



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1 Chair

Anthony Botelho  
District No. 2

Robert Rivas  
District No. 3  
Vice - Chair

Jerry Muenzer  
District No. 4

Jamie De La  
Cruz  
District No. 5

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

## REGULAR MEETING MINUTES November 3, 2015 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 a matter which does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide it to the Clerk of the Board prior to the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair.
- 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.***

### **CALL TO ORDER**

The Meeting was called to order promptly at 9:00 a.m. by Chairwoman Barrios.

a. Pledge of Allegiance

Supervisor Muenzer led the meeting in the Pledge of Allegiance.

The Chair asked that the Board and audience observe a moment of silence for all the Veterans from the United States Armed Forces who have served the nation.

b. Acknowledge of Certificate of Posting

**Motion Approved 5 to 0.**

Jerry Muenzer made a motion to approve the acknowledgement of the Certificate of Posting. Jaime De La Cruz seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

c. Presentations and Recognitions

Supervisor Botelho made the presentation to Mr. Castneda on behalf of the Board.

Jerry Muenzer made a motion to Approve and present Proclamation to Al Castaneda in recognition of the contributions he has made to San Juan Bautista and the County of San Benito. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

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.

The Chair entertained public comment for items not appearing on the agenda.

- Mike Corbin encouraged the Board not to locate the homeless center at the Airpark.
- Pat Reilly, owner of Flynn Road Mini Storage, encouraged the Board not to locate the homeless center at the Flynn Road site.

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

The Chair called on CAO Espinosa to initiate department reports. Mr. Espinosa called on James Rydingsword, Director of Health and Human Services, to provide an update on the Homeless Service Center.

Mr. Rydingsword advised that the State had informed him that the County received an allocation of \$166,000.00 to assist homeless families currently on the Calworks program with an aim to find temporary and permanent housing.

He also provided an update regarding the Winter Shelter Program and discussions with the Homeless Coalition.

Brent Barnes, Director of Resource Management Agency, provided an update on the CEQA Site Selection process.

The Director of the Office of Emergency Services, Kevin O'Neill, invited the Board to the El Nino Preparedness Community Workshops.

CAO Espinosa reminded the Board of the scheduled Assessment Appeal Hearing scheduled for November 30th. There will also be an agenda item related to the Area Agency on Aging on the November 17, 2015 Board Agenda.

The CAO also advised that the City of Hollister has requested a joint meeting to discuss Parks and Recreation issues and he asked direction from the Board.

**f. Board Announcements: Information Only**

The Chair then called on the Board Members to provide them an opportunity to provide Board Reports.

Supervisor De La Cruz had no report. Supervisor Rivas had no report. Supervisor Botelho reported he would be visiting Aromas Elementary School tomorrow to honor U.S. Veterans.

Supervisor Muenzer thanked the CAO for the Bar B Q. He also thanked Mary Gilbert, Executive Director of the Council of Governments (COG) for helping to arrange the speed monitoring trailer in Tres Pinos in cooperation with the California Highway Patrol. He reminded the public that the speed limit in Tres Pinos is 35 miles per hour.

Chairwoman Barrios announced that LULAC is having their Annual Veteran's Breakfast for the benefit of the LULAC Scholarship fund. She indicated that LULAC had requested Certificates of Recognition and

asked the CAO to help arrange for their issuance.

The Chair also reported she had received numbers calls from many residents in North County where flooding is prevalent to express concerns about Pacheco Creek. She asked staff to research what steps, if any, could be taken to mitigate the situation on behalf of that area's residents.

Brent Barnes from the Resource Management Agency indicated he would research the issue further and report back to the Board.

The Chair also announced the Pajaro River Legislative Conference that would be taking place on November 6, 2015.

## **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.*

Having concluded Board Announcements, the Chair took up the Consent Agenda portion of the meeting and asked if any member of the Board would like to remove any items from the Consent Agenda.

**Supervisor De La Cruz asked that Consent Agenda Item 9 be pulled for individual discussion.**

**No member of the public requested that any item be pulled**

### **The Motion Approved 5 to 0.**

Jerry Muenzer made a motion to approve the Consent Agenda as presented with the exception of Consent Agenda Item 9 pulled by Supervisor De La Cruz. Anthony Botelho seconded the motion. Anthony Botelho seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

#### **1. BEHAVIORAL HEALTH DEPARTMENT - A. Yamamoto**

Approve the Memorandum of Understanding (MOU) for the San Benito County Behavioral Community Housing Improvement Systems and Planning Association (CHISPA) for operation of the Buena Vista Housing Project as related to apartment units dedicated to MHSA housing; and authorize the Behavioral Health Director to sign and submit to the Department of Health Care Services and CalHFA.

#### **2. BOARD OF SUPERVISORS:**

Approve Proclamation declaring November 12, 2015 as National Philanthropy Day in San Benito County and authorize Chair to sign Proclamation. The Proclamation will be presented the evening of Thursday, November 12, 2015 at the event at San Juan Oaks Golf Course.

#### **3. CLERK/AUDITOR/RECORDER - J.P. Gonzalez**

Adopt the San Benito County Grant Policies and Procedures Manual as an addition to the County's Finance Policies; and direct all affected County Departments to develop additional department-specific grant administration guidelines that will address the new Office of Management and Budget Uniform Guidance codified in 2 CFR 200.

4. **HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**  
Appoint Mr. Gary Cameron as the Representative for District #2 to the Community Action Board for a three-year term effective November 3, 2015 through November 3, 2018.
5. **HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:**  
Approve County Purchase Agreement SA-04-2015 in the amount of \$32,049.00 with the California Statewide Automated Welfare Systems Consortium IV Joint Powers Authority for the installation of a remote workstation at the San Benito Health Foundation.
6. **HEALTH & HUMAN SERVICES AGENCY - J. RYDINGSWORD**  
Adopt Resolution approving the Operation and Maintenance Contract for the Migrant Center with the State Department of Housing and Community Development in the amount of \$757,574.00, authorize the Board to sign the resolution; and authorize the HHSA Director or designee to be the signature authority for said contract and any subsequent amendments to said contract (Res. No. 2015-80).
7. **HUMAN RESOURCES – G. Cochran:**  
Approve contract extension with Jack L. Wender Insurance Services for the period of November 1, 2015 through December 31, 2016, in the amount of \$14,112.00.
8. **HUMAN RESOURCES – G. Cochran:**  
Approve the addition of a 1.0 FTE Office Assistant I for the San Benito County Council of Governments.
9. **HUMAN RESOURCES – G. Cochran:**  
Approve the new class specification and salary range for the class of Deputy Probation Officer (Senior) and re-title the Probation Officer series as Deputy Probation Officer (Entry), Deputy Probation Officer, and Deputy Probation Officer (Supervising) as well as minor edits to the existing class series.

**This item was pulled for individual discussion by Supervisor De La Cruz.**

Supervisor De La Cruz asked for clarification with regard to the reclassification request.

Georgia Cochran, Interim Human Resources Director, explained that a Senior-level position is being re-titled and adjusted in the class specifications. Director Cochran explained there was no change in salary level and that all language remains consistent.

## **The Motion Approved 5 to 0.**

Jaime De La Cruz made a motion to approve the new class specification and salary range for the class of Deputy Probation Officer (Senior) and re-title the Probation Officer series as Deputy Probation Officer (Entry), Deputy Probation Officer, and Deputy Probation Officer (Supervising) as well as minor edits to the existing class series. Margie Barrios seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

### **10. PROBATION DEPARTMENT - R. Ted Baraan**

Approve budget augmentation in the amount of \$125,304.86 from AB 1476 2<sup>nd</sup> Strike funds; authorize the Probation Department to purchase three (3) Law Enforcement Safety Vehicles from Serramonte Ford in the amount of \$80,652.54, through the use of AB 1476 2<sup>nd</sup> Strike funds; and authorize to have Emergency Vehicle Specialists equip five (5) Law Enforcement Safety Vehicles necessary safety equipment in the amount of \$44,652.32, through the use of AB 1476 2<sup>nd</sup> Strike funds (4/5 vote)

## **REGULAR AGENDA**

*Foreachregularagendaitem,thefollowingscheduleshall occur:*

- a) Staff report.*
- b) PublicopportunitytoaddresstheBoardonaparticularagendaitem.Please fillouta speakercardand presentittotheClerkpriortoconsiderationofthe item.*
- c) Consideration by the Board.*

### **11. COUNCIL OF GOVERNMENTS – M. Gilbert:**

Appoint a member of the Board of Supervisors to the San Benito/Santa Clara Mobility Partnership.

The Chair asked CAO Espinosa to introduce the item to the Board.

CAO Espinosa provided a brief introduction and advised that Mary Gilbert, the Executive Director of the Council of Governments (COG), would be presenting the item to the Board.

Director Gilbert provided an introduction and background of this item as it relates to the appointment of the representative from the County to this Board.

After a brief introduction, Chairwoman Barrios indicated she would appoint herself to serve on the Board.

**There was no formal action taken by the Board as the appointment to the Ad Hoc Committee was made at the discretion of the Chair.**

12. **COUNTY ADMINISTRATION OFFICE – R. Espinosa:**

Discuss and determine the preferred Election-Primary (June 2016), General (November 2016), or both for an unincorporated sales tax ballot in order for staff to meet necessary deadlines; and provide further direction to staff.

The Chair asked CAO Espinosa to introduce the item on behalf of the Board.

CAO Espinosa called on Sara Fontanos to present the item to the Board on behalf of the Administration.

Management Analyst Fontanos provided the Board an update regarding the proposed sales tax ballot measure and requested direction from the Board regarding this issue.

After extensive discussion among the Board Members,

**The Motion Approved 3 to 2.**

**The Board recessed to a 10 minute break immediately following action on this item.**

Anthony Botelho made a motion to direct staff to proceed with placing a one- percent sales tax on the November 2016 ballot as well as directing staff to provide the Board with additional information on sun-setting, bonding and financing options other than bonding at the November 17, 2015 Board of Supervisor Meeting (not including polling).. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, Rivas

Nays: De La Cruz, Muenzer

13. **RESOURCE MANAGEMENT AGENCY/PLANNING – B. Barnes:** Receive public testimony on the proposed San Benito County Multi-Use Streets Policy; make a finding that adoption of the Policy is exempt from CEQA because it will have no significant adverse impact on the environment; adopt Resolution, San Benito County Multi-Use Streets Policy; and direct staff to implement said policy. (Res. No. 2015-81)

The Chair reconvened the meeting following the break.

The Chair asked CAO Espinosa to introduce the next item on the agenda CAO Espinosa introduced Consent Agenda Item 13.



Brent Barnes, Director of the Resource Management Agency (RMA) provided a background of the item and provided staff recommendation as listed in the staff report.

**The Motion Approved 5 to 0.**

Anthony Botelho made a motion to make a finding that the San Benito County Multi-Use Streets Policy is exempt from CEQA because it will have no significant adverse impact on the environment; adopt resolution Number 2015-81 and direct staff to implement said policy after receiving public testimony on the proposed measure. Jerry Muenzer seconded the motion.

Ayes: Barrios, Botelho, De La Cruz, Muenzer, Rivas

14. CLERK OF THE BOARD - L. Valdez  
Office of the Clerk of the Board progress report on Technology Updates.

The Clerk of the Board provided an update regarding the deployment of NOVUS Agenda Management System.

**No formal action taken on this item.**

**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) & (b), Ralph M. Brown Act.)

Following the conclusion of action on the Regular Agenda Items, the Chair announced that the Board would recess to Closed Session and she asked County Counsel Matt Granger to read the Closed Session Items into the record.

Mr. Granger read Closed Session Items 15 and 16 into the record.

Public Comment was received from Christina Chavez-Wyatt.

The Chair recessed the meeting into Closed Session without objection.

- 15) Closed Session-Conference with Labor Negotiators  
Agency designated representatives: Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, Georgia Cochran, and Steve Coffee  
Employee Organizations: Institutions Associations  
Law Enforcement Management  
Management Employees' Group  
SEIU Local 521 (General Unit Employees)  
SEIU Local 2015 (IHSS)  
Deputy Sheriffs Association  
Confidential  
Confidential Management  
Department Heads

Unrepresented Employees

Authority: California Government Code Section 54957.6

- 16) Public Employee Performance Evaluation  
Title: County Administrative Officer  
Authority: California Government Code 54957

Following the lunch break, the Chair reconvened the Board Meeting and asked County Counsel Matt Granger to report out of the Closed Session on behalf of the Board.

**County Counsel Matt Granger advised that for both Closed Session Items listed, the Board took no reportable action.**

## PUBLIC HEARING

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

**RESOURCE MANAGEMENT AGENCY/PLANNING – B. Barnes:**

Hold a Public Hearing to consider, and thereafter take the action recommended by Planning Commission Resolution 2015-05, which recommends that the Board of Supervisors approve the San Juan Oaks Specific Plan (“Project) and associated land use approvals, to include adoption of a general plan text and map amendments, adoption of a specific plan, adoption of zoning text and map amendments, adoption of conforming amendments to the San Benito County Code, approval of a development agreement, certification of the Project’s Environmental Impact Report, and all associated actions required under the California Environmental Quality Act (“CEQA”) and CEQA Guidelines.

Actions will include, but are not limited to:

1. Adopt Resolutions Certifying Subsequent Environmental Impact Report (“SEIR”) for the Del Webb at San Juan Oaks Project, adopting findings required by CEQA, mitigation measures, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations; and taking related actions, including approving and adopting Del Webb at San Juan Oaks Specific Plan Water Supply Assessment; and, Approve the project by:
  - a. Adopting a Resolution making General Plan consistency findings and other findings required by state law and/or the San Benito County Code and amending the San Benito County General Plan text and map (General Plan Amendment 13 14), Adopting a Resolution to adopt the Del Webb at San Juan Oaks Specific Plan (Specific Plan 006 13), Adopting an Ordinance adopting a zoning ordinance text and map amendment, and conforming amendments to the San Benito County Code (Zone Change 13 179), and

b. Adopting an Ordinance approving a Development Agreement. (Res. No. 2015-82), (Res. No. 2015-83, (Res. No. 2015-84), (Res. No-2015- 85), (Ord. No. 941), (Ord. No. 942).

The Chair called on Byron Turner, San Benito County Planning Director, to present the item to the Board.

Mr. Turner introduced the following individuals from staff and the consulting team that worked on this project:

- Byron Turner – RMA/Planning
- Shirley Murphy – Deputy County Counsel
- Nadia Costa – Special Counsel
- Jasch Janowicz – Rincon Consultants, Inc.
- Megan Jones – Rincon Consultants, Inc.
- Franziska Church – Fehr and Peers
- Greg Young – Tully and Young

Mr. Turner then provided a suggested format for the hearing as follows:

- Step 1: Staff Report
  - Byron Turner – Project Background
  - Jasch Janowicz – Project Summary
  - Megan Jones – EIR Process and Analysis
- Step 2: Open Public Hearing, Applicant Presentation & Public Comment
- Step 3: Discussion and Deliberation
- Step 4: Consider Staff Recommendations

Mr. Turner proceeded to present a background of the project as follows:

- 2002 – San Juan Oaks Golf Club Submitted Tentative Map 02-67
- 2004 – Tentative Map Approved by Board of Supervisors
  - 156 single-family dwellings
  - 30 affordable dwellings
  - Resort hotel
  - Village commercial
  - 27-hole golf course
  - Open space
  - 2013 – County received application for San Juan Oaks Specific Plan, General Plan Amendment, Zone Change, and Development Agreement
- Eliminate new golf courses
- Increase residential areas - 193 to 323 acres
- Increase residential units - 186 to 1,084
- Increase commercial uses - 7 to 14 acres

The record shall note that the complete PowerPoint Presentation is included in these minutes as an attachment and is hereby made part of the official record upon adoption of the same by the Board of Supervisors of San Benito County, CA.

At the conclusion of the presentation, questions from the Board to staff, legal counsel, general plan consultants, development consults and discussion among the Board Members, the Chair entertained a motion to adopt the resolution as presented.

Supervisor De La Cruz suggested that the Chair have the honor of making the motions to adopt the listed resolutions and ordinance(s) in approval of the project.

Chairwoman Barrios accepted Supervisor De La Cruz's suggestion and proceeded to make the following motion on the first resolution:

- To adopt Resolution **2015-82** as listed in the staff report.
- The motion was seconded by Supervisor De La Cruz.
- **The Motion was Approved 5 to 0.**
- Voting yes were Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas.

Supervisor De La Cruz proceeded to make the following motion on the second resolution:

- Supervisor De La Cruz made a motion to adopt **2015-83** as listed in the staff report as included in Appendix J to the SEIR.
- The Motion was seconded by Supervisor Muenzer.
- **The Motion was Approved 5 to 0.**
- Voting yes were Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas.

Supervisor Muenzer made the following motion on the third resolution:

- Adopt Resolution **2015-84** as listed in the staff report in accordance with Planning Commission Resolution 2015-05.
- Seconded by Supervisor Rivas.
- **The Motion was Approved 5 to 0.**
- Voting yes were Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas.

Supervisor Botelho made the following motion on the fourth resolution as listed in the staff report:

- Supervisor Botelho made a motion to adopt **2015-85** as listed in the staff report in accordance with Planning Commission Resolution 2015-05.
- The Motion was seconded by Chairwoman Barrios.
- **The Motion was Approved 5 to 0.**
- Voting yes were Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas.

Supervisor Muenzer made a motion to adopt the ordinance as listed in the staff report:

- Adopt San Benito County Ordinance 941 as listed in the staff report.
- The Motion was seconded by Supervisor De La Cruz.
- **The Motion was Approved 5 to 0.**
- Voting yes were Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas.

Supervisor De La Cruz made a motion to adopt the ordinance as listed in the staff report:

- Adopt San Benito County Ordinance 942 as listed in the staff report.
  - The Motion was seconded by Supervisor Rivas.
  - **The Motion was Approved 5 to 0.**
  - Voting yes were Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas.
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- Supervisor De La Cruz made a motion to adjourn in honor of San Benito County's Veterans.
  - The Motion was seconded by Supervisor Muenzer.
  - **The Motion was approved 5 to 0.**
  - Voting yes were Supervisors Barrios, Botelho, De La Cruz, Muenzer and Rivas.

### **The Board Meeting was adjourned until November 17, 2015.**

*NOTE: A copy of this Agenda is published, along with supportivedocuments, on the County's Website 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 supportivedocuments 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 items 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 someone other than the County 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.*