

**City of San Juan Bautista**  
**REGULAR MEETING OF THE CITY COUNCIL**

**TUESDAY, OCTOBER 20, 2009**

**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. Approval of the Agenda**

## **3. 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.

## **4. Presentations, Informational Items and Reports**

**A. H1N1 Report by Samantha Perez, Director, San Benito County Health Education**

**B. Water Infrastructure Project Report**

**C. Monthly Financial Statements – Treasurer’s Report**

**D. Code Enforcement Report**

**E. Library Report**

**F. Fire Chief’s Report**

**G. Sheriff’s Report: Monthly Activity**

**H. Public Works Report – MCE Corporation**

**I. City Planner Activity Report**

**J. Report on Charter Communications Cable Franchise Audit – Deputy City Clerk**

**K. Public Meetings and Committee Reports**

**L. Draft Minutes of September 15, 2009 Council Meeting – *Not yet ready for approval.***

## **5. 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 Resolution 2009-XX for Street Closures**

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

## **6. Action Items**

**A. Appointment of Fire Chief**

**B. Approve Resolution 2009-XX Updating the Proposition 1B Approved List of Projects to Include Regional State Transportation Program (RSTP) Funds**

**C. Provide Direction to Staff Concerning Downtown Improvement Project**

**D. Review and Approve Sheriff’s Contract**

**E. Review and Approve Fiscal Year 2009-2010 Budget and Resolution**

7. Discussion Items
  - A. Contract Review
    - i. MCE (Public Works)
    - ii. Golden State Planning (City Planning)
  - B. Mills Act and the Fiscal Year 2010 Budget
  - C. New Year's Resolutions Proposed by San Juan Neighbor's at their Town Hall Meeting
    - i. Street Sweeping
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 existing litigation: 1. City of San Juan Bautista v. Nyland Family Trust, San Benito County Superior Court No. CU-07-00178, 2. Shott v. City of San Juan Bautista, San Benito County Superior Court No. CU-09-158.
  - B. The City Council will meet in closed session pursuant to California Government Code Section 54956.8 to confer with legal counsel and its negotiator regarding the purchase of real property.  
Property: Vacarezza Parcel at 830 Mission Vineyard Road  
Negotiating Party: For City, City Manager; For Property Owner, Owners Vacarezza  
Negotiations: All Terms and Conditions
12. Closed Session Report
13. Adjournment