

MINUTES
City of San Juan Bautista
REGULAR MEETING OF THE CITY COUNCIL
March 17, 2009

1. **CALL TO ORDER:** The meeting was called to order by Mayor Edge at 6:00 p.m.
 - A. **Pledge of Allegiance:** Mayor Edge led the Pledge of Allegiance.
 - B. **Roll Call:** Mayor Rick Edge and Council Members Priscilla Hill, Andy Moore, and Maggie Bilich. **Absent:** Ed Laverone. **Also present:** City Manager Steve Julian, City Attorney George Thacher, City Clerk McIntyre, and Deputy City Clerk Paetz.
2. **APPROVE AGENDA:** Agenda Item 6.A. was moved to 10.A., after closed session. Upon motion made by Council Member Hill, seconded by Council Member Bilich, and unanimously (4-0, Councilmember Laverone absent) carried, the meeting agenda was approved as amended.
3. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** There were no public comments.
4. **PRESENTATIONS, INFORMATIONAL ITEMS, AND REPORTS:**
 - A. **Monterey Bay Region Blueprint Program:** Katie Axt, AMBAG Associate Planner, presented this item and responded to questions from the public.
 - B. **Water Infrastructure Project Report:** Following an update on the water infrastructure project, a Third Street resident spoke about dust, water leaks, and diminished water quality. Project Manager Mark Davis stated that he has been working with DPH and Bracewell to minimize how the project impacts local residents. Mayor Edge noted that the City has a very old system (brittle lines) that cannot handle the heavy trucks which are not the usual traffic. He asked that residents call City Hall to report problems.

Councilmember Moore noted that as the weather gets drier, the dust problem will become worse. Mark Davis stated that there are several locations where dirt is dumped in order to minimize the number of trucks traversing through town. In response to Council Member Hill's question, Mr. Davis stated that some of the dirt piles will be gone when the sewer line is finished; however, some will remain for use during installation of the water lines. He noted that many of the sewer lines are caving in as the work is being done.

Council Member Moore asked about water quality, frequency of testing, and if there is a process to issue "boil notices" if necessary. Mark Davis assured that the water is tested frequently and should be safe to drink.

Resident Bob Cosio asked where the pressure reducing unit will be located, if it will make noise, and the cost of the unit. Mark Davis replied that it will be located in a vacant area on the freeway side of Lauson Drive; cost is approximately \$100,000. He stated that the unit will maintain constant pressure throughout the system and prevent blow-outs in high pressure areas. Mr. Cosio asked if the public can attend the construction meetings. Mr. Davis explained that they are not public meetings.

Resident Jolene Cosio stated that the Council should have received the project update report prior to the meeting because it contains important information such as the pressure reducing valve. She stated her belief that the City needs a qualified coordinator for the infrastructure project. Ms. Cosio expressed concern that there will be a sewer line to a property that is not in the City.

Mark Davis explained that the sewer line is necessary for the pellet softening system facility; that without the sewer line, the facility would be adding to groundwater nitrate levels. He stated that he meets frequently with the City Manager and two Council Members to provide information on the progression of the project.

Resident Richard Ponce distributed copies of a document to Councilmembers. The City Clerk requested a copy for the records. Mr. Ponce stated that the construction workers are doing a good job trying to control the dust, but after they leave at the end of the day and the last application of water has dried, the dust problem worsens.

Mr. Ponce stated that in 2008 a public hearing was held regarding certificates of participation for financing the infrastructure project; that installing sidewalks was not part of the project; that these sidewalks benefit 18 property owners and are being paid for by all the citizens through increased water bills. He stated that he does not believe CalTrans grant funds for 4th Street repaving should be spent for the sidewalks. Mr. Ponce stated that he believes use of public funds to pay for the sidewalks is illegal, and he asked the Council to remove sidewalks from the water project.

Mayor Edge thanked Mr. Ponce for his comments. He asked the City Attorney to review this matter and that it be on the agenda for discussion at the next City Council meeting.

Mark Davis clarified that \$133,000 of the \$880,000 CalTrans grant was specifically dedicated for construction of sidewalks and gutters on 4th Street; that this project is separate from the water project financed through certificates of participation. Mr. Ponce asked to see the grant documentation. Mayor Edge invited Mr. Ponce to come to City Hall and ask to see the documents.

(Note: The following comments were made later in the meeting, prior to Consent Action Items, but are presented here for purposes of continuity.)

Council Member Moore asked questions regarding the septic trucks: how many times a day do the septic trucks drive through the City; is there an alternate route. Mark Davis stated that he would find out the answers to the questions.

Council Member Moore asked if the City went out to bid for installation of the water meters to get the best possible price. The City Manager stated that A&N Plumbing is doing the more difficult installations; that the selection of A&N Plumbing was made before his tenure; that the price would be the same. Council Member Bilich cited her experience as a certified broker for a public entity, and stated that the City is required to pay the prevailing wage for licensed plumbing services; that all licensed plumbing companies would bid the same prevailing wage for labor.

C. Monthly Financial Reports: There were no questions or comments.

D. Code Enforcement Report: The code enforcement report was not available. City Manager Julian reported that staff time spent on code enforcement has been cut back to save money.

E. Library Report: There were no questions or comments.

F. Fire Chief's Report: The Fire Chief's report was not available for review.

G. Sheriff's Report of Monthly Activity: It was noted that the Sheriff's report includes the arson fire in December. City Manager Julian commented that the City no longer has a contract with the Sheriff's Department; that this will be addressed in the 2009-10 budget. Mayor Edge stated that the City has a grant which pays for 40 hours per week of service by a deputy sheriff. He noted that the second deputy sheriff patrol was eliminated due to budget constraints.

H. Public Works Report by MCE Corporation: There were no questions or comments.

I. Housing Element Update: City Manager Julian reported that he is developing a proposal to present to Council for updating the City's Housing Element

J. Status on National Register Historic District: There were no comments or questions regarding the National Register Historic District report.

K. Davidson Sphere of Influence Amendment Application to LAFCo: City Manager Julian spoke about his repeated attempts to work with the County to adjust the City's Sphere of Influence. He noted that the original boundaries appear to have been set arbitrarily without a rationale and, therefore, divides the cemetery, Veteran's Hall, several properties, and runs through the middle of at least two homes. Mayor Edge asked if there is another avenue to move forward on the Sphere of Influence boundary line problem. The City Manager stated that he will contact the County Director of Planning and request to meet with him. He stated that he will contact Bob Braitman, Executive Officer of the California Association of LAFCos, to seek advice.

L. Status Report on Revenue Sharing Agreement: No report.

M. Fiscal Year 2009 Budget Progress Report: City Manager Julian stated that he has developed a preliminary draft budget which includes a method of allocating expenditures to specific departments, rather than from the City's general fund. He cited an example, noting that the City Attorney works for the City Council; therefore, if an administrator in a department seeks advice from the City Attorney, the time billed for legal services would be charged to that department's budget. City Manager Julian explained that this method of allocating expenses will assist in making City finances transparent to the public and expand the details of budget information.

The City Manager stated that he will send the draft budget to Councilmembers and ensure that copies are available at City Hall and the Library for the public to review; that members of the community are welcome to contact him prior to the next meeting if they have any questions about the draft budget.

Resident Jolene Cosio expressed concern that the City is incurring large expenses, noting that the monthly expense for MCE public works services began at \$18,000 and is up to

\$36,000. She asked if the City is going to be able to make the COP payments. The City Manager started that the City is setting aside money for the payments and is maintaining a contingency reserve fund dedicated to COP payment (Certificates of Participation).

N. Report on Cable Franchise Renewal Activities: Deputy City Clerk Paetz reported that she participated in a conference call meeting with representatives of the other cities and gave input to the consultant. Another conference call meeting is scheduled tomorrow to review the finished draft Technical Report and Compliance Chart.

O. Public Meetings and Committee Reports: There were no reports.

- 5. CONSENT ACTION ITEMS:** Mayor Edge removed items F. and G. from the consent action agenda for separate consideration. Upon motion made by Council Member Hill, seconded by Council Member Bilich, the following consent action items were unanimously approved by Council (4-0, Councilmember Laverone absent).

A. Affidavit of Posting Agenda for March 17, 2009 Regular Meeting of the San Juan Bautista City Council

B. Adoption of Resolution 2009-04 for Street Closures

C. Waive Reading, Beyond the Document Title, of the Ordinances and Resolutions on the March 17, 2009 City Council Meeting Agenda

D. Resolution 2009-05 Designating as Stop Intersections Both Directions on The Alameda and at its Intersection with Pearce Street

E. Authorization to Execute Easement Deed to Pacific Gas & Electric Company for Property Owned by the City (APN 002-540-002 and 022-540-003) for Underground Electric Facilities related to Infrastructure Improvement Project

F. Approve Minutes of January 20, 2009 Regular City Council Meeting and

G. Approve Minutes of February 17, 2009 Regular City Council Meeting: Several corrections to the minutes of the January 20 and February 17 regular meetings were itemized by Mayor Edge. Upon motion made by Mayor Edge, seconded by Councilmember Hill, the minutes of the January 20 and February 17, 2009 regular meetings were approved as corrected (4-0, Councilmember Laverone absent).

6. ACTION ITEMS:

A. Approve Amended Proposal from Gerald Hansen, Hansen & Company, Inc.: This agenda item was moved to 10.A., following closed session.

B. Review Community Hall Use Rules: This item was continued to a future meeting.

- 7. FUTURE AGENDA ITEMS:** A special meeting will be held on March 26. The next regular meeting will be held on April 21, 2009. Future agenda items include

consideration of New Year's Resolutions discussed at a recent San Juan Neighbors Town Hall meeting; the Mills Act, Mayor Edge requested a written report concerning

the sidewalk repair project for discussion at the next Council meeting. .

8. COMMENTS:

A. City Council: Council Member Hill reported that in City Council Chambers, on March 26 at 7:30 p.m., at the Neighborhood Watch Meeting, there will be a presentation about a home/business security program.

Council Member Moore reported that Daisy's held a chili cook-off fundraiser for the library and raised \$215.

Council Member Bilich reported that El Teatro Campesino is celebrating its 44th anniversary and will be presenting a preview of its future productions on April 4th .

B. City Manager: None.

C. City Attorney: None.

9. ADJOURN MEETING TO CLOSED SESSION: At 7:40 p.m., the Council adjourned to closed session to confer with legal counsel regarding existing litigation:

A. City of San Juan Bautista v Nyland Family Trust, Case #CU-07-00178 (*includes discussion of agenda item 10.A. below*);

B. Schott v City of San Juan Bautista, Case #CU-08-00183; and

C. City of San Juan Bautista v State of California (Cal Trans), Case #CU-08-00089.

10. RECONVENE TO OPEN SESSION and REPORT ACTIONS TAKEN IN CLOSED SESSION: The meeting was reconvened in open session at 7:50 p.m. City Attorney Thatcher reported that no actions were taken by the City Council during closed session.

10.A. Approve Amended Proposal from Gerald Hansen, Hansen & Company, Inc.:

Attorney Thatcher stated that this item concerns eminent domain litigation. He explained that if the defendant, the Nyland Family Trust, appeals the court decision, it will be necessary for the City to obtain an appraisal of the subject property. Attorney Thatcher recommended approval of the scope of work and fee schedule for appraisal and expert witness services submitted by Gerald Hansen & Company, as well as authorization for the City Manager to execute the agreement if the litigation matter moves forward with an appeal.

Resident Jolene Cosio stated that a copy of the proposal for appraisal services and Mark Davis' report should have been included in the meeting agenda packet which was available for public review at the library. Attorney Thatcher stated that the appraisal proposal was not ready in time to be included in the Council's packet; however, copies are on the table at the entrance to Council Chambers.

Upon motion made by Council Member Hill, seconded by Council Member Bilich, the Council approved (4-0, Council Member Laverone absent). the proposal of Gerald Hansen for appraisal and expert witness services and authorized the City Manager to sign and execute the agreement on behalf of the City.

11. ADJOURN: Upon motion made by Council Member Hill, seconded by Council Member

Billich, and unanimously (4-0, Council Member Laverone absent) carried, the meeting was adjourned 8:00 p.m.