

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
JULY 15, 2014
MINUTES**

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

A. PLEDGE OF ALLEGIANCE – Mayor Moore led the pledge of allegiance.

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

Absent: Fire Chief O'Connor, Captain Taylor

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

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

David Medeiros: Revisit Prop 13 Reform?

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Minutes for the June 17, 2014 Regular Meeting

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

Council Member Boch 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 item 3C, Minutes. The motion passed unanimously, 5-0.

Boch 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 June 17, 2014 as corrected. The motion passed unanimously, 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamations: San Benito Health Foundation

i. National Health Center Week

ii. Breastfeeding Awareness Month

iii. National Farmworker Day

San Benito Health Foundation Representative Angelica Rojas summarized the events featured in each proclamation, and accepted the proclamations.

B. Proclamation for R.E.A.C.H. San Benito Foundation

REACH Representative Valerie Eglund accepted the proclamation.

C. Monthly Financial Statements and Treasurer's Report

City Treasurer Geiger presented his report and commented on the high attorney fees expended for a lawsuit against the City. He encouraged the public to discuss their issues with city manager. City Treasurer Geiger reviewed the warrants with Council and responded to questions. Mayor Moore opened for public comment. Daniel Lewis (Resident, SJB) was concerned that his water bill is the same no matter how much water he uses. No other comments were received.

D. Sheriff's Report

Captain Eric Taylor was not present. Council received a report in their packet. Mayor Moore opened for public comment. No comments were received.

E. Fire Chief's Report

Fire Chief Mike O'Connor was not present. No report was provided. Mayor Moore opened for public comment. No comments were received.

F. 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.

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

Council members were provided with a report in their packet. City Manager Grimsley reported the anticipated cost to defend the lawsuit brought by ACCORD will add a financial burden on the City's revenues and emergency reserves and create a severe financial hardship on many other programs, projects and services the city has in its five year capital improvement plan. A fiscal analysis is being prepared to determine the cost to defend the lawsuit. A question and answer period followed. Council Member Cosio commented on the effect the lawsuit has on City staff and finances. Mayor Moore opened for public comment. No comments were received.

H. Public Meetings and Committee Reports

Council Member Cosio reported the loud motorcycles in the downtown was discussed at the Neighborhood Watch meeting. Vice Mayor Lund reported on

statistics from the Fire Meeting; there were 26 calls during the July 4th weekend, there are 42 reserves, and breathing apparatus are being replaced. Mayor Moore reported from the Intergovernmental Meeting that transient occupancy tax in Hollister was increased to 12%, the Board of Supervisors is claiming no confidence with the Bureau of Land Management over their decision to close Clear Creek, and the Water Resources Association has programs geared towards water conservation. Council Member Cosio added there was an excellent response by the Fire Department to a fire on Washington Street and Seventh Street that was started by a firecracker.

5. PUBLIC HEARING ITEMS

A. Consider Resolution 2014-26 Approving a Planned Unit Development Permit for 37 Monterey, Applicant: Ken Ottoboni

City Manager Grimsley presented his report stating an application for a minor subdivision to split the lot at 37 Monterey Street into two parcels, 4,498 and 4,618 square feet respectively, was heard by the Planning Commission on May 6, 2014. During that public hearing it was the overall opinion that the proposed division would fit into the surrounding area and would not be detrimental to the area. However, because the division would result in parcels that are less than the minimum required square footage of an R-2 parcel (8,000), the Planning Commission can authorize the split under a minor subdivision application. According to Chapter 11-05 of the City's zoning code, the Commission may reduce the parcel size to 4,500 sq. ft. with a 0.45 FAR (floor area ratio) and a PUD permit. It is for this provision of the zoning code that staff prepared the application for consideration as a PUD permit and brought it back to Planning Commission on June 10, 2014. The Planning Commission is recommending approval of the PUD permit.

Mayor Moore recused himself because he represented Ernie Alnas in the sale of 37 Monterey Street to Ken Ottoboni, and Council Member Boch recused himself because he owns property and resides within 200 feet of the property. Whereupon, Council Members Moore and Boch left the Council Chambers.

The applicant, Ken Ottoboni, was present and explained what his intentions are with the property. Vice Mayor Lund opened for public comment. Richard Ponce (Resident, SJB) spoke in support of the project. No other comments were received. Vice Mayor Lund closed the public hearing.

City Manager Grimsley stated prior to taking action on the resolution Council needs to satisfy the California Environmental Quality Act (CEQA) and read through the findings that qualify the project for an exemption of CEQA.

A motion was made by Council Member Cosio and seconded by Council Member Edge to approve Resolution 2014-26 approving a planned unit development permit for 37 Monterey Street. The motion passed 3-0-2-0 with Council Members Boch and Moore abstaining.

Whereupon Council Members Boch and Moore returned to the dais.

B. Introduction of an Ordinance Amending Section 11-02-050 of the Municipal Code Dealing with Recycling Facilities

City Manager Grimsley presented a staff report stating it was discovered the City's municipal code does not differentiate between a recycling process and storage facility and a recycling drop off facility. A question and answer period followed. Council Member Cosio was concerned that drop off facilities can be messy. City Manager Grimsley explained proposed sites would be subject to site and design review.

A motion was made by Council Member Cosio and seconded by Council Member Boch to introduce an ordinance amending Section 11-02-050 of the municipal code dealing with recycling facilities. The motion passed unanimously, 5-0.

6. ACTION ITEMS

A. Consider Approval of a Contract With Cal Poly Corporation to Update the Environmental Impact Report for the General Plan

Assistant Planner Leal presented his report stating the City contracted with Cal Poly Corporation for masters students to complete the 2035 General Plan Update at a reasonable price and, consequently, staff feels \$70,000 is a reasonable price for preparation of an EIR. The proposal to complete the EIR is approximately twice what the General Plan cost and that is because of the number of studies required for an EIR. He noted the Planning Commission reviewed the contract and recommends approval. A question and answer period followed. 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 approve Resolution 2014-27 approving a contract with Cal Poly Corporation to update the environmental Impact Report for the 2035 General Plan. The motion passed unanimously, 5-0.

B. Receive Strategic Planning Committee Report and Provide Direction

Committee Chairman Chris Martorana reported the Strategic Planning sub committees are prepared to implement sections of the Strategic Plan Element of the General Plan. A question and answer period followed. Council Member Cosio was concerned with getting a noise ordinance passed. City Manager Grimsley stated he needs to coordinate with the vehicle code. Additionally, Chris Martorana commented changes need to be made to the Strategic Planning Committee membership as Matt Leal is leaving and Chris is stepping down as chairman because, as a candidate for city council, he does not want his opinions to get skewed. Council Member Edge suggested the Strategic Planning Committee decide what to work on next because what their passion is will be what they work well on. There was discussion about whether to form a 501(c)(3). Mayor Moore opened for

public comment. David Medeiros (Resident, SJB) was concerned with whether the committee required funding. No action was taken by council.

C. Provide Direction to City Manager on Redevelopment Loan for Property at 206 Sixth Street

Assistant City Attorney Rathie presented a report stating the owner of 206 Sixth Street was trying to sell the property and discovered there was a lien on it for a redevelopment loan with the City. The loan date back to 1986 and staff has not been able to locate a promissory note. The person wanting to purchase the property, Adrian Landeros, was present. City Attorney Rathie stated he would continue working with Mr. Landeros and the title company to try to find a way to allow Mr. Landeros to go on title and obtain title insurance and financing while continuing to protect the City's interest in the property as security for the loan. A question and answer period followed. Mayor Moore opened for public comment. No comments were received.

It was the consensus of Council to direct the City Manager and City Attorney to continue working on this issue and bring it back at another meeting.

D. Consider Recommendation by Planning Commission to Bring Together Responsible Parties to Discuss Options to Parking in the City

Assistant Planner Leal presented a report. A question and answer period followed. Council Member Edge commented he and Council Member Boch were appointed by the mayor to a subcommittee, and feels property owners for parking lots should be included. It was decided changes to the letter will be reviewed by the subcommittee members. Mayor Moore opened for public comment. No comments were received.

E. Consider Proposal by David Nichols to Purchase City Fire Truck

City Manager Grimsley presented a report stating Council declared the fire truck in question as surplus equipment back in 2011. The truck has been parked in the corporation yard for the past three years and water got into the gasoline tank. Maintenance was completed on the truck to prepare it for sale, however, the water storage tank leaks and would require significant repairs to fix. David Nichols has submitted a bid offer of \$2,000 to purchase "as is". A question and answer period followed. Council Member Lund commented the City should sell it as a salvaged vehicle for parts; thereby removing liability.

A motion was made by Council Member Cosio and seconded by Council Member Boch to sell a surplus fire truck to David Nichols as a salvage vehicle. The motion passed unanimously.

F. Consider Authorizing City Manager to Purchase a 400 Amp QED Switchboard Panel for Well Site #3

City Manager Grimsley presented a report stating he is requesting authorization to purchase a 400 amp switchboard panel for installation at the site of Well #3. This

would allow George Dias to connect the sanitary sewer system for his labor camp to the existing lift station situated at the Well #3 site. The switchboard panel will be capable of meeting the electrical needs of the sewer lift station and the pellet softener plant. The switchboard panel with accessories will not exceed \$9,200. The purpose of the purchase is a result of the water emergency situation and the City's goal to remove nitrate from its water.

A motion was made by Vice Mayor Lund and seconded by Council Member Boch to authorize the city manager to purchase a 400 amp QED switchboard panel to be installed at the Well #3 site, based on the condition of the City water, the City wells, and the water emergency within the City. The motion passed unanimously.

7. DISCUSSION ITEMS

A. City Water

City Manager Grimsley provided a report stating he will be responding to a Department of Public Health Compliance Order dated May 30 containing six directives. Besides providing a report on the City's water options, he plans to get Mission Farms RV Park and Dias' Mobile Home Park on force since septage systems contribute to high nitrate; and plans to elevate the well site since it is in the flood plain.

8. COMMENTS

A. City Council Members: No comments made.

B. City Manager: No comments made.

C. City Attorney: No comments made.

9. ADJOURNMENT

A motion was made to adjourn the meeting at 8:45 p.m.