

MINUTES
Regular Meeting
City of San Juan Bautista
CITY COUNCIL
November 17, 2009

- 1. CALL TO ORDER:** The meeting was called to order by Mayor Edge at 6:00 p.m., at City Hall.

PLEDGE OF ALLEGIANCE: Mayor Edge led the Pledge of Allegiance.

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

Also present were: City Manager Steve Julian; Asst. City Attorney Bob Rathie; Deputy City Trish Paetz; City Project Manager Mark Davis.

- 2. APPROVAL OF THE AGENDA:** Councilmember Hill requested that agenda item 5.B., a resolution approving street closures, be moved from the consent agenda and considered as a separate agenda item to allow discussion. Upon motion made by Councilmember Hill, seconded by Councilmember Laverone, and unanimously carried, the meeting agenda was approved as amended.
- 3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:** Jolene Cosio referred to the City Manager's statement that developers and applicants are required to deposit funds for the City Planner's work, and when the deposit is used up the work stops. She stated that the City continues to pay the City Planner for work on the Davidson Sphere of Influence, a total of \$4,000 or more, yet no payment has been received from Mr. Davidson.

Councilmember Laverone stated that the City wants to correct the boundary line issue that causes bisection of properties; that the problem is with LAFCO.

Tony Bach asked about the progress on installing speed bumps on Fourth Street. Mayor Edge stated that he thinks there will be a contract awarded when the street repairs are completed.

- 4. PRESENTATIONS, INFORMATIONAL ITEMS, AND REPORTS**

A. Presentation of Plaque Honoring Fire Chief Scott Freels: The Mayor noted that Scott Freels was not present to receive a plaque of appreciation from the City. Councilmember Laverone offered to personally deliver it to Mr. Freels. The Mayor read aloud the inscription on the plaque as follows, "City of San Juan Bautista, presented to Fire Chief Scott Freels with sincere and grateful appreciation for dedicated service to the citizens of San Juan Bautista, September 2006 to September 2009."

B. Water Infrastructure Project Report: Project Manager Mark Davis reported that the work on Lawson Drive is nearing completion; still awaiting arrival of the

pressure-reducing pumps which will be coordinated with the telemetry system. He reported that the site for the pellet softening system has been identified; the preconstruction biological survey is complete and is negative for impacts; an endangered species inservice for the work crew will be held on Thursday morning.

Mr. Davis reported that he received an email message from the Mayor about locations where the asphalt has faded out spots; at the end of the project we will go through a punch list for areas needing to be addressed before Pavex leaves.

During his report, Mr. Davis stated that he has received comments from citizens about air in the water system; a proposal for work to address this problem was received from Maggoria Bros which will be given to the City Manager for presentation to the Council.

Jolene Cosio commented that the punch list is a good idea. She asked if the City has a contract with Mr. Coke, the farmer using Well #3 and if it covers energy costs for the pump. The City Manager replied yes to Ms. Cosio's questions.

Tony Boch, Fourth Street resident, stated that when the infrastructure project began he suggested that drainage work be done before the streets were paved. He stated that PG&E recently dug up a newly paved street and left a temporary patch. He asked if the City plans to ask PG&E to fix it. The City Manager assured that PG&E will be properly patching the asphalt. Councilmember Moore explained that digging up the street was necessitated by a gas leak.

C. Monthly Financial Statements: The financial statements are in the meeting packet and published on the City's website. There were no speaker cards on this agenda item.

The City Manager commented that the City receives property tax revenues from the State on a quarterly basis and that this year revenue has not been received to date; therefore the City is operating on carry over funds. He stated that the same is true for COPS revenue. Councilmember Laverone stated that he noticed some of the revenues are a little higher than last year.

D. Code Enforcement Report: There were no questions or comments.

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

F. Fire Chief's Report: The Fire Chief reported that currently there are 27 members, of whom two are active fire fighters, six are in training; reserve engine 9121 is out of service. He reported that each new member is trained in first aid and CPR; about half the fire fighters will be vaccinated for H1N1 tomorrow. The Fire Chief reported that the Department begins its annual toy drive tomorrow; drop off points are City Hall, Windmill Market, San Juan Bakery, and the jail. The annual open house will be held December 5th from 5 to 8 p.m.

G. Sheriff's Report: Monthly Activity: The City Manager reported that Deputy Rich Brown is still out of service; he has been having discussions with him. He reported

that the sheriff's office will be relocated to a classroom at San Juan School. It will also be used by Highway Patrol officers in the area when they need to fill out reports.

There were no speaker cards for this agenda item.

H. Public Works Report –MCE Corporation: Jolene Cosio asked about City Council review of the MCE contract. The Mayor stated that the contract review will be on the December agenda.

I. City Planner Activity Report: There were no questions or comments.

J. Report on Charter Communications Cable Franchise Audit: Deputy City Clerk Trish Paetz reported that the three cities are discussing how to determine their shares of Sue Buske's invoice. Clerk Paetz reported on a letter she received advising of the need to incorporate the California Public Utilities Commission ordinance in the City's Municipal Code (see agenda item 6.a.).

K. Public Meetings and Committee Reports: Councilmember Hill reported that last night 22 people attended the Neighborhood Watch, and Deputy Rich Brown gave a presentation. He stressed calling 911 when anything suspicious is observed, and he stated that he setting up a tip line and planning an academy to train residents. Deputy Brown also informed the group that when residents are going out of town on vacation the Sheriff's Department will check their property twice a day.

Councilmember Hill stated that the next Neighborhood Watch meeting is December 7th.

Councilmember Laverone reported on the Water Resources Association, and stated that residents can call the WRA to request checks for leaks, water saving retrofits, and other services. He commented that the WRA offered to insert its brochure in the City's water bills.

5. CONSENT ACTION ITEMS: Upon motion made by Councilmember Hill, seconded by Councilmember Laverone, and unanimously carried, the following consent items A, B and E were approved:

A. Approve Affidavit of Posting Agenda

B. Approve Resolution 2009-31 for Street Closure: Third Street from The Alameda to Muckelemi Street from 430 p.m. to 630 p.m. on Saturday, December 5, 2009 for a Holiday in Light Parade, per application submitted by the Chamber of Commerce.

C. Approve Resolution 2009-32 Authorizing City Manager to Accept Grant Deed from Robert and Audra Vacarezza for 0.68 Parcel Located on Mission Vineyard Road Near San Juan Bautista City Limits: The City Attorney noted that the decision relating to this item was reported out by Attorney Thatcher after closed session at a special meeting on November 10.

Tony Bach asked if the terms and conditions are public information. The City Manager replied yes. He stated that the City is paying \$60,000 plus closing costs. In response to Tony Bach question about an appraisal, Mark Davis stated that the appraisal was \$40,000 based on \$90,000 per acre.

In response to Tony Boch's question about why the City paid more than the appraised value for the property, the City Manager explained that \$60,000 is less than the cost of paying the appraisal value for the property by incurring legal fees for an Eminent Domain process, plus \$5,000 reimbursement to the owners for a second appraisal.

Jolene Cosio asked about the meaning of the language in the resolution, "and to take any and steps required to effect the conveyance." The City Attorney explained it is standard language and refers to items such as providing a condemnation letter for income tax purposes. Hill Bilich

Councilmember Hill made a motion to approve Resolution 2009-32. The motion was seconded by Councilmember Bilich, and carried unanimously.

D. Approve Minutes of September 15, 2009: Jolene Cosio said she thinks there is an error in the minutes regarding review of the Golden State Planning and MCE contracts. Deputy Clerk Paetz stated that she would check her notes for the September meeting. The Mayor deferred approval of the minutes to the next meeting.

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

6. ACTION ITEMS

A. Introduce an Ordinance Adding Article 18 to Title 5, Chapter 5.20 of the San Juan Bautista Municipal Code, which Implements the Provisions of the Digital Infrastructure and Video Competition Act of 2006, Codified in California Public Utilities Code Section 5800 et seq., which the City is Required to Administer and Enforce throughout the City: The City Manager stated that Sue Busky drafted the Ordinance; it was reviewed by City Attorney who made a few changes; and that the ordinance is a standard form ordinance and the City Attorney conformed it to fit with the San Juan Bautista Municipal Code.

Changes in the law were made to remove some of the authority cities have; the new law restores some of those authorities with regard to state franchise holders. It must go into effect before the end of the year to preserve the 3% access fee, before it reduces to 1% in January 2010. The City Attorney explained that in order to meet the deadline to have this amendment to the Municipal Code in effect prior to December 31, it will need to come back to the City for adoption in one week.

Mayor Edge commented that the letter mentions adopting "service standards" and that there is nothing in the ordinance indicating the City will be adopting service standards. The City Attorney explained that the City is required to be in compliance with basic sections of the Government Code which include the service standards.

Rachel Ponce asked if this means the public will have easier access to the cable company about quality of sound, etc. The Mayor suggested that Ms. Ponce call the 800 number or the Gilroy office.

Councilmember Laverone made a motion to introduce the Ordinance adding Article 18 to Title 5, Chapter 20 of the San Juan Bautista Municipal Code, implementing provisions of the Digital Infrastructure and Video Competition Act of 2006 (California PUC Code section 5800 et seq). The motion was seconded by Councilmember Hill, and carried unanimously.

B. Introduce an Ordinance Rescinding Chapter 5-21 (“Satellite Antennas”) of the San Juan Bautista Municipal Code: Mayor Edge noted that the City Planner advised that this section of the Ordinance should have been rescinded when Ordinance 2007-12 was adopted on March 20, 2007; that this is a “housekeeping” item and is applicable to satellite antennas installed prior to 1986. There were no speaker cards or public comments.

Councilmember Hill made a motion to introduce the Ordinance. The motion was seconded by Councilmember Bilich, and carried unanimously.

C. CaliforniaFIRST Clean Energy Financing Program: The City Manager reported that statewide the Community Development Authority is working with the State on a program to help homeowners finance energy saving items such as solar systems by adding the payments for 20-year financing to their property tax bills. He stated that when details of the terms are received, he will bring the information to the Council.

City Manager Julian stated that authorizing the letter of intent (Non-Binding Statement of Interest) does not obligate the City to participate in the program.

The Mayor opened a public hearing for comments. No comments were made, and the public hearing was closed.

Upon motion made by Councilmember Laverone, seconded by Councilmember Hill, and unanimously carried, the Board authorized the City Manager to sign and submit the Non-Binding Statement of Interest (letter of intent) on behalf of the City of San Juan Bautista.

7. DISCUSSION ITEMS

A. Contract Review: Golden State Planning (City Planning Services): Jolene Cosio referred to a letter from Cara Vonk stating that Matthew Sundt’s experience and training is heavy in environmental work. Ms. Cosio suggested that the City pursue city planning services from someone with more experience in city work.

Councilmember Laverone noted that the contract with Golden State Planning expired on June 30, 2009, and asked if it is on a month to month basis now or if it automatically renews. The City Attorney stated that the contract does not automatically renew; the City Council has full discretion as to whether the contract is

renewed. The City Manager noted that the contract was signed by Matthew Sundt on November 17, 2005. Mayor Edge commented that when the City went out to bid for planning services, Matthew Sundt was the only applicant.

Rachel Ponce stated that at last month's meeting the Council did not allow public comment because this item was postponed to this meeting. She asked if council members received emails from community members, if research has been done, and if the Council is ready to discuss this contract. She stated that this particular contract is an enormous cost for the City.

Councilmember Hill stated that she would like to know why some people are upset with Mr. Sundt. Some of the responses were: what are you getting for the amount the City is paying out; the City incurred legal defense expense for errors on the Musitelli project (\$65,000) and for the errors causing the recent Hellbent Motorcycle issue.

Rachel Ponce stated that the City seems to be providing a training ground for city planning and it cannot afford that.

Councilmember Moore stated that he is concerned because the City paid out \$40,000 over the \$40,000 budgeted amount for 2007-08 and \$65,849 for only part of the 2008-09 fiscal year; that no development is going on; and that for a town of 1,800 people the cost is unacceptable. Councilmember Moore stated that if the City saved \$40,000 on city planning it could provide shelters for fire department volunteers and help for the library. He suggested having a city planner on staff in a multi-task position which could include filling in when the City Manager is not available.

Councilmember Laverone stated that he has done some research on this issue and he agrees with Councilmember Moore, except that he is not sure the City can afford more than a ½ time person; that the City's inability to offer PERS benefits is a big issue; however, there are many people being laid off or reduced to part time now.

Councilmember Bilich stated she agrees with Councilmember Moore and that there needs to be an overall assessment. The Mayor noted that this item is not agendaized for action and asked that it be put on the next agenda as an action item.

B. Mills Act and the Fiscal Year 2010 Budget: The Mayor noted that implementing the Mills Act would be a cost to the City. The City Manager suggested putting this item on hold until more financial information is received from the State.

C. New Year's Resolutions Proposed by San Juan Neighbors at their Town Hall Meeting: Mayor Edge stated that citizens have offered to do research for the City Council. He suggested that citizens could research a strategic plan for the City. Councilmember Laverone commented that a strategic plan is a good tool to provide direction to future city council members.

Rachael Ponce stated that she is in favor of developing a strategic plan with community involvement and that the residents are interested in doing research for the City; that the Council needs to commit to being receptive.

Councilmember Laverone pointed out that a strategic plan committee should also have representatives from entities in the community such as Teatro Campesino, the State Park, the Mission, etc. He suggested that the committee incorporate the San Juan Neighbors' New Year's Resolution in the strategic plan.

Mayor Edge requested that appointment of an ad hoc committee be put on the December meeting agenda as an action item.

- 8. FUTURE AGENDA:** The next regular meeting of the City Council is scheduled for December 15, 2009. Future agenda items include: Strategic Plan, cable ordinance, City Planner job description and salary range

The City Attorney noted that the meeting on November 24 will be an adjourned regular meeting.

9. COMMENTS

A. City Council: Councilmember Bilich stated that last year the City paid Hollister \$7,000 for collection, feeding, vaccinating, and euthanizing stray animals, or about \$190 per animal. She stated that she contacted the City of Hollister about reducing costs but has not received a response.

B. City Manager: No comment.

C. City Attorney: No comment.

- 10. CLOSED SESSION:** There were no public comments regarding closed session agenda items. At 7:36 p.m., the meeting was adjourned to closed session.

- 11. RECONVENE OPEN MEETING:** The open meeting was reconvened by Mayor Edge at 8:00 p.m.

- 12. REPORT ANY ACTIONS TAKEN IN CLOSED SESSION:** Attorney Rathie reported that Council received information from the City Attorney, Council provided direction but no action was taken by Council during closed session.

- 13. ADJOURN:** Upon motion made, seconded, and unanimously carried, the meeting was properly adjourned at 8:02 p.m.

Mayor Rick Edge

ATTEST:

Trish Paetz, Deputy City Clerk