

City of San Juan Bautista
Regular City Council Meeting
September 15, 2009
MINUTES

1. Call to Order at 6:05 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 Council Member Hill, Maggie Council Member Bilich, and Council Member Moore

Staff Present: Acting City Manager Steve Julian, Assistant City Attorney Bob Rathie, City Clerk Linda G. McIntyre, Captain Chris Finstad, and Deputy City Clerk Trish Paetz.

2. Approval of the Agenda

A motion was made by Vice Mayor Laverone and seconded by Council Member Hill to approve the agenda as presented. The motion passed unanimously.

3. Public Comment on Items Not on the Agenda

Resident Jolene Cosio distributed to Council materials from a recent LAFCo meeting including letter from county counsel regarding a meeting called to evaluate the LAFCo Executive Director.

Rachel Ponce reminded council that a year ago they said the public would have input into selection of a city manager and commented on the need for speed bumps on Fourth Street and bolder lines at the school crossing.

Vice Mayor Laverone reminded Mrs. Ponce that we want humps, not bumps.

4. Presentations, Informational Items and Reports

A. Water Infrastructure Project Report

Project Manager Mark Davis stated the downtown portion of the project is winding up, striping should be done soon; a booster pump was ordered and should arrive in five weeks after design changes are made; installed an eight inch water line with Mission Vineyard so meters are all in the same place for those users.

B. Monthly Financial Statements – Treasurer’s Report

The Council received the monthly treasurer’s report in their packet. Vice Mayor Laverone addressed his handout, a simple budget format he is suggesting be utilized. Whereupon Council Member Hill commented that it was the same format as what the City used before it was changed.

C. Code Enforcement Report

No report was provided.

D. Library Report

No report other than what was presented in the packet.

E. Fire Chief's Report

Captain Chris Finstad reviewed his report stating they have 24 members, need \$3,000 to \$4,000 for equipment needs, and invited council members to attend fire fighter training.

F. Sheriff's Report: Monthly Activity

No report other than what was presented in the packet.

G. Public Works Report – MCE Corporation

No report other than what was presented in the packet.

H. City Planner Activity Report

No report other than what was presented in the packet.

I. Report on Charter Communications Cable Franchise Audit

Deputy City Clerk Paetz stated she had not received any communications from the consultant or representatives of Hollister and Gilroy since the last council meeting.

J. Public Meetings and Committee Reports

Council Member Hill presented appreciation from Fremont Peak Observatory, Vice Mayor Laverone commented on the AMBAG meeting, and Mayor Edge advised there will be an evaluation of the LAFCo Executive Director.

5. Consent Items

A. Approve Affidavit of Posting Agenda

B. Approve Resolution 2009-XX for Street Closures

C. Approval of Ordinance 2009-XX Amending Section 11-09-500 of the Municipal Code to Provide for an Alternative In-lieu Free Provision for Condominium Conversions

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

E. Approve Minutes for August 18, 2009 Regular City Council Meeting

A motion was made by Vice Mayor Laverone and seconded by Council Member Hill to approve all items on the consent agenda. The motion passed unanimously.

6. Action Items

A. Selection of Individual to Recognize on Philanthropy Day (November 2009)

A motion was made by Council Member Bilich and seconded by Council Member Hill to recognize Georgana Gularte as outstanding volunteer in the San Juan Bautista community on Philanthropy Day. The motion passed unanimously.

7. Discussion Items

A. Study Session for Fiscal Year 2010 Budget

Mayor Edge commented that since Council had just received the draft budget today, therefore, approval would be postponed until the next meeting after council has a chance to review it.

i. Contract Review – MCE (Public Works)

Direction was given to Acting City Manager Julian to provide breakdown of costs by others.

During public comment Jolene Cosio commented that she is not impressed with MCE; some weeds on City property were removed, but others were left.

Acting City Manager Julian commented that A&N was used because they were available at all hours and ready to assist while others insisted on providing a bid. Cities cannot get around prevailing wage requirement. Stated he observed them working for two nights and concluded he doesn't have a problem with MCE. They let the weeds go because they were busy with water tie-ins and water breaks. Other tasks he was assigned would have to be dropped if council required him to spend time spent developing an RFQ.

Vice Mayor Laverone reported that when council voted on the MCE contract, they were told the contract would run \$11,000 more, but the cost has been much more because they are doing a lot more. When he asked where their services were charged in the budget, Acting City Manager Julian responded that some went to the water fund. Vice Mayor Laverone then requested a breakdown of costs from city hired public works versus MCE.

Council Member Bilich stated she would like to review the MCE contract with Council Member Moore.

Mayor Edge stated he would like to see a comparison as well, as it is the only way council could evaluate MCE.

ii. Mills Act and the Fiscal Year 2010 Budget

Council decided to continue this item.

iii. New Year's Resolutions Proposed by SJ Neighbor's at their Town Hall Meeting

Mayor Edge commented that City contracts are currently being reviewed and, relative to budgets, there has always had a balanced budget. Another issue that was brought up was providing street cleaning services around town.

Acting City Manager Julian responded that the City has a limited amount of money in their budget to spend and Council would have to make choices about how they want to spend those funds.

When Vice Mayor Laverone asked how the City could provide street sweeping services to the residents, Acting City Manager Julian responded that we could contract out for services, purchase a street sweeper second hand, or enter into a lease purchase agreement. Whereupon

Vice Mayor Laverone requested this issue be brought back for discussion at the next council meeting.

During public comment Georgana Gularte, representing the San Juan Neighbors, suggested taking the last two items off their memorandum, appreciates the exchange tonight, all on the same page. The San Juan Neighbors meet at 6:30 p.m. at Georgana Gularte's on Monday before the Council meeting.

Tony Boch commended PaveEx for running their street sweeper around town, but it is the responsibility of residents to clean the street in front of their houses. He commented some show lack of pride in their property. He added that traffic is getting crazy on Fourth Street; someone actually tried to pass him.

This item was continued to the next meeting.

8. Set Future Agenda Items and Status

Review of Golden State Planning contract.

9. Comments

A. City Council: Nothing.

B. City Manager: Nothing.

C. City Attorney: Nothing.

During public comment for closed session items, Jolene Cosio commented that legal issues are taking so long that it has left residents to speculate. And she has found the acting city manager unwilling to meet with public, and disbelieving of residents. She suggests a half-time person contract.

Whereupon, Council went into closed session at 7:52 p.m.

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

C. Evaluation of Public Employee – City Manager

11. Closed Session Report

When City Council resumed open session at 9:15 p.m. Assistant City Attorney Bob Rathie reported staff was provided direction on all three matters, but no action was taken.

12. Adjournment

A motion was made to adjourn the meeting at 9:16 p.m.