

**SAN JUAN BAUTISTA CITY COUNCIL
OFFICIAL MEETING MINUTES
JANUARY 24, 2023**

1. CALL TO ORDER

Mayor Jordan called the meeting to order at 6:01 p.m. in the Council Chambers.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Pro Tem John Freeman
Councilmember Scott Freels
Councilmember Jackie Morris-Lopez
Councilmember EJ Sabathia
Mayor Leslie Q. Jordan

Staff Present:

Don Reynolds, City Manager
Robert Rathie, City Attorney
Norma Alley, Regional Governmental Services
Elizabeth Soto, CMC, CPMC, Deputy City Clerk

2. CEREMONIAL ITEMS

A. Swearing in of Elizabeth Soto as Deputy City Clerk and Administrative Services Manager
Mayor Jordan administered the oath of office to Deputy City Clerk/Administrative Services Manager Elizabeth Soto.

PUBLIC COMMENT

No public comment received.

CONSENT ITEMS

- A. Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of Local Emergencies in the City.
- B. Approve the Affidavit of Posting Agenda
- C. Approve the Affidavit of Posting Public Hearing Notice
- D. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving the City of San Juan Bautista Debt Management Policy
- E. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title

No public comment received.

MOTION:

Upon motion by councilmember Sabathia, second by Mayor Pro Tem Freeman, the consent agenda, items A-E was approved. AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan. NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

PRESENTATIONS, PROCLAMATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation for San Benito County LULAC for their 35th Anniversary

Mayor Jordan presented Mary Edge with a proclamation recognizing LULAC's 35th Anniversary.

B. Proclamation for Black History Month

Mayor Jordan proclaimed February 2023 as Black History Month.

C. City Council and Staff Announcements

Council announced upcoming events and reported on previous events/happenings attended.

D. Reports from City Council Representatives to Regional Organizations and Committees and Report by Attendees to League of California Cities New Council Academy

City councilmembers reported on meetings they attended.

E. Treasurer's Report and Monthly Financial Statements

City Accountant Wendy Cummings, CPA, provided a brief overview on the financial report and fielded questions from the Council.

The following member of the public commented on the report:

Ida Pisano

F. City Manager's Report

a. Fire Department Update

b. Sherriff Department Update

Hollister Fire Chief Bob Martin Del Campo provided a brief update regarding fire department activities and happenings.

City Manager Don Reynolds provided a brief report, accompanied by a PowerPoint, regarding city activities and fielded questions from the City Council.

Councilmember Sabathia requested to receive more frequent updates rather than an overall summary on what is happening with the Urban Growth Boundary/Sphere of Influence Subcommittee, specifically how does the city reconcile the desires of these property owners against what is best for the city; education and update on the Vacancy and Use Tax; and would like the Noise Ordinance be brought forward for the City Council.

Mayor Jordan requested an update on the Nuisance Property Ordinance.

PUBLIC HEARINGS

- A. Adopt an Ordinance Amending Chapter 5, Article 1 of the City of San Juan Bautista Building Code, and adopting the California Building Standards Code 2022 Edition of the California Fire Code and Appendices Title 24, Part 9. *(Continued to the next meeting)*
- B. Adopt an Ordinance Amending Chapter 5, Article 1 of the City of San Juan Bautista Municipal Code regarding the Adoption of the 2022 California Building Codes and Related International Codes. *(Continued to the next meeting)*

ACTION ITEMS

A. Fiscal Year 2021-2022 Audit Presentation by Ryan Jolley; and Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting the San Juan Bautista Municipal Audit for Fiscal Year 2021-2022.

Bryant L. Jolley, Certified Public Accountant, provided an overview of the Fiscal Year 2021-2022 Audit and pointed that it was a clean audit where the audit they found the city's books and records to be in accordance with generally accepted accounting principles. Mr. Jolley fielded questions from the Council

No public comment received.

MOTION:

Upon motion by Mayor Pro Tem Freeman, second by Councilmember Freels, **RESOLUTION 2023-04** accepting the Fiscal Year 2021-2022 Audit Report for the City of San Juan Bautista was approved.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.
NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

B. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the City Manager to Execute a Professional Services Agreement with Citygate to Complete a Strategic Plan, Organizational Review, Fiscal Sustainability Update, and Public Safety Services Review.

City Manager Don Reynolds stated that in 2020, the city hired Citygate to facilitate a Strategic Plan, conduct an organizational Study, and evaluate the City's General Fund and Enterprise Funds. David DeRoos, Citygate provided a brief overview of the core project cost, and fielded questions from the Council.

No public comment received.

MOTION:

Upon motion by Councilmember Sabathia, second by Mayor Pro Tem Freeman, **RESOLUTION 2023-05** Authorizing the City Manager to Execute a Professional Services Agreement with

Citygate to complete a Strategic Plan, Organizational Review, Fiscal Sustainability Update, and Public Safety Services Review was approved.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.

NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

C. Select First Foundation Bank as the Interim Financing Lender for the Wastewater Treatment System Compliance Project and Adopt a Resolution Authorizing the City Manager to Commence Financing Negotiations and Drafting of Legal Documents for the \$14.6 Million Wastewater Revenue Bond Anticipation Notes/Line of Credit.

City Manager Reynolds introduced Dmitry Semenov with Ridgeline Municipal Strategies, who provided the report. The financing resolution and financing documents will be brought forth during the January 31, 2023 Council meeting for approval.

Received public comment

MOTION:

Upon motion by Councilmember Freels, second by Councilmember Morris-Lopez, approved to select First Foundation Bank as the Interim Financing Lender for the Wastewater Treatment System Compliance Project, and approve **RESOLUTION 2023-05** Authorizing the City Manager to Commence Financing Negotiations and Drafting of Legal Documents for the \$14.6 Million Wastewater Revenue Bond Anticipation Notes/Line of Credit was approved.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.

NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

D. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the City Manager to Execute an Agreement with Microvi Biotech Inc. for Water Treatment Services.

City Manager Don Reynolds provided the report and fielded questions from the Council.

No public comment received.

MOTION:

Upon motion by Councilmember Sabathia, second by Mayor Pro Tem Freeman, **RESOLUTION 2023-07** Authorizing the City Manager to Execute an Agreement with Microvi Biotech Inc. for Water Treatment Services was approved.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.

NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

Mayor Jordan recessed to a short break at 8:53 p.m., and convened at 9:00 p.m.

E. Appointments to Fill Planning Commission Vacancies based on Recommendations by Ad Hoc Committee Report.

Councilmember Sabathia and Mayor Jordan as part of the Ad Hoc Committee, reported on the process of interviewing the candidates and reviewed the questions that were asked of the five applicants.

The Ad Hoc Committee recommended Jose Aranda and Dave Medeiros to the Planning Commission for a four-year term, and Mishele Newkirk-Smith to a two-year term.

Councilmember Morris-Lopez expressed concern on the process of selecting candidates to serve on the Planning Commission.

Received comment from the following member of the public:
Yolanda Delgado

COUNCIL ACTION:

The City Council voted to appoint Jose Aranda and Dave Medeiros to the Planning Commission for a four-year term. AYES: Councilmembers: Freeman, Freels, Sabathia, and Mayor Jordan. NOES: Councilmember Morris-Lopez; ABSTAIN: None; ABSENT: None. Motion Carried.

COUNCIL ACTION:

The City Council voted to appoint Mishele Newkirk-Smith to the Planning Commission for a two-year term. AYES: Councilmembers: Freeman, Freels, Sabathia, and Mayor Jordan. NOES: Councilmember Morris-Lopez; ABSTAIN: None; ABSENT: None. Motion Carried.

City Attorney Rathie stated that the motion is not consistent with the advertisement; therefore, a motion to reconsider will need to be made, and advertised as a two-year term.

Two (2) Two-year term positions will be posted with a deadline to submit applications of Monday, January 30, 2023 at 5:00 p.m. Ad Hoc will meet and bring forth recommendations for two new members.

SUBSTITUTE MOTION:

Upon motion by Mayor Jordan, and second by Councilmember Sabathia to reconsider the appointment of Mishele Newkirk-Smith to a two-year term, readvertise for two (2) two-year terms; Ad Hoc Committee to bring back two recommendations based on applications received.

AYES: Councilmembers: Freeman, Morris-Lopez Sabathia, and Mayor Jordan. NOES: None; ABSTAIN: Councilmember Freels; ABSENT: None. Motion Carried.

F. Mayor's Selection of Representatives to Committees, Regional Boards, etc.

Mayor Jordan reviewed the vacant positions, and announced the appointments of the City Council to the Regional Boards and Committees.

No public comment received.

G. Adopt a Resolution of the City Council of the City of San Juan Bautista Affecting the Disposition of Parklets Pending Governors Action Lifting COVID State of Emergency.

City Manager Don Reynolds provided the report. On October 17, 2022, the Governor's Office announced that the COVID 19 State of Emergency will end on February 28, 2023, and the State will rely on ongoing, enhanced public health initiatives to drive down rates and severity of infection. On December 20, 2022, the City Council directed the City Manager to return with a resolution that would institute a revised policy affecting parklets that would go into effect at such time that the COVID State Of Emergency is lifted, currently scheduled for February 28, 2023.

Councilmember Freels asked what if the remaining parklets would pay for a fee. In response, City Manager Reynolds stated that staff would need to come back with a fee schedule.

Mayor Pro Tem Freeman stated that the city needs to have a firm fee schedule. Mayor Pro Tem Freeman further added that parklet owners receiving free space from the city should be charged for the space.

Councilmember Morris-Lopez asked for clarification on "certain parklets" as referred to in the Resolution. Councilmember Morris-Lopez further added that the feedback from her constituents is that they do not like the parklets of any kind. There are only three establishments that don't have any outdoor eating space.

Councilmember Sabathia stated that he would like to see "certain" defined, and asked for clarification on item number 4 of the Resolution, which states, "not to exceed \$750.00 for parklets." Councilmember Sabathia further added that if the city is taking away square footage that's been benefiting these businesses, how will they be fairly compensating.

Mayor Jordan asked about parking space rental fee and stated that was not discussed at the last meeting.

City Manager Reynolds stated that the city would compensate the parklet owners for the removal of the parklets. Staff did not consider compensating parklet owners for loss in floor space since the parklets were provided by the city during the pandemic. The parking spaces rental fee is a tool that other agencies use. It is a monthly fee for parklets in the downtown, based on the cost of the parking station. It is one model but the but the Council can direct staff to come back in February with another metric.

Received comments from the following members of the public:

In opposition for the removal of parklets

Patricia Bains

Heliena Walton

Christina Hastings

Councilmember comments:

Councilmember Freels commented that the Council voted to keep the parklets in place until the Thirds Street Masterplan, and would like to see this be brought back with more pertinent information.

Mayor Pro Tem Freeman commented that he echoed Councilmember Freels, stated that the city should into a parking policy and consider adding parking to the Thirds Street Masterplan.

Councilmember Morris-Lopez commented that during the pandemic parklets were strictly allowed for restaurants to ensure the six feet apart based on the California Public Health Department and the Center for Disease Control (CDC) recommendations. Councilmember Morris-Lopez further added that she felt strong about removing all of the parklets, these take away from the view of the historic buildings.

Councilmember Sabathia commented that his concern is liability and was concerned with the inconsistencies of how the Resolution is written.

Mayor Jordan commented that pandemic brought about parklets for hospitality, but the city further expanded to include retail parklets. Mayor Jordan stated that if the city retains the parklets, regardless of whether it is retail or hospitality, that staff come up with new versions as an Ordinance or a Resolution, and take into consideration that these are a potential liability.

Councilmember Freels requested the item be continued.

SUBSTITUTE MOTION:

Upon motion by Councilmember Sabathia, second by Councilmember Freels, the San Juan Bautista City Council directed staff to bring back the item in accordance with the discussion was approved.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.

NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

H. Adopt a Resolution of the City Council of the City of San Juan Bautista Acknowledging the Fire Department will Perform Inspection of Certain Occupancies Required Annually Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code and Authorize the Acceptance of Senate Bill No. 1205.

Fire Chief Bob Martin Del Campo and Fire Marshall Charlie Bedolla provided the report and fielded questions from the Council.

No public comment received.

MOTION:

Upon motion by Councilmember Freels, second by Mayor Pro Tem Freeman, **RESOLUTION 2023-08** Acknowledging the Fire Department will Perform Inspection of Certain Occupancies Required Annually Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code and Authorize the Acceptance of Senate Bill No. 1205 was approved.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.

NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

I. Adopt a Resolution of the City Council of the City of San Juan Bautista Adopting the 2022 San Benito County Multi-Jurisdictional Hazard Mitigation Plan (“HMP”)

City Manager Don Reynolds outlined 2022 San Benito County Multi-Jurisdictional Hazard Mitigation Plan (HMP). The plan was presented to the City Council and the Public Safety Committee in the fall of 2022.

No public comment received.

MOTION:

Upon motion by Councilmember Sabathia, second by Mayor Pro Tem Freeman, **RESOLUTION 2023-09** Adopting the 2022 San Benito County Multi-Jurisdictional Hazard Mitigation Plan (“HMP”) was approved.

No public comment received.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.

NOES: None; ABSTAIN: None; ABSENT: None. Motion Carried.

J. Introduce an Ordinance to Amend Sections 2-1-105 And 2-2-115(B) of the San Juan Bautista Municipal Code to Vest the Authority in the City Manager to Appoint the City Clerk.

City Manager Rathie provided the report and stated that, the City Clerk position has been an elected position. At the December 20, 2022 City Council meeting, the Council directed staff to bring forth an ordinance for consideration which would delegate to and vest authority in the City Manager to appoint, supervise, and exercise authority over the City Clerk.

No public comment received.

MOTION:

Upon motion by Councilmember Freels, second by Mayor Pro Tem Freeman, approve the introduction of the Ordinance to Amend Sections 2-1-105 And 2-2-115(B) of the San Juan Bautista Municipal Code to Vest the Authority in the City Manager to Appoint the City Clerk, and bring back for a second reading was approved.

AYES: Councilmembers: Freeman, Freels, Morris-Lopez, Sabathia, and Mayor Jordan.

NOES: None; ABSTAIN: None; ABSENT: None

DISCUSSION ITEMS

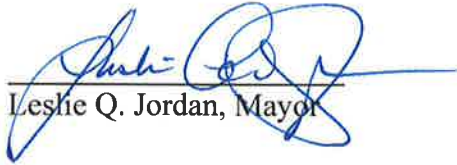
A. Receive an Update on Accepting Applications for Appointment of City Treasurer
City Manager Reynolds provided a brief update.

No public comment received.

ADJOURNMENT


There being no further business, Mayor Jordan adjourned the meeting at 10:50 p.m. Motion to adjourn by Councilmember Sabathia, second by Morris-Lopez.

APPROVED:



Leslie Q. Jordan, Mayor

ATTEST:



Elizabeth Soto, Deputy City Clerk