 2) **Acknowledged** resignation of Mark Dickson; **approved** appointment of John Johnson to fill vacancy with term to expire November 2012; and, **approved** re-appointments of Tim Foley and Paul Hain for terms to expire November 2012. *File #1059*

REGULAR AGENDA:

COUNTY COUNSEL:

2.1) Urgency Item re: re-scheduling of the public hearing to consider adoption of the ordinance enacting the 2008 edition of the County Code:

Deputy County Counsel Shirley Murphy recommended that the Board set the hearing for January 6, 2009 due to reasons explained earlier when adding this urgency item to the agenda.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, directed the Clerk of the Board to re-schedule the public hearing to consider the adoption of the ordinance enacting the 2008 edition of the County Code on January 6, 2009 at 9:00 a.m. (4-0 Vote. Monaco absent.) File #60*

PUBLIC WORKS DEPARTMENT – J. Cox:

3) Approve in concept Alternative #1, groundwater well, for CSA #31 (Stonegate) water supply, subject to easement and CEQA processes, direct staff to develop the terms of the loan to CSA #31 for the capital improvements and return to the Board on December 16, 2008 with a fee report.

Acting Public Works Director Janelle Cox provided background information and explained that the current water supply for Stonegate, (CSA 31) is provided through San Benito County Water District and is supplied by the Central Valley Pipeline (CVP) also referred to as Blue Valve Water. Ms. Cox reported that this water supply is interruptible and its availability fluctuates. Ms. Cox further explained that a severe water shortage resulted in adoption of Resolution No. 2008-86 by the Board of Supervisors on August 5, 2008 declaring a water shortage emergency condition in CSA 31. Ms. Cox noted that the engineering firm of Schaaf and Wheeler were hired in October to identify alternative long-term solutions for a permanent water supply for CSA 31.

Ms. Cox introduced Charles Hardy and James Foote of Schaaf and Wheeler who provided a power point presentation detailing each of the five alternatives identified, the analysis conducted and the substantial recommendation for a permanent water supply for Stonegate (CSA 31).

Mr. Hardy and Mr. Foote answered questions posed by the supervisors.

Supervisor Marcus felt that we must move forward with the process that has been set up but we need letters of support and information from the San Benito County Water District, Sunnyslope Water District and Tres Pinos Water District to at least acknowledge their opinions on this matter.

Supervisor Loe agreed with getting letters from the water boards stating she was also in favor of moving but we need to get some kind of answers so we don't slow down the CEQA process.

Marty Richman, local resident, asked what was the usage of the non-potable water at Stonegate. Mr. Richman stated that the potable water should come from the well and the primary source for non-potable water should be the Blue Valve.

Mike Randall, President of Stonegate Homeowners Association, stated that there is total support from the homeowners for Alternative #1 noting that time is of the essence in this matter and stated that there could be a worse situation next summer with a shortage of water.

John Gudgeon, Stonegate resident, stated that he has been trying to sell his home in Stonegate and he hasn't had even one person come look at his house since this water problem as come up. Mr. Gudgeon encouraged the Board to please go forward today.

Mike Biechman, Stonegate resident, felt that Alternative #1 would work really well and encouraged the Board to move forward on this.

Further questions and discussion ensued and the proposed costs matrix and Stonegate Loan Amortization Schedule handouts by the Public Works Department were discussed.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved preferred Alternative #1, Groundwater Well on Graniterock property, with a pipeline through private property". (4-0 vote. Monaco absent)*

Chairman De La Cruz directed staff to send letters to all three water districts asking for written comments with regards to selected Alternative #1 and especially addressing water transfers and the TDC standards.

Ms. Cox further explained the matrix stating that a loan agreement would be coming back on the December 16, 2008 agenda for consideration.

Joe Paul Gonzalez, Clerk/Auditor/Recorder, stated that because the Board of Supervisors declared this an emergency situation the Government Code allows the county to use reserves as opposed to using their contingencies in order to make the loan possible to the CSA. Therefore the contingencies would not be touched and the county would be opening up their reserves.

Supervisor Botelho asked if this would have to go through the Proposition 218 process.

Further discussion ensued with regards to the Proposition 218 process.

Ms. Cox stated that we would be going through the Prop 218 public hearing process in February 2009.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Loe, 1) Directed staff to bring back the preferred alternative for final board approval after all necessary preparation has been completed, including but not limited to the preparation of easement documents and after completion of any necessary CEQA process; 2) Directed staff to develop the terms of the loan to the CSA #31 for implementation of Alternative #1; and, 3) Directed staff to bring back to the Board on December 16, 2008, or as soon thereafter as practicable, a method to recover the costs for the capital improvements, such as a fee on property within CSA #31. (4-0 Vote. Monaco absent) File #105 / CSA*

Supervisor Loe recused herself from the following item due to sitting on two Boards that deal with these grants.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 4) **Accept 2008 State Community Development Block Grant (CDBG) contract for \$500,000; and authorize the Health & Human Services Director to sign said contract.**

HHSA Director Kathy Flores provided background information and reported that she received word that we will be receiving these funds and noting there are three non-profit organization who are counting on these funds. Ms. Flores said she would be back on the December 16, 2008 agenda requesting a budget augmentation.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Marcus, accepted the 2008 CDBG contract in the amount of \$500,000 and authorized the HHSA Director to sign said agreement. (3-0 Vote. Loe abstained. Monaco absent) File #130

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 5) **Receive report on landfill capacity at John Smith Road Landfill and provide direction to staff to prepare a contract extension for the Operating Agreement with Waste Connections, Inc.**

Director of Integrated Waste Management Department Mandy Rose provided background information stating that this item along with the following item were discussed with the Finance Committee. Ms. Rose stated that based on the AutoCAD engineering report the landfill has 17½ years of remaining capacity, which is based on the 250 ton per day annual average.

Ms. Rose answered questions posed by Board members.

Chairman De La Cruz appointed Supervisors Botelho and Loe as a subcommittee to work on the negotiation of an extension to the current agreement. File #75.4

- 6) **Approve initiating the EIR process on the county owned 133-acre adjoining parcel to John Smith Road Landfill.**

Director of Integrated Waste Management Department Mandy Rose provided background information and requested direction from the Board with regards to the EIR process.

BOARD ACTION: Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, approved initiating the EIR process on the county owned 133 acre adjoining parcel to John Smith Road Landfill after first performing the fatal flaw analysis. (4-0 Vote. Monaco absent) File #75.4

The Board adjourned the morning session at 10:57 a.m. and reconvened at 1:30 p.m.

**AFTERNOON SESSION
1:30 P.M.**

1:30 P.M. PUBLIC HEARING (Or as soon thereafter as the matter may be heard).

PLANNING & BUILDING DEPT. – A. Henriques:

- 7) **Hold a public hearing to consider an ordinance for Zone Change 08-159 and General Plan Amendment 08-35. Applicant: Victor and Heidi Arreola Location: 2000 Santa Ana Valley Road, San Benito County, CA. APN: 025-090-060. CEQA Determination: Mitigated Negative Declaration.**

Assistant Planning Director Byron Turner provided background information and a power point presentation including maps and explaining the project proposal.

Chairman De La Cruz opened the public hearing.

Matt Kelley, Kelley Engineering, representing the applicant, came forward. Mr. Kelley stated that the zone change is appropriate and changing this property to Agricultural Productive (AP) will bring it into conformance with General Plan definitions and maintain compatibility with adjacent properties.

Chairman De La Cruz closed the public hearing.

BOARD ACTION: *Upon motion made by Supervisor Marcus and seconded by Supervisor Botelo, took the following actions:*

1. *Adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.*
2. *Adopted the findings and conditions of approval reflected in the Board report and in Planning Commission Resolution 2008-06.*
3. *Adopted **Ordinance No. 831** approving Zone Change 08-159, based on the findings and conditions of approval reflected in the Board report, as recommended by the Planning Commission; and*
4. *Adopted **Resolution No. 2008-116** approving General Plan Amendment No. 08-35, based on the findings and conditions of approval reflected in the Board report, as recommended by the Planning Commission.*
(4-0 vote. Monaco absent.) File #790

- 8) **Hold a public hearing to consider an increase in Planning Division application fees and adoption of an amended planning fee ordinance. (Request for continuance to December 16, 2008 has been requested by Planning Dept.)**

Planning Director Art Henriques stated that based on prior action this morning to continue the new County Code Codification proposal to the January 6, 2008 meeting, staff would like to amend its recommendation to continue this hearing to the same date.

BOARD ACTION: *Upon motion made by Supervisor Botelho and seconded by Supervisor Loe, continued the hearing to January 6, 2009 at 9:00 a.m. (or as soon thereafter as the matter may be heard) after the adoption of the new County Code. (4-0 Vote. Monaco absent) File #790*

REGULAR AGENDA:

PLANNING & BUILDING DEPARTMENT – A. Henriques:

- 9) **Receive status report on Santana Ranch Project.**

Planning Director Art Henriques reported that this project was first submitted to the County in 1997 and in 2000 the Planning Commission certified the Final Environmental Impact Report (EIR) but due to some issues with the water supply the project was withdrawn in 2003. A new application was submitted in April 2006 and staff has been working on it since that time. There were a number of conditions so there was a need to have a supplemental EIR and that is what the County has been working on for quite a while and it is now prepared. Mr. Henriques further reported that last week the Planning Department received a draft of that EIR which they are beginning to review and in the near future there will be a public draft EIR coming out and we can then look at setting some public hearings before the Planning Commission and the Board of Supervisors.

Chairman De La Cruz said he would like the Planning Department to prepare a flow chart of the processes and procedures for this project. File #790

10) **Receive status report on El Rancho San Benito Project.**

Planning Director Art Henriques reported that staff has been working quite a bit on this project noting that the proposed El Rancho San Benito Master Community Specific Plan Project would require a number of reviews and approvals from the County such as General Plan Amendments, re-zoning, specific plan reviews and a development agreement as well as the typical parcel tentative / final maps and things of that nature. Mr. Henriques reported that staff has had a number of meetings with the project applicant and their consultants and gone through a series of steps with the Board of Supervisors with regards to reimbursement agreements, to engage consultants, to set up a process internally so we are all in agreement to get contract employees for this project and Santana Ranch project to help us track county costs and also consultant costs. Mr. Henriques reported that the Board agreed to the hiring of a planning consultant, Denise Duffy & Associates to help us manage this project. Mr. Henriques reported they are in the process with the environmental consultant to have a Notice of Preparation set up soon and available for distribution.

Mr. Henriques noted a more formal meeting was held November 13, 2008 with department heads on the specific projects, which included the project applicant, and some of their consultant team was present also and they also meet on a regular basis with the DMB team including the legal teams. Mr. Henriques stated they were working on some of the EIR issues, the Notice of Preparation and gearing up for the development agreement process.

Mr. Henriques answered questions posed by Board members.

Chairman De La Cruz said he would like a flow chart for the DMB Project also. File #790

11) **Receive report on the Neighborhood Stabilization Grant (NSP) Program response to California Department of Housing and Community Development (HCD); and authorize chair to sign letter of concern regarding rural county funding.**

Planning Director Art Henriques provided background information and introduced C.J. Valenzuela, Housing Program Coordinator.

Mr. Valenzuela reported that he received a response yesterday, Dec. 1, 2008, from HCD, which he handed out to Board members. Mr. Valenzuela noted that HCD gave jurisdictions a 15-day window, which did not give much time to respond, to provide additional feedback and comments on the entire process of the Neighborhood Stabilization Grant Program. Mr. Valenzuela stated that he sent a letter back to HCD with initial feedback on November 29, 2008.

Mr. Valenzuela handed out a revised draft letter to HCD for consideration by the Board of Supervisors.

BOARD ACTION: *Upon motion made by Supervisor Loe and seconded by Supervisor Marcus, authorized Chairman to sign the amended letter as submitted to the California Department of Housing and Community Development (HCD). (4-0 Vote. Monaco absent.) File #790*

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Loe, Marcus, Botelho, De La Cruz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Monaco

There being no further business the Board adjourned to December 16, 2008 at 9:00 a.m. for a regular meeting.

JAIME DE LA CRUZ, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Linda Churchill
Clerk of the Board