

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
SEPTEMBER 16, 2014
MINUTES**

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

A. PLEDGE OF ALLEGIANCE – Council Member Cosio 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

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mirijana Tomas (Resident, SJB) thanked the council and staff for their work, spoke against the local newspaper editor and owner publishing yellow journalism and obstruction of the truth, and spoke against self-serving lawsuits against the City. Georgana Gulate of the San Juan Bautista Historical Society announced they would hold their open house at Luck Park on October 11, and need a local organization to barbecue at the event.

Mayor Moore requested Item 6A, Consider Extending Recology Contract for Three Years, and Item 8A, Closed Session, be moved up in the agenda.

A motion was made by Council Member Boch and seconded by Council Member Cosio to move Items 6A and 8B up in the agenda. The motion passed unanimously, 5-0.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Minutes for the August 19, 2014 Regular Meeting

D. Approve Resolution 2014-XX Authorizing Street Closure for the Plaza History Association

E. Consider Resolution 2014-XX Renewing the Amended Joint Powers Agreement for Council of Governments

F. Approve Authorization of Filling Fee with LAFCo for Public-Quasi Public Annexation

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

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 Edge 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 Edge and seconded by Council Member Cosio to approve the minutes for August 19, 2014 as corrected. The motion passed unanimously, 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Freedom From Workplace Bullying Proclamation

Deputy City Clerk Paetz read a proclamation requested by the California Healthy Workplace Advocates for freedom from workplace bullying.

B. Monthly Financial Statements and Treasurer's Report

As City Treasurer Geiger was not present, City Manager Grimsley presented the Treasurer's Report, reviewed the warrants with Council, and responded to questions. Mayor Moore opened for public comment. No comments were received.

C. Sheriff's Report

Captain Eric Taylor was not present and no report was provided in the packet. During public comment Eric Gredasoff reported Neighborhood Watch has a new website, and the rash of burglaries and arrest of a suspect was discussed at their recent meeting.

D. Fire Chief's Report

In the immediate absence of Fire Chief Mike O'Connor, City Manager Grimsley reminded the public the Fire Department would hold an open house on September 27. Vice Mayor Lund reported that, during recent safety inspections of businesses, business owners were receptive to the input provided and the Fire Department was pleased to find during their second inspection, the issues that required attention had been fixed. A question and answer period followed. Mayor Moore opened for public comment. No comments were received.

E. Library Report

Council members were provided with a report in their packet. A question and answer period followed. Council Member Cosio supported a grant being written for the Library. Mayor Moore opened for public comment. No comments were received.

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

Council members were provided with a report in their packet. A question and answer period followed. Mayor Moore thanked City Manager Grimsley for his assistance with

his son's Boy Scout project where scouts painted red curb markings around the City. Mayor Moore opened for public comment. No comments were received.

F. Public Meetings and Committee Reports

Council Member Boch reported he attended a very productive first meeting of the Parking in the City committee. Council Member Cosio reported the American Red Cross needs Board members, and the Neighborhood Watch group would like to see sheriffs actively patrolling the San Juan area more. Council Member Edge reported San Juan Bautista will be on next month's LAFCo agenda. Mayor Moore reported the Water Resources Association reminds everyone to come to them for low flush toilets and to help fix leaking appliances, and encourages everyone to conserve water.

Item 6A: Consider Extending Recology Contract for Three Years

San Benito County Integrated Waste Management Director Mandy Rose presented a report asking to extend the Recology contract for another three years to enable each of the jurisdictions to better prepare for future regulatory changes, and reported she would be coming back to the Council asking for their support in providing a representative for a committee that will deal with State mandates and perform outreach. During public comment, Mirijiana Tomas (SJB, Resident) spoke against the current rates, and against extending the contract. Karen Gredassoff (SJB, Resident) commented that she has noticed people removing recyclables from the blue bins placed on the street for pickup.

A motion was made by Council Member Edge and seconded by Council Member Boch to approve a second amendment to the franchise agreement for residential, commercial and multi-family refuse collection and disposal and yard and wood waste, recyclables and bulky items collection, processing, marketing and diversion in carts, cans and bins, abandoned refuse collection and disposal, and public receptacle refuse collection and disposal. The motion passed unanimously, 5-0.

Whereupon, Council, City Manager Grimsley, City Attorney Thacher, and Assistant Planner Orbach went into closed session at 6:50 p.m.

Item 8A: Closed Session – Existing Litigation. Pursuant to California Government Code Section 54956.9 (a)-(d), the Council will meet in closed session to discuss existing litigation. Case Name: Alliance of Concerned Citizens Organized for Responsible Development v. City of San Juan Bautista, and City Council of San Juan Bautista, (Real Party in Interest: Harbhajan Dadwal), San Benito Superior Court, Case Number CU-14-00072.

Council resumed open session at 7:20 p.m.

Whereupon, City Attorney Thacher reported that during Closed Session discussion was conducted with legal counsel, direction was given to counsel, and there was nothing more to report out.

5. PUBLIC HEARING 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 report stating the ordinance was introduced in August 2014. Mayor Moore opened the public hearing. Members of the public requested clarification on why the ordinance was being rescinded. City Manager Grimsley explained that it is of a lawsuit 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 have determined the most cost effective and economical way to defend Ordinance 2014-01 is to rescind the ordinance and revert back to the existing Ordinance 2007-04, thereby minimizing legal costs and preserve and utilize revenues for more pressing issues facing the City. No further comments were received. Mayor Moore closed the public hearing.

A motion was made by Council Member Edge and seconded by Council Member Cosio to adopt Ordinance 2014-xx 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 Rescinding Resolution 2014-04 Which Adopted a Mitigated Negative Declaration for Project No. CUP 2014-101 and DR 2014-101, Consisting of an Arco Fuel Station, Convenience Store, and Quick Serve Restaurant at 404-408 The Alameda

City Attorney Thacher explained rescinding Resolution 2014-04 will pave the way to Council considering the Arco project and EIR. Mayor Moore opened the public hearing. No comments were received. Mayor Moore closed the public hearing.

A motion was made by Council Member Boch and seconded by Council Member Edge to approve Resolution 2014-37 rescinding Resolution 2014-04 which adopted a mitigated negative declaration for Project No. CUP 2014-101 and DR 2014-101, consisting of an Arco fuel station, convenience store, and quick serve restaurant at 404-408 The Alameda. The motion passed unanimously, 5-0.

6. ACTION ITEMS

A. Recology Contract Extension

This item was addressed earlier in the meeting.

B. Consider Authorizing Engineering Service Contract with Fehr Engineering Company, Inc. for Electrical at the Water Treatment Plant

City Manager Grimsley presented a staff report recommending approval of a service contract with Fehr Engineering Company, Inc. for electrical engineering at the water treatment plan for the future pellet plan, sanitary sewer lift station and Well No. 3. Upon review of the site layout and preliminary electrical engineering plans of the pellet plant, Fehr Engineering Company and has proposed a cost for their services of \$7,500. A question and answer period followed. Council Member Cosio was concerned whether Fehr is a specialist. City Manager Grimsley responded that Fehr is familiar with the brand of lift station used by the City. Mayor Moore opened for public comment. No comments were received.

A motion was made by Council Member Boch and seconded by Vice Mayor Lund to approve Resolution 2014-38 awarding a contract for electrical engineering services to Fehr Engineering Company, Inc. The motion passed unanimously, 5-0.

C. Consider Authorizing Purchase of a Used Street Sweeper

City Manager Grimsley presented a staff report recommending Council authorize the purchase of a used street sweeper truck from Earthquake Sales, Inc. Public Works has been using a used street sweeper on loan from Earthquake Sales Inc. for the last seven months and staff has determined the sweeper can perform the minimum sweeping needs of the city. The purchase price of the sweeper is \$6,987.50. A question and answer period followed. Mayor Moore opened for public comment. No comments were received.

A motion was made by Vice Mayor Lund and seconded by Council Member Lund to approve Resolution 2014-39 Authorizing purchase of a used street sweeper. The motion passed unanimously, 5-0.

7. DISCUSSION ITEMS

A. Arco Appeal Hearing Set for October 21, 2014

City Manager Grimsley presented a staff report updating Council on staff's efforts to prepare for the appeal of the Arco project, including a chronology of the public hearings held leading up to the Planning Commission's approval of the project.

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

This item was discussed earlier when Council Member Boch provided a report as a member of the committee.

C. Letter to Water District Regarding Well Drilling

City Manager Grimsley provided a draft letter addressed to San Benito County Water District Manager Jeff Cattaneo stating his concerns with increased pumping from the underground water basin, the devastating long term effects anticipated, and asking him to recommend to his Board an emergency moratorium on all new well permits until a long term solution is in place. A question and answer period followed. Council Member Boch pointed out that Governor Brown introduced similar concerns today. Council Members were in support of the letter being sent.

D. Prop 13 Reform

Assistant Planner Orbach provided a summary and rationale behind AB 2372, and recommended adopting a resolution supporting AB 2372, and/or any other future bills addressing the commercial property loopholes currently included in Proposition 13. A question and answer period followed. Council Member Edge and Vice Mayor Lund were in support of Prop 13 reform. Council Members Cosio and Boch, and Mayor Moore did not support Prop 13 reform. Mayor Moore opened for public comment. City Clerk McIntyre (Resident, SJB) spoke against Prop 13 reform. Dave Medeiros (Resident, SJB) spoke in support of Prop 13 reform. It was the consensus of the Council to bring this item back in November as an action item.

E. Complaint Regarding Special Events

City Manager Grimsley presented a complaint filed with the City against street events, and explained that there are impacts to some merchants during street events. A question and answer period followed. Council Member Edge suggested taking a security deposit from promoters. Mayor Moore opened for public comment. Richard Ponce (SJB, Resident) commented that block captains and the promoter are available during events to deal with issues as they arise. Georgana Gularte (SJB, Resident) suggested requiring promoters to place a porta potty at Verutti Park. Fire Chief O'Connor offered to help with street fairs if asked.

8. CLOSED SESSION

This item was discussed earlier in the meeting.

9. COMMENTS

A. City Council Members: Council Member Edge asked to bring back the fracking issue, and reported there is an electrical line going from a lamp post into a building in the downtown area. Council Member Cosio reported September is Disaster Preparedness Month and encouraged everyone to prepare for disasters. Council Member Boch asked for an update next month from Community Choice Aggregation, reported he and staff were successful in getting Cal Trans to trim the shrubs at Highway 156 and The Alameda, and announced there would be a Courthouse Dedication Ceremony on October 10 at the new courthouse in Hollister.

B. City Manager: No comments made.

C. City Attorney: No comments made.

10. ADJOURNMENT

A motion was made to adjourn the meeting at 8:40 p.m.