

MINUTES
City of San Juan Bautista
REGULAR MEETING OF THE CITY COUNCIL
June 16, 2009

- 1. Call to Order:** The meeting was called to order by Mayor Edge at 6:00 p.m.

Pledge of Allegiance: Mayor Edge led the Pledge of Allegiance.

Roll Call: The following members of the City Council were present: Mayor Rick Edge, Vice-Mayor Ed Laverone, Priscilla Hill, Andy Moore, and Maggie Bilich.

Also present: Acting City Manager Steve Julian; City Attorney George Thatcher; City Clerk Linda McIntyre; Deputy City Clerk Trish Paetz; City Project Manager Mark Davis.

- 2. Approval of the Agenda:** Mayor Edge suggested that agenda item 5.J., Norcal Waste Systems Annual Rate Adjustment Notification, be combined with item 7.F., Amendment to Contract with Norcal Waste Systems.

Vice Mayor Laverone suggested that closed session be moved up on the agenda to coincide when legal council arrives, as legal fees are based on an hourly rate.

By motion made by Councilmember Hill, seconded by Vice Mayor Laverone, and unanimous vote of the City Council, the meeting agenda was approved as amended.

- 3. Public Comment on Items Not on the Agenda:** Local resident Jolene Cosio stated that she has not heard from the City Manager with regard to her previously stated questions. She spoke about the need to mow weeds on City properties, including weeds near the reservoir, because they are beginning to dry out and pose a fire hazard. She commented that in times past the weeds were mowed by volunteer residents. Acting City Manager Julian stated that areas to be mowed are being identified.

Bob Cosio spoke about his volunteer work in the community and a recent request from the Little League Vice President to make electrical repairs to the scoreboard at Abbey Park caused during excavation work by Pavex.

- 4. Presentations**

- A. San Benito County Bikeway and Pedestrian Master Plan:** Veronica Lezama, Transportation Planner for San Benito COG, reviewed the Bikeway & Pedestrian Master Plan which was initiated in the spring of 2008 and is currently in circulation for public input. She stated that the Bike & Pedestrian Advisory Committee has 12 members, including representatives from the Highway Patrol, schools, and city and county governments.

During her report Ms. Lezama reviewed maps and various diagrams, and noted that currently there are 10.41 miles of bike lanes in the County; an additional 140 miles is proposed to be phased in as funding becomes available; goals

include safe bike and pedestrian routes to schools, parks, and employment centers. Ms. Lezama noted that the plan proposing a six to seven foot wide lane from the City of San Juan Bautista to Anza High School.

Ms. Lezama explained that the City, as well as members of the public, may submit comments on the draft update to the Master Plan until July 10, 2009.

5. Presentations, Informational Items, and Reports

- A. Water Infrastructure Project Report:** Project Manager Mark Davis gave a progress report on the water infrastructure project, noting that the project is progressing ahead of schedule with projected completion of the reservoir and distribution system in mid September.

Local resident Jolene Cosio asked about environmental mitigations for the red legged frog, tiger salamander, and other species. Mark Davis responded noting that the County reviewed and approved CEQA documents for the project. He explained that a preconstruction environmental survey was not required for the reservoir, nor for San Juan Road as it is an existing highway. He stated that a biological assessment for fish and wildlife was done at the reservoir site, and regular inspections are performed on site by a certified archeological/biological expert. Mr. Davis noted that a preconstruction survey assessment will be completed prior to construction of the pellet softening system.

- B. Monthly Financial Statements:** Councilmember Moore commented on the need for itemized detail regarding payments to contractors for services. Vice Mayor Laverone concurred, noting that he frequently receives questions from community members. He suggested that an itemized breakdown be included in the Council's packet. Acting City Manager Julian stated that he include information from itemized invoices along with the financial reports posted on the City's website.

Local resident Jolene Cosio expressed concern that the budget graphs show \$500,000 more in City expenditures than revenues. Vice Mayor Laverone explained that the report includes construction and other expenses which are not part of the City's operational budget. He noted that revenue and expense funds will be separated out on next fiscal year's reports.

- C. Code Enforcement Report:** Local resident Tony Boch inquired about persons authorized to call for code enforcement services and the cost per inspection. Mayor Edge stated that, as a cost containment measure, the Council limited authority to the City Manager only.

Mr. Boch expressed concern about "red tagging" at the ballpark stands and a new building at the cemetery. Mayor Edge explained that the City must ensure that volunteer workers do not inadvertently diminish handicapped access, as that could subject the City to very costly fines.

- D. Library Report:** There were no questions or comments made regarding the report.

- E. **Fire Chief's Report:** Vice Mayor Laverone noted that the Fire Department responded to 21 calls in the County last month. Councilmember Moore commented that the volunteers spend several days a week training. He and Vice Mayor Laverone were joined by the other members of the City Council in giving kudos to the San Juan Bautista Fire Department volunteers.
- F. **Sheriff's Report of Monthly Activity:** There was no report available for review.
- G. **Public Works Report-MCE Corporation:** There were no questions or comments made regarding the report.
- H. **Report on Charter Communications Cable Franchise Audit:** Deputy Clerk Paetz reported that she and consultant Sue Buske, Bob Davidson of Hollister, and Bob Kline of Gilroy are in negotiations with Charter Communications; that she will have a report at the next Council meeting. Acting City Manager Julian suggested that details of the negotiations could be given Council and the City Attorney in closed session.
- I. **Report on AB1234 Training:** – Deputy Clerk Paetz stated that all elected and appointed City officials must complete AB1234 ethics training. Training can be conducted on line through the FPPC website; after completion of the training, a certification document is submitted to the Deputy City Clerk.
- J. **Norcal Waste Systems Annual Rate Adjustment Notification:** The Council reviewed a notification from Norcal of application of an annual consumer price index increase to rates, The applied increase is 5 percent, and, for example, increases the \$32.01 charge for a 64-gallon refuse cart by \$1.69 to a total charge of \$33.70.

Approve Amendment to Contract with Norcal Waste Systems of San Benito County: Representatives from Norcal reviewed the proposed contract amendments which are the result of a negotiated decrease in the cost of a performance bond. Vice Mayor Laverone asked if Norcal will pass the \$61,500 annual savings to the rate payers. Norcal representatives explained that the savings will minimize future increases, and that the \$61,500 savings to Norcal, if passed onto rate payers would amount to about \$2.00 per person per year. It was noted that the City's contract with Norcal is a joint agreement with the City of Hollister and the County; and that both the City of Hollister and the County recently approved the amendment.

Upon motion made by Vice Mayor Laverone, seconded by Mayor Edge, and unanimously carried, the Council approved the amended contract with Norcal Waste Systems of San Benito County as presented.

- K. **Public Meetings and Committee Reports:** No reports were made.
6. **Consent Action Items:** The minutes of the April 21 meeting were corrected to state that Mayor Edge, not Vice Mayor Laverone, attended the COG meeting. The

minutes of the May 12 meeting were corrected to replace "2009-10" with "2008-09" in reference to the budget review.

Upon motion made by Councilmember Hill, seconded by Councilmember Bilich, and unanimously carried, consent action items A through F were approved.

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Notice

C. Approve Resolution 2009-15 for Street Closures:

- (1) July 19, 2009, from noon to 4:00 p.m., Rags to Riches Monterey Classic Car Club Run: Mariposa Street from Second Street to Fourth Street
- (2) June 27, 2009, 6:00 am to 6:00 p.m., Isabel Gaboni, La Cantina car show: Third Street between Washington and Muckelemi Streets

D. Waive Reading of Ordinances and Resolutions Beyond Title

E. Approve Minutes for April 21, 2009 Regular City Council Meeting

F. Approve Minutes for May 12, 2009 Special City Council Meeting

7. Action Items

- A. Approve Resolution 2009-16 Amending Resolution 2007-52 -User and Application Fees:** City Planner Matthew Sundt stated that user application fees were reviewed and an adjustment making the fees more reasonable by distinguishing major and minor uses is proposed. He gave an example of an application for a housing development versus a restaurant application for an ABC license to serve wine and beer. The City Manager commented about types of permit applications involving virtually no staff time versus those which require an extensive amount of time. He also commented that he is looking into ways to streamline various processes and possibly use professional assistance provided by an applicant's consultant. He recommended approval of the amendment of user and application fees.

Mayor Edge opened a public hearing. There were no public comments; the hearing was closed.

Upon motion made by Councilmember Hill, seconded by Councilmember Laverone, and unanimously carried, the Council approved and adopted Resolution 2009-16 as presented.

- B. Approve Resolution 2009-17 Opposing the Closure of the Mission San Juan Bautista State Park:** During discussion, Vice Mayor Laverone pointed out a correction to be made in the body of the resolution: changing "Historic State Park" to "State Historic Park." He commented that the San Juan Bautista Historic State Park is an integral part of the City and is not a park that can be closed off with security fencing. He also commented that the Council may want to consider a similar resolution opposing closure of Fremont's Peak.

Acting City Manager Julian stated that he would place that resolution on the next Council meeting agenda.

Upon motion made by Councilmember Hill, seconded by Councilmember Laverone, and unanimously carried, the Council approved Resolution 2009-17 as corrected.

C. Approve Changes to the Community Hall Rental Fees: During review and discussion, corrections to the Community Center Hall Rental Application were made as follows:

1) The second sentence stating what rental includes is stricken.

2) The section beginning with "Fees Due By" is modified to state that if a reservation is cancelled with less than 30 (not 60) days notice, fees are not refundable. Language is added to state that fees must be paid 30 days in advance, and that a reservation cannot be guaranteed until all fees are paid. Fees must be paid immediately for reservations made less than 30 days in advance.

3) Addition to paragraph 2 stating that the City Manager may require additional insurance if alcohol is served. Attorney Thatcher recommended that the document state that all California ABC laws must be followed and provide a basic description of the laws with notice that it is the renter's responsibility to become familiar with those laws.

Mayor Edge pointed out that BYOB events would not require an ABC license.

4) Paragraph 3 regarding approved caterers is stricken and replaced with language indicating that caterers must be licensed and comply with State and local regulations.

5) Paragraph 6 regarding decorations: delete "no tape" and replace with "tape " that will damage or mar surfaces shall not be used.

The Council agreed that the City Manager may prepare guidelines as necessary and attach the same to the contract.

Upon motion made by Vice Mayor Laverone, seconded by Councilmember Bilich, and unanimously carried, the Council approved the Community Center Hall rental application agreement as modified.

Closed Session: At 7:30 p.m., the Council adjourned to closed session. The open meeting was reconvened at 8:15 p.m. City Attorney Thatcher reported that no actions were taken by the Council in closed session.

D. Proposal to Reinstate Water Ad Hoc Committee: Acting City Manager Julian reported that members of the public have requested formation of an Ad Hoc Committee related to City discussions with the San Benito County Water District. He recommended that two Council members serve on such a

committee. Mayor Edge agreed to formation of the Ad Hoc Committee with the condition that, after each meeting, the Committee make a report available to the public, and, if appropriate, to the City Council in closed session. The Mayor recommended appointment of Councilmembers Laverone and Hill to the Ad Hoc Committee.

Attorney Thatcher referenced the Brown Act and advised that the two Councilmembers report to the City Manager, who can then provide the information to the Council and the public.

In response to comments made by local resident Rachel Ponce, Vice Mayor Laverone stated that through participation in the Water Resources Association and other meetings, a positive relationship has been built with SBCWD and the District is committed to working with the City of San Juan Bautista.

Upon motion made by Councilmember Bilich, seconded by Councilmember Moore, and unanimously carried, the Council ratified the appointment of Councilmembers Hill and Laverone to the Water Ad Hoc Committee.

- E. Discuss and Take Action on New Year's Resolutions Proposed by San Juan Neighbor's at their Town Hall Meeting:** By unanimous consensus of the Council, this agenda item was moved to a special meeting to be held for discussion of the City budget.
- F. Approve Amendment to Contract with Norcal Waste Systems of San Benito County:** This agenda item was combined with item 5.J. above.
- G. Approve Resolution 2009-18 Declaring a State of Severe Financial Hardship for the City of San Juan Bautista and Strongly Opposing Any and All Proposals to Take Revenues from the City to Solve a Fiscal Crises Created by the Legislature and the Governor of the State of California:** Mayor Edge opened a public hearing to receive comments regarding Resolution 2009-18. There were no comments made by members of the public, and the hearing was closed

Upon motion made by Mayor Edge, seconded by Vice Mayor Laverone, and unanimously carried, the Council approved Resolution 2009-18 as presented.

- H. Consider Claim for Reimbursement of \$3,506.74 for Replacement of Four Water Heaters Submitted by George Dias:** During consideration of the claim presented by George Dias, the City Manager stated that the damage resulted from a spike in water pressure due to running more than one City well simultaneously; that a pressure regulator is being installed on Well #2.

Local residents Bob Cosio and Tony Boch made comments opposing payment of the claim for replacement of four water heaters in the amount of \$3,506.74, stating that the popup valves on the heaters would have prevented the damage if they had been working properly; that the heaters could have been old and ready for replacement.

Vice Mayor Laverone suggested that the City Manager investigate the matter, check into the City's and the claimant's insurance coverage, and negotiate the matter with Mr. Dias. Councilmember Hill pointed out that the City Manager is authorized to settle claims under \$5,000 on behalf of the City Council.

Upon motion made by Councilmember Bilich, seconded by Mayor Edge, and unanimously carried, the Council affirmed authorization of the City Manager to settle the subject claim.

8. Discussion Items

- A. Study Session for Fiscal Year 2010 Budget:** Mayor Edge noted the late hour and suggested scheduling a special meeting for the budget study session.

The City Manager noted that after the budget is adopted, the Council will most likely be amending the budget when the State budget is approved. He reported that he has been in dialogue with contractors about cost savings; that he is still working on the contract with the Sheriff's Department; and expressed concern that the City has not yet received its COPS funding allocation.

My unanimous consensus of the Council the budget study session was deferred to a special meeting.

- B. Mills Act and the Fiscal Year 2010 Budget:** Discussion of the Mills Act was deferred to the special meeting for the budget study session. The City Manager commented that Matthew Sundt found a very informative website about the Mills Act, which he will make available.

- 9. Set Future Agenda Items and Status:** The next regular meeting of the City Council is scheduled to be held on July 21.

Vice Mayor Laverone requested that the City Manager bring information on making Franklin and Mariposa one way streets between Second and Third.

Other items for future agenda include study of one contract per meeting.

Councilmember Bilich stated that she would like to report on her meeting with Assemblywoman Caballero.

10. Comments

- A. City Council:** Vice Mayor Laverone suggested scheduling a town hall meeting in July. Larry Cain offered to publish a notice of the meeting in the local newspaper; deadline is June 20.

Councilmember Hill reported that the Neighborhood Watch meets on the fourth Thursday of the month at 7:30 p.m.

Councilmember Moore reported that Mr. Morales gave him a tour of Mom & Pops; that the rib cook off brought a lot of visitors into town last Sunday.

Vice Mayor Laverone commented that he received numerous complaints about garbage after the event and that the City crew came out on Monday morning to clean up.

Vice Mayor Laverone stated that he received a call about a water line break. He thanked Jeff Bagley for his prompt response to repair the break. The City Manager stated that he has implemented a reporting system on the condition of each pipe that breaks. Vice Mayor Laverone noted that 15 years ago the Fire Department upgraded to 8-inch hoses; however, the City has 1-inch pipes supplying 4-inch hydrants.

B. City Manager: No comment.

C. City Attorney: The City Attorney stated that he may not be available to attend the special meeting for the budget study session.

13. Adjourn: Upon motion made by Councilmember Hill, seconded by Councilmember Laverone, and unanimously carried, the meeting was adjourned at 9:00 p.m.