

City of San Juan Bautista
Regular City Council Meeting

January 20, 2009

MINUTES

1. Call to Order at 6:04 p.m. by Mayor Rick Edge

A. Pledge of Allegiance

B. Roll Call

Council Members Present: Mayor Rick Edge, Vice Mayor Ed Laverone, and Council Members Priscilla Hill, Maggie Bilich, and Andy Moore

Staff Present: City Attorney George Thacher, City Clerk Linda G. McIntyre, and Deputy City Clerk Trish Paetz

Staff Absent: Acting City Manager Steve Julian

Mayor Edge relayed information from City Manager Julian who was not able to attend tonight because of a family emergency, and requested that presentation of the FY2009 Budget be continued to a Special Meeting next week.

2. Approval of the Agenda

In the absence of the City Manager it was requested that Items 4I, 4J, 4K, and 6B be moved to the next regular meeting. City Attorney Thacher suggested that if a special meeting is called to discuss the budget, then these items could be discussed at that meeting.

A motion was made by Council Member Hill and seconded by Vice Mayor Laverone to modify the agenda by continuing Items 4I, 4J, 4K, and 6B to the next regular meeting agenda and approve the agenda with the modifications. The motion passed unanimously.

3. Public Comment on Items Not on the Agenda

Resident Jolene Cosio commented that Municipal Code 3-5-100 states that bills shall become delinquent on the 20th day after the date of mailing. Some bills are not mailed until the 8th or 11th, so stating the bills are delinquent on the 26th is not always accurate. She suggested the code be posted at City Hall and listing the date the water meter was read on the bills. Mrs. Cosio further commented that it appears a new city dump is developing at Lausen Drive where concrete and debris has been dumped, and the AMR water meters were paid for but not approved.

Mayor Edge stated he would look into the water bill issue brought up by Mrs. Cosio.

Vice Mayor Laverone said he had a discussion with the City utility billing clerk and was told she does not stick to the late fee process as stated on the water bills.

Council Member Moore stated he had also noticed the trash piling up on Lausen Drive.

Resident Tony Boch suggests that it might be to the Council 's benefit if the agenda were finalized two weeks prior to the meeting, and he would like Council to schedule Town Hall meetings again as he prefers open dialogue without the confines of a timed speaking when the public wishes to speak.

Infrastructure Project Manager Mark Davis explained that concrete and debris from the project is being dumped at Lausen Drive in an organized effort to stabilize the hill. And to resident Bob Cosio's question why the City paid the Vaccarezas \$6,000, it is for lease of a project staging area and was not included in the bid process.

Resident Tod duBois announced the San Juan Neighbors are hosting a town hall meeting on February 5th, from 7-9 pm at the Community Hall. Items to be discussed include the Highway 156 law suit and suggested New Year's Resolutions for San Juan Bautista.

4. Presentations, Informational Items and Reports

A. Water Infrastructure Project Report

Mark Davis reported that a two week project schedule would be published and available in City Hall. Contractor Monterey Peninsula Engineering should start grading next week. Responding to a request to post the schedule on the City's website, Mr. Davis stated the project changes so much that it would create confusion, but schedule will be handed out door to door to residents around the project site.

Vice Mayor Laverone suggested something be done to control the dust.

During public comment resident Tony Boch commented that he was approached by three people recently who were under the mistaken impression they were going to get new water lines. He suggests a project informational notice be inserted into the water bill. He went on to comment that the street sweeper used for the project creates dust but might be improved if water were added.

Resident Jolene Cosio asked why City property was not used instead of the Vaccarrea property, to which Mr. Davis replied that the City does not own any property on the other side of Hwy 156, and the property Mrs. Cosio is referring to is owned by the Vaccarezas.

Resident Richard Ponce commented that it is not fair that people who had sidewalks installed with improvement projects have to pay for sidewalks to be installed during this project.

Mr. Davis responded that STPP funds will be used to repair Fourth Street after the underground pipe has been laid and the streets are tore up.

B. Monthly Financial Statements – Treasurer's Report

No report other than what was presented in the packet.

C. Code Enforcement Report

No report other than what was presented in the packet.

D. Library Report

No report other than what was presented in the packet.

E. Fire Chief's Report

No report other than what was presented in the packet.

F. Sheriff's Report: Monthly Activity

No report other than what was presented in the packet.

G. Public Works Report – MCE Corporation

In the absence of Public Works Supervisor Mike Briones and Acting City Manager Julian, Mayor Edge reported that there was a gas line break at North and Second Streets and Public Works contractor MCE is taking responsibility because USA Dig was not called prior to digging. He went on to explain that recent, frequent water line breaks are a result of the City's shallow water lines and the weight of the heavy construction trucks on the city streets.

Vice Mayor Laverone commented that a previous public works director removed the valves at the intersections and they should probably be replaced; and discussion should be agendized for another time.

Resident Jolene Cosio commented that she is sure that the contractor is responsible for repair of water line breaks caused by their equipment.

H. Davidson Sphere of Influence Amendment Application to LAFCo

Continued to the next regular meeting.

I. Status Report on Municipal Services Review

Continued to the next regular meeting.

J. Status Report on Revenue Sharing Agreement

Continued to the next regular meeting.

K. National Register Nomination for Third Street District Successful

Continued to the next regular meeting.

L. Report on Cable Franchise Renewal Activities

Deputy City Clerk Paetz stated the consultant is auditing the information presented by the Cities of Hollister, Gilroy, and San Juan Bautista and formulating their report.

M. Committee Reports and Provide Future Direction by the Full City Council

City representative Mayor Edge reported that at a recent COG meeting members were informed that the engineer's estimated costs for the San Juan bike lane project came in more costly than anticipated, and a portion of the bailout funds coming to San Benito County will be used for that project and for street paving. Mayor Edge further reported he was appointed to CALCOG and appointed San Benito COG Vice Chair.

City representative Vice Mayor Laverone reported at a recent Water Resources Association Board Meeting they adopted a fiscal year 2009 budget, and he was informed San Juan has not been represented at their meetings some time.

City representative Vice Mayor Laverone reported at a recent AMBAG meeting they considered lease of a building.

N. Draft Minute for November 18, 2008 – Not yet ready for approval.
Available for informational purposes.

5. Consent Items

A. Approve Affidavit of Posting Agenda

B. Deny Ray Shott's December 16, 2008 Claim Against the City

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

D. Approve Ordinance 2009-XX 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.

E. Approve Minutes for December 2, 2008 Special City Council Meeting

F. Approve Minutes for December 16, 2008 Regular City Council Meeting

Mayor Edge asked that Item 5F, the December 16, 2008 Meeting Minutes, be pulled for corrections.

A motion was made by Council Member Hill and seconded by Vice Mayor Laverone to approve all items on the Consent Agenda except Item F. The motion passed unanimously.

Corrections to the minutes were noted.

Mayor Edge requested approval of the December 16, 2008 minutes be continued to next month after all corrections are made.

6. Action Items

A. Appointments to Planning Commission/Historic Resources Board

Mayor Edge noted that he and Council Member Bilich would be appointing to the Planning Commission/Historic Resources Board, although it was not posted as such on a notice requesting persons interested in serving to submit an application at City Hall. Deputy City Clerk Paetz took responsibility for the error.

Upon nomination made by Council Member Bilich and seconded by Vice Mayor Laverone, and unanimously confirmed, Georgana Gularte was selected by the City Council to serve as Planning Commissioner/Historic Board Member.

Upon nomination made by Mayor Edge and seconded by Council Member Hill, and unanimously confirmed, Erika Spencer was selected by the City Council to serve as Planning Commissioner/Historic Board Member.

B. Public Hearing: Consider Abatement of 101 The Alameda, Public Nuisance (*This item was continued due to unavailability of property owners' legal counsel*)

C. Review Community Hall Rules

Mayor Edge reminded Council that they were to submit their suggestions for changes to the Community Hall rules to City Manager Julian. Council members requested more time to review and submit changes. It was noted by Mayor Edge that currently the Community Hall Agreement conflicts with the Community Hall Rules in some instances.

A motion was made by Vice Mayor Laverone and seconded by Council Member Hill to continue this item to the next regular meeting. The motion passed unanimously.

D. Introduction of Ordinance (1) Amending Certain Provisions of Chapter 5-4, Repealing Chapter 5-5, and Relocating Certain Provisions of Said Repealed Chapter 5-5 to Chapter 5-4, of the Municipal Code, Regarding the Collection of Refuse and Recycling; and (2) Adding a Recycled Products Purchase Preference to Chapter 2-8 of the Municipal Code

City Attorney Thacher presented the staff report stating this item was brought to his attention by San Benito County Integrated Waste Management Director Mandy Rose. Ms. Rose was present and reported that the purpose of the resolution, ordinance, and form is to clean up the contract between the City of Hollister and City of San Juan Bautista, and San Benito County with NorCal. It creates language where anyone that collects recyclables is subject to the franchise fee, and addresses the construction and demolition ordinance.

A motion was made by Council Member Hill and seconded by Vice Mayor Laverone to introduce an ordinance (1) amending certain provisions of Chapter 5-4, repealing chapter 5-5, and relocating certain provisions of said repealed chapter 5-5 to chapter 5-4, of the municipal code, regarding the collection of refuse and recycling; and (2) adding a recycled products purchase preference to chapter 2-8 of the municipal code. The motion passed unanimously.

E. Approval of Form of Non-Exclusive Franchise Agreement for Collection and Disposal of Materials in the City

Council Member Hill inquired of Ms. Rose if it hurt the City (economic) when recyclables are removed from resident's recycle bins by persons other than the respective resident. Ms. Rose replied, no, because the intent is still to recycle.

City Attorney Thacher stated the form is being offered for consideration to anticipate it being available in the event someone comes forward with a proposal to provide any of the three services covered by the agreement.

A motion was made by Council Member Hill and seconded by Mayor Edge to approve as to form a non-exclusive franchise agreement for collection and disposal of materials in the City. The motion passed unanimously.

F. Approval of Resolution 2009-01, Approving Penalties for Failure to Meet Solid Waste Diversion Requirements of Municipal Code Section 5-4-510

A motion was made by Council Member Hill and seconded by Council Member Bilich to Approve Resolution 2009-01 approving penalties for failure to meet solid waste diversion requirements of municipal code section 5-4-510. The motion passed unanimously.

7. Set Future Agenda items and Status

Nothing was added.

8. Comments

A. City Council

Council Member Hill commented that the state has frozen the money that was to be used to construct bathrooms, and funds could be used to construct sidewalks as long as the expenses are kept to under \$5K so the project does not have to go out to bid.

Responding to Council Member Hill's comment, City Attorney Thacher stated the funds would be available if it were a change order.

Council Member Moore commended Public Works crews for their street cleaning efforts, and commented he hoped all residents get a fair share, then suggested a schedule be established.

B. City Manager: Absent.

C. City Attorney: Nothing.

Whereupon, Council went into closed session at 7:28 p.m.

9. Closed Session

A. The City Council will meet in closed session pursuant to California Government Code Section 54956.9(a) to confer with legal council 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 v. 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(a) to confer with legal counsel regarding existing litigation: Shott v. City of San Juan Bautista, San Benito County Superior Court, Case Number CU-08-00183.

10. Closed Session Report

When City Council resumed open session at 8:35 p.m. City Attorney City Attorney Thacher stated, in regards to Item B and C, there was nothing to report. In regards to Item A, the court has invalidated the City's GMO. A copy is available in City Hall with the Deputy City Clerk, and the City will not be appealing the decision.

Mayor Edge commented that the City can now get the Housing Element passed and apply for CDBG funds.

11. Adjournment

A motion was made to adjourn the meeting at 7:55 p.m.