



City of San Juan Bautista

The "City of History"

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
311 Second Street
San Juan Bautista, California

TUESDAY ~ February 20, 2018

In compliance with the American with Disabilities Act, if you need special assistance to attend or participate in the meeting, please call the City Clerk's Office at (831) 623-4661, extension 13 at least 48 hours prior to the meeting.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 311 Second Street, San Juan Bautista, California during normal business hours.

1. Call to Order

6:00 PM

**Pledge of Allegiance
Roll Call**

2. Public Comment

The public may address the City Council on items not on the agenda during the "Public Comment" portion of the meeting. Persons wishing to address the City Council will be limited to three (3) minutes. Because the item is not on the agenda, the City Council can take no action on the matter in this meeting. The City Council will hear all public comments and then, if they so desire, they will make comments, ask for clarifications from staff, or request the item be placed on a future agenda for further discussion and/or action.

3. Consent Items

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Resolution 2018-XX for Street Closure for Easter Parade

D. Approve Minutes of December 19, 2017

E. Approve Minutes of January 16, 2018

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

4. Presentations, Informational Items and Reports

A. Treasurer's Report – City Treasurer Chuck Geiger

B. Monthly Construction Progress Report

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

D. Strategic Plan Committee Report

5. Public Hearing Items

A. Consider Updating Planning Department Application Fees and Certain Development Impact Fees; specifically, to include an administrative overhead surcharge to Planning application fees and to evaluate the current Traffic Impact, Park Impact, Public Safety Impact and Internet Technology Impact fees.

i. Staff Report: James Walgren, City Planner

ii. Open Public Hearing

iii. Close Public Hearing

iv. Possible Action:

Motions to approve Resolution 2018-XX of the City Council of the City of San Juan Bautista updating Planning Department application fees and certain development impact fees.

6. Action Items

A. Consider Increasing the Fiscal Year 2018 Budget for the Cost of Mailing Parks Locator Cards Sponsored by REACH

i. Staff Report: Ed Tewes, Interim City Manager

ii. Public Comment

iii. Possible Action:

Motion to allocate \$500 in the FY 2018 Budget to REACH for the cost of mailing parks locator cards.

B. Consider a Resolution Supporting SB 5, the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access For All Act of 2018

i. Staff Report: Ed Tewes, Interim City Manager

ii. Public Comment

iii. Possible Action:

Motion to adopt Resolution 2018-XX of the City Council of the City of San Juan Bautista Supporting SB 5, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

C. Introduction of an Ordinance Correcting Article 1, Section 3-5-160 of the Municipal Code Regarding Sewer and Water Rates

i. Staff Report: Ed Tewes, Interim City Manager

ii. Public Comment

iii. Possible Action:

Motion to introduce an Ordinance of the City Council of the City of San Juan Bautista adopting an amendment to Article 1, Section 3-5-160, CPI Adjustment, of the San Juan Bautista Municipal Code.

D. Consider Adoption of an Urgency Ordinance Reauthorizing the Collection of a Fee to Support Public, Educational, and Governmental ("PEG") Channel Facilities Within the City

i. Staff Report: Ed Tewes, Interim City Manager

ii. Public Comment

iii. Possible Action:

Motion to **waive full reading and adopt, by four-fifths vote**, an Urgency Ordinance of the City Council of the City of San Juan Bautista Reauthorizing the Collection of a Fee to Support Public, Educational, and Governmental ("PEG") Channel Facilities Within the City.

E. Consider Introduction of an Ordinance Adding Chapter 5-20-18 to the San Juan Bautista Municipal Code Reauthorizing the Collection of a Fee to Support Public, Educational, and Governmental ("PEG") Channel Facilities Within the City

i. Staff Report: Ed Tewes, Interim City Manager

ii. Public Comment

iii. Possible Action:

Motion to introduce an Ordinance of the City Council of the City of San Juan Bautista Adding Chapter 5-20-18 to the San Juan Bautista Municipal Code Reauthorizing the Collection of a Fee to Support Public, Educational, and Governmental ("PEG") Channel Facilities Within the City

F. Consider Extending American Cell Tower Lease

i. Staff Report: Ed Tewes, Interim City Manager

ii. Public Comment

iii. Possible Action:

a) Motion to adopt Resolution 2018-XX approving an amendment to the lease to provide for a one-time payment of \$26,166.90, and extension of eight five-year terms for a total of 40 years; and an annual rent escalator of 3% per year.

b) Authorize the Interim City manager to execute the amended contract.

H. Consider Changes to Planning Commissioner Selection Process Ordinance 2-3-110 and Provide Direction to Staff

i. Staff Report: Ed Tewes, Interim City Manager

ii. Public Comment

iii. Possible Action:

Direct staff to bring back an amendment to the ordinance.

H. Hearing for Removal of John Hopper from the Planning Commission With Cause

7. Discussion Items

A. Update on Solid Waste Franchise Renewal – Interim City Manager Tewes

- i. Staff Report: Ed Tewes, Interim City Manager
- ii. Public Comment

B. Code of Conduct – Subcommittee Report

- i. Receive Report
- ii. Public Comment

8. Comments

- A. City Council**
- B. City Manager**
- C. City Attorney**

9. Closed Session

A. Conference with Real Property Negotiator

Approximately 0.8 acre portion of APN 002-055-009

City Negotiator: J. Edward Tewes, Acting City Manager

Property Owner Negotiator: Dale Coke

Under Negotiation: Price and Terms

Pursuant to Government Code Section 54956.8

- i. Public Comment on Closed Session

- ii. Adjourn to Closed Session

Adjourn to Open Session

Report of any action taken in Closed Session.

10. Adjournment

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 15th DAY OF FEBRUARY 2018, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 15th DAY OF FEBRUARY 2018.



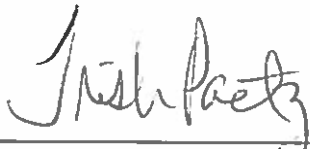
TRISH PAETZ, DEPUTY CITY CLERK

AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL PUBLIC HEARING NOTICE. I FURTHER DECLARE THAT I POSTED SAID NOTICE ON THE 8th DAY OF FEBRUARY 2018, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 13th DAY OF FEBRUARY 2018.



TRISH PAETZ, DEPUTY CITY CLERK

NOTICE OF PUBLIC HEARING

CITY OF SAN JUAN BAUTISTA

Pursuant to Government Code Section 65090, the City Council of the City of San Juan Bautista gives notice of a public hearing on **February 20, 2018** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. During the public hearing, the following items will be discussed:

- **Consideration of amendments and updates to the City of San Juan Bautista Development Impact Fees. This agenda item may result in relatively minor increases to existing Development Impact Fees.**
- **Consideration of amendments and updates to the City of San Juan Bautista Planning Department User Fees. This agenda item may result in increases to existing User Fees to include overhead surcharges to cover costs such as Administrative Overhead and Facility Overhead.**

Staff reports and the full text of all items to be discussed will be available for public review at City Hall on **February 14, 2018**. All members of the public are encouraged to attend the meeting and may address the City Council on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or e-mailed to cityplanning@san-juan-bautista.ca.us, not later than **5:00 p.m., February 20, 2018**.

If a challenge is made on the action of the proposed project, pursuant to Government Code Section 65009 court testimony may be limited to only those issues raised at the public hearing described in this notice or in written correspondence delivered to the City at or prior to the public hearing.

Posted: February 8, 2018

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING STREET CLOSURES

BE IT RESOLVED that Sandra Arretche and the San Juan Committee is authorized to close Third Street between Nyland Drive and Muckelemi Street on Saturday, March 31, 2018 from 11:00 a.m. to 3:00 p.m. in the City of San Juan Bautista for an Easter Parade.

PASSED AND ADOPTED this 20st day of February 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Jim West

Mackenzie Quaid, City Clerk

Special Event/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the enclosed community events application and submit it to the City at least 60 days before your event. Additionally, there will be fees associated your event. Your application fee is due when you submit this form. The fee schedule for applications is:

Non Profits ¹ : No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block , and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemi and more than 1,000 people ²	\$150.00
Private Promoter Organizations ³ : No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemi, and more than 1,000 people	\$600.00

Once we receive your application, one or more City representatives will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. We appreciate your time and interest in planning a successful and safe event. A well-planned event translates to a successful activity that benefits everyone. If you need further assistance, call (831) 623-4661 or e-mail citymanager@san-juan-bautista.ca.us.

Please NOTE: You are required to have sanitary facilities. If you are serving or selling food you will be required to obtain a permit from the San Benito County Environment Health Department in Hollister. You are also required to coordinate all security arrangement with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: Annual Easter Parade Today's Date: Jan. 5, 2018
 Applicant: Sandra Arratcha
 Organization: San Juan Committee
 Phone: 831-245-9129 E-Mail: msadeclaro@gmail.com
 Mailing Address: P.O. Box 745, San Juan Bautista
 Fax: _____

Event Setup Date: 3/31/18 Time: 8:00am Event Ends Date: 3/31/18 Time: 3:00pm
 Event Starts Date: 3/31/18 Time: 1:00pm Dismantle Date: 3/31/18 Time: 4:00pm

ANTICIPATED ATTENDANCE: Total or the event: _____ Total per Day: _____

LOCATION OF EVENT (please be specific):

The parade will begin at the Elementary School and end at Muckelemi St. and 3rd St.

¹ Requires proof of charitable non-profit status.

² All street closures and blockades require review and approval of the City Council.

³ Additional fees for use of public facilities may apply.

INSURANCE

The City will require that you co-insure the city ("additional insure"). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (PARSAC). After the application and fee is submitted the City Manager, or designee, will contact PARSAC with your proposal and the conditions of the insurance will be promptly conveyed to you.

CITY FACILITIES

Do you plan to hold your event at a City building?

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☐ No

Will this event require any City streets to be closed? (Public Works charges will apply)

☒ Yes ☐ No

If yes, please be specific on which streets and cross streets need to be closed.

Does this event involve a parade?

☒ Yes ☐ No

If yes, attach a separate page with a map of the event

If you wish to rent barricades, chairs, tables, or other City equipment, list the equipment and numbers (charges will apply for rentals) if you do not wish to rent the City's equipment, you will be responsible for providing appropriate barriers if your event involves a street closure.

PRIVATE PROPERTY (Private Property needs to fill out an event application only if the event's attendance will exceed 250)

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

VENDORS

Will this event have vendors selling items or promoting their causes services products?

☐ Yes ☒ No

If yes, please note a Board of Equalization form will be required for each vendor proving that they are appropriately registered with the State of California. This link to this form is available on the City of San Juan Bautista website. Additionally, fees will be assessed on the basis of \$15 day 10 feet of vendor space for vendors on the street and \$15 day vendor for events not on the streets. Other charges may apply. Allocations are made for local not for profit booths to be exempt from these charges. Each event is allowed a minimum of 5 local non-profit 10 ft spaces for free up to a maximum of 5% of the total number of booth feet for an event.

Will this event feature any hands-on attractions such as climbing walls, bounce-houses, or petting zoos?

☐ Yes ☒ No

If yes, please describe: (insurance coverage will be required)

FOOD AND ALCOHOL (all food preparation is subject to state regulations, provide insurance if appropriate)
If you are serving or selling food, you must obtain a permit from the San Benito County Environment Health Department.

Does your event include food concessions and/or preparation areas?

☐ Yes ☒ No

If yes, please provide a copy of your San Benito County Environmental Health Permit.

If you plan to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the State Department of Alcoholic Beverage Control. The public consumption of alcohol is illegal in some parts of the City. If your event includes the use of alcohol on City property, you will need to provide Liquor Liability Coverage on your certificate of insurance.

Does your event involve the use of alcoholic beverages?

☐ Yes ☒ No

PORTABLE REST ROOMS (These permits are handled through the San Benito County Environmental Health Department)
Unless you can substantiate the sufficient availability of both Americans with Disabilities Act and non-ADA accessible facilities in the immediate area of the event site and you have written permission to use this facility, you may be required to provide portable rest room facilities at your event, which will be available to the public during your event. Please note that State Parks toilets do not qualify as event facilities unless you obtain written permission from the local State Parks office to allow use of these State owned toilets and included as part of this application.

Do you plan to provide portable rest room facilities at your event?

☐ Yes ☒ No

Please provide a copy of your San Benito County Environmental Health Permit. Please note that if you state "no", City staff will inquire as to what plans you have made to accommodate the public including written permission from the State if applicable.

LIGHTING AND SOUND

Will you be using any amplified sound (i.e. public address system)?

☒ Yes ☐ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☐ Yes ☒ No

If yes, please describe (type/location/period/noise levels, etc. Preference is given to "silent" generators):

If no, do you need electricity? (Fees will apply for use of City electricity):

Solid Waste Diversion Plan:

In accordance with State law (Public Resource Code 42648-42648.7), as a large venue, a waste reduction and recycling plan shall be developed. This plan shall estimate the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfill of reusable and recyclable materials, as well as a tracking system that validates the final destination of the materials. The Solid Waste Diversion Plan shall be approved by the San Benito County Integrated Waste Management Regional Agency. The City has trash and recycling receptacles available for rent: Trash can and recycling rental can rates are set annually by the City Council and posted on the City's website under Forms and Fees in a document that contains all the City Service Fees. Deposits are refundable, daily rental rates are not.

As the venue contractor, you are responsible for a waste prevention strategy for all waste material generated by all venue operations and all subcontractors. Food vendors must use compostable serving products. No Styrofoam is allowed. You are encouraged to include a requirement for a "Solid Waste Diversion Plan" in your subcontract agreements.

The City of San Juan Bautista is mandated by the State of California to report annually specified information regarding large venue waste diversion programs. You are therefore required to report and provide verification of the quantity of waste disposed and recycled by this event. There is a \$150/event fine for non-reporting. Reporting is due 30 days after the event. The waste hauler can provide this information for you.

1. Please describe your plan for cleanup and removal of recyclable goods and garbage during and after your event.

The San Juan Committee will be responsible for setting up and the removal of barriers.
pick at RW yard
return to RW yard

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc. Please note: road closures require Public Works time and the event will be billed for the actual time used.

(If additional space is required, please attach it to this application) The actual parade will start at 1:00 pm. The participants will line up at the parking lot of the San Juan Elementary by 12:00.

3. Please describe your security plan, including crowd control.

We will have the committee provide the overseeing of the parade. Looking to bring in Anzar students for help. Cell phone available to contact ea. other.

4. In order to comply with the American Disabilities Act, describe how your event will be accessible to people with disabilities.

The streets will be accessible to anybody with disabilities

5. Please describe your emergency medical plan, including your communications procedures.

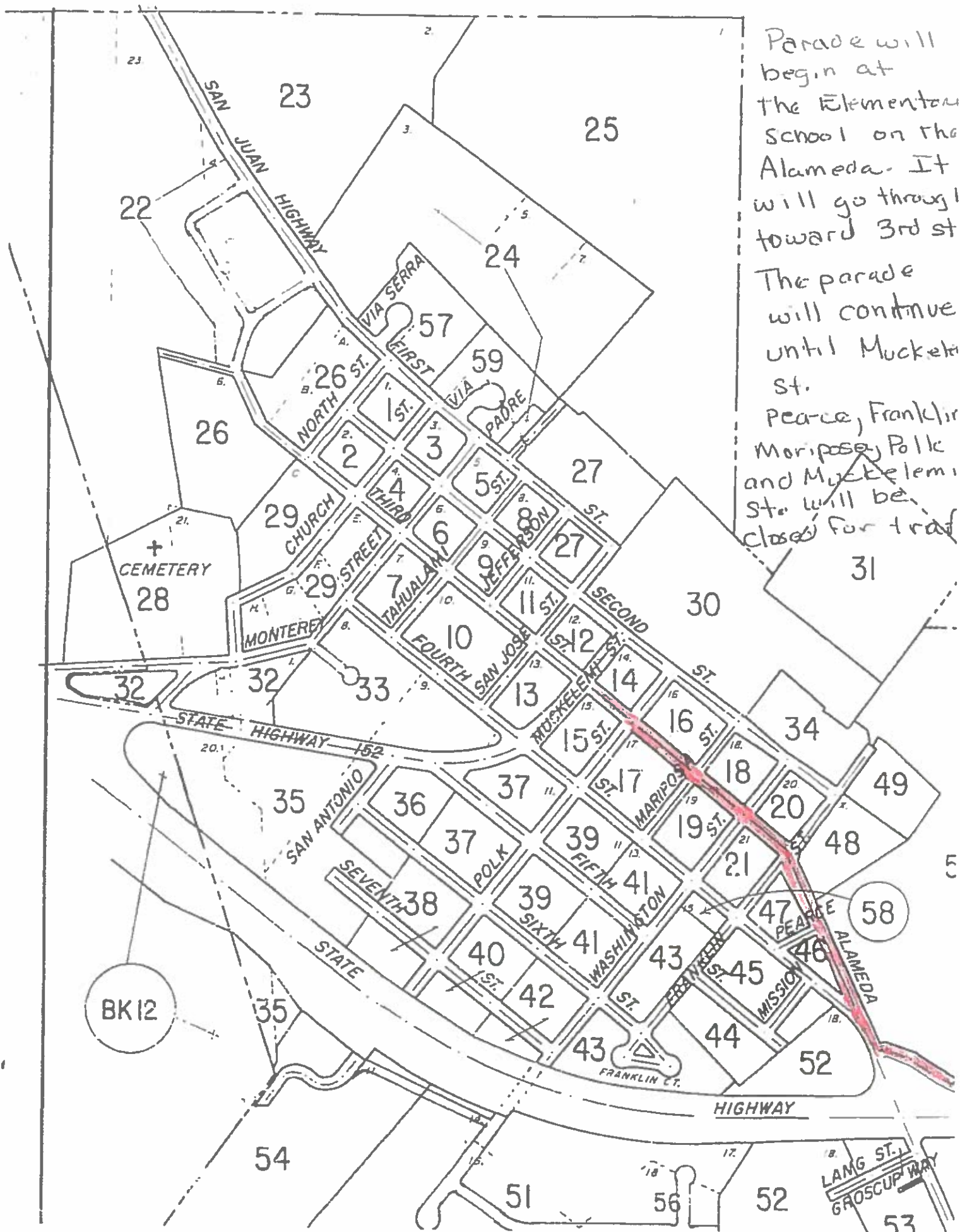
We will contact the Fire Station and inform them about the parade.
Event on site at booth.

City Benches is for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any times. Thank you.

SAE Initial

Please provide a site plan/route map for your event. Attach additional sheets as necessary. The map should include:

- An outline of the event site including the names of streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind (such as a parade), indicate the direction of travel, including starting location and ending destination.
- Any street or lane closures and parking tow zones
- The locations of fencing, barriers, or barricades. Include any removable fencing for emergency access
- The location of first-aid facilities.
- The locations of all stalls, platforms booths, cooking areas, trash containers, etc.
- Food booth and cooking area configuration including all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Placement of vehicles or trailers used for the event.
- Anticipated parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Locations of all other event activities



Parade will begin at the Elementary School on the Alameda. It will go through toward 3rd st. The parade will continue until Muckleton St.

Pearce, Franklin, Mariposa, Polk and Muckleton St. will be closed for traffic.

B. Treasurer's Report – City Treasurer Chuck Geiger

City Treasurer Geiger was not present. Report was received. Acting City Manager Tewes asked council if they would like to make any adjustments to the structure of the report. There was discussion, and Council would like a clearer summary report of budget. No public comment.

C. Sheriff's Report (Quarterly Activity Report presented October 2017)

No report.

Public Comment: Rachel Ponce commented she observed the Sheriff's cruiser parked at the cemetery. Also commented on the traffic safety in town, specifically during the Christmas Parade.

D. Level One Security Report

Report received.

Public Comment: Jolene Cosio commented on authorizing Level One Security to issue parking tickets. Mayor West asked Acting City Manager Tewes if Level One Security has the authorization; Acting City Manager Tewes will look into and report back. City Attorney Mall commented on the procedure to authorize Level One Security to issue parking tickets. Council discussed. Council plans to agendize this issue.

E. Fire Chief's Report

No report. No public comment.

F. Library Report

Report received. No public comment.

G. Administrative Report

Report received. Acting City Manager Tewes presented report. No public comment.

H. Public Works Report

Report received. No public comment.

I. Monthly Construction Progress Report

Report received. No public comment.

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

Councilmember Martorana reported on the Fire Committee Meeting. No other reports from Council.

Public Comment: Wayne Norton commented on San Juan Bautista being represented at the Seniors Council Committee.

K. Strategic Plan Committee Report

Vice Mayor Freeman provided a report. Committee member Mandisa Snodey commented on the agendizing the Parks Committee and dog park. During public comment Bob Quaid commented on the committee's sub-committee meetings. Jolene Cosio suggested the Mayor attend the next Strategic Planning committee meeting.

6. ACTION ITEMS

A. Mayor's Council Appointments for Representative to Boards and Committees

Mayor West asked the City Council if they are content with their appointments. Council will continue in their appointed Boards and Committees.

B. Approve Proposal for Traffic Calming on Fourth Street and Appropriate Funds to Cover Cost

Presented by Acting City Manager Tewes.

No Public comment.

Councilmember Boch motioned to approve proposal for Traffic Calming on Fourth Street and Appropriate Funds to Cover Cost, seconded by Vice Mayor Freeman. Motioned passed unanimously.

C. Approve Water Compliance Plan

Presented by Acting City Manager Tewes.

i. Nitrates

ii. Wells 5 and 6

iii. Pelletized Water Softening Plant

Councilmember Boch and Vice Mayor Freeman had questions about the State's Water Compliance Plan. Chris Hauge of Bracewell, the contractor that runs the City's wastewater treatment plant, provided explanation.

Public Comment: Jolene Cosio commented against the arrangement with Mr. Coke and obtaining his well, and additional points on the Water Compliance Plan. Bob Quaid commented on the timeline of well completion. Jolene Cosio commented about the City considering to use Pellet Water Softener at Well 3.

Acting City Manager Tewes addressed Council on the current plan. Council discussed.

Councilmember Martorana motioned to approve the Water Compliance Plan, seconded by Vice Mayor Freeman. Motion passed unanimously.

D. Approve Job Specifications for Assistant City Manager and Authorize Appointment of ACM

Presented by Acting City Manager Tewes.

Public Comment: Bob Quaid commented on the process of appointing Assistant City Manager.

Councilmember Martorana suggested going into closed session.

Whereupon, Council went into closed session at 7:32 p.m.

7. Closed Session

A. Public Employee Appointment/Employment Title: Assistant City Manager Pursuant to Municipal Code 2.2.155

Council resumed open session at 7:37 p.m.

Acting City Manager Tewes announced Appointed Assistant City Manager Michael LaForge. Councilmember Martorana welcomed Michael LaForge and explained the City Council's purpose and benefits of hiring her while Acting City Manager Tewes is still with the City..

Public Comment: Rachel Ponce questioned the movement of an item on the agenda. City Attorney Mall confirmed that it is at the discretion to the Council.

6E. Set Date for Public Hearing for Removal of John Hopper from the Planning Commission With Cause

City Attorney Mall presented the process of removing a planning commissioner. Councilmember Martorana moved to schedule hearing at next meeting, January 16th. Vice Mayor Freeman read a statement from John Hopper.

Public Comment: Rachel Ponce commented on the Planning Commissioner position being volunteer and the responsibility of a public figure. Mandisa Snoddy asked about the cause of the removal.

Councilmember Martorana motioned to schedule a hearing at the January 16 City Council meeting, for removal of John Hopper from the Planning Commission with cause. The motion was seconded by Mayor West. The motion passed 3-2 with Councilmembers Boch, Martorana and Mayor West voting in favor, and Councilmember DeVries and Vice Mayor Freeman voting against.

8. DISCUSSION ITEMS

A. Development Impact Fees

Vice Mayor Freeman questioned the traffic impact fees and the City's ability to retain funds in order to repair San Juan Road. Councilmember Martorana suggested looking to the future as well, when considering impact fees. Acting City Manager Tewes clarified how impact fees can be used. Council discussed. Martorana suggested concentrating on sinking funds. Council continued to discuss.

Public Comment: Bob Quaid commented on not concentrating on road impact fees. Direction was given to Acting City Manager Tewes to prepare a staff analysis per his recommendation.

B. Cannabis – Ad Hoc Committee Report

Presented by Councilmember Martorana.

Public Comment: Mandisa Snoddy thanked the Ad Hoc Committee, and commented on the positive reviews from social network regarding bringing Cannabis to San Juan.

8. Comments

A. City Council

Councilmember DeVries commented on coming across a component of a federal loan that expires January 2018 for the San Juan Water bill.

B. City Manager

Reviewed upcoming agenda items for the January 16, 2018 meeting.

C. City Attorney

No comment.

9. Adjournment

8:22 p.m.

Interim City Manager Tewes and Councilmember Martorana clarified that some of funds are in LAIF.

6A. Approve Resolution 2018-01 Accepting the Fiscal Year 2017 Audit

Motion was made to Approve Resolution 2018-01 Accepting the Fiscal Year 2017 Audit by Councilmember Martorana, seconded by Councilmember Boch. Motion passed unanimously.

B. Treasurer's Report – City Treasurer Chuck Geiger

Presented by Interim City Manager Tewes. Treasurer's report accepted. No public comment.

C. Monthly Construction Progress Report

Report received. No public comment.

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

Report received. Sheriff report presented by Sheriff Deputy Jason Leist.

Public Comment: Rachel Ponce commented on U-turns being made on 4th Street in front of Vertigo's Coffee Shop. Jolene Cosio commented on the red curbs zones on 3rd Street and the online Sheriff's report. Deputy Leist responded to public comments.

E. Strategic Plan Committee Report

Councilmembers presented reports. No public comment.

F. Strategic Planning Committee

Presented by Committee Chairperson Shawna Freels and Vice Mayor Freeman. No public comment.

5. PUBLIC HEARING ITEMS

A. Statewide Communities Infrastructure Program (SCIP)

i. Approve Resolution 2018-03 Authorizing the City of San Juan Bautista to Join the Statewide Community Infrastructure Program; Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Special Assessment Proceedings and Levy Assessments Within the Territory of the City Of San Juan Bautista; Approving Form of Acquisition Agreement for Use When Applicable; and Authorizing Related Actions

Public Hearing Item remained open as council proceeded to Action Items, as Public Hearing Item 5A pertains to Action Item 6D.

Public Comment: Bob Quaid commented on how the program would benefit the City of San Juan.

6. ACTION ITEMS

A. Approve Resolution 2018-01 Accepting the Fiscal Year 2017 Audit

Item addressed earlier in meeting after presentations of the audit.

B. Approve Resolutions 2018-02 Amending the Fiscal Year 2017-2018 Budget

Presented by Interim City Manager Tewes. Vice Mayor Freeman questioned sales tax revenue. Councilmember Boch asked about sinking funds. No public comment.

A motion made by Councilmember Martorana to approve Resolution 2018-02 amending the Fiscal Year 2017-2018 Budget was seconded by Councilmember Boch. Motion passes unanimously.

C. Consider Recommendation of the Strategic Planning Committee for a Parks Master Plan Task Force

Presented by Shawna Freels. The Strategic Planning Committee recommended to allow their existing subcommittee to combine with members that attended the Town Hall meeting on Parks to create the Parks Master Plan Task Force. Councilmember DeVries asked about implementation. The Park Master Task Force would like to open the meetings to the public.

Public Comment: Rachel Ponce spoke in support of the Strategic Planning Committee participation. Mandisa Snodey commented on the first Park Master Plan Task Force meeting being January 23rd at Credo Studio, and asked the Council for clear direction on dog parks. Jolene Cosio commented on the advertisement of meetings on the City website and newspaper. David Medeiros commented on reaching out to youth groups, and including locations like the Mission Plaza.

It was the consensus of the Council to accept the recommendation.

Whereupon, Council took a five minute recess at 7:15 p.m.

D. Rancho Vista

Presented by Interim City Manager Tewes.

i. Review Comprehensive Report on Implementation of Conditions of Approval

Jess Salmon, Director of Forward Planning at Meritage Homes presented on Phase 7.

Public Comment: Mandisa Snodey commented on the pellet softener plant and the reimbursement of the sewer main. Aida Pisano commented on where the single level homes would be in the Phase 7. Jim Pisano supported removal of flag lots and on landscaping in phase 7. Doug Brothers commented for the homes in Phase 7 being half

two-story and half single-story. Ken Schipper commented on the City not being responsible for adding the fifth lot in Phase 7, and flooding. There was support for single-story homes in Phase 7, and a comment on the existing culvert being obstructed and causing flooding.

Jess Salmon responded, Meritage is creating more capacity for storm water and using historical records to make decisions; a fencing and landscape plan will create privacy; and single-story lots previously were not planned for Phase 7.

There was further discussion on second and single story homes in Phase 7; whereupon, Interim City Manager Tewes clarified the evolution of the maps for Rancho Vista. Jess Salmon responded to public comments by reaffirming the fencing and landscape plan and addressing the process in determining single and second-story homes.

ii. Approve Amendment to Development Agreement to Provide for an Additional \$100,000 Contribution to the City to Address Water Supply Issues

Interim City Manager Tewes presented a report stating the additional \$100,000 contribution will allow the City to acquire an agricultural well owned by Dale Coke and connect it to the City's water supply system, and the earlier payment of \$344,000 allows for an accelerated resolution of the water supply issues allowing Meritage to "hook up" and sell homes sooner.

Public Comment: Mandisa Snodey commented on the additional contribution and the water supply strategy. Aida Psiano commented on the contribution and the terms.

A motion was made by Councilmember DeVries to approve an amendment to the Development Agreement to provide for an additional \$100,000.00 contribution by the developer to the City to address water supply issues and authorize Mayor West to sign the amended agreement. The motion was seconded by Councilmember Martorana. Motion passed unanimously.

iii. Appoint David Taussig and Associates as Assessment Engineer for the Landscape and Lighting District Proceedings

Presented by Interim City Manager Tewes.

No public comment.

A motion was made to appoint David Taussig and Associates as assessment engineer for the Landscape and Lighting District proceedings by Vice Mayor Freeman, seconded by Councilman Martorana. Motion passed unanimously.

iv. Approve an Agreement with Meritage Homes to Deposit Funds (\$15,000) to pay for Taussig's Services, which will be reimbursed by the homeowners in the Landscape and Lighting District

No public comment.

A motion was made by Councilmember Martorana to approve an agreement with Meritage Homes to deposit funds (\$15,000.00) to pay for Taussig's services, which will be reimbursed by the homeowners who are included in the Landscape and Lighting District, and seconded by Councilmember DeVries. Motion passed unanimously.

v. Following a Public Hearing, Adopt a Resolution Joining the Joint Powers Authority Establishing the Statewide Community Infrastructure Program (SCIP) (Public Hearing Item 5 above)

Presented by Interim City Manager Tewes. Council discussed.

Public comment: Bob Quaid commented on the downside of the home buyer's perspective.

A motion was made by Councilmember Martorana to adopt Resolution 2018-03 Authorizing the City of San Juan Bautista to Join the Statewide Community Infrastructure Program; Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Special Assessment Proceedings and Levy Assessments Within the Territory of the City Of San Juan Bautista; Approving Form of Acquisition Agreement for Use When Applicable; and Authorizing Related Actions. The motion was seconded by Councilmember Boch. Motion passed unanimously.

vi. Approve a Reimbursement Agreement for the City to pay Meritage for the Installation of an 18" Sewer Main that may someday be needed for the Relocation of the Wastewater Treatment Plant

Presented by Interim City Manager Tewes. Council discussed.

Public comment: Jolene Cosio, commented on the cost of the installation of the 18" sewer main. Aida Pisano commented on where the funds are coming from and the size of the lots built by Meritage. Mandisa Snodey and Bob Quaid commented on the cost of the sewer line.

A motion was made by Vice Mayor Freeman to approve a reimbursement agreement for the City to pay Meritage for the installation of an 18" sewer main that may someday be needed for the relocation of the Wastewater Treatment Plant. The motion was seconded by Councilmember Martorana. Motion passed unanimously.

E. Authorization to Purchase and Install an Iron/Manganese Water Treatment Plant

Public Comment: Leslie Jordan commented on the iron and manganese levels. The Interim City Manager Tewes said he would provide her the data.

A motion was made by Councilmember Boch to authorize the purchase and installation of an Iron/Manganese Water Treatment Plant. The motion was seconded by Councilmember DeVries. Motion passed unanimously.

F. Hearing for Removal of John Hopper from the Planning Commission With Cause

City Attorney Mall presented a letter from Mr. Hopper requesting continuance of the hearing. Council concurred with the continuance.

Public Comment: Mandisa Snodey commented on the cause of removing Mr. Hopper. Cesar Flores commented on Americans with Disability Act. Rachel Ponce commented on the availability of the City Council agenda packet online. Mandisa Snodey commented on the cause of removing Mr. Hopper from the Planning Commission. Jolene Cosio commented on ethics violations.

A motion was made by Councilmember Martorana to continue the hearing to the February City Council meeting. The motion was seconded by Councilmember Boch. Motion passed unanimously.

7. Comments

A. City Council

No comments.

B. City Manager

No additional reports.

C. City Attorney

No additional reports.

8. Adjournment

Meeting adjourned at 9:20 p.m.

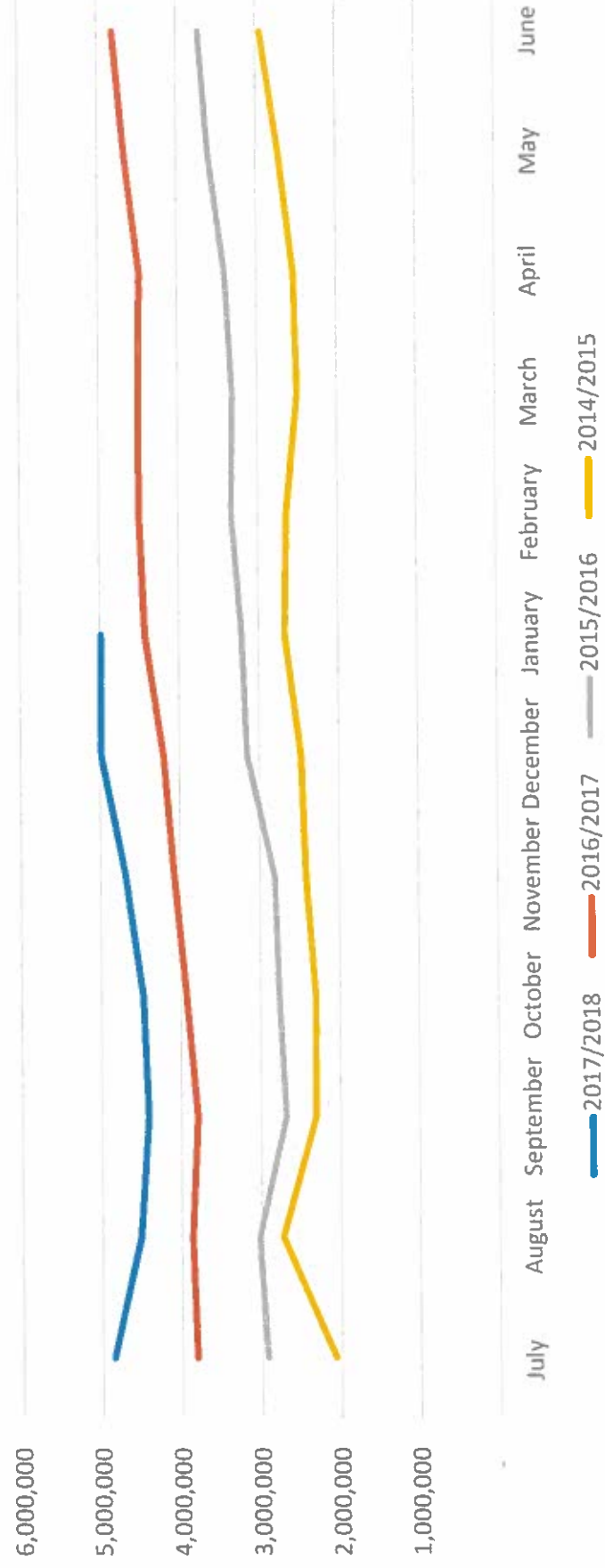
WAIVER OF READING OF ORDINANCES

State law requires that an ordinance be read in its entirety prior to adoption unless the City Council waives reading beyond the title. Reading an entire ordinance at the meeting is extremely time-consuming; reading of the title alone usually gives the audience sufficient understanding of what the Council is considering.

To ensure that this waiver is consistently approved by the Council, Council should make the waiver at each meeting, thus, you should do it at this point on the Consent Agenda. The Council then does not have to worry about making this motion when each ordinance comes up on the agenda.

GC36934

City of San Juan Bautista Cash Flow Chart



City of San Juan Bautista

2/12/2018

**Expenditures ~ Budget Vs. Actual
For the Seven Month Period Ended January 31, 2018**

EXPENDITURES					
Fund	Actuals	Annual Budget	Difference	%	
General Fund:					
City Council	18,451	34,995	16,544	53%	
City Attorney	21,004	48,000	26,996	44%	
City Manager	20,516	29,577	9,061	69%	
City Clerk	54,898	98,027	43,129	56%	
City Treasurer	300	2,600	2,300	12%	
Finance and Accounting	90,530	133,252	42,722	68%	
City Library	27,051	67,095	40,044	40%	
Fire Department	155,082	241,452	86,370	64%	
Law Enforcement	77,848	282,260	204,412	28%	
Animal Control	3,500	10,000	6,500	65%	
Public Works - Streets	67,818	223,951	156,133	70%	
Public Works - Parks and Grounds	88,262	119,289	31,027	26%	
General Government	36,852	95,221	58,369	61%	
Total General Fund Expenditures	662,112	1,385,719	723,607	52%	
Special Revenue Funds:					
Community Development	127,060	304,162	177,102	58%	
COPS	72,017	100,000	27,983	28%	
Rest. & Roads Fund	-	42,000	42,000	100%	
Valle Vista LLD	10,071	22,720	12,649	56%	
Gas Tax Fund	11,250	357,000	345,750	97%	
Internal Service Funds	2,119	121,000	118,881	98%	
Enterprise Funds:					
Water	518,656	1,767,457	1,248,801	71%	
Sewer	554,181	1,798,463	1,244,282	69%	
TOTAL Funds	1,957,466	5,898,521	3,941,055	33%	

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Seven Month Period Ended January 31, 2018

2/12/2018

REVENUES					
	<u>Fund</u>	<u>Actuals</u>	<u>Annual Budget</u>	<u>Difference</u>	<u>%</u>
General Fund		593,217	1,201,950	608,733	51%
Special Revenue Funds:					
Community Development		62,580	161,000	98,420	61%
COPS		58,334	100,000	41,666	42%
Rest. & Roads Fund		15,294	16,500	1,206	7%
Valle Vista LLD		11,849	22,720	10,871	48%
Gas Tax Fund		26,307	332,512	306,205	92%
Enterprise Funds:					
Water		506,575	1,049,020	542,445	52%
Sewer		528,815	1,385,500	856,685	62%
TOTAL Funds		1,209,754	3,067,252	1,857,498	39%

City of San Juan Bautista
Budget vs. Actual by Department
For the Seven Month Period Ended January 31, 2018

Total 46 - Water Enterprise Fund
(Enterprise Funds)

	<u>Jul '17 - Jan 18</u>	<u>Budget</u>	<u>\$ Over (Under)</u> <u>Budget</u>	<u>% of Budget</u>
Income				
Grant Funds	-	81,000	(81,000)	0%
Chg. for Planning/Eng. Services	18,876	100,000	(81,124)	19%
Utility Fees	477,012	791,400	(314,388)	60%
Impact Fees	-	69,820	(69,820)	0%
Miscellaneous Revenue	10,686	6,800	3,886	157%
Total Income	<u>506,574</u>	<u>1,049,020</u>	<u>(542,446)</u>	<u>48%</u>
Gross Profit	506,574	1,049,020	(542,446)	48%
Expense				
Employee Salary, Wages, Benefit	56,406	125,287	(68,881)	45%
General and admin. expense	16,431	15,306	1,125	107%
Contractual and Other Services	26,581	71,400	(44,819)	37%
Utilities and Misc. Expenses	29,755	51,700	(21,945)	58%
Equipment and Parts	8,864	37,000	(28,136)	24%
Maint. & Repair Services	25,328	15,000	10,328	169%
Capital Outlay	216,146	1,180,993	(964,847)	18%
Debt Defrayment	139,146	270,771	(131,625)	51%
Total Expense	<u>518,657</u>	<u>1,767,457</u>	<u>(1,248,800)</u>	<u>29%</u>
Net Income	<u>(12,083)</u>	<u>(718,437)</u>	<u>706,354</u>	

City of San Juan Bautista
Budget vs. Actual by Department
For the Seven Month Period Ended January 31, 2018

Total 48 - Sewer Enterprise Fund
(Enterprise Funds)

	<u>Jul '17 - Jan 18</u>	<u>Budget</u>	<u>\$ Over (Under)</u> <u>Budget</u>	<u>% of Budget</u>
Income				
Grant Funds	-	81,000	(81,000)	0%
Chg. for Planning/Eng. Services	5,001			
Utility Fees	513,302	1,299,500	(786,198)	40%
Miscellaneous Revenue	10,512	5,000	5,512	210%
Total Income	<u>528,815</u>	<u>1,385,500</u>	<u>(856,685)</u>	<u>38%</u>
Gross Profit	528,815	1,385,500	(856,685)	38%
Expense				
Employee Salary, Wages, Benefit	45,972	99,027	(53,055)	46%
Other Personnel Expenses	744	500	244	149%
General and admin. expense	4,941	15,822	(10,881)	31%
Contractual and Other Services	67,698	136,100	(68,402)	50%
Utilities and Misc. Expenses	52,356	78,700	(26,344)	67%
Equipment and Parts	4,116	27,800	(23,684)	15%
Maint. & Repair Services	4,495	20,500	(16,005)	22%
Capital Outlay	260,013	1,228,953	(968,940)	21%
Debt Defrayment	113,846	191,061	(77,215)	60%
Total Expense	<u>554,181</u>	<u>1,798,463</u>	<u>(1,244,282)</u>	<u>31%</u>
Net Income	<u>(25,366)</u>	<u>(412,963)</u>	<u>387,597</u>	

City of San Juan Bautista Warrant Listing

As of January 31, 2018

Date	Num	Name	Amount
101.000 - Union Bank			
101.001 - Operating Acct. 1948			
01/12/2018	211387	4Leaf, Inc.	-13,956.77
01/12/2018	211388	A & N Plumbing, Inc.	-1,766.69
01/12/2018	211389	ACWA Health Benefits Authority	-5,706.87
01/12/2018	211390	Armando Venegas.	-17.31
01/12/2018	211391	Aromas-San Juan Unifed School District	-461.68
01/12/2018	211392	at&t	-69.91
01/12/2018	211393	AVAYA	-210.98
01/12/2018	211394	Bracewell Engineering, Inc.	-18,433.50
01/12/2018	211395	Bryant L. Jolley	-25,000.00
01/12/2018	211396	Charter Communications	-114.97
01/12/2018	211397	Deborah Lee Cutler	-100.00
01/12/2018	211398	Department of Conservation	-807.60
01/12/2018	211399	Diane Hanania.	-301.57
01/12/2018	211400	Hollister Auto Parts, Inc.	-152.54
01/12/2018	211401	Home Depot Credit Services	-302.12
01/12/2018	211402	Level 1 Private Security.	-7,192.00
01/12/2018	211403	Maggiora Bros. Drilling Inc.	-3,497.50
01/12/2018	211404	MuniBilling	-360.00
01/12/2018	211405	P G & E	-9,055.93
01/12/2018	211406	Pet Waste Co	-266.38
01/12/2018	211407	Rossi Bros Tire & Auto	-30.00
01/12/2018	211408	Rx-Tek	-360.00
01/12/2018	211409	SWRCB	-4,158.00
01/12/2018	211410	Uline	-366.58
01/12/2018	211411	United Site Services of California, Inc.	-168.33
01/12/2018	211412	US Bank	-4,322.89
01/12/2018	211413	Wendy L. Cumming, CPA	-4,023.75
01/12/2018	211414	WesTech	-186.86
01/12/2018	211415	Xerox	-430.85
01/24/2018	211417	KS State Bank	-5,818.30
01/24/2018	211418	Valero Marketing & Supply	-462.91
01/26/2018	211419	4Leaf, Inc.	-12,090.13
01/26/2018	211420	A & N Plumbing, Inc.	-116.92
01/26/2018	211421	AFLAC	-173.91
01/26/2018	211422	Alexander Electric Inc. dba State Electri	-1,562.22
01/26/2018	211423	Carlos Rojas.	-200.00
01/26/2018	211424	David Sarmiento.	-700.00
01/26/2018	211425	Department of Transportation	-607.55
01/26/2018	211426	Dynamic Forms	-177.74
01/26/2018	211427	FedEx	-53.05
01/26/2018	211428	Jenny Robledo.	-700.00
01/26/2018	211429	League of California Cities	-150.00
01/26/2018	211430	Mackenzie Quaid	-100.00

**City of San Juan Bautista
Warrant Listing**

As of January 31, 2018

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
01/26/2018	211431	Mc Kinnon Lumber Co., Inc.	-245.32
01/26/2018	211432	New SV Media	-225.00
01/26/2018	211433	P G & E	-505.15
01/26/2018	211434	Pulido's Overhead Door	-1,350.00
01/26/2018	211435	Ready Refresh	-137.34
01/26/2018	211436	Rossi Bros Tire & Auto	-45.51
01/26/2018	211437	San Benito County Administrative Office	-3,304.00
01/26/2018	211438	San Benito County Communications Div.	-58,054.81
01/26/2018	211439	San Benito County Sheriff	-64,675.85
01/26/2018	211440	Security Shoring & Steel Plates, Inc.	-108.00
01/26/2018	211441	Smith & Enright Landscaping	-1,104.00
01/26/2018	211442	Sprint	-168.47
01/26/2018	211443	State Compensation Insurance Fund	-3,466.81
01/30/2018	211444	City of Hollister.	-39,834.68
Total 101.001 · Operating Acct. 1948			<u>-297,959.25</u>
Total 101.000 · Union Bank			<u>-297,959.25</u>
TOTAL			<u><u>-297,959.25</u></u>

Memorandum

To: J. Edward Tewes, Interim City Manager, City of San Juan Bautista

From: John Fair, PE, City Engineer (contract)

Date: February 13, 2018

Subject: City Engineer Activity Report (Rancho Vista and Copper Leaf)

Recent efforts and activities from January 10, 2018 through February 9, 2018 for the two active subdivisions in San Juan Batista, Rancho Vista and Copper Leaf, include the following work:

RANCHO VISTA SUBDIVISION Jan 10, 2018 through February 9, 2018

SUMMARY

This month was relatively dry which allowed the paving to be completed. Placement of the prefabricated arch culvert sections began at the First Street entrance to the subdivision. Clay material, unsuitable for road construction was stabilized via "lime (sodium hydroxide) treatment" and is now ready to receive paving. A field investigation was made of the obstruction in the creek bed at the Third Street culvert. The project engineer was instructed to provide calculation verifying that the hydraulic carrying capacity is adequate.

PAVING

The majority of the streets in Rancho Vista were paved. This made work on the site much easier because rain was not factor for access.

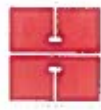




BRIDGE FIRST STREET

The foundation for the Bridge was completed and placement of the prefabricated arch sections began.





LIME TREATMENT (STABILIZING CLAY SOIL SUB-GRADE)

Clay type soils exist in certain locations of the subdivision. The clay makes poor road bed and has to be treated with Lime (Sodium Hydroxide) which change the nature of the soil to a stable and stronger material for the purpose of road construction.



BRIDGE (ARCH CULVERT) THIRD STREET

The Bridge on Third Street was installed and reported to City Council last month ago. However a citizen reported a concrete remnant of an old structure remained in the stream bed. The City Engineer investigated the report and observed the concrete structure as reported. Following the field trip to the site the City Engineer, Project Inspector and the Project met at the site to discuss next steps. Removal of the obstruction is the obvious solution, but due to the sensitive nature of the stream bed habitat a less direct approach was taken. The Project Owner was instructed to have the project engineer present the calculation of the carrying capacity of the arch culvert with the obstruction remaining to verify that it will be sufficient. If there is not enough capacity the obstruction may still have to be removed.



COPPER LEAF SUBDIVISION
Jan 10, 2018 through February 9, 2018

SUMMARY

The paving of the interior streets of the subdivision was completed except for the area around Well Site No. 2 which cannot be completed until Well Site No. 5 is ready to go on line and Well No. 2 can be abandoned. The curb and gutter along the San Juan / Hollister Road was completed. Sidewalk installation began for the internal streets of the subdivision. The perimeter walls and fences were installed this past month. Significant progress was made toward connecting Well No. 5 to the City's water system was made with full operation of the well by end of February.



PAVING (INTERIOR SUBDIVISION)

The compaction and grading was completed for the site and the asphalt paving was placed providing all weather site access. The exterior (San Juan / Hollister Road) roads and the area around City Well Site No. 2. The exterior site paving will proceed but is waiting the final design of the transitional paving from the new to the existing road way. The grading and paving around Well Site No. 2 cannot be done until the new City Well No. 5 can be integrated into the City's water system. Well No. 5 is scheduled to be turned on before the end of February.

The next steps for completion of paving depend on the final designs for San Juan / Hollister Road and the completion of Well No. 5 and removal of Well No. 2.

CURB & GUTTER SAN JUAN / HOLLISTER ROAD

Construction of San Juan / Hollister Road continued with rough grading and the placement of curb and gutter.





SIDEWALKS (INTERIOR SUBDIVISION)

With the underground utilities and paving complete placement of the sidewalks began.



WALL / FENCE

The perimeter walls and fences were constructed and lack only some details for completion. The wall along the State Highway is finishing some detail with terra cotta tile.



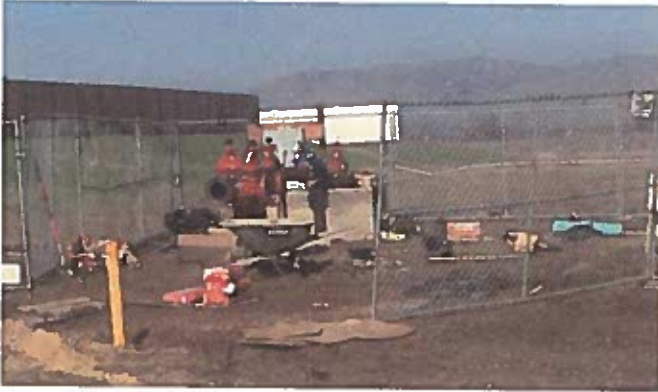
WELL NO. 5 (SAN JUAN / HOLLISTER RD)

Significant progress toward connecting Well No. 5 to the City's Water System has been made over the past month. The above ground piping, power panel and connection to the street water main has



Harris & Associates

been completed. The water samples have been taken and are in the laboratory waiting to give final results to determine if the water source is clean. The results will be known by the 20th of February. The well will need final approval of the State Department of Drinking Water standards and then it will be ready to turn into the City water system.



CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 20, 2018

SUBJECT: Development Impact and Planning Application Fees

Description:

1. Resolution to Amend Planning Application Fees
Adopt amendments and updates to the City of San Juan Bautista Planning Department User Fees.
2. FY 2018-2019 Budget
Consider adding funding to the FY 2018-2019 budget to comprehensively update the City of San Juan Bautista's Development Impact Fees.

Background:

The City Council discussed raising the City's Development Impact and Planning Application User Fees at their December 19, 2017 regular meeting. This matter was agendized as a discussion item so that Council could examine the challenges and costs involved in changing the current Impact Fees. At that meeting, direction was given for staff to do an interim Fee Schedule update based on available new data and then consider a more comprehensive update as part of the FY 2018-2019 budget adoption. Staff is now recommending that the revisions to the Development Impact Fees be deferred until a comprehensive and legally defensible nexus study can be prepared. The updated Planning Fee Schedule is attached.

Analysis:

The California Government Code sets forth procedural requirements for adopting a program to collect capital facilities fees and exactions. It also requires a "nexus study" which establishes the relationship between the amount of any capital facilities fee and the use for which it is collected. The nexus study is required to focus on anticipated future growth and resulting facilities needs. These funds may not be used for current facilities deficiencies. In order to create nexus studies that are technically defensible, economically feasible, and have

stakeholder support, most cities hire consulting firms to develop them. The most recent nexus study was performed by the City in 2013. Adjustments to the Fee Schedule have been made since then based on a built-in Engineering News Record - Cost of Construction Index. Below are the recommended Planning Application Fees updates:

Planning Application Fees:

- 5% General Services Cost Increases
(Employee Benefits, Health Insurance, Etc.)
- 5% Administrative Overhead
(City Manager Time, City Attorney Time, City Clerk Time, Etc.)
- 5% Office Equipment
(Furniture, IT Support, Supplies, Etc.)

General fee increases beyond 15% were also included for those fees that were well below collecting full cost-recovery for the effort to schedule and prepare applications for Historic Resources Board, Planning Commission and/or City Council action. Planning Application Fees can only recover the fully-allocated cost of providing those services. Planning Fees have not been adjusted in San Juan Bautista in over 10 years.

The City is also coordinating with the County of San Benito and the City of Hollister to separately update the City's outdated Building Plan Check and Permit/Inspection Fees. These fees have not been reviewed in over a decade and are considerably outdated and not recovering the staff costs to perform these functions. This will be scheduled for City Council consideration in the near future. Updated Uniform Building and Fire Protection Codes will accompany that Council agenda item. The current City Codes are also considerably outdated and this effort will result in a uniform set of up-to-date Uniform Building Codes.

Lastly, the City's Historic Resources Board review fee is recommended to be increased. These applications require staff preparation and attendance at both Historic Resources Board and Planning Commission public meetings. However, to offset this increased burden, staff does intend to bring Historic Preservation ordinance amendment to the HRB and Council to remove minor building improvements, such as new paint, new awnings, or new signs consistent with the City's adopted Sign Design Guidelines, from the Major application definition to Minor - meaning they would only require administrative staff review and approval.

Modified fees are highlighted in yellow.

Recommendation:

City Council is requested to adopt a Resolution adjusting current Planning Department User Fees and then provide direction regarding adding funding to the FY 2018-2019 budget to comprehensively update the Development Impact Fees. It is anticipated that these studies will collectively cost approximately \$50,000 to \$75,000. Requests for Proposals would be distributed to competitively ascertain these costs.

Attachments:

Exhibit A Planning Application Fee Resolution 2018-XX

RESOLUTION NO. 2018-XX

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA SETTING
PLANNING APPLICATION FEES

WHEREAS, the City of San Juan Bautista has conducted a review and analysis of the costs associated with services for processing administrative and planning applications, and

WHEREAS, the City has established a direct relationship to the cost of providing planning services to the fees charged for processing and administering planning applications, and

WHEREAS, the fees charged for planning application services will reflect the direct cost to provide those planning services and all revenues derived from the fees charged will be allocated to the planning department to offset the expenses of administering and processing planning applications.

WHEREAS, the updated Planning Application Fee Schedule reflects the following increases:

- 5% General Services Cost Increases
(Employee Benefits, Health Insurance, Etc.)
- 5% Administrative Overhead
(City Manager Time, City Attorney Time, City Clerk Time, Etc.)
- 5% Office Equipment
(Furniture, IT Support, Supplies, Etc.)

General fee increases beyond 15% were also included for those fees that were not collecting full cost-recovery for the effort to schedule and prepare applications for Historic Resources Board, Planning Commission and/or City Council action.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista hereby establishes and adopts the following planning fees and charges per Attachment 1.

ADOPTED this 20th day of February 2018 at a regular meeting of the City Council of the City of San Juan Bautista by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quiad, City Clerk

Exhibit A

CITY OF SAN JUAN BAUTISTA
PLANNING APPLICATION FEES
February 20, 2018

Planning Application Fees	2014 Adopted Fees	2018 Proposed Fees
Conditional Use Permit (Major/Minor)	\$1,250/\$750	\$1,500/\$750
Conditional Use Permit (Amendment)	\$500	\$575
Site Plan and Design Review – Major	\$750	\$1,500
Site Plan and Design Review – Minor	\$500	\$575
Variance	\$1,000	\$1,500
Signs Permit – Banners and Flags	\$25	\$50
Sign Permit (New)	\$75	\$150
Sign Permit (Relocating/Changing existing)	\$35	\$50
Sign Program (Master sign)	\$250	\$500
Sign Permit – Portable Freestanding	\$75	\$100
Historic Design Review (Major)	\$500	\$1,500
Historic Design Review (Minor)	\$250	\$250
Informal Review (Planning-HRB)	\$0	\$0
Planned Unit Development Permit/Amendment	\$2,500	\$5,000
Tentative Map Major 5 lots or more	\$3,000+\$20.00/lot	\$5,000
Tentative Map Minor 4 lots or less	\$1,250+\$50/lot	\$2,500
Final Map	\$250	\$500
Lot Line Adjustment	\$1,250/\$50 per lot	\$500
Annexation	\$2,500	\$5,000
Pre-zoning	\$2,500/\$1,000*	\$3,500
Rezoning	\$2,500	\$3,500
General Plan Amendment	\$2,500	\$3,500
Home Occupancy Permit/Appeal	\$350/ 50%	\$350/ 50%
Misc. Permit Amendments & Time Extension	30% of application	30% of application
Specific Plan	50% of application	\$5,000
Appeal to City Council	\$250	\$500
Tree Removal Permit	\$25 per tree	\$25 per tree
Lighting Plan - Major	\$200	\$500
Lighting Plan - Minor	\$100	\$250
Urban Growth Boundary	\$2,500	\$5,000

Environmental Review Fees	Current	Proposed
Initial Study	\$1,000+DF&W Fee	Consultant Cost + DF&W Fee
Environmental Impact Report	\$3,500+DF&W Fee	Consultant Cost + DF&W Fee
Notice of Exemption	\$150	\$250
Notice of Determination – County Clerk Fee	\$50	\$50

Staff / Consultant Rates

City Manager	\$65/hour	\$175/hour
City Attorney	\$200/hour	\$200/hour
City Engineer	\$75 - \$170/hour	\$150/hour
City Planner/Building Inspector/Code Enforcement	\$130/hour	\$150/hour
City Clerical	\$40/hour	\$40/hour
Public Work	\$40/hour	\$40/hour
Consultants/Others	hourly rate or contracted fee	Consultant Costs + 15%

Miscellaneous Charges

Copies – 8 x 11 and color	\$0.30/\$1.00 /page	\$0.30/\$1.00 /page
Copies – 11 x 17 and color	\$0.50/\$2.00 /page	\$0.50/\$2.00 /page
City Maps/Blueprints	actual cost+15%	actual cost+15%
Postage	actual cost+15%	actual cost+15%
Copy of General Plan/IS-MND/IS-ND	actual cost+15%	actual cost+15%
Other	to be determined by City Manager + 15%	To be Determined by City Manager + 15%

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 2, 2018

SUBJECT: Cost of Mailing Parks Locator Card sponsored by R.E.A.C.H.

Recommendation:

If Council agrees, amend the FY18 Budget by \$500 to pay for costs to mail parks locator card to addresses in 95045 Zip Code.

Background:

Mayor West has received a request from Ms. Valerie Eglund of REACH San Benito Parks Foundation to pay the costs of printing and mailing a Parks Locator Card to approximately 1,854 addresses in the 95045 Zip Code.

"As presented to the Intergovernmental Committee in December, 2017, R.E.A.C.H. San Benito Parks Foundation, through a Community Creatives Grant from Schipper Design, has produced a 6" x 9" glossy card for Every Door Delivery Mailing. The intent is to inform and incentivize local families to recreate outdoors, in parks and on trails in open spaces, for better mental and physical health. The outcome will be a healthier population and energized workforce and student body. Statistically, well exercised and energized youth are less prone to drug use, depression and delinquency, and families experience bonding, together time.

It is our sincere hope that the City of San Juan Bautista will include themselves, and fund, this opportunity to send the Parks Locator Card to every household in the 95045 zip code.

The card (see attached) lists the location of park and trail resources in San Benito County. For San Juan Bautista, the card lists Abbe Park, Luck Park, the Mission Trail, the De Anza Trailhead, and the State Park.

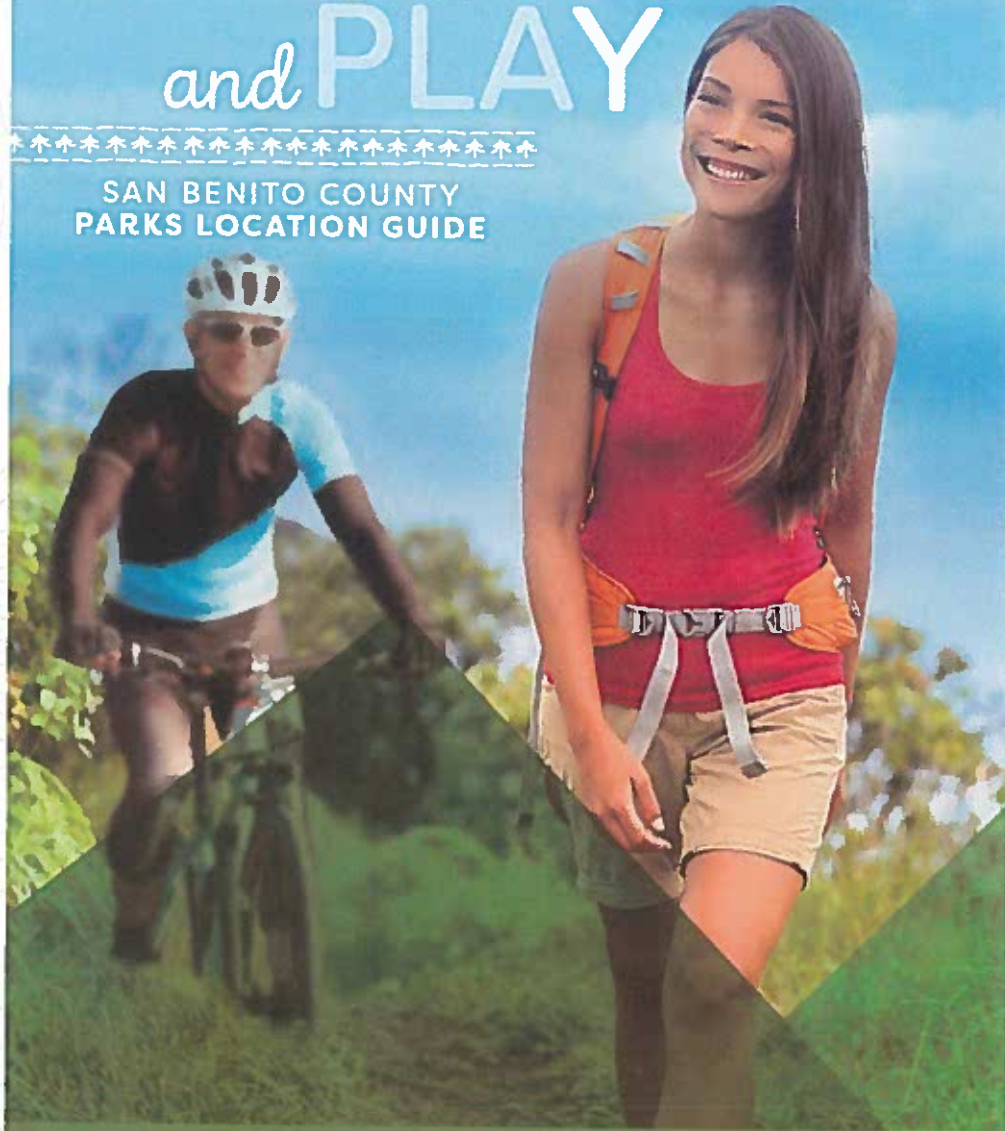
REACH estimates the cost at \$342 to print the cards and \$141 to mail them (at bulk rates) for a total of \$483.00. The balance of funding will be used to purchase cards for locations at the Library and City Hall.

Fiscal Impact:

The Adopted FY 18 Budget includes funding to support a variety of community groups. This request would increase that support by \$500.

Adventure[↑] REFRESH and PLAY

SAN BENITO COUNTY
PARKS LOCATION GUIDE



SAN BENITO PARKS FOUNDATION

Become a Member! reachsanbenito.org



HOLLISTERCAPARKS.ORG

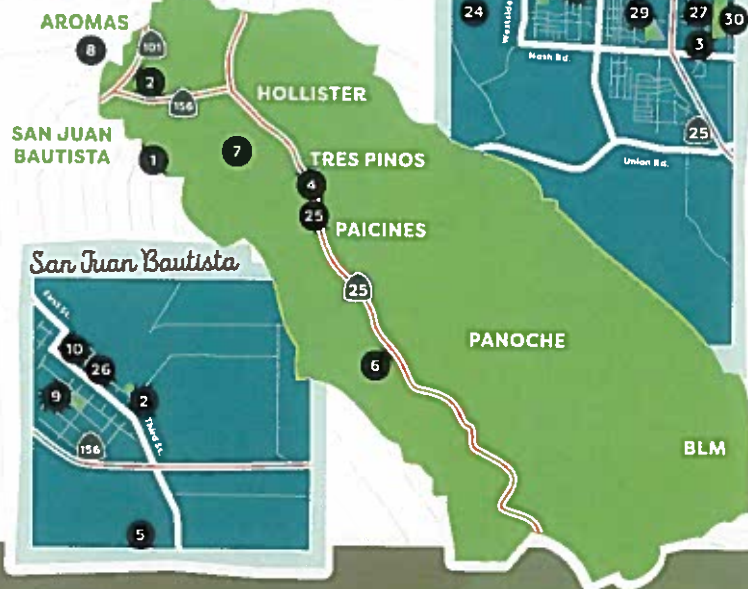


COSA.US



SAN-JUAN-BAUTISTA.CA.US

Explore



STATE PARKS

- 1 **FREMONT PEAK STATE PARK**
1070 SAN JUAN RD, SJB
- 2 **SAN JUAN BAUTISTA HISTORIC PARK**
19 FRANKLIN ST, SJB

COUNTY PARKS

- 3 **VETERANS MEMORIAL PARK**
MEMORIAL DR & HILLCREST RD
- 4 **SAN BENITO COUNTY HISTORICAL PARK**
8300 AIRLINE HWY, TRES PINOS

INTERNATIONAL

- 5 **JUAN BAUTISTA DE ANZA HISTORIC TRAILHEAD**
OLD STAGE RD, SJB

NATIONAL

- 6 **PINNACLES NATIONAL PARK**
5000 HWY 146, PAICINES

STATE RECREATIONAL VEHICLE PARK

- 7 **HOLLISTER HILLS SVRA**
7800 CIENEGA RD
TRAILS:
MUDSTONE RANCH (HIKING, BIKING, EQUESTRIAN TRAILS)
HUDNER RANCH (NON-MOTORIZED BUFFER TRAILS)

CITY PARKS

- 8 **AROMAS COMMUNITY PARK**
ROGGE LN & AROMAS RD
- 9 **ABBE PARK**
MUCKELEMI ST & 4TH ST, SJB
- 10 **LUCK PARK**
801 2ND ST, SJB

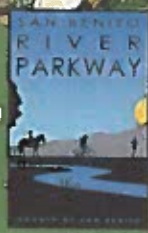
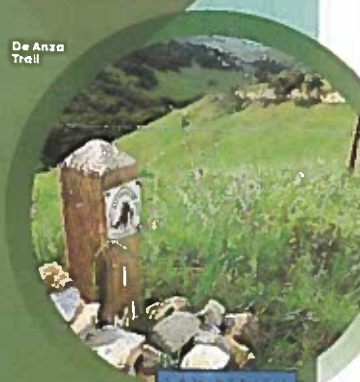
- 11 **CALAVERAS PARK**
BUENA VISTA RD & CENTRAL AVE
- 12 **JOHN Z. HERNANDEZ MEMORIAL PARK**
WEST GRAF RD & BRIDGEVALE RD
- 13 **TONY AGUIRRE PARK**
RANCHITO DR & CENTRAL AVE
- 14 **DUNNE MEMORIAL PARK**
SEVENTH ST & WEST ST
- 15 **CERRA VISTA SCHOOL PARK**
CERRA VISTA DR & UNION RD
- 16 **VALLEY VIEW PARK**
DRIFTWOOD DR & VALLEY VIEW RD
- 17 **VISTA PARK HILL**
VISTA PARK HILL CT & HILL ST
- 18 **FRANK KLAUER MEMORIAL PARK**
BEVERLY DR & POPLAR CT
- 19 **JERRY GABE DOG PARK**
SAN FELIPE & FALLON RD
- 20 **MCCARTHY PARK**
MCCARTHY ST & ALVARADO ST*
- 21 **LAS BRISAS PARK**
EL CAMINO DE VIDA & CLEARVIEW DR
- 22 **BRIGANTINO PARK**
2100 SAN JUAN RD*
- 23 **SANTA ANA ROAD PARK**
SANTA ANA RD
- 24 **APRICOT PARK**
APRICOT LN & SUMMER DR

*UNDER DEVELOPMENT

OTHERS

- 25 **BOLADO PARK**
9000 AIRLINE HWY, TRES PINOS
- 26 **POMNIV CALIFORNIA MISSION TRAIL**
408 2ND ST, SJB
- 27 **HOLLISTER SKATE PARK**
MEMORIAL DR
- 28 **MARGUERITE MAZE SPORTS COMPLEX**
900 MERIDIAN ST
- 29 **RANCHO SAN JUSTO SPORTS COMPLEX**
PROSPECT ST & PARK ST
- 30 **VETERANS MEMORIAL SOFTBALL FIELD**
MEMORIAL DR & HILLCREST RD

De Anza Trail



Visit
reachsanbenito.org
FOR MORE INFO



CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 12, 2018

SUBJECT: State Water and Park Bond Act on June 2018 Ballot

Recommendation:

It is recommended that the Council adopt a resolution endorsing the "California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018."

Background:

1. The Legislature and Governor have placed a bond act on the ballot that will make \$1.3 billion available for parks funding; \$1.2 billion for various water projects; and \$1.5 billion for climate and environmental programs funding.
2. Refer the State ballot measure to the Strategic Planning Committee as part of its work to develop a Parks and Recreation Master Plan.

The City of San Juan Bautista would be eligible to receive a block grant of no less than \$200,000 for local park improvements and rehabilitation, as well as become eligible for competitive grants for "safe neighborhood parks." The bond measure will also provide funds for restoration of existing State parks such as the San Juan Bautista State Park. The Bond measure will provide funding that might allow the State to improve the accessibility of the Orchard Lot on Third Street. The guaranteed \$200,000 will provide a funding source for projects identified in the General Plan.

For water projects, the City would be eligible to compete for grants for clean drinking water, storm water projects, and projects to deal with groundwater sustainability. The City would also be eligible to apply for low interest loans for water recycling projects.

The League of California Cities has endorsed the Bond Measure and urges all member cities to do the same.

Fiscal Impact:

There is no fiscal impact to supporting the state ballot measure but, if passed by the voters, it would provide a minimum of \$200,000 for parks projects; and potentially, additional resources for water projects.

SB 5 (De Leon) Parks/Water Bond of 2018 Summary

Total: \$3.5 Billion

- \$1.5B for Parks
- \$1.5B for Drought/Water
- \$500M for Flood Protection
- Built and modeled off of SB 317 (De Leon) Park Bond and 2014 Prop 1 Water Bond

General:

- Act shall take effect upon approval by voters
- Act shall be submitted to voters at the June 5, 2018 election
- This act is an urgency statute

Chapter 1. General Provisions

- Up to 5% may be used for administrative costs
- Up to 10% may be used for planning/monitoring (DACs may exceed 10% if determined by agency)
- At least 20% of each chapter, except Chapters 9 and 10, must go to severely disadvantaged communities (below 60% median income)
- At least 15% of Chapters 9 and 10 must go to severely disadvantaged communities
- Up to 5% must be allocated for community access projects
- Preference for projects partnering with a certified conservation corps or similar entity
- Priority for water efficiency, stormwater capture, or carbon sequestration projects

Chapter 2. Investments in Environmental and Social Equity, Enhancing California's Disadvantaged Communities (\$600M)

- \$600M for the creation and expansion of safe neighborhood parks in park-poor neighborhoods (Per Statewide Park Development and Community Revitalization Act of 2008, AB 31)
 - At least 20% shall be for the rehabilitation, repurposing, or substantial improvement of existing infrastructure
 - \$48M for central valley, Inland Empire, gateway, and desert communities

Chapter 3. Investments in Protecting, Enhancing, and Accessing California's Local and Regional Outdoor Spaces (\$30M)

- \$15M for local park rehabilitation and improvement grants to local governments on a per capita basis
- \$15M for grants to cities and districts with less than 200K population within an urbanized county (less than 500K population)
- 20% match required unless a disadvantaged community
- 60% to cities and district that are not regional park districts, on a per capita basis
- 40% to counties and regional park districts, on a per capita basis

Chapter 4. Restoring California's Natural, Historic, and Cultural Legacy (\$100M)

- \$100M for state park restoration and preservation, access, and protection
- Priority for capital improvements that address deferred maintenance

Chapter 5. Trails and Greenway Investment (\$25M)

- \$25M to the NRA for competitive grants to local agencies, state conservancies, Native American tribes, and nonprofits nonmotorized infrastructure that promotes alternative access to parks
- Up to 25% may be for innovative transportation programs that provide outdoor experiences for disadvantaged youth
- 20% match required unless a disadvantaged community

Chapter 6. Rural Recreation, Tourism, and Economic Enrichment Investment (\$20M)

- \$20M for a competitive grant program for cities, counties, and districts in nonurbanized areas (less than 500,000 people and low population densities)
- 20% match required unless a disadvantaged community

Chapter 7. California River Recreation, Creek, and Waterway Improvements Program (\$125M)

- \$125 to the NRA for grants pursuant to the California River Parkways Act of 2004 and the Urban Streams Restoration Program, including projects that protect and enhance urban creeks
 - At least 75M to the Santa Monica Mountains Conservancy
 - At least 5% to the Santa Ana River Conservancy Program
- 20% match required unless a disadvantaged community
- May give priority to projects that include partnerships with federal, state and local agencies, or projects proposed by nonprofits

Chapter 8. State Conservancy and Authority Funding (\$120M)

- \$40M to the Salton Sea Authority for capital outlay projects that provide air quality and habitat benefits and implement the NRA's Salton Sea Management Program
 - At least \$10M to purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program
- \$80M to the following conservancies: Baldwin Hills Conservancy, California Tahoe Conservancy, Coachella Valley Mountains Conservancy, Sacramento-San Joaquin Delta Conservancy, San Diego River Conservancy, San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, San Joaquin River Conservancy, Santa Monica Mountains Conservancy, Sierra Nevada Conservancy
 - Conservancies must develop and adopt a strategic master plan that includes priorities and criteria for selecting projects for funding

Chapter 9. Ocean, Bay, and Coastal Protection (\$80M)

- \$80M to projects that enhance and protect coastal and ocean resources, including:
 - Funding for the California Ocean Protection Trust Fund, priority to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems

- Funding for the State Coastal Conservancy for the protection of beaches, bays, and coastal watershed resources
- 25% for the San Francisco Bay Area Conservancy Program

Chapter 10. Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation (\$400M)

- \$400M for competitive grants for climate adaptation and resiliency projects. An eligible project must include at least one of the following:
 - Wildlife corridors and open space, including connectivity between habitat areas
 - Promotion of the recovery of threatened and endangered species
 - Improve climate adaptation and resilience of natural systems
 - Improvement of existing open-space corridors and trail linkages related to utility or transportation infrastructure
 - Restoration of rivers and streams in support of fisheries and wildlife
 - Increased implementation of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act
 - Operation of wildlife rehabilitation facilities by a nongovernmental entity
 - Wildlife corridors and open space associated with the Pacific Flyway
 - Assistance for coastal communities with adaptation to climate change, including addressing ocean acidification, sea level rise, and protection of habitat associated with the Pacific Flyway
 - Improved agricultural and open-space soil health and improve carbon soil sequestration, erosion control, water quality, and water retention, part of which may go to the DOC
 - Reduced fire risk, improve forest health, and provide feedstock for compost, energy, or alternative fuels facilities
 - A certified conservation corps project
 - Be identified to do one of the following: Protect Native American resources, convert former fossil fuel powerplants, enhance natural resources through improved recreation investments not within the jurisdiction of a state conservancy, develop science centers operated by nonprofits in heavily urbanized communities, or promote various recreation centers
 - Transportation or water resources infrastructure to improve wildlife or fish passage

Chapter 11. Clean Drinking Water and Drought Preparedness (\$1.5B)

- \$375M for drinking water and water quality
- \$375M for Integrated Regional Watershed Plans
- \$375 for recycled water projects
- \$375 for groundwater sustainability

Chapter 11.5. Flood Protection and Repair (\$500M)

- \$300M for flood protection facilities, levee improvements, and related investments; Funding must be matched by local and regional flood protection agencies
- \$100M for Sacramento-San Joaquin Delta levee repairs and restoration
- \$100M for stormwater, mudslide, and other flash-flood-related protections

Chapter 12. Advance Payments for Water Projects

- Procedures for advanced payment for water projects

Chapter 13. Fiscal Provisions

- Fiscal provisions

RESOLUTION 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA SUPPORTING SB 5, THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018

Whereas, the Legislature adopted and governor signed SB 5, a \$4 Billion General Obligation Bond to be placed on the June 2018 ballot entitled the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018; and

Whereas, SB 5 represents the first legislatively authorized debt instrument for parks, resources and environmental improvements since 2002; and

Whereas, investments in California's urban, suburban and rural park and resources-related landscapes promote the notion of community and provide health, environmental and aesthetic benefits; and

Whereas, cities are eligible for at least \$1.69 billion in funding for parks, water, and climate and environmental programs; and

Whereas, SB 5 contains \$200 million in per capita funding to assist all of California's communities in underwriting priority park-related improvements; and

Whereas, SB 5 includes an additional \$15 million for grants to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population; and

Whereas, SB 5 contains an additional \$40 million shall be available in block grant awards for communities that self-tax for park related improvements; and

Whereas, SB 5 invests \$725 million in grants for the creation and expansion of safe neighborhood parks in park-poor neighborhoods under the Statewide Park Development and Community Revitalization Act of 2008's; and

Whereas, SB 5 invests no less than \$1 billion in California's most economically challenged communities, eradicating blight and promoting greater access to the outdoors and health-related pursuits; and

Whereas, SB 5 expends \$200 million on California's State Park system, addressing a greater than \$1 billion backlog in deferred maintenance which will translate into greater tourism and visitorship opportunities in adjacent communities; and

Whereas, SB 5 invests \$30 million in trail network improvements promoting non-motorized recreational and commuter opportunities throughout the state; and

Whereas, SB 5 expends hundreds of millions on other important investments in resource-related infrastructure including California's rivers, coast, and other waterways; and

Whereas, SB 5 invests hundreds of millions toward combatting global warming through investments in urban greening projects, promoting healthy forests and carbon farming applications; and

Whereas, SB 5 underwrites \$250 million in investments in improving local water systems, and providing safe and reliable drinking water to all Californians; and

Whereas, SB 5 spends \$80 million in competitive grants for treatment and remediation to promote access to safe drinking water in some of California's most economically challenged communities; and

Whereas, SB 5 underwrites improvements in the state flood management systems, armoring against calamities that beset the state including Oroville and elsewhere.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of San Juan Bautista does hereby support SB 5, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 and any subsequent iteration titled otherwise by the Secretary of State that is scheduled to appear on the June 2018 statewide ballot.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a meeting held on the 20th day of February, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, City Clerk

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 12, 2018

SUBJECT: Correction to Municipal Code Regarding Sewer and Water Rates

Recommendation:

Introduce an ordinance correcting a provision of the Municipal Code that is in conflict with the adopted rates established after compliance with Proposition 218.

Background:

In 2015 the Council considered a utility rate study and a public notice that advised customers of the maximum rates for the next five years (through June 30, 2020). The water and sewer rates were correctly established in Sections 3.5.150 and 3.5.155 of the Municipal Code.

A conflicting section, which should have been corrected at the time, provides for annual CPI adjustments each January:

3-5-160 CPI adjustment. **SHARE**

The base rates and the per-gallon discharge and usage rates established by SJ BMC 3-5-150 and 3-5-155 shall be adjusted annually by an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area, as published by the U.S. Department of Labor, Bureau of Statistics. This adjustment shall be applied to the first billing cycle occurring after January 1st of each year.

Because the utility rates have been established through FY 20, it would be appropriate to amend Section 3.5.160 to provide that the CPI adjustments should not be applied until July 1, 2020 and each July thereafter. Of course, it would also be appropriate to conduct another multi year rate study in the next year or two, and if rates are again established at a maximum level under Prop 218, this new section should be reviewed again at that time as part of the study.

Fiscal Impact:

There is no fiscal impact and no change in rates attributable to this amendment. It corrects an error in the code and reduces administrative and customer confusion.

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ORDINANCE 2018-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA APPROVING AN AMENDMENT OF THE SAN JUAN BAUTISTA
MUNICIPAL CODE TO SECTION 3-5-160 CPI ADJUSTMENT**

WHEREAS, in August of 2015, a Water and Sewer Rate Study, to adjust water and sewer rates for a period of five years (2015-2020), was prepared for the City of San Juan Bautista, and

WHEREAS, in September of 2015, Sections 3-5-150 and 3-5-155 were amended by the City Council to reflect the adjusted sewer and water rates for the five year period, as set forth in the Water and Sewer Rate Study and adopted by the City Council, and

WHEREAS, the City Council has received a staff report and has determined that Section 3-5-160 should have also been revised in 2015 to discontinue the Consumer Price Index adjustment for the five year period (2015-2010), as the Water and Sewer Rate Study makes clear that the adjustment had been built into the sewer and water rates adopted for the five year period, and

WHEREAS, the City Council finds that it is necessary for the protection, safety and welfare of the residents of the City to revise Section 3-5-160 so that rates are properly assessed during the five year period, and

WHEREAS, Section 3-5-160 would be properly revised by adding language which will cause the adjustment to discontinue during the five year period and begin, again, on July 1, 2020.

**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES HEREBY
ORDAINS AS FOLLOWS;**

1. Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under Section 15307, 15308 and 15321 (a) (2).
2. Chapter 3-5-160 Amended. Chapter 3-5-160 of the Municipal Code, entitled "CPI Adjustment" is hereby replaced with the new Chapter 3-5-160 as set forth on the attached page, marked Exhibit "A" and incorporated herein by this reference thereto. It is noted that the new language is set forth in red.
3. Effective Date. This Ordinance shall be in full force and effect 30 days after its final passage and adoption.
4. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

- 47 5. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the
48 City Clerk shall cause it to be posted on the internet and in the public places designated
49 by resolution of the City Council.
50

51 The foregoing ordinance was introduced at a regular meeting of the City Council of the City of
52 San Juan Bautista duly held on _____, 2018, and was passed and adopted at a regular
53 meeting duly held on _____, 2018 by the following vote.
54

55 AYES:

56
57 NOES:

58
59 ABSENT:

60
61 ABSTAIN:

62
63 _____
64 Mayor Jim West

65 ATTEST:

66
67 _____
68 City Clerk Mackenzie Quaid
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70
71

72 **Exhibit "A"**
73
74

75 3-5-160 CPI adjustment.  SHARE

76 *Beginning on July 1, 2020,* the base rates and the per-gallon discharge and usage rates established by SJBMC [3-5-](#)
77 [150](#) and [3-5-155](#) shall be adjusted annually by an amount equal to the percentage increase in the Consumer Price
78 Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area, as published by
79 the U.S. Department of Labor, Bureau of Statistics. This adjustment shall be applied to the first billing cycle occurring
80 after *July* 1st of each year.
81

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL STAFF REPORT

To: The Honorable Mayor and Council Members

From: The City Attorney

**RE: ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING OF AN ORDINANCE
REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND
GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY**

Date: February 14, 2018

REQUEST:

It is requested that the City Council:

1. Waive full reading and adopt, by four-fifths vote, Urgency Ordinance No. 2018-XX, reauthorizing the public, educational, and governmental fee on state video franchisees operating with the City; and
2. Give first reading to a second ordinance, to be ready by title only, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City.

BACKGROUND

The Digital Infrastructure and Video Competition Act of 2006 (DIVCA) went into effect on January 1, 2007. DIVCA established the California Public Utilities Commission (CPUC) as the sole franchising authority for video service providers preempting a local entity's right to franchise its cable and video TV operators. DIVCA does allow local governments to establish and collect Public, Educational, and Governmental (PEG) access fees from the cable and video TV operators providing services in a city. On November 24, 2009, the City Council approved the addition of Chapter 5-20 to Article 18 of the San Juan Bautista Municipal Code by adopting Ordinance 2009-05 that authorized the collection of a 3% PEG fee from video service providers with state-issued franchises that provide cable and video TV services within the City.

The City's state-issued franchise, Charter-Spectrum, was given a term of 10 years, which expired. It has renewed its state-issued franchise with the CPUC and has given the City an immediate deadline to reauthorize its ordinance. The section of DIVCA that authorized the City to create the PEG fee ordinance also states that "the ordinance shall expire, and may be reauthorized, upon the expiration of the state franchise." At this time, the law is unclear as to whether the expiration clause applies when a state franchisee is renewing its franchise. However, failure to adopt an amendment to the Ordinance may result in a loss of funding for equipment used to broadcast and produce programs on PEG channels.

City staff was just recently made aware of the expiration of the state video franchise for Charter. The City faces a potential lapse in collection of PEG fees from Charter until such time as the City Council reauthorizes the fee. Thus, because the City depends upon the PEG Fee for capital costs relating to PEG channel facilities, which are essential to providing City residents with important civic programming including emergency alerts and community and government news, an Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety. If the City were to adopt a non-urgency ordinance, such ordinance would not become effective until on or about April 17, 2018, which would result in a loss of funding that is need to provide the capital costs to support PEG channel facilities and activities.

ENVIRONMENTAL REVIEW

The approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

CONCLUSION:

Most local agencies are reauthorizing their ordinances so that PEG funding will not be lost. San Juan does not have the funds to be the test case for challenging the application of DIVCA and therefore, Staff recommends that City Council approve an ordinance to re-authorize collection of the PEG fee. In addition to the Urgency Ordinance, staff recommends that the City introduce and give first reading to a second ordinance, to be read by title only, which relates to the exact same issue. The regular ordinance will become effective thirty (30) days after the second reading.

EXHIBIT "A"

ORDINANCE NO. 2018-____

**URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA
REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC,
EDUCATIONAL, AND GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE
CITY**

-o0o-

WHEREAS, Section 5870(n) of the Public Utilities Code, which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006, authorized the City to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities; and,

WHEREAS, on November 24, 2009, the City Council approved the addition of Article 18, Chapter 5-20 of the San Juan Bautista City Code by adopting Ordinance 2009-05 that authorized the collection of a 3% PEG fee from video service providers with state-issued franchises that provide cable and video TV services within the City; and

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized upon the expiration of a state franchise; and

WHEREAS, the City's state-issued franchise, Charter-Spectrum, was given a term of 10 years, which expired. It has renewed its state-issued franchise with the CPUC and has given the City an immediate deadline to reauthorize its ordinance, of which the City staff was just made aware; and

WHEREAS, the City faces a potential lapse in collection of PEG fees from Charter until such time as the City Council reauthorizes the fee; and

WHEREAS, the City depends upon the PEG Fee for capital costs relating to PEG channel facilities, which are essential to providing City residents with important civic programming including emergency alerts and community and government news, therefore an Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Reauthorization. Chapter 5-20 of the Municipal Code of San Juan Bautista and the PEG support fee established in Section 5-20-1830, shall automatically be reauthorized upon the expiration and renewal of any existing or future state video franchise certificate held by any state franchisee operating within the City of San Juan Bautista pursuant to the terms of Public Utilities Code Section 5870(n).

SECTION 2. Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. Environmental assessment. The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 4. Effective date. This ordinance shall become effective immediately.

THE FOREGOING URGENCY ORDINANCE was adopted at a regular meeting of the San Juan Bautista City Council on the ___ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

EXHIBIT "B"

ORDINANCE NO. 2018-____

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA ADDING CHAPTER
5-20-18 TO THE SAN JUAN BAUTISTA MUNICIPAL CODE REAUTHORIZING THE
COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND
GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY**

-o0o-

WHEREAS, Section 5870(n) of the Public Utilities Code, which was enacted as part of the Digital Infrastructure and Video Competition Act of 2006, authorized the City to adopt an ordinance establishing a fee on state-franchised video service providers to support public, educational, and governmental access channel facilities; and,

WHEREAS, on November 24, 2009, the City Council approved the addition of Article 18, Chapter 5-20 of the San Juan Bautista City Code by adopting Ordinance 2009-05 that authorized the collection of a 3% PEG fee from video service providers with state-issued franchises that provide cable and video TV services within the City; and

WHEREAS, Section 5870(n) of the Public Utilities Code states that such an ordinance shall expire, and may be reauthorized upon the expiration of a state franchise; and

WHEREAS, the City's state-issued franchise, Charter-Spectrum, was given a term of 10 years, which expired. It has renewed its state-issued franchise with the CPUC and has given the City an immediate deadline to reauthorize its ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. A new Section 5-20 -1836 is hereby added to the San Juan Bautista Municipal Code, to read as follows:

Chapter 5-20-1836 REAUTHORIZATION.

5-20-1836 Reauthorization.

This Chapter and the PEG support fee established in Section 5-20-1830, shall automatically be reauthorized upon the expiration and renewal of any existing or future state video franchise certificate held by any state franchisee operating within the City of San Juan Bautista pursuant to the terms of Public Utilities Code Section 5870(n).

SECTION 2. Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. Environmental assessment. The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 4. Effective date. This ordinance shall go into effect thirty days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 2018, and was adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim West, Mayor

ATTEST:

Mackenzie Quaid, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 12, 2018

SUBJECT: Extension of Lease for Cell Tower Locations

Recommendation:

Adopt Resolution 2018-XX approving an amendment to the lease to provide for a one-time payment of \$26,166.90, and extension of eight five-year terms for a total of 40 years; and an annual rent escalator of 3% per year.

Background:

In 2002 the city entered into a lease with American Cell Tower for locations on the site of the City's water reservoir. ACT is master lessee who in turn, sub-leases out tower space to wireless telecommunications providers.

For over a year, ACT worked with the City Manager on an extension of the lease in light of changes in the number and mix of telecom providers on the tower. In addition, the former City Manager reviewed the request and concurred that there had been an "overpayment" of approximately \$3800 over the past few years.

Staff reviewed the types of lease agreements in other nearby communities, and proposed the current structure to ACT. It provides for a one-time payment up front of approximately \$26,000 and annual lease payments with a 3% price escalator. Although some cities had escalators less than 3%, I was unable to find any recent transactions that were greater than 3%. The upfront payment is adjusted from \$30,000 to reflect the agreed upon "overpayment" in prior years. In the last fiscal year, the ACT lease generated about \$26,000 in revenue to support general city services.

The term of the lease is through 2032 (as originally agreed to) with eight 5-year options which if exercised, would extend the lease through 2072. It is acknowledged that this is a very long-term commitment, but we must be mindful that without a long-term commitment, cell tower companies will simply look to other alternatives and the City could lose the annual lease revenue. Providing for five-year options allows the lessor the option to not renew the lease in the event technology changes to no longer require a cell tower.

The agreement has been reviewed and approved by the City Attorney.

Fiscal Impact:

The one-time payment of \$26,166.90 is currently unbudgeted and will increase General Fund revenue in the current fiscal year. The ongoing lease payments will provide ongoing annual revenue which will increase from \$1413.87 per month plus \$250/month for each carrier (\$2163.87), to \$1456.29 plus \$250/month for each carrier (\$2206.29).

THE FIRST AMENDMENT TO LEASE AGREEMENT

This First Amendment to Lease Agreement (this "**Amendment**") is made effective as of the latter signature date hereof (the "**Effective Date**") by and between **City of San Juan Bautista ("Landlord")** and **American Tower LLC**, a Delaware limited liability company ("**Tenant**") (Landlord and Tenant being collectively referred to herein as the "**Parties**").

RECITALS

WHEREAS, Landlord owns the real property described on Exhibit A attached hereto and by this reference made a part hereof (the "**Parent Parcel**"); and

WHEREAS, Landlord (or its predecessor-in-interest) and Tenant (or its predecessor-in-interest) entered into that certain Lease Agreement dated February 26, 2002 (as the same may have been amended from time to time, collectively, the "**Lease**"), pursuant to which the Tenant leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such portion of the Parent Parcel so leased along with such portion of the Parent Parcel so affected, collectively, the "**Leased Premises**"), which Leased Premises are also described on Exhibit A; and

WHEREAS, Landlord and Tenant desire to amend the terms of the Lease to extend the term thereof and to otherwise modify the Lease as expressly provided herein.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants set forth herein and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **One-Time Payment.** Tenant shall pay to Landlord a one-time payment in the amount of **Twenty Six Thousand One Hundred Sixty Six and 90/100 Dollars (\$26,166.90)**, payable within thirty (30) days of the Effective Date and subject to the following conditions precedent: (a) Tenant's receipt of this Amendment executed by Landlord, on or before March 20, 2018; (b) Tenant's confirmation that Landlord's statements as further set forth in this Amendment are true, accurate, and complete, including verification of Landlord's ownership; (c) Tenant's receipt of any documents and other items reasonably requested by Tenant in order to effectuate the transaction and payment contemplated herein; and (d) receipt by Tenant of an original Memorandum (as defined herein) executed by Landlord.
2. **Lease Term Extended.** Notwithstanding anything to the contrary contained in the Lease or this Amendment, the Parties agree the Lease originally commenced on February 26, 2002 and, without giving effect to the terms of this Amendment but assuming the exercise by Tenant of all remaining renewal options contained in the Lease (each an "**Existing Renewal Term**" and, collectively, the "**Existing Renewal Terms**"), the Lease is otherwise scheduled to expire on February 25, 2032. In addition to any Existing Renewal Term(s), the Lease is hereby amended to provide Tenant with the option to extend the Lease for each of eight (8) additional five (5) year renewal terms (each a "**New Renewal Term**" and, collectively, the "**New Renewal Terms**"). Notwithstanding anything to the contrary contained in the Lease, (a) all Existing Renewal Terms and New Renewal Terms shall automatically renew unless Tenant notifies Landlord that Tenant elects not to renew the Lease at least sixty (60) days prior to the commencement of the next Renewal Term (as defined below) and (b) Landlord shall be able to terminate this Lease only in the event of a material default by Tenant, which default is not cured within sixty (60) days of Tenant's receipt of written notice thereof, provided, however, in the event that Tenant has diligently commenced to cure a material default within sixty (60) days of Tenant's actual receipt of notice thereof and reasonably requires additional time beyond the sixty (60) day cure period described herein to effect such cure, Tenant shall have such additional time as is necessary (beyond the sixty [60] day cure period) to effect the cure. References in this Amendment to "**Renewal Term**" shall refer, collectively, to the Existing Renewal Term(s) and the New Renewal Term(s). The Landlord hereby agrees to execute and

return to Tenant an original Memorandum of Lease in the form and of the substance attached hereto as **Exhibit B** and by this reference made a part hereof (the "**Memorandum**") executed by Landlord, together with any applicable forms needed to record the Memorandum, which forms shall be supplied by Tenant to Landlord.

3. **Rent and Escalation.** The Parties hereby acknowledge and agree that the rent payable from Tenant to Landlord under the Lease is equal to **One Thousand Four Hundred Thirteen and 87/100 Dollars (\$1,413.87)** per month (the "**Rent**"). Commencing on February 25, 2018 and on each successive annual anniversary thereof, Rent due under the Lease shall increase by an amount equal to **three percent (3%)** of the then current Rent. In the event of any overpayment of Rent prior to or after the Effective Date, Tenant shall have the right to deduct from any future Rent payments an amount equal to the overpayment amount. Notwithstanding anything to the contrary contained in the Lease, all Rent and any other payments expressly required to be paid by Tenant to Landlord under the Lease and this Amendment shall be paid to **City of San Juan Bautista CA**. The escalations in this Section shall be the only escalations to the Rent and any/all rental escalations otherwise contained in the Lease are hereby null and void and of no further force and effect.
4. **Sublease Revenue.** The Parties hereby acknowledge and agree that Tenant's obligation to pay Landlord **Two Hundred Fifty and 00/100 Dollars** for each sublease, license or other collocation agreement for the use of any portion of the Leased Premises entered into by and between Tenant and a third party (any such third party, the "**Additional Collocator**") remains in full force and effect.
5. **Landlord and Tenant Acknowledgments.** Except as modified herein, the Lease and all provisions contained therein remain in full force and effect and are hereby ratified and affirmed. The Parties hereby agree that no defaults exist under the Lease. To the extent Tenant needed consent and/or approval from Landlord for any of Tenant's activities at and uses of the site prior to the Effective Date, Landlord's execution of this Amendment is and shall be considered consent to and approval of all such activities and uses. Landlord hereby acknowledges and agrees that Tenant shall not need consent or approval from, or to provide notice to, Landlord for any future activities at or uses of the Leased Premises, including, without limitation, subleasing and licensing to additional customers, installing, modifying, repairing, or replacing improvements within the Leased Premises, and/or assigning all or any portion of Tenant's interest in this Lease, as modified by this Amendment. Tenant and Tenant's sublessees and customers shall have vehicular (specifically including truck) and pedestrian access to the Leased Premises from a public right of way on a 24 hours per day, 7 days per week basis, together with utilities services to the Leased Premises from a public right of way. The terms, provisions, and conditions of this Section shall survive the execution and delivery of this Amendment.
6. **Limited Right of First Refusal.** Notwithstanding anything to the contrary contained herein, this paragraph shall not apply to any fee simple sale of the Parent Parcel from Landlord to any prospective purchaser that is not a Third Party Competitor (as herein defined). If Landlord receives an offer or desires to offer to: (i) sell or convey any interest (including, but not limited to, leaseholds or easements) in any real property of which the Leased Premises is a part to any person or entity directly or indirectly engaged in the business of owning, acquiring, operating, managing, investing in or leasing wireless telecommunications infrastructure (any such person or entity, a "**Third Party Competitor**") or (ii) assign all or any portion of Landlord's interest in the Lease to a Third Party Competitor (any such offer, the "**Offer**"), Tenant shall have the right of first refusal to purchase the real property or other interest being offered by Landlord in connection with the Offer on the same terms and conditions. If Tenant elects, in its sole and absolute discretion, to exercise its right of first refusal as provided herein, Tenant must provide Landlord with notice of its election not later than forty-five (45) days after Tenant receives written notice from Landlord of the Offer. If Tenant elects not to exercise Tenant's right of first refusal

with respect to an Offer as provided herein, Landlord may complete the transaction contemplated in the Offer with the Third Party Competitor on the stated terms and price but with the express condition that such sale is made subject to the terms of the Lease, as modified by this Amendment. Landlord hereby acknowledges and agrees that any sale or conveyance by Landlord in violation of this Section is and shall be deemed to be null and void and of no force and effect. The terms, provisions, and conditions of this Section shall survive the execution and delivery of this Amendment.

7. **Termination and Removal.** Within 120 days of the expiration or termination of the Lease, Tenant shall remove all of its communications equipment and other personal property from the Leased Premises, including the removal of any foundation to six (6) inches below grade, but not including underground utilities, if any, and restore the Leased Premises to its original condition, reasonable wear and tear excepted.
8. **Landlord Statements.** Landlord hereby represents and warrants to Tenant that: (i) to the extent applicable, Landlord is duly organized, validly existing, and in good standing in the jurisdiction in which Landlord was organized, formed, or incorporated, as applicable, and is otherwise in good standing and authorized to transact business in each other jurisdiction in which such qualifications are required; (ii) Landlord has the full power and authority to enter into and perform its obligations under this Amendment, and, to the extent applicable, the person(s) executing this Amendment on behalf of Landlord, have the authority to enter into and deliver this Amendment on behalf of Landlord; (iii) no consent, authorization, order, or approval of, or filing or registration with, any governmental authority or other person or entity is required for the execution and delivery by Landlord of this Amendment; (iv) Landlord is the sole owner of the Leased Premises and all other portions of the Parent Parcel; (v) to the best of Landlord's knowledge, there are no agreements, liens, encumbrances, claims, claims of lien, proceedings, or other matters (whether filed or recorded in the applicable public records or not) related to, encumbering, asserted against, threatened against, and/or pending with respect to the Leased Premises or any other portion of the Parent Parcel which do or could (now or any time in the future) adversely impact, limit, and/or impair Tenant's rights under the Lease, as amended and modified by this Amendment; and (vi) the square footage of the Leased Premises is the greater of Tenant's existing improvements on the Parent Parcel or the land area conveyed to Tenant under the Lease. The representations and warranties of Landlord made in this Section shall survive the execution and delivery of this Amendment. Landlord hereby does and agrees to indemnify Tenant for any damages, losses, costs, fees, expenses, or charges of any kind sustained or incurred by Tenant as a result of the breach of the representations and warranties made herein or if any of the representations and warranties made herein prove to be untrue. The aforementioned indemnification shall survive the execution and delivery of this Amendment.
9. **Notices.** All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First Class United States Mail, certified, return receipt requested to the addresses set forth herein: to Landlord at: PO Box 1420, San Juan Bautista, CA 95045; to Tenant at: Attn.: Land Management 10 Presidential Way, Woburn, MA 01801, with copy to: Attn.: Legal Dept., 116 Huntington Avenue, Boston, MA 02116. Any of the Parties, by thirty (30) days prior written notice to the others in the manner provided herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.
10. **Counterparts.** This Amendment may be executed in several counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument, even though all Parties are not signatories to the original or the

same counterpart. Furthermore, the Parties may execute and deliver this Amendment by electronic means such as .pdf or similar format. Each of the Parties agrees that the delivery of the Amendment by electronic means will have the same force and effect as delivery of original signatures and that each of the Parties may use such electronic signatures as evidence of the execution and delivery of the Amendment by all Parties to the same extent as an original signature.

11. **Governing Law.** Notwithstanding anything to the contrary contained in the Lease and in this Amendment, the Lease and this Amendment shall be governed by and construed in all respects in accordance with the laws of the State or Commonwealth in which the Leased Premises is situated, without regard to the conflicts of laws provisions of such State or Commonwealth.
12. **Waiver.** Notwithstanding anything to the contrary contained herein, in no event shall Landlord or Tenant be liable to the other for, and Landlord and Tenant hereby waive, to the fullest extent permitted under applicable law, the right to recover incidental, consequential (including, without limitation, lost profits, loss of use or loss of business opportunity), punitive, exemplary and similar damages.
13. **Tenant's Securitization Rights; Estoppel.** Landlord hereby consents to the granting by Tenant of one or more leasehold mortgages, collateral assignments, liens, and/or other security interests (collectively, a "***Security Interest***") in Tenant's interest in this Lease, as amended, and all of Tenant's property and fixtures attached to and lying within the Leased Premises and further consents to the exercise by Tenant's mortgagee ("***Tenant's Mortgagee***") of its rights to exercise its remedies, including without limitation foreclosure, with respect to any such Security Interest. Landlord shall recognize the holder of any such Security Interest of which Landlord is given prior written notice (any such holder, a "***Holder***") as "Tenant" hereunder in the event a Holder succeeds to the interest of Tenant hereunder by the exercise of such remedies. Landlord further agrees to execute a written estoppel certificate within thirty (30) days of written request of the same by Tenant or Holder.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

LANDLORD:

City of San Juan Bautista

Signature: _____

Print Name: _____

Title: _____

Date: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

TENANT:

American Tower LLC,
a Delaware limited liability company

Signature: _____

Print Name: _____

Title: _____

Date: _____

EXHIBIT A

This Exhibit A may be replaced at Tenant's option as described below.

PARENT PARCEL

Tenant shall have the right to replace this description with a description obtained from Landlord's deed (or deeds) that include the land area encompassed by the Lease and Tenant's improvements thereon.

The Parent Parcel consists of the entire legal taxable lot owned by Landlord as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below.

Assessors Parcel Number: 002-540-002, 3-0

Parcel One

The Property is described and/or depicted as follows:

Lots Eight (8) and Nine (9) and Ten (10) of Ramona Heights, as said lots are shown and designated in map of said heights, said map having been filed for record in the office of the County of Recorder of said San Benito County, on the 17th date of September, 1907, and recorded in said Office in Map Book 1 at page 24, Records of said County.

Parcel Two

Lots 10, 11, 12, and 13 in Block 10 of Ramona Heights, according to the Map thereof filed September 17, 1907 in Vol. 1 of Maps, at page 24, San Benito County Records.

LEASED PREMISES

Tenant shall have the right to replace this description with a description obtained from the Lease or from a description obtained from an as-built survey conducted by Tenant.

The Leased Premises consists of that portion of the Parent Parcel as defined in the Lease which shall include access and utilities easements. The square footage of the Leased Premises shall be the greater of: (i) the land area conveyed to Tenant in the Lease; (ii) Tenant's (and Tenant's customers) existing improvements on the Parent Parcel; or (iii) the legal description or depiction below (if any).

REAL PROPERTY IN THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN 0.63 ACRE PARCEL OF LAND OWNED BY THE CITY OF SAN JUAN BAUTISTA AND BEING COMPRISED OF LOTS 8 AND 9 IN BLOCK 10 OF RAMONA HEIGHTS, AS SAID LOTS ARE SHOWN AND DESIGNATED ON MAP FILED IN MAP BOOK 1, PAGE 24, RECORDS OF SAN BENITO COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

AN IRREGULAR SHAPED 5,907 SQUARE FOOT LEASE AREA DESCRIBED AS FOLLOWS:

COMMENCING AT A TWELVE INCH (12") DIAMETER CONCRETE MONUMENT FOUND AT THE SOUTHERLY CORNER OF SAID LOT 8, AS SAID MONUMENT IS SHOWN ON THAT CERTAIN PARCEL MAP OF A.S. NYLAND PROPERTY FILED IN BOOK 1, PAGE 17, RECORDS OF SAN BENITO COUNTY; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 8, N 08°33'00" E, 109.00 FEET; THENCE, N 34°41'00" E, 68.28 FEET; THENCE LEAVING SAID WESTERLY BOUNDARY AT A RIGHT ANGLE, S 55°19'00" E, 3.09 FEET TO THE WESTERLY CORNER OF, AND POINT OF BEGINNING FOR, THE LEASE AREA HEREIN DESCRIBED; THENCE IN A CLOCKWISE DIRECTION AROUND THE PERIMETER OF SAID LEASE AREA THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

- 1) N 59°04'19" E, 57.29 FEET; THENCE,
- 2) N 38°28'50" E, 54.56 FEET; THENCE,
- 3) S 65°38'31" E, 41.60 FEET; THENCE,
- 4) S 24°21'29" W, 100.00 FEET; THENCE,
- 5) N 65°38'31" W, 87.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,907 SQUARE FEET, MORE OR LESS.

Site No: 41714

Site Name: San Juan Bautista/Rocks CA

ACCESS AND UTILITIES

The access and utility easements include all easements of record as well that portion of the Parent Parcel currently utilized by Tenant (and Tenant's customers) for ingress, egress and utility purposes from the Leased Premises to and from a public right of way including but not limited to:

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING AN EXTENSION TO A LEASE AGREEMENT WITH AMERICAN CELL TOWER

RECITAL

A. The City Council of the City of San Juan Bautista has reviewed the first amendment to the agreement between the City of San Juan Bautista and American Cell Tower, for lease of the property at APN 002-540-002, 3-0 for a cell tower.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The Agreement is hereby approved and the City Manager is authorized to execute the Agreement on behalf of the City.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the City Council held on February 20, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Jim West, Mayor

Mackenzie Quaid, City Clerk

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 12, 2018

SUBJECT: Appointment of Planning Commissioners

Recommendation:

It is recommended that the Council provide direction regarding amending the process for appointing Planning Commissioners.

Background:

The current procedure for appointing Planning Commissioners does not provide for full consideration of all qualified candidates. (See below.)

I propose that the Council direct the City Attorney to prepare an amendment to the ordinance to provide for a more thorough process.

I would appreciate Council comment and direction on two alternative approaches:

One would simply change the code to require the full City Council to interview and select all the Planning Commissioners.

A second would simply require the nominating councilmember to review and interview all the candidates who applied by the noticed application period. The Council would receive the nominating councilmember's recommendation and make appointments in accordance with the current procedure.

Excerpt from current code:

2-3-110 Qualifications - Appointment - Term. **SHARE**

(A) Members of the Planning Commission shall be residents and registered voters of the City of San Juan Bautista and shall not be officers or management-level employees of the City at the time of their appointment and continuously during their terms of office. A Commissioner who has moved residence from the City shall be considered to have resigned from the Commission office.

(B) Each member of the City Council shall appoint one (1) member to the Planning Commission.

(C) At or near the beginning of his or her initial and succeeding elected or appointed term of office, each member of the City Council may nominate one (1) Commissioner who shall be appointed to the Commission, if approved by a vote of at least three (3) members of the Council. Each Commissioner's term of office shall coincide with the term of office of the City Council member who nominated him or her.

(D) If a Commissioner vacates his or her office before the expiration of his or her term of office, the City Council member who nominated that Commissioner (or a City Council member elected or appointed to fill the remaining unexpired term of office of the City Council member who appointed the Commissioner) may nominate a replacement to serve the remainder of that Commissioner's term of office, who shall be appointed, if the nomination is approved by a vote of at least three (3) members of the Council.

(E) If a City Council member's nomination receives less than three (3) votes, he or she may nominate additional candidates, one (1) at a time, until one (1) of them is appointed by a vote of at least three (3) members of the Council. Commissioners shall be nominated and voted upon at a single City Council meeting, unless a different procedure is approved by a majority vote of the City Council. If a City Council member fails to nominate a Commissioner within sixty (60) days after the vacancy occurs, the Mayor, in his or her discretion, shall appoint a Commissioner subject to approval of at least three (3) members of the City Council.

(F) Within thirty (30) days from the effective date of the City ordinance which adds this subsection, the Mayor shall designate the initial nominating Council member for each filled and vacant position on the Planning Commission. Following the Mayor's designation, the Council shall undertake the nomination, appointment and confirmation procedures described in subsections (B) through (E) of this Section to nominate, appoint and confirm the members of the Planning Commission who will initially take office subject to the provisions of this section.

CITY OF SAN JUAN BAUTISTA
CITY COUNCIL STAFF REPORT

To: The Honorable Mayor and City Council
From: The City Attorney
RE: **Public Hearing to Remove Planning Commissioner from
Planning Commission**
Date: January 9, 2018 (Presented January 16, 2018)

REQUEST:

It is requested that the City Council:

1. Hold a public hearing to consider the removal of John Hopper from the Planning Commission, allow Mr. Hopper to address the removal and take public comment; and,
2. Vote on whether to remove Mr. Hopper from the Planning Commission, with good cause.

BACKGROUND:

The City Council has set a hearing for January 16, 2018 to consider the removal of John Hopper from the Planning Commission. Planning Commissioners serve at the pleasure of the City Council and pursuant to Section 2-3-115 of the City Code "[a]ny regular member of the Commission may be removed with good cause or without cause by a vote of at least three (3) members of the Council and such action shall be final and not subject to review."

The Mayor sent the letter attached as Exhibit "A" to this Staff Report to Mr. Hopper to advise him that at the hearing the City Council is considering Mr. Hopper's removal from the Planning Commission for the following reasons:

Acting in excess of his authority as a Planning Commissioner.

Failing to comport himself in public in a manner which is deemed appropriate by the current City Council. This includes but is not limited to his appearance at an October 24, 2017 City Council meeting, where he appeared to be intoxicated.

At previous meetings of the City Council, various members of the Council and the public have spoken about some of their specific concerns regarding Mr. Hopper's service as a Planning Commissioner. Further, the City has received written communications from citizens questioning Mr. Hopper's ability to continue to serve the community as a Planning Commissioner. A record of public communications is attached as Exhibit "B" to this Staff Report and will become part of the record in this matter. It is within the discretion of the City Council as to whether to remove Mr. Hopper from his position as Planning Commissioner, if he is not serving at the City Council's pleasure and in a manner deemed appropriate.

City Council Members may make additional comments to show good cause for removal or may rest on the record which has been presented. At the hearing, Mr. Hopper will be given the due process rights to contest his removal and correct what he may consider to be an injury to his reputation. The Mayor and City Council will decide the amount of time to be given to Mr. Hopper to address the City Council. The public will have the right to make public comment on the agenda item and it will be returned to the City Council for a vote.

CONCLUSION:

If three City Council vote to remove Mr. Hopper from his capacity as Planning Commissioner because good cause is shown that he is not serving at the pleasure of the City Council, Mr. Hopper shall no longer serve the City as a Planning Commissioner. The removal is not subject to review.

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 14, 2018

SUBJECT: Solid Waste Franchise

The City of San Juan Bautista, along with the City of Hollister and County of San Benito, has been part of the Integrated Waste Management Regional Agency since 1995. This joint powers authority was created to cost effectively coordinate all integrated waste management programs within the requirements of applicable state laws and regulations.

The Agency issued on August 29, 2017 a Request for Proposal for a private company to receive a franchise for solid waste collection, recycling and disposal services. A goal of the RFP process is to select a company that can achieve the communities' waste diversion goals as determined by the State of California, at the lowest cost to residential and commercial customers.

The current franchise with Recology San Benito County expires June 30, 2018 unless extended.

The Regional Agency and its staff have evaluated proposals from three potential franchisees including the incumbent. An ad hoc committee of elected officials from the three agencies will soon be meeting to develop recommendations on the public decision-making process.

Because the requirements to achieve waste diversion targets will mean new services, new investment, and increased effort, it is likely that the selected franchisee will require higher customer rates than currently charged in the three jurisdictions.

Because of the complexity and importance of the issues, it is likely that the ad hoc committee will recommend an opportunity for each of the agencies to hear presentations from the proposers either in a separate or a joint meeting. Further, it is likely that each agency will be asked to extend the current franchise for a short period in order to allow for a full evaluation of the proposals and provide a transition period for the new services; whomever is selected will require sufficient lead time to purchase new equipment (carts, bins and trucks), hire new employees and prepare public education materials.