

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
OCTOBER 18, 2016
MINUTES**

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

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

B. ROLL CALL Present: Mayor Lund, Vice Mayor Edge, Council Members Martorana, Boch and West

Staff Present: City Manager Grimsley, Deputy City Clerk Paetz, City Attorney Mall

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comments were received.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Resolution 2016-XX for Street Closures (Dia de Los Muertos, Williams Ltd., and Double Road Race)

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

E. Approve Minutes for July 19, 2016 Council Meeting

F. Approve Minutes for the August 16, 2016 Council Meeting

G. Approve by Consensus Re-Appointment of Three Members to the Youth Commission and Extend Recruitment for New Members Through November 2016

H. Approve Minutes for the September 20, 2016 Council Meeting

A motion was made by Council Member Boch and seconded by Council Member West to approve all items on the Consent Agenda with minor changes to the September 20 minutes. The motion passed unanimously, 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation Honoring National Philanthropy Day, November 15, 2016

Vice Mayor Martorana read the proclamation.

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

A representative of the Sheriff's department was not present, and a written report was not available. There was no public comment.

D. 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.

E. Library Report

Council received a report. There were no public comments.

F. Administrative Report

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

G. Public Meetings and City Council Committee Reports

Reports received.

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

Council heard a report from Neighborhood Watch Chairman Eric Gredassoff.

5. PUBLIC HEARING ITEMS

A. Fuel Station, Convenience Store, and Quick Serve Restaurant at 404-406 The Alameda.

i. Consider Approving Resolution 2016-47 for the approval and adoption of the revised Mitigated Negative Declaration (MND) for the Service Station, Convenience Store, and Quick Serve Restaurant at 404-406 The Alameda

ii. Consider Approving Resolution 2016-48 Approving the "Project", set forth above.

Mayor Edge explained that only the noise element of the Mitigated Negative Declaration was up for discussion and comment. Whereupon, City Attorney Deborah Mall interjected that the Council will hear all public comment and keep their minds open. Harvey Dadwal's attorney Anthony Lombardo explained the court ruled that one of two paragraphs of the MND, dealing with noise, was defeated and new conditions of approval are provided. Vice Mayor Martorana asked City Attorney Mall to explain page 54 of the revised MND. City Attorney Mall responded that it applies to noise during the construction period. Mayor Edge opened the public hearing. Ray Sanchez provided written comments against the project. John Hopper spoke against the project. Dan DeVries spoke against the project. Nick Morietta spoke against the project. Jolene Cosio spoke in support of the project. Max Hori reads from his written public comment against the project. Additional public comments were read into the record came from Carl Leaver (against), Alfonso Castillo (against), Jackie Morris-Lopez (against) and Tod DuBois (supporting the project). Attorney Lombardo further explained contributions to the community from the gas station, for example, competition for the Valero station, and

a mini mart that will provide access to groceries after Windmill Market has closed. Mayor Edge closed the public hearing. Mayor Edge commented that the increase in the amount of traffic in that area is on account of the Hacienda de Leal but the project will not result in an increase in trucks turning onto The Alameda as this is not a truck stop, and the recent pedestrian fatality (guest of Hacienda de Leal) was wearing dark clothes and crossing against traffic. Vice Mayor Martorana stated he supports the project. Council Member Boch commented that vehicles speed down Mission Vineyard to get half mile in front of traffic on Highway 156 has nothing to do with this project. Council Member Lund commented the service station applicant pays impact fees for advertising and signage, this Council does not want formula business, and if allowable noise levels during construction are broken, penalties will be applied. Council Member West commented that legally Dadwal has a right to do this project. Mayor Edge commented that this project is a way to capture money that is zipping past our town; we want people to visit, spend their time and money and then leave. City Manager Grimsley commented that the project will include a visitor center.

A motion was made by Council Member West and seconded by Vice Mayor Martorana approving Resolution 2016-47 adopting the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program for Project DR 2014-101 and CUP 2014-101, 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 West and seconded by Council Member Boch to approve Resolution 2016-48 denying an appeal filed February 11, 2014 by Dan DeVries on behalf of Leal Vineyard Inc., of Planning Commission approval of Use Permit Application No. CUP 2014-11 and Design Review Application No. DR 2014-11 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 de novo public hearings. The motion passed unanimously, 5-0.

6. ACTION ITEMS

A. Planning Commission

- i. Accept Resignation Eric Gredassoff from the Planning Commission and Present Recognition**
- ii. Accept Resignation of Lorraine Coke from the Planning Commission and Present Recognition**
- iii. Appoint New Planning Commissioners**

Council accepted the resignations of Commissioners Gredassoff and Coke and continued appointments to the next meeting.

B. Rancho Vista Subdivision

- i. Approve Resolution 2016-50 Approving a Final Subdivision Map for Phases 1, 2, 3, and 4**

City Manager Grimsley provided a report. There was discussion about improvements to First Street from the project to the County line and plans for a roundabout. During public comment John Hopper commented there needs to be an EIR for these projects. John

Freeman commented the City needs a “dig once” policy as a means to plan ahead. Council Member West commented an EIR is not needed when there is a mitigated negative declaration. City Attorney Mall commented the EIR that was done for the General Plan is the EIR for the City. Applicant Bob Fulton introduced Mark Currington of Meritage Homes, the builder. Mark commented the sales pace is 4 to 6 homes per month and, in reference to the “dig once” policy, there will be conduit to the homes. Council Member Lund commented looking at projects enables Council to see what we need from developers so the rest of the community doesn’t have to do it.

A motion was made by Council Member Boch and seconded by Council Member West to approve Resolution 2016-50 approving the Final Map of Rancho Vista Subdivision, Tract No. 322, Phases 1, 2, 3, and 4, with supporting documents and fees in accordance with the SJBMC Chapter 10-2. The motion passed unanimously, 5-0.

Whereupon, a ten minute break taken at 8:10 p.m.

C. Hillside Vistas Subdivision (Formerly D’Ambrosio Vistas)

i. Approve Resolution 2016-51 Approving a Final Subdivision Map for Phase 1

City Manager Grimsley provided a report. During public comment John Hopper commented this project needs an EIR for flora and fauna. Council Member West responded that an EIR is not needed, the mitigated negative declaration takes care of it. Vice Mayor Martorana commented the City needs to educate the public on the MND process. Council Member Boch commented on the Council’s past work on impact fees.

A motion was made by Council Member West and seconded by Vice Mayor Martorana to approve Resolution 2016-51 approving the final map of Hillside Vistas, Tract No. 334, Phase 1 with supporting documents and fees in accordance with the SJBMC Chapters 10-2 and 11-5. The motion passed unanimously, 5-0.

D. Set Date for Hearing on Copperleaf Project Appeal

It was the consensus of the Council to set November 1, 2016 as the date for the hearing for the Copperleaf Project appeals (two). During public comment, Eric Gredassoff stated he would submit his comments. John Hopper commented there was an error in the process and it should be a lesson to Council, and the City Attorney should be at the Planning Commission meetings.

E. Consider Resolution 2016-52 approving a quit claim deed for Elite Developments Inc. and Authoring the Mayor to Sign

City Manager Grimsley provided a report. A question and answer period followed. No public comment was received.

A motion was made by Council Member West and seconded by Vice Mayor Martorana to approve Resolution 2016-52 and summarily vacate an abandoned sanitary sewer and water easement to Elite Development Inc. and authorizing the mayor to execute the quitclaim deed. The motion passed unanimously, 5-0.

F. Approve Amendment to the Personnel Policies dealing with cell phone use.

This item was continued.

G. National Philanthropy Day: November 15, 2016

i. Recognize Shawna Freels

ii. Consider Rescheduling Council Meeting

It was the consensus of the Council to reschedule the regular council meeting in November to Thursday, November 17 so Council Member Lund could be present at the National Philanthropy Day dinner at San Juan Oaks.

7. DISCUSSION ITEMS

A. State Water Resources Control Board Compliance Order

City Manager Grimsley provided Council with copies of the Compliance Order. During public comment, Jolene Cosio asked for clarification. There was discussion.

B. Construction Inspection Services

City Manager Grimsley reported, with all the new development in the City, there is a need for a construction inspector. Staff will bring a job description and salary range for the position to Council at the next meeting. There was discussion. No public comments were received.

C. Water Consultant Services

City Manager Grimsley provided a report stating staff has received a contract proposal from Kennedy Jenkins. There was discussion. No public comments were received.

8. COMMENTS

A. City Council

No comments were received.

B. City Manager

No comments were received.

C. City Attorney

No comments were received.

11. Adjournment

The meeting was adjourned at 9:32 p.m.

Rick Edge, Mayor

ATTEST:

Deputy City Clerk Trish Paetz