

**CITY OF SAN JUAN BAUTISTA
REGULAR CITY COUNCIL MEETING
APRIL 16, 2019
MINUTES**

1. **CALL TO ORDER** –Mayor Flores called the meeting to order at 6:00 P.M.

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

ROLL CALL Present: Mayor Flores, Vice Mayor Edge, Council Members
Freeman and Jordan

Absent: Council Member DeVries

Staff Present: Interim City Manager Tewes, City Attorney Mall, City Clerk
Cent, Associate Planner Kennedy, City Engineer
Fernandez, Fire Marshal Bedolla

2. PUBLIC COMMENT

Sonne Reyna commented that the California Indian Market had been mistreated. Elayne Reyna commented that the California Indian Market came to San Juan Bautista 35 years ago. Jackie Morris-Lopez spoke in favor of the California Indian Market and felt they were not treated well, and the community was going in the wrong direction. She also spoke in favor of undoing the three stops signs near the Copperleaf Development and the three stop signs by the Mission Garden Apartments because they were not legal; they should be redone the correct way with studies.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Minutes for the March 19, 2019 Regular Meeting

C. Approve Minutes for the March 19, 2019 Special Meeting

D. Approve Resolution 2019-12 for Street Closure for Early Days

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

F. Approve Resolution 2019-13 Ordering Preparation of an Engineer's Report for Fiscal Year 2019-20 for Valle Vista Landscape and Lighting Maintenance Assessment District No. 1

Council Member Jordan made a motion to approve all matters listed in Item 3 Consent Items enacted in one motion. Second by Council Member Freeman. Motion passed 4-0 with Council Member DeVries absent.

At this point of the meeting, Mayor Flores went to Item 5E.

5. ACTION ITEMS

E. Consider a Letter of Support for AB 1783, Farmworker Housing Bill

Assemblymember Robert Rivas presented his bill, AB 1783 – Farmworkers Housing Bill and provided an update as the District 30 Assembly person. He introduced Amy McElroy, staff member in his local office. Council Members asked questions of

Assemblymember Rivas regarding AB 1783. Council Member Freeman made a motion to authorize a Letter of Support for AB 1783. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

At this point of the meeting Mayor Flores returned to Item 4.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation National Public Works Week

Mayor Flores read the National Public Works Week Proclamation to those assembled.

B. Peak Day Proclamation

Mayor Flores read the Fremont Peak Day Proclamation and presented it to Georgana Gularte.

C. Monthly Financial Statements

Interim City Manager Tewes offered to address any questions. There was no public comment. There were no questions from Council Members.

D. City Manager's Report

Interim City Manager Tewes gave a report including the long-term water strategy for the City. There was no public comment. Council Members asked questions regarding San Juan Bautista's water quality.

E. Building and Planning Report

Associate Planner Kennedy presented the report. Interim City Manager Tewes answered questions from Council Members regarding items listed on the report as did Associate Planner Kennedy. Vice Mayor Edge asked Associate Planner Kennedy to follow up on No. 12 Code Enforcement, specifically parking at the pepper tree on Washington Street as drivers sometimes block the street. There was no public comment.

At this point of the meeting, Mayor Flores went to Item 4G.

G. Strategic Plan Committee Report

Strategic Plan Committee Secretary Kennedy had no report as the Strategic Plan Committee did not meet on April 4, 2019. There was no public comment.

At this point in the meeting, Mayor Flores went to Item 4F.

F. Reports from City Council Appointees to Regional Organizations and Committees

Council Member Freeman reported on the Intergovernmental Meeting. Vice Mayor Edge reported on the Leadership Meeting on Homelessness. Mayor Flores reported on the COG meeting. There was no public comment.

5. ACTION ITEMS

A. Confirm Appointments to Planning Commission

City Attorney Mall reviewed her staff report. There was discussion between Council Members and staff regarding appointing members of the Planning Commission in the future. At this time in the meeting, members of the City Council came over to the City

Clerk's desk in order to examine and identify with their name the first round of ballots from the appointment of the Planning Commission at the December 18, 2018 Regular City Council meeting. After identifying their ballots, City Clerk Cent read the results: Mayor Flores marked Yolanda Delgado, Luis Matchain and David Medeiros. Vice Mayor Edge marked Yolanda Delgado, Luis Matchain and David Medeiros. Council Member Freeman marked Darlene Boyd, Nicole Franco and Luis Matchain. Council Member Jordan marked Cherie Foletta, Luis Matchain and David Medeiros. The remaining ballot was assumed to belong to Council Member DeVries by process of elimination and it was marked Darlene Boyd, Cherie Foletta and Nicole Franco. City Clerk Cent announced the results of the first round of identified ballots: four (4) X in favor of Luis Matchain, three (3) in favor of David Medeiros, two (2) in favor of Nicole Franco, two (2) in favor of Cherie Foletta, two (2) in favor of Yolanda Delgado and two (2) in favor of Darlene Boyd. The appointment of Luis Matchain and David Medeiros to the Planning Commission was confirmed. There was a four-way tie for the third appointment between Nicole Franco, Cherie Foletta, Yolanda Delgado and Darlene Boyd. Again, the members of the City Council came over to the City Clerk's desk to examine and identify with their name the second round of ballots from the appointment of the Planning Commission at the December 18, 2018 Regular City Council meeting. After identifying their ballots, City Clerk Cent read the results: Mayor Flores marked Yolanda Delgado. Vice Mayor Edge marked Yolanda Delgado. Council Member Freeman marked Darlene Boyd. Council Member Jordan marked Cherie Foletta. The remaining ballot was assumed to belong to Council Member DeVries by process of elimination and it was marked Darlene Boyd. City Clerk Cent announced the results of the second round of identified ballots: two (2) X in favor of Darlene Boyd, two (2) in favor of Yolanda Delgado, one (1) in favor of Cherie Foletta and none (0) in favor of Nicole Franco. Again, the members of the City Council came over to the City Clerk's desk in order to examine and identify with their name the third round of ballots from the appointment of the Planning Commission at the December 18, 2018 Regular City Council meeting. After identifying their ballots, City Clerk Cent read the results: Mayor Flores wrote down Yolanda Delgado. Vice Mayor Edge wrote down Yolanda Delgado. Council Member Freeman wrote down Darlene Boyd. Council Member Jordan wrote down Yolanda. The remaining ballot was assumed to belong to Council Member DeVries by process of elimination and it had Darlene written on it. City Clerk Cent announced the results of the third round of identified ballots: three (3) in favor of Yolanda Delgado, and two (2) in favor of Darlene Boyd. The appointment of Yolanda Delgado to the Planning Commission was confirmed. There was no public comment. Vice Mayor Edge made a motion to approve the amended Minutes for the December 18, 2018 Regular Meeting of the City Council and to confirm the appointments of Luis Matchain, David Medeiros and Yolanda Delgado to the Planning Commission. Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

B. Designate Muckelemi, Third Street and Polk Street Pavement Rehabilitation Project as the City's Priority Project under the State's Road Repair and Accountability Act of 2017 and Measure G

Interim City Manager Tewes presented the staff report. He and City Engineer Fernandez of Harris & Associates responded to questions. Public comment was

received from Rachel Ponce about the short sections of Third Street and the speed tables on Fourth Street. Council Member Freeman made a motion to approve Resolution 2019-14 designating Muckelemi Street, Third Street and Polk Street Pavement Rehabilitation Project as the City's Priority Project under the State's Road Repair and Accountability Act of 2017 (SB1) and Measure G and added that staff look at sharing mobilization costs and other costs with the County. Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

At this point of the meeting, Mayor Flores went to Item 5l.

I. Introduce an Ordinance for Smoke Free Outdoor Dining in the City

City Attorney Mall reviewed her report and stated this is the first reading of the Ordinance. The second reading of the Ordinance will be at the May 2019 Regular City Council Meeting. Mayor Flores asked about vaping be added to the Ordinance. Public comment was received from Laura Calderon of San Benito County Public Health Department thanking the City for its time and money put into writing the Ordinance. She then went over the Questions & Answers she distributed before the meeting. Vice Mayor Edge asked that vaping be added to the Ordinance. Rachel Ponce felt that the Ordinance needed some teeth and gave an example of smoke drifting from one business to another. Jackie Morris-Lopez commented that business owners have rights to control their businesses. Vice Mayor Edge made a motion to Introduce an Ordinance for Smoke Free Outdoor Dining in the City. Second by Council Member Jordan, adding to revisit the Ordinance as a whole. Motion passed 4-0 with Council Member DeVries absent.

C. Approve Amendment to Contract with Harris & Associates for Engineering Services through December 31, 2019

Interim City Manager Tewes reviewed his report. There was no public comment. Vice Mayor Edge made a motion to approve Resolution 2019-18 Amending the Contract with Harris & Associates for Engineering Services through December 31, 2019. Second by Council Member Freeman. Motion passed 4-0 with Council Member DeVries absent.

D. Approve Resolution 2019-15 Approving Issuance of a Proposition 218 Notice for Proposed Maximum Allowable Solid Waste Collection Rates Adjustment

Kevin McCarthy and Kathleen Gallagher, representing San Benito County Integrated Waste Management, presented their report. Council Member Freeman asked why compressed natural gas was not being used to fuel the trucks. Kevin McCarthy and Phil Couchee, General Manager of Recology San Benito County, responded that the new trucks use renewable diesel. There was no public comment. Council Member Jordan made a motion to approve Resolution 2019-15 Approving Issuance of a Proposition 218 Notice for Proposed Maximum Allowable Solid Waste Collection Rates Adjustment. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

F. Consider Declaring Abatement of Certain Properties and Noticing a Public Hearing

Fire Marshal Charlie Bedolla reviewed his report. Thirty-eight lots have been identified and notices will be sent. A public hearing will be held on Tuesday, May 21, 2019, to hear objections to abatement orders. Interim City Manager Tewes explained that the City should bid out the abatement work, at an hourly rate plus an administration fee. Council Member Jordan made a motion to adopt Resolution 2019-16 Declaring Abatement of Certain Properties and Noticing a Public Hearing. Second by Council Member Freeman. Motion passed 4-0 with Council Member DeVries absent.

G. Adopt a Surcharge for Updating the General Plan and Elements of the General Plan

Associate Planner Kennedy reviewed the staff report which recommended a 3% surcharge and provided a hand-out listing the General Plan Surcharge Percentage for surrounding jurisdictions. Council Member Freeman proposed increasing the surcharge to 5%. There was no public comment. Council Member Freeman made a motion to approve Resolution 2019-17 Setting General Plan Surcharge Fees, with the amendment of 3% to 5%. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

H. Approve Transfer of \$2.0 million into LAIF

Interim City Manager Tewes reviewed his report. Council Members asked questions and discussed current bank fees with Union Bank and possibly transferring \$4.0 million into LAIF. There was no public comment. Vice Mayor Edge made a motion to approve the transfer of \$2.0 million into LAIF (Local Agency Investment Fund). Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

6. DISCUSSION ITEMS

A. Establish a Regional Traffic Impact Fee

Interim City Manager Tewes gave a report and provided a hand-out with proposed Regional Transportation Impact Mitigation Fee compared to the current San Juan Bautista Traffic Impact Fee. Council Member Freeman gave direction to staff to provide an update with money going to San Juan Bautista and not COG. Mr. Tewes reported that an update is required by Measure G; a nexus study is needed and should be included in the budget. There was no public comment.

B. Dig Once Policy

Council Member Freeman presented materials regarding a Dig Once Policy for the City, and asked that internet service providers receive a notice when the street would be open and they can add buried lines. There was no public comment. A subcommittee was created with Council Member Freeman and Vice Mayor Edge as members, to develop steps, notifications regarding digging, and later agenized a policy.

7. COMMENTS

A. City Council

Council Member Jordan commented on the Fourth Street tabletop project and WELL Conference she attended. Mayor Flores and Vice Mayor Edge made comments about water meters being installed properly to prevent incorrect readings.

B. City Manager

No comments received.

C. City Attorney

No comments received.

8. CLOSED SESSION

A. Public Employee Appointment/Employment – Title: City Manager Pursuant to Government Code 54957

There was no public comment. The closed session began at 8:52 P.M. At the conclusion City Attorney Mall announced no reportable action taken.

9. ADJOURNMENT

The meeting was adjourned at 9:07 P.M.



César E. Flores, Mayor

ATTEST:



Laura Cent, City Clerk