

MINUTES
City of San Juan Bautista
REGULAR MEETING OF THE CITY COUNCIL
Tuesday, April 21, 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:** The following Councilmembers were present: Rick Edge, Priscilla Hill, Ed Laverone, Andy Moore, and Maggie Bilich. Also present: City Manager Steve Julian; Assistant City Attorney Bob Rathie; City Treasurer Johnsen; City Accountant Wendy Becker; City Project Manager Mark Davis. Absent: City Clerk McIntyre and Deputy City Clerk Paetz.
- 2. Approval of the Agenda:** Upon motion made by Councilmember Hill, seconded by Councilmember Laverone, and unanimously carried, the agenda was amended to include item 4.B., Proclamation of Fremont Peak Day.

Upon motion made by Councilmember Hill, seconded by Councilmember Laverone, and unanimously carried, the agenda was approved as amended.

- 3. Public Comment on Items Not on the Agenda:** Resident Jolene Cosio estimated the total cost to the City for purchase and installation of electronically read water meters. She expressed concern about the cost and the life expectancy of the meters, and commented that she believes it would be far less expensive for manual meter reading services.

Ms. Cosio asked why no additional work has been done on the reservoir since it stopped raining and if the City is being charged for the idle equipment at the reservoir site. In response to Mayor Edge inquiry as to whether Ms. Cosio prefers to call City Hall during the work day to ask her questions of staff or be called, Ms. Cosio stated she would prefer to be called. Mayor Edge requested that the City Manager ensure that the appropriate person contact Ms. Cosio with answers to her questions.

Ms. Cosio reported that she filed a written complaint regarding mowing of City owned property between Lang and Washington Streets.

Ms. Cosio asked if the City has conducted water quality studies for Lang Street water. She questioned why the City spent \$30,000 for a test well on McAlpine property and then abandoned the site. She stated that she believes it is more efficient to drill a new well than to clean up nitrate contamination in an old well. Mayor Edge commented that the test well at McAlpine proved to have insufficient volume.

Resident Richard Ponce inquired about who will pay the cost of defending the motorcycle business owner's litigation against the City. Mayor Edge stated that the law suit was withdrawn and asked the City Attorney to call Mr. Ponce and respond

to the question. Councilmember Moore stated that he would like to know the total number of hours for legal services billed to the City for this particular case.

4. Ceremonial Items

- A. Proclamation for Water Awareness Month:** Mayor Edge read aloud the City's Proclamation recognizing the month of May as Water Awareness Month.

Shawn Novack, Water Conservation Program Manager for the San Benito County Water Resources Association (WRA), stated that he would like to remind San Juan Bautista residents to contact him for a free house call and water conservation analysis, which includes checking for water leaks. He spoke about the WRA's free low flow toilet and shower head exchange and the upcoming May 9 swap which will be held in the parking lot at San Benito County Water District located on Fairview and Mansfield Roads.

- B. Proclamation Recognizing April 26, 2009 as Fremont's Peak Day:** Mayor Edge read the City's Proclamation for Fremont Peak Day recognizing the raising of the American flag by Captain John Fremont on June 17, 1846. He noted that every year the Native Daughters of the Golden West Parlor 176, the Veterans of Foreign Wars, and the local Boy Scout Honor Guards, as well as Bob Bouchard (serving as Trumpeter), participate in the annual flag raising ceremony held at Fremont Peak. Georgana Gularte accepted the City's proclamation.

5. Presentations, Informational Items and Reports

- A. Water Infrastructure Project Report:** Project Manager Mark Davis responded to Councilmember Moore's question about frequency of water testing, by stating that bacteria tests are conducted weekly at the various sites on a rotational basis. Mr. Davis stated that he would obtain more detailed information regarding water quality testing.

Mr. Davis reported that the Regional Water Quality Control Board is pleased with the progress the City has made, and the review, which is scheduled on the Regional Board's May meeting, will be postponed based on progress made by the City.

During his report, Mr. Davis stated that a proprietary pellet softening process has been identified which will reduce water hardness and, over time, reduce nitrates in the water at Well #3, which is currently limited to emergency use only and requires boiling. He noted that Well #3 is a shallow well constructed in the 1950's which contains high levels of nitrates from leaching of agricultural water use.

Mr. Davis reported that three treatment system providers submitted bids for the City's water treatment project: Roberts Filters, \$2.4 million; ProCore Systems, \$2.4 million; and Seamans, \$2.6 million. Based upon pilot testing at Well #3, City engineers selected ProCore Systems with a bid meeting all specifications at \$2.635 million.

During his report about the City's selection process and investigation of bidding companies, Mr. Davis stated that ProCore Systems built a system for the Valencia Water District in the Los Angeles basin which has been operating satisfactorily for more than one year, using 15 to 20 percent less softening chemicals than other companies' systems. Mr. Davis noted that ProCore Systems includes use of stainless steel as opposed to epoxy coated steel tanks (which requires more maintenance), all installation, testing and certification, a performance bond, and ongoing support services. Bracewell Engineering will oversee and inspect installation of the system by ProCore.

Mr. Davis reported that, prior to bringing acceptance of the bid to City Council for approval, a financial analysis will be conducted to confirm that the City has sufficient funds on hand to proceed with a purchase order without negative impact on the City's budget. In response to Councilmember Laverone's inquiry about the cost being higher than the original \$2.4 million figure, Mr. Davis explained that the \$2.635 million includes electrical and site-related costs.

Councilmember Hill stated that she is unable to attend the construction meeting scheduled for April 22, and asked Mr. Davis to thank staff for their diligence in cleaning up and controlling dust for the craft fair.

Mr. Davis reported that Pavex estimates it will finish ahead of schedule; because of lack of work in this economy, they are able to run four to five crews at a time.

In response to questions from Mr. Boch and Ms. Cosio, Mayor Edge stated that these particular matters will be addressed by the Council in closed session. Mark Davis responded to a question regarding disposal of pellet softening byproducts and stated that the byproduct will be sold for chicken feed supplement and/or as a soil amendment.

- B. Monthly Financial Statements:** Councilmember Laverone requested a breakout of project costs.
- C. Code Enforcement Report:** Councilmember Laverone noted that the consultant contract is expiring and should come to the Council in May for consideration.
- D. Library Report:** There were no questions or comments.
- E. Fire Chief's Report:** There were no questions or comments.
- F. Sheriff's Report of Monthly Activity:** There were no questions or comments.
- G. Public Works Report by MCE Corporation:** Local resident Bob Cosio stated that the original City contract with MCE indicated a monthly cost of \$17,000, and that the actual expenditure for MCE public works services is considerably higher; \$259,000 for 9 months since July 1, 2008, averaging \$28,000 per month.

Councilmember Moore requested a copy of the City's contract with MCE. He asked how the City handles animal control problems. City Manager Julian explained that the City has no means to address animal control.

- H. Davidson Sphere of Influence Amendment Application to LAFCo:** The City Manager reported that he and City Planner Sundt are meeting with the County Planning Department later this week. His comments included the point that there is a need to develop a good working relationship with County Planning; that a local resident reported that the City's boundary line runs through the middle of her home.
- I. Status Report on Revenue Sharing Agreement:** The City Manager stated that he hopes to receive a response from the County regarding the most recent proposals for revenue sharing.
- J. Fiscal Year 2009 Budget Progress Report:** The City Manager requested that the Council schedule a special meeting on April 29 or 30 for presentation of the City's FY 2009 preliminary budget. Members of the Council will check their personal schedules and contact the City Manager within the next two days.
- K. Report on Cable Franchise Renewal Activities:** Deputy City Clerk Paetz was not present to give a report. The City Manager reported that the cable company is currently going through the bankruptcy reorganization process.
- L. Public Meetings and Committee Reports:** Councilmember Laverone reported attending the Water Resources Association meeting, and that the services provided by the WRA are not fully used by City residents.

Mayor Edge reported on attending the COG (Council of Governments) meeting; that it was suggested that the City forego its share of American Recovery Reinvestment Act county grant funds since the City has no qualifying projects for that program; that the same amount of money will be set aside in other grant programs for City use.

Resident Jolene Cosio suggested putting a note about water conservation in the water bills. She suggested that MCE be asked not to water public lawns during hot days, as it sets a bad example for the public. Ms. Cosio noted that Councilmember Hill attends water/sewer infrastructure construction project meetings and suggested that she provide a summary report at City Council meetings.

- 6. Consent Items:** Mayor Edge removed item D. from the consent action agenda for separate consideration. Upon motion made by Mayor Edge, seconded by Councilmember Hill, the following consent action items were unanimously approved:
 - A. Approve Affidavit of Posting Agenda**
 - B. Approve Resolution 2009-07 for Street Closures**
 - C. Waive Reading of Ordinances and Resolutions on Agenda Beyond Title**
 - E. Declaration of Surplus Vehicles: Two Public Works Trucks**

D. Approve Minutes for March 17, 2009 Regular City Council Meeting:

Corrections to page 2, paragraph 3, and page 3, item M, were made. The minutes of the March 17, 2009 regular meeting were approved, as corrected, upon motion made by Councilmember Hill, seconded by Councilmember Moore, and unanimously carried 4-1 (Councilmember Laverone abstained).

7. Action Items

A. Review Community Hall Rules: Councilmember Hill requested that Council set a special meeting to address this item. Councilmember Laverone commented that the Council would require several hours to cover rules for use of the Community Hall. Councilmembers may submit their comments to the City Manager in advance of the special meeting.

Councilmember Laverone suggested that, at the same special meeting, the Council review budget priorities and consulting contracts coming up for renewal.

B. Report from City Attorney and City Manager on Curb, Gutter, Sidewalk on 4th Street: The City Attorney read a letter to Council from Attorney Thatcher stating that no funding for sidewalk replacement is derived from water charges to City residents or Certificate of Participation funds; that the cost of sidewalk replacement is funded by part of a State Transportation Improvement Project (STIP) grant. Mayor Edge noted that when George Dias was Mayor, the Council talked about the idea of using a mechanism to recover money spent on the sidewalk and other improvements, such as a property tax assessment. The City Manager stated that if the contract is modified at this point in time, the City will be required to return the grant money.

Councilmember Laverone stated that he agrees with Mr. Ponce that property owners should be required to pay for sidewalk improvements to their properties; however, it appears the City is "locked in" now. The City Manager noted that properties built prior to 1965 are exempt, and back then no one anticipated that Fourth Street would become a busy street; the sidewalk project includes ramps for disabled people and sidewalks for children walking to school.

Mr. Ponce presented reasons why he disagrees with the City's sidewalk project, and stated that of the 18 properties, only two are owner-occupied; that in the case of one of the properties, the original building permit specified owner installation of a sidewalk. Mr. Ponce asked if the \$800,000 grant covers all the sidewalk/gutter projects, including Third Street; if trees will be removed; and about the possibility of speed bumps on Fourth Street.

The City Manager stated that he would look into the issues raised by Mr. Ponce. Councilmember Laverone noted that the City is liable if a pedestrian is injured because of the absence of sidewalks.

C. Select Council Member for Newly-Formed Ad Hoc Committee re Mills Act:

Councilmember Moore volunteered to serve on the Ad Hoc Committee for the Mills Act, serving with the City Manager and City Planner Sundt. Upon motion

made by Mayor Edge, seconded by Councilmember Bilich, and unanimously carried, the Council approved the scope of work submitted by City Planner Sundt for a cost of \$2,500, to pursue implementation of the Mills Act for restoration of historic buildings in the City.

D. Discuss and Take Action on New Year's Resolutions Proposed by San Juan Neighbors at their Town Hall Meeting: Upon motion made by Mayor Edge, seconded by Councilmember Hill, this item was moved for inclusion on the meeting agenda for the 2009-10 budget. Mayor Edge asked the City Manager to apply an estimated dollar figure to each of the items contained in the resolutions.

E. Proposal to Change Date of May Regular Meeting due to Conflict with May 19, 2009 Statewide Election: By unanimous vote of the City Council, the May 19, 2009 regular meeting was moved to May 12, 2009, at 6:00 p.m., and scheduled as a special meeting.

8. Set Future Agenda Items and Status

9. Comments

A. City Council: Councilmember Hill stated that a neighborhood watch meeting will be held April 23 at 7:30 p.m. in Council Chambers at City Hall; the meeting is open to all, not just block captains.

B. City Manager: No comments.

C. City Attorney: No comments.

10. Closed Session: Prior to adjourning to closed session, the Council heard public comments from Jolene Cosio regarding item C. on the closed session agenda.

At 7:55 p.m., the Council adjourned to closed session to confer with legal counsel regarding the following items:

A. San Juan Bautista v. Nyland Family Trust, Case Number CU-07-00178

B. City of San Juan Bautista v. State of California [CalTrans], San Benito Superior Court, Case Number CU-08-00089

C. Confer with legal counsel and negotiator regarding purchase of real property: Vacarrezza Parcel at 304 San Juan/Hollister Road

11. Closed Session Report: The meeting was reconvened in open session at 8:15 p.m. Assistant City Attorney Rathie reported that no actions were taken by the City Council during closed session.

12. Adjourn: Upon motion made, seconded, and unanimously carried, the meeting was adjourned 8:20 p.m.

Rick Edge, Mayor

ATTEST:

Linda G. McIntyre, City Clerk