

City of San Juan Bautista
REGULAR MEETING OF THE CITY COUNCIL

Tuesday, December 16, 2008

6:00 P.M.

City Hall

NOTICE TO THE PUBLIC

The public may address the City Council on items not on the agenda during the "Public Comment" portion of the agenda, and on any item listed on the agenda during the consideration of that item when the Mayor calls for public comment from the audience. Following recognition, persons desiring to speak are requested to come to the podium and state their name. Persons wishing to address the City Council will be limited to three minutes. Members of the public may aggregate their speaker times, but the aggregate speaker times may not exceed fifteen minutes. Speaker times may be adjusted if the Mayor finds it appropriate. After hearing public comments on an item, the public portion of the meeting is closed and the item brought to the Council level for discussion and action.

Regular City Council meeting times are set by resolution to begin at 6:00 pm. The City Council meeting will end at 10:00 pm unless by a majority vote of the City Council it is agreed to extend the meeting time. Should the meeting end time be reached without addressing all of the items on the agenda, the meeting will be continued to a date and time set by the City Council in the adjournment motion. The items remaining on the agenda shall be addressed when the meeting is continued.

The City Council enjoys and operates under an open meeting forum, thus encouraging citizens and members of the audience to address their individual concerns. To the extent necessary, the City Council expects meetings to be conducted in an orderly manner and this includes those individuals addressing the City Council to present their matters of concern and interest.

Individuals who engage in disorderly, loud, boisterous or disruptive conduct will not be allowed to continue their presentation before the City Council. This includes the use of threatening, profane or abusive language in the public assembly. If an individual engages in such conduct, the Mayor will call the individual to order. If such conduct continues, at the discretion of the Mayor or a majority of the City Council, the individual may be ordered to leave the City Council meeting.

A person refusing to leave the meeting upon being so ordered by the Mayor or majority of the City Council will cause the meeting to be halted and the Mayor to declare a recess. The Sheriff's Department will then be contacted and directed to remove the individual from the meeting. Refusing to leave upon direction of the Sheriff's Department can result in arrest for violation of Section 403 of the California Penal Code, which provides in part that "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting, not unlawful in its character... is guilty of a misdemeanor." The refusal to comply with the Sheriff's deputy may result in an additional violation of Section 148 of the Penal Code, with respect to interference with a peace officer and the performance of their duty.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Trish Paetz at 831-623-4661. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title 11).

1. Call to Order

Pledge of Allegiance

Roll Call

2. Ceremonial Items

A. Presentation of Plaques Honoring Outgoing City Officers Dias, Paradise and McIntyre

B. Installation of New City Clerk Linda McIntyre

C. Selection of New Mayor and Vice Mayor

3. Approval of the Agenda

4. Public Comment on Items Not on the Agenda

The public may address the City Council on items not on the agenda during the "Public Comment" portion of the meeting. Persons wishing to address the City Council will be limited to three (3) minutes. Because the item is not on the agenda, the City Council can take no action on the matter in this meeting. The City Council will hear all public comments and then, if they so desire, they will make comments, ask for clarifications from staff, or request the item be placed on a future agenda for further discussion and/or action.

5. Presentations, Informational Items and Reports

A. Water Infrastructure Project Report

B. Monthly Financial Statements – Treasurer’s Report

C. Code Enforcement Report

D. Library Report

E. Fire Chief’s Report

F. Sheriff’s Report: Monthly Activity

G. Public Works Report – MCE Corporation

H. Davidson Sphere of Influence Amendment Application to LAFCO – City Manager

I. Status Report on Municipal Services Review – City Manager

J. Status Report on Revenue Sharing Agreement – City Manager

K. Report on Cable Franchise Renewal Activities – Deputy City Clerk

L. Public Meetings and Committee Reports

6. Consent Items

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

A. Approve Affidavit of Posting Agenda

B. Approve Minutes for October 21, 2008 Regular City Council Meeting

C. Waive Reading of Ordinances and Resolutions on Tonight’s Agenda Beyond Title

D. Approve Resolution 2008-XX for Street Closures

- E. **Adopt Resolution 2008-XX Establishing the Compensation for the Offices of City Clerk and City Treasurer**
- F. **Approve Resolution 2008-Xx Authorizing a Continuation Budget Appropriation for the Period September 20, 2008 Through January 20, 2009**

7. **Action Items**

- A. **Approve Resolution 2008-XX (1) Declaring a Public Nuisance to Exist on the Parcel Commonly Known as 101 The Alameda, and (2) Directing the City Manager to Post, Publish, and Mail Notice of Hearing to Consider Abatement of Said Public Nuisance**
- B. **Stephens Annexation**
 - i. **Adopt a Resolution Setting Forth Findings, Approving an Addendum to a Previously Approve Negative Declaration Pursuant to the California Environmental Quality Act, and Requesting the San Benito County Local Agency Formation Commission to Take Proceedings to Annex to the City of San Juan Bautista Approximately 49.65 Acres Of Unincorporated Territory Within Sphere of Influence**
 - ii. **Introduce an Ordinance Amending Section 11.02.040 of the San Juan Bautista Municipal Code (Zoning Map and District Locations and Boundaries) to Establish, For The Purpose of an Annexation Application, A Pre-Zoning Designation of "Agriculture" ("A") to Approximately 49.65-Acres of Property Contiguous With the City of San Juan Bautista**
- C. **Mayor's Appointments to Committees**
- D. **Review Community Hall Rules**
- E. **Set Study Session for Setting Goals and Priorities for 2009**
- F. **Discuss and Direct Staff re Appointment and Schedule for Appointing New Planning Commissioners/Historic Resources Board Members**
- G. **Approve Agreement Between City and Aromas San Juan School District Regarding the City's Provision of Water and Sewer Services for Restrooms at San Juan School Sports Field**

8. **Set Future Agenda Items and Status**

9. **Comments**

- A. **City Council**
- B. **City Manager**
- C. **City Attorney**

10. Closed Session

- A. **The City Council will meet in closed session pursuant to California Government Code Section 54956.9 (a) to confer with legal counsel regarding litigation filed in San Benito County Superior Court on April 3, 2008, entitled Lance McAlpine v. City of San Juan Bautista and Matthew Sundt.**

- B. **The City Council will meet in closed session pursuant to California Government Code Section 54956.9(a) to confer with legal counsel regarding existing litigation: San Juan Bautista versus Nyland Family Trust – 1 case.), Case Number CU-07-00178**

- C. **The City Council will meet in closed session pursuant to California Government Code Section 54956.9 to confer with legal counsel regarding potential litigation – 1 case.**

11. Closed Session Report

12. Adjournment