

CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
AUGUST 19, 2014
MINUTES

1. **CALL TO ORDER** – Mayor Moore called the meeting to order at 6:00 p.m.

A. PLEDGE OF ALLEGIANCE – Council Member Edge led the pledge of allegiance.

B. ROLL CALL Present: Mayor Moore, Vice Mayor Lund, Council Members Cosio, Boch and Edge

Staff Present: City Manager Grimsley, City Clerk McIntyre, City Attorney Thacher, Asst. City Planner Orbach, City Treasurer Geiger

2. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Elaine Reyna (Resident, SJB) was concerned about a project in the County behind Lang Street and Nyland Road as there is the potential for flooding, and offered her DVD on past flooding.

Mayor Moore requested moving Items 4B and 6B up for discussion earlier in the agenda to allow Sheriff Taylor and Supervisor Barrios to present immediately.

A motion was made by Council Member Cosio and seconded by Council Member Boch to move items 4B and 6B up for discussion earlier in the agenda. The motion passed unanimously, 5-0.

4B Sheriff's Report

Captain Taylor provided minor corrections to his report that was provided to Council in their packet, reported they logged in 189 hours in the city last month, brought in five Fish and Game officers for the July Fourth holiday, and staffing is a concern. They have one sergeant or one deputy per shift; their goal is to have two deputies per shift, and they are looking to rotate hours so not so predictable. Additionally, after making a trip to Sacramento to pick up the City purchased Sheriff vehicle, it was discovered the vehicle was ordered incorrectly. Mayor Moore opened for public comment. No comments were received.

6B Consider Request by San Benito County Board of Supervisors for Letter Stating No Confidence with Bureau of Land Management (BLM)

County Supervisor Margie Barrios presented a report stating BLM has shut down access to Clear Creek recreation area because of potential danger to humans of naturally recurring asbestos; concerned with the effect on tourism. The Hollister City

Council voted 5-0 to support a letter of no support to BLM. Congressman Sam Farr has submitted a bill to save Clear Creek. A question and answer period followed. Council Member Cosio asked if the BLM closed Clear Creek for any other reason besides naturally recurring asbestos; Supervisor Barrios responded, no. Vice Mayor Lund commented this was discussed at the Intergovernmental Meeting and he will support. City Manager Grimsley stated he has ridden motorcycles there since 1956 and never heard of anyone developing a health problem on account of visiting Clear Creek area. Mayor Moore opened for public hearing. No comments were received.

A motion was made by Council Member Boch and seconded by Council Member Lund to direct staff to write a letter in support of Board of Supervisors' letter. The motion passed 5-0.

3. CONSENT ITEMS

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavit of Posting Public Hearing Notice**
- C. Approve Minutes for the July 15, 2014 Regular Meeting**
- D. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**
- E. Consider Adopting Ordinance 2014-28 Amending Section 11-02-050 of the Municipal Code Dealing with Recycling Facilities**
- F. Approve Resolution 2014-29 Revising the City's Conflict of Interest Code Pursuant to Required Biennial Review**
- G. Approve Resolution 2014-30 Making Certain Findings and Determinations in Compliance with Section XIIB of the California Constitution (GANN Initiative)**

Council Member Edge requested that Item 3C be pulled from the consent agenda for discussion.

A motion was made by Council Member Boch and seconded by Council Member Cosio to approve all items on the consent agenda after pulling the minutes. The motion passed unanimously, 5-0.

Council Member Edge provided minor changes to the minutes.

A motion was made by Council Member Boch and seconded by Vice Mayor Lund to approve the minutes for July 15, 2014 as corrected. The motion passed unanimously, 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Monthly Financial Statements and Treasurer's Report

City Treasurer Geiger presented his report and thanked the council for passing a budget that is in line with expenses. City Treasurer Geiger reviewed the warrants with Council and responded to questions. A question and answer period followed. Vice Mayor Lund asked if the city was receiving more revenue from special events. City Treasurer Geiger reported he would be providing council with a report from sales tax

consultant HdL soon. Mayor Moore opened for public comment. No comments were received.

B. Sheriff's Report

The Sheriff's report was presented earlier in the meeting.

C. Fire Chief's Report

Fire Chief Mike O'Connor was present and distributed a summary of incidents for each of the four Fire Districts for July which reflected the San Juan Bautista Fire Department District 4 responded to 35 incidents and had losses amounting to \$100, and reported tires were replaced on one of the San Juan fire trucks, and the fire department is conducting inspections of businesses and structures. Additionally, Chief O'Connor announced the fire department will hold an Open House on September 27. A question and answer period followed. Mayor Moore asked if it is alright to run a generator in the city, and Chief O'Connor responded, if it's permitted. Mayor Moore opened for public comment. No comments were received.

D. Library Report

Council members were provided with a report in their packet. A question and answer period followed. Mayor Moore opened for public comment. No comments were received.

E. Administrative Reports (City Manager, City Planning, Code Enforcement)

Council members were provided with a report in their packet. A question and answer period followed. Council Member Cosio asked about contracting for code enforcement, and whether a new well would be drilled. City Manager Grimsley responded, all the well drillers are busy and would have to put out a RFP and receive bids. Mayor Moore opened for public comment. No comments were received.

F. Public Meetings and Committee Reports

Council Member Cosio reported Captain Taylor gave a report at the Neighborhood Watch meeting, and AMBAG's Metropolitan Transportation Improvement Program is available on line. Vice Mayor Lund reported it was discussed at the Fire Meeting purchasing of a Cal Star trailer to put near the jail on Flynn Road, but have not heard back from Cal Fire.

5. PUBLIC HEARING ITEMS

A. D'Ambrosio Vista Development

i. Consider Resolution 2014-30 Approving a Mitigated Negative Declaration

ii. Consider Resolution 2014-31 Approving a PUD Permit and Tentative Map

City Manager Grimsley presented his report stating the D'Ambrosio Vista PUD was processed back in 2012 as a 40 unit PUD. Over the last few years, the applicant has sought potential developers and contractors to construct the 40 unit PUD. It was the overwhelming conclusion that the proposed 40 unit PUD, consisting of townhouses, would not fit into the area for San Juan's housing needs. For this reason, the applicant came back to the Planning Commission with a revised vested tentative map reflecting a reduction in the number of lots. The lots will have front, side and rear yard

setbacks similar to individual homes, with two car garages. This will allow on-site parking, thus reducing curbside street parking. The overall design will fit into the style and scale of the surrounding homes in the area as well as providing smaller lots that will result in smaller homes which could in turn mean more affordable housing. The revised PUD plan will provide a 14,372 square foot open space which will be adjacent to the waste water treatment facility. The open space will be developed as a community passive park with walking paths, landscaping, rest benches and passive exercise areas. Similar to the requirement of the previously approved 40 unit plan, Third Street will be widened to 2/3 of a standard sixty foot wide right of way with curbs, gutters, sidewalks and pavement widening. Street trees will be incorporated into the front yards of the homes. Additionally, Third Street from the east limits of the project to North Street will be widened to provide two lanes of vehicular traffic and 8 feet wide curbside parking on the south side. Added to the street improvements, a small roundabout at the intersection of Third Street and Donner will be programmed into the plan to reduce traffic speed, and will be funded by a fair share agreement with other projects in the area.

Mayor Moore opened the public hearing. Eric Gredasso (SJB, Resident) provided comments from an e-mail he had submitted through city staff to the council. Cara Vonk (SJB property owner) provided comments from an e-mail she had submitted through city staff to the council. City Manager Grimsley responded to concerns about street lighting, fencing, speed bumps, and raised crosswalks. Mayor Moore closed the public hearing. A question and answer period followed. Steve Emick of D'Ambrosio was present. Council Member Edge asked if Creek Bridge developer left funds in the form of a bond for curb and gutter. City Manager Grimsley responded, no. Council Member Edge commented he would like to avoid in lieu fees. There was discussion about traffic, streets, and a roundabout.

A motion was made by Council Member Cosio and seconded by Council Member Boch to approve Resolution 2014-30 approving a mitigated negative declaration for the D'Ambrosio revised PUD permit for APN 002-026-011 and APN 002-026-012. The motion passed unanimously, 5-0.

A motion was made by Council Member Cosio and seconded by Council Member Boch to approve Resolution 2014-31 approving the D'Ambrosio revised PUD permit for APN 002-026-011 and APN 002-026-012 after adding to the conditions of approval that the applicant shall install a speed bump or alternative, enter into a reimbursable agreement for completion of a roundabout, and install a stucco fence along the westerly and southeasterly property lines. The motion passed unanimously, 5-0.

B. Consider Accepting the Draft 2035 General Plan Update

i. Consider Resolution 2014-32 Accepting the 2035 Draft General Plan

City Manager Grimsley presented a staff report stating staff requests Council accept the Draft 2035 General Plan so that preparation can begin on the environmental impact report. Mayor Moore opened the public hearing. No comments were received. Mayor Moore closed the public hearing.

A motion was made by Council Member Cosio and seconded by Vice Mayor Lund to approve Resolution 2014-32 accept the Draft 2035 General Plan for the preparation of an environmental impact report. The motion passed unanimously, 5-0.

6. ACTION ITEMS

A. Consider an Ordinance Rescinding Ordinance 2014-01, Which Amended Section 11-04-110 and Chapter 11-29 of the Municipal Code to Modify Provisions for Design and Architectural Review of Retail Businesses, Restaurant Businesses, and Visitor Accommodations Within the City; and, Re-Adopt Municipal Code Provisions Rescinded by Ordinance 2014-01, Re-Establishing Limits on the Approval of Large-Scale Retail Businesses, Formula Visitor Accommodations and Restaurant Businesses

City Manager Grimsley presented a staff report stating Ordinance 2014-01 went into effect on April 18, 2014 and on June 13, 2014, a lawsuit was filed by the SSL Law Firm LLP, on behalf of the Alliance of Concerned Citizens Organized for Responsible Development (ACCORD) against the City of San Juan Bautista. The staff and city attorney evaluated the lawsuit to determine the most cost effective and economical way to defend Ordinance 2014-01. Recognizing the fiscal constraints of the City's revenues and the financial obligations pending to resolve the water issue as well as other major water projects identified in the capital improvement program, it was mutually agreed upon to rescind Ordinance 2014-01 and revert back to the existing Ordinance 2007-04. This step would allow the City to minimize the legal costs to defend the lawsuit and preserve and utilize revenues for more pressing issues such as the water nitrate problems and the pellet water softening treatment plant.

Mayor Moore opened for public comment. John McCormack (Developer for Arco) commented on an article in the Wall Street Journal that cites the way to move into the middle class without a college degree are to join the trades, enter the nursing field, and franchises. Elaine Reyna (Resident, SJB) spoke in support of enterprise, and spoke against traffic. Richard Ponce (Resident, SJB) spoke in support of bringing more business to the City that will contribute sales tax to the community. A question and answer period followed. It was the consensus of the Council that this is the fiscally responsible thing to do.

A motion was made by Council Member Edge and seconded by Council Member Boch to introduce an ordinance rescinding ordinance 2014-01, which amended Section 11-04-110 and Chapter 11-29 of the Municipal Code to modify provisions for design and architectural review of retail businesses, restaurant businesses, and visitor accommodations within the city; and, re-adopt municipal code provisions rescinded by Ordinance 2014-01, re-establishing limits on the approval of large-scale retail businesses, formula visitor accommodations and restaurant businesses. The motion passed unanimously, 5-0.

B. Consider Request by San Benito County Board of Supervisors for Letter Stating No Confidence with Bureau of Land Management

This item was presented earlier in the meeting.

C. Annexations

i. Consider Resolution 2014-XX Initiating Proceeding for Annexation of Public and Quasi Public Lands

City Manager Grimsley presented a staff report asking to annex properties where the City owned Well No. 3 is situated and where the City owned water reservoir is situated, into the city limits to eliminate property tax and allow development of water facilities on the properties. The reason for annexing the westerly portion of the cemetery is to eliminate duplication of law enforcement services on that property. Whereupon Council Member Boch recused himself because he is on the cemetery board. Mayor Moore opened for public comment. No comments were received.

A motion was made by Council Member Cosio and seconded by Vice Mayor Lund to approve Resolution 2014-33 initiating proceeding for annexation of public and quasi public lands. The motion passed unanimously, 4-0-0-1 with Council Member Boch absent.

Whereupon, Council Member Boch returned to the dais.

ii. Consider Petition for Annexation of New Territories

City Manager Grimsley presented a staff report stating he has received four petitions for annexation, specifically .37 acres owned by Elaine Reyna and zoned mixed use, 18.07 acres owned by McDonald/King/Domingues and zoned for industrial agriculture business park, 1.75 by Christopher and Sons and zoned R-1 low density residential, and 1.04 acres owned by Kathleen Manning and zoned mixed use. Mayor Moore opened for public comment. Elaine Reyna (SJB, Resident) presented a brief history of her property which was once a bar. Tod DuBois (Hollister resident) spoke in favor of annexing 18 acres owned by McDonald/King/Domingues. No other comments were received.

A motion was made by Council Member Cosio and seconded by Vice Mayor Lund to accept the petitions and move forward through the process for annexation. The motion passed unanimously, 5-0.

D. Consider Awarding Contract to Low Bidder for Installation of Glass Front Door Assembly at Lucks Library

City Manager Grimsley presented a staff report stating he received two bids for the entrance door to the Library. He proposed awarding the project to the low bidder, Coast Counties Glass, in the amount of \$6,564. Mayor Moore opened for public comment. No comments were received.

A motion was made by Council Member Boch and seconded by Council Member Edge to award contract to Coast Counties Glass for installation of glass front door assembly at Lucks Library. The motion passed unanimously.

E. Consider Changes to the Strategic Planning Committee Membership

Assistant Planner Matt Orbach presented a report stating he would be replacing Matt Leal on the committee. There was discussion about adding Council Member Cosio to the Strategic Planning Committee membership, and Council Member Edge

commented he would be willing to step down as his primary goal had been accomplished and that was to develop the Strategic Planning Committee. Vice Mayor Lund commented it was important that a member of the Council remain on the committee as a stakeholder. Remove Matt Leal as he has resigned and Rick Edge. Appoint Jolene Cosio.

A motion was made by Council Member Boch and seconded by Council Member Edge to remove Matt Leal and Council Member Edge from the Strategic Planning Committee and add Matt Orbach and Council Member Cosio to the Strategic Planning Committee membership. The motion passed unanimously, 5-0.

7. DISCUSSION ITEMS

A. Water Action Plan

City Manager Grimsley provided a report stating City staff must comply with a Department of Public Health compliance order by submitting a monthly report with water testing results and reporting progress made with the water action plan. All orders to remain in compliance have been filled.

B. Update on November General Election – City Clerk Linda McIntyre

City Clerk Linda McIntyre reported there are 5 candidates for 3 city council seats and they are Ray Sanchez, Jim West, Maggie Bilich, Chris Martorana, and incumbent Tony Boch.

C. Request to Revisit Prop 13 Reform

Planning Commissioner David Medeiros suggested council revisit Prop 13 Reform. Council agreed to bring this back next month.

D. Report by Subcommittee to Consider Options to Parking in the City

City Manager Grimsley reported the first meeting of the committee is scheduled for Friday, August 22nd.

E. Redevelopment Loan for Property at 206 Sixth Street

City Attorney Thacher stated they have communicated with Landeros but received no commitment.

8. COMMENTS

A. City Council Members: Vice Mayor Lund asked the public to speak with the City Manager should they have any concerns rather than file a lawsuit.

B. City Manager: No comments made.

C. City Attorney: No comments made.

9. ADJOURNMENT

A motion was made to adjourn the meeting at 9:28 p.m.