

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
SEPTEMBER 19, 2017
MINUTES**

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

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

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

Absent: Mayor Martorana

Staff Present: Interim City Manager Orbach, City Attorney Mall and Deputy City Clerk Paetz

Whereupon, Council and the City Attorney went into closed session. Open session resumed at 6:36 p.m.

2. CLOSED SESSION

A. Public Employee Appointment/Employment – Interim City Manager

City Attorney Mall stated during closed session there was no reportable action taken and there would be further discussion on this topic later in the agenda.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Rachel Ponce was concerned with Fourth Street speeders, stating they are affecting the safety and quality of life of the community. Rosemary Apodaca, Linda Lopez, Dan Dwyer, Manual Argolo, Richard Larios, Jackie Morris Lopez, Mirijana Tomas and Heidi Balz were concerned with Fourth Street speeders. Bob Quaid commented that the speeders are coming off Hwy. 156 where there is construction and traveling down Fourth Street to get back on Hwy. 156 at The Alameda. Council Member DeVries suggested this subject be handled by the Planning Commission. Council Member Boch commented Fourth Street needs four speed bumps installed. Bob Quaid commented on San Benito County's new water treatment plant and asked if San Juan Bautista could benefit from the County's new water treatment plant. Vice Mayor West requested this item be placed on the next regular meeting agenda.

4. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C Consider Resolution 2017-13 for Street Closure for a Car Show

D. Approve Minutes of August 15, 2017 Meeting

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

A motion was made by Council Member Boch and seconded by Council Member Freeman to approve all items on the consent agenda. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

5. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Treasurer's Report

Review of the Treasurer's report was delayed pending the arrival of City Treasurer Geiger.

B. Sheriff's Report: Monthly Activity

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

C. Level One Security Report

A written report was available. There were no public comments.

D. Fire Chief's Report

A representative of the Fire Department was not present, and a written report was available. During public comment, Rachel Ponce commented that the fire truck was parked in a red zone on Fourth Street, blocking the intersection.

E. Library Report

Council received a report. There were no public comments.

F. Administrative Report

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

G. City Council Committee Reports

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

H. Strategic Plan Committee Report

Committee Member John Freeman reported on the upcoming Make a Difference Day. There were no public comments.

Whereupon, a motion was made by Council Member DeVries and seconded by Council Member Freeman to move Discussion Item 8D up in the agenda. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

Discussion Item 8D. Novitiate Use of Community Center

City Attorney Mall reported the Diocese has approved an acoustics renovation in the Community Center if they decide to use the center for masses while the chapel is under renovation. Mission Architect Brett Brenkwitz commented they have not moved ahead with a parking lot proposal yet but want to begin testing the acoustics. This item is continued to next month.

6. PUBLIC HEARING ITEMS

A. Consider an Ordinance Amending Title 10 of the SJBMC by Adding Chapter 10-8 to Provide an Expedited Permit Process for Electric Vehicle Charging Systems

City Attorney Mall provided a report stating Assembly Bill 1236, adopted in October 2015 added Government Code Section 65850.7 to require jurisdictions with a population of less than 200,000 to establish procedures for expedited, streamlined processes for permitting of electric vehicle charging stations. Under section 65650.7, a jurisdiction must adopt an ordinance for the expedited, streamlined process on or before September 30, 2017. Vice Mayor West opened the public hearing. No comments were received. Vice Mayor West closed the public hearing.

A motion was made by Council Member Freeman and seconded by Council Member Boch to approve the environmental review for an ordinance amending Title 10 of the municipal code to provide an expedited permit process for electric vehicle charging systems. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

A motion was made by Council Member Freeman and seconded by Council Member Boch to introduce an ordinance amending Title 10 of the municipal code by adding Chapter 10-8 to provide an expedited permit process for electric vehicle charging systems. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

B. Consider an Ordinance Adding Chapter 5-14.6 to the SJBMC to Ban Marijuana Sales, Cultivation and Delivery

City Attorney Mall provided a report stating: Proposition 64, the Adult Use of Marijuana Act (AUMA) was passed by the voters, last November. AUMA legalized the commercial sale, use and cultivation of marijuana. If the City wants to ban commercial sales and cultivation of non-medicinal marijuana, the ordinance currently in place must be revised. The State will not issue licenses for such marijuana businesses until January 1, 2018. The AUMA expressly recognizes the authority of local governments to adopt reasonable cultivation regulations, which may include a complete ban on dispensaries and private outdoor cultivation. Recent changes to State law have merged the types of licenses required for commercial adult-use cannabis activity and commercial medicinal cannabis activity, including those operations for which licenses may be obtained. Cities can choose to allow all, some, or none of the commercial cannabis licenses, which span the supply chain from cultivation and manufacturing to testing, distribution, and retail sales.

At the last City Council meeting the City Council conceptually reviewed a draft ordinance and directed staff to conduct environmental review and provide the ordinance to the Planning Commission. The Planning Commission reviewed the ordinance and environmental review and recommended approval on September 5, 2017, via Resolution 25.

Vice Mayor West opened the public hearing. Cara Vonk was concerned with delivery. Vice Mayor West closed the public hearing.

A motion was made by Council Member Boch and seconded by Council Member DeVries to accept the environmental review for an ordinance banning marijuana sales, cultivation and delivery. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

A motion was made by Council Member Boch and seconded by Council Member Freeman to introduce an ordinance adding Chapter 5-14.6 to the municipal code, banning marijuana sales, cultivation and delivery. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

7. ACTION ITEMS

A. Consider Change to Youth Commission Ordinance Decreasing Membership to Seven

Youth Commission Adult Adviser Angela Olivier recommends reducing the size of the Commission. This will allow the group to continue their work without facing difficulties of having too few members to hold a meeting. A 7-member body is recommended as this is the average number of continuous members during the last 2 1/2 years. The Strategic Planning Committee supports the recommendation. No public comments were received.

A motion was made by Council Member DeVries and seconded by Council Member Freeman to introduce an ordinance amending Article 2 of Chapter 2-3 of the municipal code entitled "Youth Commission," reducing the size of the Commission to a seven member body. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

B. Consider Contract with Bryant L. Jolley for Financial Audit

Interim City Manager Orbach provided a report. No public comments were received.

A motion was made by Council Member Freeman and seconded by Council Member DeVries to approve Resolution 2017-32 awarding a contract for independent auditing services to Bryant L. Jolley, CPA. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

C. Consider Priority List of Road Repairs for Funding Under SB1

Interim City Manager Orbach provided a report. No public comments were received.

Council directed staff to provide a supplemental budget for SB1.

D. Selection of Volunteer to Honor on National Philanthropy Day (November 15)

Council Member DeVries proposed honoring San Juan Bautista residents Marina and Erik Gordon at the National Philanthropy Day event for their work with stray cats and kittens. No public comments were received.

A motion was made by Council Member DeVries and seconded by Council Member Freeman to honor Marina and Erik Gordon on National Philanthropy Day, November 15, 2017. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

E. Employment of Interim City Manager

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i. Consider Amendment to the Fiscal Year 2017-2018 Budget for Employment of Interim City Manager

City Attorney Mall reported \$11,500 can be allocated each month for a city manager and city engineer by defunding the previous city manager salary, defunding the engineering technician position, and defunding the vacant grant writer position. Staff proposes hiring an interim city manager for 32 hours/week at \$50/hr. No public comment was received

A motion was made by Council Member Freeman and seconded by Council Member DeVries to adjust the Fiscal Year 2017-2018 budget for employment of an Interim City Manager. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

ii. Direct the City Attorney to Draft a Contract for Services of the Interim City Manager and Authorize the Mayor to Execute Said Contract

Whereupon, Council Member Freeman introduced Interim City Manager candidate Edward Tewes.

A motion was made by Council Member DeVries and seconded by Council Member Freeman to direct the City Attorney to draft a contract for employment services for Edward Tewes and authorize the mayor to sign the contract. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

During public comment Jackie Morris requested clarification of the events leading to Mr. Tewes' arrival. Mr. Tewes responded that he was Interim City Manager for the City of Gilroy, and Gilroy City Clerk Shawna Freels provided him with the mayor's contact information. Cara Vonk commented she is sorry Matt Orbach has chosen to leave the City.

F. City Engineer Services Agreement

i. Consider Amendment to the Fiscal Year 2017-2018 Budget for Services Agreement for City Engineer

ii. Authorize the Mayor to Execute an Agreement in Substantially the Form as Provided to Employ a Firm to Serve as City Engineer and Provide Related Services

Interim City Manager Orbach presented a report. A question and answer period followed. During public comment Jackie Morris was concerned with whether the contract city engineer would look at engineering issues with Meritage.

A motion was made by Council Member Freeman and seconded by Council Member Boch to authorize a city engineer services contract to 4Leaf and authorize the mayor to sign the contract. The motion passed unanimously, 4-0-0-1 with Mayor Martorana absent.

G. Set Date for Budget Revision Study Session

This item was continued.

8. Discussion Items

A. Hiring a City Manager – Ad Hoc Committee Report

Council Member Freeman reported there were five applicants to consider but one dropped out. During public comment Bob Quaid asked if the interviews would be

conducted in closed session.

B. City Park Master Plan – Ad Hoc Committee Report

Council Member DeVries reported there was a brainstorming session with 20-30 people at the Kick-off meeting at Vertigo, and he will provide a report in October. During public comment Heide Balz asked whether installation of a bathroom at Verutti Park would fall under this committee's purview, and the response is yes.

C. Impact Fees – Ad Hoc Committee Report

This item was continued to next month.

D. Novitiate Use of Community Center

This item was discussed earlier in the agenda.

9. COMMENTS

A. City Council

Council Member DeVries spoke in appreciation of Matt Orbach.

B. City Manager/Community Development Director

Interim City Manager Orbach thanked the Council.

C. City Attorney

City Attorney Mall stated she would negotiate further with the Diocese for the Mission parking lot.

8. Adjournment

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