

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
FEBRUARY 21, 2017
MINUTES**

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

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

B. ROLL CALL Present: Mayor Martorana, Vice Mayor West, Council Members Boch, Freeman, and DeVries

Staff Present: City Manager Grimsley, Deputy City Clerk Paetz, City Attorney Mall, Community Dev. Director Orbach

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comments were received.

5A. Presentation of Plaque to Historic Resources Board Member and Planning Commissioner David Medeiros

Mayor Martorana presented a plaque to Dave Medeiros, honoring him for time served on the Historic Resource Board and Planning Commission.

3. CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: Number of Cases: One)

City Attorney Mall reported out from the closed session that advice was given to Legal Counsel.

4. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Minutes for the January 17, 2017 Council Meeting

D. Approve Resolution 2017-03 for Street Closures for a Car Show

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

F. Approve Resolution 2017-07 Nominating Melody McDonald to the ACWA/JPIA Executive Committee

A motion was made by Council Member Boch and seconded by Council Member West to approve all items on the Consent Agenda. The motion passed unanimously, 5-0.

5. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Presentation of Plaque to David Medeiros

This item was dealt with earlier in the meeting.

B. Monthly Financial Statements and Treasurer's Report

In the City Treasurer's absence, City Manager reviewed the Treasurer's Report and the warrant list with Council. There were no public comments.

C. Sheriff's Report: Monthly Activity

Captain Taylor was present and reviewed his written report. Council Member Boch asked about an attempted burglary on Marentis Court. Council Member Freeman asks about the effectiveness of cameras. Sheriff needs to access data as soon as possible. There was no public comment.

D. Level One Security Report

JT Tomlinson of Level One Security was present and reviewed his written report. He stated he has found at least eight businesses are being left unlocked overnight, and wants permission to carry pepper spray, taser and/or baton while patrolling. Council Member DeVries suggested he submit a plan staff can take to their insurance carrier.

E. Fire Chief's Report

A representative of the Hollister Fire Department was not present, and a written report was not available. There were no public comments.

F. Library Report

Council received a report. There were no public comments.

G. Administrative Report

City Manager Grimsley reviewed his report and responded to questions from the Council. There were no public comments.

H. Public Meetings and City Council Committee Reports

Council members provided highlights from the meetings where they represent the City.

6. PUBLIC HEARING ITEMS

A. Consider Amending Article 2 of Chapter 2-3 of the SJBMC Entitled "Youth Commission." Second Reading and Approval

Mayor Martorana opened the public hearing. There was no public comment. Mayor Martorana closed the public hearing.

A motion was made by Council Member Boch and seconded by Council Member Freeman approving Ordinance 2017-02, an amendment to Article 2 of Chapter 2-3 of the SJBMC Entitled "Youth Commission." The motion passed unanimously, 5-0.

B. Consider Revocation of Design Review Permit DR 2013-33 for the Brewery Project

i. Adopt Resolution 2017-XX Revoking HRB-DR 2013-33: CEQA Categorical Article 19, Section 15321(a)

City Council Member DeVries recused himself and left the dais, stating he had a professional conflict.

This item was continued from the January meeting. Staff presented an update, and requested continuing this item again pending the applicant's divorce proceeding and allowing time to speak with the applicant's wife's attorney on February 22. This item is continued to next month.

Council Member DeVries returned to the dais.

C. Consider Approving an Ordinance Authorizing the Implementation of a Community Choice Aggregation Program (First Reading)

Staff presented a report. A question and answer period followed. Ginny Johnson from the Community Choice Aggregation Program was present and responded to questions. There was discussion about the City's "shares" responsibility, and which option is the most reasonable. There were no public comments.

A motion was made by Vice Mayor West and seconded by Council Member Boch to introduce an ordinance authorizing the implementation of a Community Choice Aggregation Program. The motion passed unanimously, 5-0.

7. ACTION ITEMS

7B. Monterey Bay Community Power Authority Joint Powers Agreement

i. Consider Resolution 2017-04 Approving the Joint Powers Agreement Establishing the Monterey Bay Community Power (MBCP) Authority, Authorizing the City Council to Execute the Agreement on Behalf of the City of San Juan Bautista and Adopting California Environmental Quality Act (CEQA) Exemption Findings

ii. Letter of Credit

Staff presented a report. There was no public comment.

A motion was made by Vice Mayor West and seconded by Council Member Boch to approve Resolution 2017-04, approving the Joint Powers Agreement establishing the Monterey Bay Community Power (MBCP) Authority, authorizing the City Council to execute the agreement on behalf of the City of San Juan Bautista and adopting CEQA Exemption Findings. The motion passed unanimously, 5-0.

Whereupon, a five minute break was taken.

A. Copperleaf Subdivision Project

i. Information Requested by Council Member DeVries

Council Member DeVries posed questions to staff and the City Attorney regarding the

materials he requested and received. During public comment David Medeiros asked that clarification be provided on why the questions were being asked.

ii. Consider Resolution 2017-05 Approving the Final Map of the Copperleaf Subdivision, Tract No. 337 Together with Subdivision Agreement in Accordance with the SJBMC Chapter 10-2: CEQA Compliance, Adopted Mitigated Negative Declaration Resolution 2016-31 and 2016-57

Staff provided a report. A question and answer period followed. There was discussion about whether the developer was made to comply with Government Code Section 66458 relating to inclusionary housing, or Section 11-9-5 of the SJB Municipal Code. Copperleaf Attorney Norm Matteoni commented that the Planning Commission did not debate inclusionary housing, and all that was assumed to apply does apply. Copperleaf Representative Kathy Oestrike commented that the map was planned the same way Rancho Vista and Meritage planned theirs. City Attorney Mall suggested an agreement with the developer be developed that includes an inclusionary housing agreement.

Mayor Martorana opened the public hearing. Jaclyn Morris spoke against the project. Whereupon, Mayor Martorana voiced his displeasure with how staff had handled this project with both the Planning Commission and the City Council. There being no other comments from the public, Mayor Martorana closed the public hearing.

A motion was made by Council Member DeVries and seconded by Council Member Freeman to disapprove the final map citing nonconformance with Government Code Sections 66473 and 66458, failure to comply with inclusionary housing. The motion failed 2-3-0-0 with Council Members Martorana, Boch and West voting against.

A motion was made by Vice Mayor West and seconded by Council Member Boch to approve Resolution 2017-05 approving the final map of the Copperleaf Subdivision, Tract No. 337 together with a Subdivision Agreement and in Accordance with the SJBMC Chapter 10-2. The motion passed 3-2-0-0 with Council Members DeVries and Freeman voting against.

C. Approve Resolution 2017-06 Entering into an Agreement with iWorQ for Community Development Software, and Authorize the City Manager to Sign the Agreement

Staff presented a report. There was not public comment.

A motion was made by Council Member Boch and seconded by Council Member Freeman to enter into an agreement with iWorQ for Community Development Software, and approve Resolution 2017-06 authorizing the City Manager to sign the agreement. The motion passed unanimously, 5-0.

8. DISCUSSION ITEMS

A. Seniors Council on Aging Representative

Mayor Martorana appointed Council Member Boch as the City's representative to the Seniors Council on Aging.

B. Curb Painting Schedule Citywide

Mayor Martorana asked to continue this item until the weather changes.

C. Work with San Juan/Aromas School District on Joint Use of School Basketball Courts After Hours. Includes Sharing of Insurance Costs

Council Member Freeman asked to continue this item to next month.

9. COMMENTS

A. City Council

Council Member Freeman commented that some Boy Scouts are not happy with being kicked out of the Boy Scout Hall.

B. City Manager

No comments were received.

C. City Attorney

City Attorney Mall informed the council that a motion for appeal to the Court of Appeals in San Jose was filed on the service station project; they are asking \$440,000 for attorney fees plus additional for difficulty involved, and the project will be held up until the end of the appeal.

11. Adjournment

The meeting was adjourned at 8:45 p.m.