

**CITY OF SAN JUAN BAUTISTA**  
**CITY COUNCIL REGULAR MEETING**  
**NOVEMBER 18, 2014**  
**MINUTES**

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

**A. PLEDGE OF ALLEGIANCE** – Vice Mayor Lund 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 Schobert, Asst. City Attorney Mall, Asst. City Planner Orbach, Deputy City Clerk Paetz

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

Patricia Bains (SJB merchant) asked when the City would be installing more trash cans in the downtown area. City Manager Grimsley responded that the City ordered containers that will be difficult for residents to deposit their trash into. Council Member Cosio announced Connie Schobert was appointed by Council to the unexpired term of City Clerk. Council Member Boch informed the public of a telephone scam involving a robo call from the IRS.

**3. CONSENT ITEMS**

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavit of Posting and Mailing Public Hearing Notice**
- C. Approve Minutes for the September 16, 2014 Regular Meeting**
- D. Approve Minutes for the October 21, 2014 Regular Meeting**
- E. Approve Resolution 2014-46 for Street Closures**
- F. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**

A motion was made by Council Member Edge and seconded by Vice Mayor Lund to approve all items on the consent agenda. The motion passed unanimously, 5-0.

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

**A. Presentation of Plaque Honoring Outgoing City Clerk Linda G. McIntyre**  
Mayor Moore presented a plaque to outgoing City Clerk Linda G. McIntyre for her service to the community since 2008.

## **B. Monthly Financial Statements and Treasurer's Report**

City Treasurer Geiger presented the Treasurer's Report and responded to questions from the Council regarding items on the warrants list. Mayor Moore opened for public comment. John McCormack was concerned with City sales tax revenues. No other comments were received.

## **C. Sheriff's Report**

Captain Eric Taylor was not present and a report was not available for the Council. There was discussion about Council's need to receive monthly reports regularly. Mayor Moore opened for public comment. No comments were received.

## **D. Fire Chief's Report**

A representative from the fire department was not present and no written report was available. 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. 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 opened for public comment. No comments were received.

## **G. Public Meetings and Committee Reports**

Council Member Edge reported LAFCo met but there was nothing relevant to the City to report. Vice Mayor Lund reported on the Fire Protection meeting and the Intergovernmental meeting. Mayor Moore reported the Water Resources Association provides water conservation services and rebates to the community. Council Member Cosio reported San Benito County Supervisor Jerry Muenzer was elected president of AMBAG and Strategic Planning Committee membership changes would need to be addressed at the next city council meeting. She then asked Eric Gredassoff to report on the Neighborhood Watch meeting; whereupon, he reported that the Sheriff's crime log data is accessible on their website at NWSJB.com, and Code Red enables members of the community to sign up for emergency notifications.

## **5. CONTINUED PUBLIC HEARINGS**

**A. The City Council will hold a public hearing regarding the appeal filed February 11, 2014 by Dan DeVries on behalf of Leal Vineyard Inc. of the Planning Commission approval of a Conditional Use Permit (CUP 2014-101) and a Design Review Permit (DR 2014-101) for a fuel station, convenience store, and a quick serve restaurant proposed for property located at 404 The Alameda and Hwy 156 in the City of San Juan Bautista, APN 002-52-012. At the public hearing the City Council will consider:**

**i. Adopting Resolution 2014-XX, approving the Mitigated Negative Declaration with mitigation measures and a mitigation monitoring program for the project at 404 The Alameda**

**ii. Adopting Resolution 2014-XX, denying the appeal and affirm the action of the Planning Commission in whole or in part and may add, modify or delete conditions as it deems necessary or proper, or reverse the action of the Planning Commission and affirm the appeal to deny the project.**

Appellant Attorney Dan DeVries explained his concerns with the project, describing them as critical; specifically, (1) Cal Trans Representative John Olejnik's concerns with traffic should be addressed and a deceleration lane should be included in the conditions of approval, and (2) the condition that the applicant will pay into an account should be more specific as to when and how. Additionally, the City code states that new business should address an unmet need rather than duplicating services; that was placed there to look after small businesses, and advised Council to be careful of the precedence approval of this project will make on the City.

Mayor Moore opened the public hearing. Tod Dubois (SJB, property owner) spoke in support of the project and commented that convenience will bring tourists. Larry Gerbrandt (SJB proprietor and resident) spoke in support of the project. Richard Ponce (SJB resident) spoke in support of the project, commenting that Mr. Leal's project will be affected by the dangerous right turn lane as well. Ray Sanchez (member of ACCORD, SJB resident) spoke against the project, commenting that traffic in that area will become very dangerous. Pat Baines (SJB proprietor, San Juan canyon resident) spoke against the project, commenting that it will attract kids. Margot Tankersley (SJB proprietor) spoke against the project. Sammi Reddy (SJB property owner) spoke in support of the project, commenting on the revenue it would bring to the City. City Treasurer Chuck Geiger commented the gas station would bring much needed revenue to the City. Planning Commissioner Dave Medeiros commented that competition improves the economy. Written comments were received in City Hall from Paul Skelton (SJB resident) opposing the project, and from Anastasia Skelton (SJB resident), opposing the project as well. Project applicant's attorney, Tony Lombardo, stated that the appellant wants Mr. Dadwal to pay for a deceleration lane so he does not have to pay for it, and explained the unmet needs that will be met by the gas station. Mayor Moore closed the public hearing.

Council Member Edge was concerned with traffic safety and commented that a deceleration lane should be a condition of the project. Vice Mayor Lund spoke in support of another gas station for the city, adding that both projects (gas station and hotel project) add curb appeal, but was concerned with the lack of a deceleration lane. Council Member Cosio was concerned with traffic safety at the intersection, suggested asking CalTrans to install a right turn lane, and commented that unmet need is non-existent. Council Member Boch asked the public what they thought would be constructed on this site, as it is zoned commercial, and commented that maybe the County, Mr. Dadwal, or Mr. Leal could pay for a turn lane. Traffic surveyor Keith Higgins explained the traffic study. Attorney Lombardo advised that Mr. Dadwal offers to pay

half of the cost of a deceleration lane and Mr. Leal can pay the other half, both with the condition of reimbursement when other businesses come in out in that area. There was discussion about length of time takes to build a deceleration lane and signal considering when the Mr. Dadwal's project was estimated to open. Council Member Edge was concerned with pedestrians crossing The Alameda, suggested a crosswalk be installed midblock, and a barricade installed to eliminate pedestrians from crossing at Highway 156.

A motion was made by Council Member Cosio and seconded by Council Member Edge to approve Resolution 2014-43, and adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring program for the project at 404-408 The Alameda consisting of a fuel station, convenience store and quick serve restaurant. The motion passed unanimously, 5-0.

A motion was made by Council Member Boch and seconded by Council Member Edge to approve Resolution 2014-44 after changing Section 2, Condition 18 to reflect that the applicant shall contribute \$200,000 for the construction of a deceleration and right turn lane at The Alameda intersection, and enter into a reimbursable agreement with the City for improvements in excess of their fair share costs of improvements to the intersection, denying the appeal filed February 11, 2014 by Dan DeVries on behalf of Leal Vineyard Inc., of the Planning Commission's approval of a use permit application and a design review application for a fuel station, convenience store, and quick serve restaurant at 404-408 The Alameda and approving both applications with findings and conditions of approval following a de nova public hearing. The motion passed unanimously, 5-0. (Under Section 2, with amended Condition 18.)

Whereupon Council took a 5 minute break at 8:55 p.m.

## **B. Abatement of a Public Nuisance of the Property at 205 The Alameda (APN 002-460-001 & 002)**

City Manager Grimsley provided an update on improvements to the property over the past several weeks. Property owner Larry Cain was not present. Council suggested red tagging the property. During public comment, John Freeman (SJB resident) spoke in support of the property being used for commercial purposes only.

A motion was made by Council Member Cosio and seconded by Council Member Boch to declare the property at 205 The Alameda a public nuisance and direct staff to retag the property and abate the public nuisance. The motion passed unanimously, 5-0.

## **6. ACTION ITEMS**

### **A. Consider Approval of Prop 13 Reform**

Council Member Edge provided an introduction to the item. Dave Medeiros presented his points for Prop 13 Reform. Linda McIntyre presented her points against Prop 13 Reform. There was discussion but no action was taken.

### **B. Consider Resolution 2014-45 for a Feasibility Study for a Roundabout Intersection or other Traffic Calming Devices at Highway 156 and Monterey Street**

City Manager Grimsley reported explains. During public comment, John Freeman spoke in support. Ken Halla (SJB resident) spoke in support of a traffic calming device at the intersection and suggested a changeable message sign be placed on the highway. Council Member Cosio supported a changeable message, and suggested “traffic calming solution” be included in the resolution.

A motion was made by Council Member Boch and seconded by Council Member Edge to approve Resolution 2014-45 for a feasibility study for a roundabout or other traffic calming device at Highway 156 and Monterey Street. The motion passed unanimously, 5-0.

## **7. DISCUSSION ITEMS**

### **A. First Alarm Security Service**

City Manager Grimsley explained that First Alarm Security was asked to evaluate security needs in the City. Representatives from First Alarm were present and provided the results of their evaluation after on site observations were conducted. A question and answer period followed. Mayor Moore opened for public comment. No comments were received.

Council asked staff to negotiate with First Alarm Security and present a contract for review.

### **B. Sign Ordinance**

City Manager Grimsley reported that input was received from City Attorney Thacher, and suggested the draft ordinance go back to the Planning Commission so they may review the revisions and incorporate them into the ordinance before recommending the ordinance be approved.

## **8. COMMENTS**

- A. City Council Members:** No comments made.
- B. City Manager:** No comments made.
- C. City Attorney:** No comments made.

## **10. ADJOURNMENT**

A motion was made to adjourn the meeting at 10:05 p.m.