

<p style="text-align:center"><b>SAN BENITO COUNTY PLANNING COMMISSION</b> <b>Minutes of June 21, 2006</b></p>
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PRESENT: Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Principal Planner (PP) Byron Turner, Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) Shirley Murphy; Clerk Trish Maderis and Assistant Clerk Jessica Temperino.

Chair DeVries called the meeting to order at 7:05 p.m. and led the pledge of allegiance, then recapped the standing rules of order.

**PUBLIC COMMENT:**

Chair DeVries opened the floor to opportunity for public comment.

The public comment period was closed as there were no persons in attendance to speak to items not on the agenda;

**DIRECTOR'S – STAFF REPORT:**

PP Turner presented the report:

- Preliminary Residential Allocations recommendations are being finalized and will be presented at the July 19, 2006 Planning Commission meeting
- Described discussion(s) with Engineers and contractors regarding projects' ability to increase (better) scores
- Responded to Commissioners' questions regarding staffing levels and noted meeting attendance of Director Henriques at July 21<sup>st</sup> meeting
- Requests for Qualifications for consultants for the General Plan work scope update have been distributed – response deadline: July 21, 2006

## **CONSENT AGENDA:**

### **COMMISSIONERS MACHADO/BETTENCOURT MOTIONED APPROVAL OF THE CONSENT AGENDA ITEMS:**

- Roll Noted ~ Commissioners present: Bettencourt, DeVries, Machado, Smith, Tognazzini
- Notice of Posting
- Minutes June 7, 2006 (*pulled pending further discussion and possible modification – regarding Gonzales MS 1148-04*)
- **TSM 02-67:** APPLICANT: San Juan Oaks Golf Club REQUEST: Extension of Vesting Tentative Map. LOCATION: 3825 Union Road; Hollister
- **MS 1142-03:** APPLICANT: Manuel/Gloria Gutierrez REQUEST: Extension of Tentative Map. LOCATION: 360 Cowden Road; Hollister

### **THE MOTION PASSED 5-0, WITH ALL COMMISSIONERS PRESENT.**

#### **Discussion of Minutes of June 7, 2006**

Commissioner Tognazzini called attention to a needed modification on page 3, within the motion to approve Minor Subdivision 1148-04:

*...four (4) parcels within the request (and clarifying that the soils downgrade does not pertain - nor is applicable - to ~~of~~ the entire subject...*

With other Commissioners agreeing with the clarification, and upon a motion made by **COMMISSIONERS TOGNAZZINI/BETTENCOURT TO ENSURE THE REVIEW OF THE TAPES AND SUBSEQUENT RE-SUBMITTAL OF THOSE MINUTES (5-0)**, it was so ordered the minutes of June 7, 2006 be reviewed and returned for action at a future meeting.

## **CONTINUED ITEMS:**

### **Consider time change for Planning Commission regular meetings**

Chair DeVries noted that the issue was essentially whether to change the meeting from 7:00 p.m. to an earlier time.

PP Turner provided the staff report for the item, postponed from two weeks ago. Some other Counties scheduled morning meetings, with others providing meeting times during the evening hours. Furthermore, PP Turner stated that moving the meetings to an earlier time would help the Planning Department serve the public.

Commissioner Bettencourt said he heard often that those people attending meetings would prefer evening meetings. He noted it might also affect Commissioner appointments.

Commissioner Smith asked if staff is paid overtime for meetings. Clerk Maderis stated that she, the Director and the Principal Planner were exempt from overtime earnings however, the Assistant Clerk and staff planners did earn overtime hours and were compensated with time off in lieu of paid overtime for attendance at Planning Commission meetings. DCC Murphy added that she was also exempt from overtime earnings.

Commissioner Machado asked for clarification as to why the meeting change was being considered? Chair DeVries reiterated that he thought the major issue was a time change from 7:00 p.m. to an earlier time.

Considerable discussion ensued regarding the ‘pros and cons’ of a time change for the meetings:

- consideration of calling a special meeting
- starting somewhat earlier
- opposition to changing the meetings to a day-time ‘slot’
- evening meetings better suited to public being served
- staff said earlier hours would be beneficial to staff for on-going work on the agendas

Discussion evolved regarding changing to an earlier time. Commissioners voiced their personal preferences as to start time. Suggestions surfaced as to the possibility of trying the earlier time (6:00 p.m.) for six months with a ‘cut-off’ time of 9:30 p.m. There was commonality for not having morning meetings.

**COMMISSIONERS TOGNAZZINI/MACHADO MOTIONED TO SET HOURS OF THE SAN BENITO COUNTY PLANNING COMMISSION MEETINGS FOR A SIX-MONTH TRIAL PERIOD TO BEGIN AT 6:00 P.M., COMMENCING AUGUST 2, 2006 WITH NO NEW BUSINESS TO BE CONSIDERED AFTER 9:30 P.M. [PASSED 5/0]**

## **Rules for Transaction of Business – Annual Review**

This was a discussion item with the following noted:

- Rules 4 and 5 were changed to reflect the prior action (times of meeting)
- Time at end of agenda for Commissioner comments for items not on the agenda / items of interest regarding general items [similar to method of having items addressed by the Board of Supervisors] DCC Murphy cautioned that the Brown Act must be followed. Chair DeVries argued for the matter saying since the Commissioners represent specific districts, this could be beneficial
- Rule # 7 (preparation of the agenda)
- Rule # 8 (Rules of Order) propriety of having disclosure re: site visits and/or discussion with applicants
  - o DCC Murphy explained the importance of ensuring public disclosure of those contacts and not having the Brown Act violated with a person with a vested interest contacting/communicating other Commissioners.
  - o Chair DeVries stressed the significance of providing ‘shared information’ with other Commissioners as an ‘educational process for better decision making’.

Attorney Brad Sullivan was present and urged that the Commissioners with the ‘shared information’ process to speak of the matter ‘up front’ and not just right before a vote. Chair DeVries agreed and spoke on the importance of ‘keeping an open mind’ for a vote.

Chair DeVries advised this item was not an action item and therefore no motion/vote was required for the matter at this time. A resolution will be prepared reflective of the changes as discussed for the consent calendar for the next meeting.

### **Commissioner comments**

Chair DeVries then advised of a meeting he and Supervisor Botelho had with representatives of the Del Webb Company regarding future plans and the assurance by those representatives of more consistent communication with local public agencies.

DCC Murphy responded to questions regarding the public vote for subdivisions and stated the intent to present that data to LAFCO at the July 2006 meeting.

Commissioner Smith said that regarding the Gavilan College site he would like to see a ‘larger audience’ participation.

Reminding that the July 5, 2006 Planning Commission meeting was cancelled, Chair DeVries declared the meeting adjourned at 7:57 PM.

***Transcription by  
Judi H Johnson***

***Attest:  
Byron Turner, Principal Planner  
San Benito County  
Planning Commission***

***June 21, 2006***