



# City of San Juan Bautista

*The "City of History"*

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## AGENDA

### REGULAR CITY COUNCIL MEETING

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

**MARCH 19, 2019**

*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**  
**Pledge of Allegiance**  
**Roll Call**

**6:00 PM**

2. **Public Comment**

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 Minutes for the February 19, 2019 Regular Meeting**
- C. **Approve Minutes for the February 25, 2019 Special Meeting**
- D. **Approve Resolution 2019-XX Confirming Appointments to Commissions, Committees and Regional Boards**
- E. **Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**

4. **Presentations, Informational Items and Reports**

- A. **Presentation by San Benito County Public Health Services – Proposal for Smoke Free Outdoor Dining in the City**
- B. **Monthly Financial Statements**
- C. **City Manager's Report**
- D. **Building and Planning Report**
- E. **Reports from City Council Appointees to Regional Organizations and Committees**
- F. **Strategic Plan Committee Report**

## **5. Action Items**

### **A. Approve Performance Bonus for Michael LaForge per Agreement**

- i. Staff Report: Mayor Flores
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:  
Approve \$10,000 Performance Bonus for Michael LaForge

### **B. Approve Appointment of J. Edward Tewes as Interim City Manager and Authorize Mayor to Sign Agreement**

- i. Staff Report: Mayor Flores
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:  
Approve appointment of J. Edward Tewes as Interim City Manager and authorize Mayor to sign agreement

### **C. Approve Proposed Deferred Improvements Agreement for Midnight Express and Authorize the City Manager to Execute It on Behalf of the City**

- i. Staff Report: Interim City Manager Tewes
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:  
Approve a deferred Improvements agreement for Midnight Express and authorize the City Manager to execute it on behalf of the City

## **6. Discussion Items**

### **A. City Manager Recruitment Update**

### **B. Weekly Old Town Block Party – Mayor Flores**

## **7. Comments**

### **A. City Council**

### **B. City Manager**

### **C. City Attorney**

## **8. 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 14<sup>th</sup> DAY OF MARCH 2019, 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 14<sup>th</sup> DAY OF MARCH 2019.



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TRISH PAETZ, DEPUTY CITY CLERK

**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 19, 2019  
DRAFT MINUTES**

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

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

**ROLL CALL** **Present:** Vice Mayor Edge, Council Members Freeman and Jordan  
**Absent:** Mayor Flores and Council Member DeVries

**Staff Present:** City Attorney Mall, City Treasurer Geiger, City Clerk Cent,  
Deputy City Clerk Paetz, Associate Planner Kennedy

**Staff Absent:** City Manager LaForge

**2. PUBLIC COMMENT**

Jackie Morris-Lopez spoke in support of evaluating the City Manager, to include input from the hiring panel and citizens. City Attorney Mall responded that the City Manager's contract requires a job evaluation before the end of the current fiscal year in closed session.

**3. CONSENT ITEMS**

**A. Approve Affidavit of Posting Agenda**

**B. Approve Minutes for the January 22, 2019 Special Council Meeting**

**C. Adopt Ordinance 2019-01 Adding Chapter 5.32 "Cannabis Business Activities Tax Ordinance of the City of San Juan Bautista" to Title 5 "Public Health, Safety and Welfare" of the San Juan Bautista Municipal Code (Second Reading & Adoption)**

**D. Approve Resolution 2019-04 Concurring in Nomination to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority ("ACWA JPIA")**

**E. Approve Resolution 2019-05 in Support of the San Benito County 2020 Census Complete Count Committee**

**F. Approve Resolution 2019-06 Authorizing Street Closures for Car Show and Spring Equinox/Indigenous New Years Event**

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

Councilmember Freeman made a motion to approve the Consent Items. Vice Mayor Edge had questions about Item 3F and the closure of Second Street between Mariposa and Washington. Fire Marshall Charlie Bedolla reported that the Fire Department did not have a problem with the street closure. Vice Mayor Edge was concerned about if enough public rest rooms would be available if 1000 people were expected. Applicant Mandisa Snodey reported 1000 people were not expected for the event on Second Street, but rather 20 - 50 people at the most, for the painting. There was no public

comment. Council Member Freeman restated his motion to approve all the Consent Items. Second by Council Member Jordan. Motion passed 3-0, with Council Member DeVries and Mayor Flores absent.

#### **4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS**

##### **A. Monthly Financial Statements**

City Treasurer Geiger reviewed the reports and answered Council Members' questions. There was no public comment.

##### **B. City Manager's Report**

City Manager LaForge was absent and Associate Planner Kennedy offered to review her report. There was no public comment.

##### **C. Building and Planning Report**

Associate Planner Kennedy presented the report. There was no public comment.

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

Council Members Freeman, Jordan and Vice Mayor Edge reported on meetings they attended. There was no public comment.

##### **E. Strategic Plan Committee Report**

Strategic Plan Committee Secretary Kennedy and Council Member Freeman reported on the February 7th meeting. Secretary Kennedy responded to questions from Council Members. There was no public comment.

#### **5. ACTION ITEMS**

##### **A. Consider Approval of a Fire Protection Contract with City of Hollister for Seven (7) Years in the amount of \$228,000 with 3% annual increases**

Administrative Services Manager Paetz reviewed her staff report. Comments were received from Council Members. There was no public comment. Council Member Jordan made a motion to approve Resolution 2019-07 approving a contract between the City of San Juan Bautista and the City of Hollister for Fire Protection Services. Second by Council Member Freeman. The motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

##### **B. Consider Changes to Security Requirements for Rental of SJB Community Hall**

Council Member Jordan recused herself from this item as a family member is employed by Level 1 Security. City Attorney Mall made a point of order that a quorum was no longer present. The item was continued to the next Council Meeting.

##### **C. Consider Amendment to the 2018-2019 Fiscal Budget Transferring \$38,000 from Capital Improvements Projects for Purchase of a Kubota Tractor**

Fleet Manager Champion reviewed the staff report. Comments were received from Council Members. There was no public comment. Council Member Freeman made a motion to approve Resolution 2019-08 authorizing an amendment to the 2018-2019 Fiscal Budget for purchase of a Kubota Tractor. Second by Council Member Jordan. The motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

#### **6. DISCUSSION ITEMS**

##### **A. Revisit Council's List of Representatives to Committees**

Council Members volunteered to be City representatives in the remaining openings on various committees. There was no public comment.

**B. Sesquicentennial Event Update**

Ann Fritch presented all the events planned from the present to the end of 2019 for San Juan Bautista's Sesquicentennial Celebration. Ann Fritch and Shawna Freels responded to questions from Council Members. No public comment was received.

**C. Council Training Opportunities – Deputy City Clerk Paetz**

Deputy City Clerk Paetz reviewed required trainings, available trainings and answered questions from Council Members. There was no public comment.

**D. Weekly Old Town Block Party – Mayor Flores**

Mayor Flores was absent. This item was continued to the next meeting. There was no public comment.

**7. COMMENTS**

**A. City Council**

No comments received.

**B. City Manager**

City Manager LaForge was absent.

**C. City Attorney**

City Attorney Mall commented on the upcoming closed session.

**8. Closed Session**

**A. Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (one potential case)**

Public comment was received from Jackie Morris-Lopez in favor of the Council tabling this item as Council Member DeVries was absent. At 7:02 P.M. the Council went into closed session in the City Manager's office. At 7:35 P.M. the Council came out of closed session. City Attorney Mall announced no reportable action was taken.

**8. ADJOURNMENT**

The meeting was adjourned at 7:36 P.M.

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Mary Vazquez Edge, Vice Mayor

ATTEST:

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Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA  
SPECIAL CITY COUNCIL MEETING  
FEBRUARY 25, 2019  
DRAFT MINUTES**

**1. CALL TO ORDER** - Mayor Flores called the meeting to order at 5:30 P.M.

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

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

**Staff Present:** City Attorney Mall, City Clerk Cent, Deputy City Clerk Paetz, Associate Planner Kennedy, City Accountant Cumming. City Manager LaForge arrived at 5:43 P.M.

**2. PUBLIC COMMENT – ONLY ON ITEMS ON THE AGENDA**

There was no public comment at this time in the meeting.

**3. CONSENT ITEMS**

**A. Approve Affidavit of Posting Agenda**

**B. Approve Affidavit of Posting Public Hearing**

There was no public comment. Council Member Jordan made a motion to approve all items on the Consent list. Second by Council Member Freeman. The motion passed 5-0.

**4. PUBLIC HEARING**

**A. La Casa Rosa: Consider Abatement**

Associate Planner Kennedy presented a report. City Attorney Mall reported this was the final action of the Council to declare a nuisance, hear any objections from the owners and pursue abatement. City Attorney Mall answered questions from Council Members. Public comment was received from Cara Vonk asking who the owners are and she supports taking action. There was written public comment received before the meeting from Wanda Guibert, President of the San Juan Bautista Historical Society, requesting not all the windows be boarded over and offering to pay for lace curtains for those windows. Public comment was received via email before the meeting from Emily Renzel supporting stabilization of the structure. City Attorney Mall reviewed Section 5 of the Resolution to state the correct wording. Mayor Flores read the Resolution out loud. Council Member DeVries made a motion to approve Resolution 2019-09 of the City Council after a public hearing declaring the condition of the building at 107 Third Street to constitute a public nuisance and ordering abatement of said nuisance to protect citizens and their property from conditions that threaten public health, safety and welfare and assessing the cost of abatement as modified. Second by Council Member Jordan. The motion passed 5-0.

Whereupon, City Manager LaForge reported on the meeting with the Governor and the Department of Housing and Community Development she and the Mayor attended in Long Beach.

**B. Discuss Status of La Casa Rosa Code Enforcement and Whether Civil or Criminal Action Will Be Taken**

There was discussion with City staff and Council Members. There was no public comment. No action was taken.

**5. ACTION ITEMS**

**A. Authorize Appointment of Assistant City Manager**

City Manager LaForge reviewed her report, stating she is resigning as City Manager and asking for authorization to appoint an assistant city manager to assist with the transition. Public comment was received from Cara Vonk asking who would be qualified to be Assistant City Manager, whether the previous Interim City Manager Tewes was available, and stated City Manager LaForge was very good and she was sorry to see her leave. Mayor Flores read City Manager LaForge's letter of resignation. Vice Mayor Edge made a motion to approve a salary for an Assistant City Manager at \$50 per hour for no more than two weeks for a maximum of \$2000. Second by Council Member Jordan. The motion passed 5-0. City Attorney Mall will draw up a contract for the Assistant City Manager.

**B. Review Mid Year Budget and Approve Resolution 2019-10 Amending the Fiscal Year 2018-2019 Budget**

City Manager LaForge presented a PowerPoint presentation of the Mid Year Budget Review. City Accountant Cumming also made a presentation. Public comment was received from Cara Vonk supporting work to improve the acoustics in the Community Hall. Council Member Freeman made a motion to approve Resolution 2019-10 amending the San Juan Bautista Municipal Budget for FY 2018-2019. Second by Council Member Jordan. The motion passed 5-0.

**C. Consider Changes to Security Requirements for Rental of SJB Community Hall**

Council Member Jordan recused herself from this item as a family member is employed by Level 1 Security. City Manager LaForge gave a report. There was discussion between City staff and Council Members, including adding a decibel limit for noise. City Manager LaForge said the City will provide Level 1 Security with a decibel meter. Public comment was received from Cara Vonk with the concern that the increased cost of security may make renting the Community Hall too expensive. JT of Level 1 Security spoke, thanking City Manager LaForge. Vice Mayor Edge made a motion changing the security requirements for renting the Community Hall and to add a decibel level limit. Second by Council Member Freeman. The motion passed 4-0, with Council Member Jordan abstained.

**6. CLOSED SESSION**

Public comment was received from Rachel Ponce thanking City Manager LaForge for her professional manner and work on the budget, and she requested that community members be added to the interview panel. A recess was taken at 6:51 P.M. Closed session began at 7:00 P.M.



**A. Public Employee Performance Evaluation – Title: City Manager Pursuant to Government Code 54957**

City Attorney Mall announced no reportable action taken.

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

City Attorney Mall announced no reportable action taken.

**7. ADJOURNMENT**

The meeting adjourned at 7:20 P.M.

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César E. Flores, Mayor

ATTEST:

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Laura Cent, City Clerk



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** Committee Appointments

**MEETING DATE:** March 19, 2019

**FROM:** Trish Paetz, Administrative Services Mgr.

### RECOMMENDED ACTION:

Confirm appointments to various regional and City committees, Planning Commission, Youth Commission and Strategic Plan Committee.

### BACKGROUND INFORMATION:

Over time, appointments were made to each committee, commission and regional agency. Staff asks that Council approve the attached resolution confirming the appointments.

<u><b>Planning Commission</b></u> Scott Freels David Medeiros Yolanda Delgado Shirley Brewer Luis Matchain	<u><b>Youth Commission</b></u> Jugraj Sahi Xavier Guaracha Shaylen Dornan Simran Kaur Jade Bixler Armann Sohi	<u><b>Ad Hoc Committees</b></u> <u><b>Cannabis:</b> DeVries/Freeman</u>  <u><b>Sheriff Contract:</b> DeVries/Edge</u>  <u><b>Parking w/in the City:</b> Edge/Jordan</u>
<u><b>Strategic Plan Committee</b></u> Mandisa Snodey Donna Holmes Todd Kennedy Jennifer Colby John Freeman* Estrella Esparza-Johnson Shawna Freels Ana Garcia Maria Elena Madrigal Bev Meamber  *Council Liason	<u><b>AMBAG:</b> John Freeman, Leslie Jordan</u>  <u><b>COG:</b> Cesar Flores, Mary Edge</u>  <u><b>WRA:</b> John Freeman</u>  <u><b>SB Homeless Planning Group:</b> Mary Edge</u>  <u><b>Mont./SBC CoC Leadership Council:</b> Mary Edge</u>  <u><b>Mont. Bay Comm. Power Autho. Operations Bd:</b> John Freeman</u>  <u><b>Area Agency on Aging:</b> Mary Edge</u>  <u><b>Intergovernmental Committee:</b> John Freeman, Leslie Jordan</u>  <u><b>Integrated Waste Mgmt - Local Task Force:</b> John Freeman</u>	

Attachment: Resolution

## RESOLUTION NO. 2019-XX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA CONFIRMING APPOINTMENTS

**WHEREAS**, the Council has recently made appointments, and

**WHEREAS**, it is appropriate to have a comprehensive roster of such appointments, and

**WHEREAS**, by this resolution the Council will formally confirm the appointments.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Juan Bautista hereby confirms the following appointments to City committees and commissions, and regional committees.

<b><u>Planning Commission</u></b> Scott Freels David Medeiros Yolanda Delgado Shirley Brewer Luis Matchain	<b><u>Youth Commission</u></b> Jugraj Sahi Xavier Guaracha Shaylen Dornan Simran Kaur Jade Bixler Armann Sohi	<b><u>Ad Hoc Committees</u></b> <b><u>Cannabis:</u></b> DeVries/Freeman  <b><u>Sheriff Contract:</u></b> DeVries/Edge  <b><u>Parking w/in the City:</u></b> Edge/Jordan
<b><u>Strategic Plan Committee</u></b> Mandisa Snodey Donna Holmes Todd Kennedy Jennifer Colby John Freeman* Estrella Esparza-Johnson Shawna Freels Ana Garcia Maria Elena Madrigal Bev Meamber  *Council Liason	<b><u>AMBAG:</u></b> John Freeman, Leslie Jordan  <b><u>COG:</u></b> Cesar Flores, Mary Edge  <b><u>WRA:</u></b> John Freeman  <b><u>SB Homeless Planning Group:</u></b> Mary Edge  <b><u>Mont./SBC CoC Leadership Council:</u></b> Mary Edge  <b><u>Mont. Bay Comm. Power Autho. Operations Bd:</u></b> John Freeman  <b><u>Area Agency on Aging:</u></b> Mary Edge  <b><u>Intergovernmental Committee:</u></b> John Freeman, Leslie Jordan  <b><u>Integrated Waste Mgmt - Local Task Force:</u></b> John Freeman	

**PASSED AND ADOPTED** this 19<sup>th</sup> day of March 2019 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Mayor Cesar E. Flores**

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**Laura Cent, City Clerk**

## **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

# Proposal for Smoke-Free Outdoor Dining in San Juan Bautista



# What is Secondhand Smoke (SHS)?

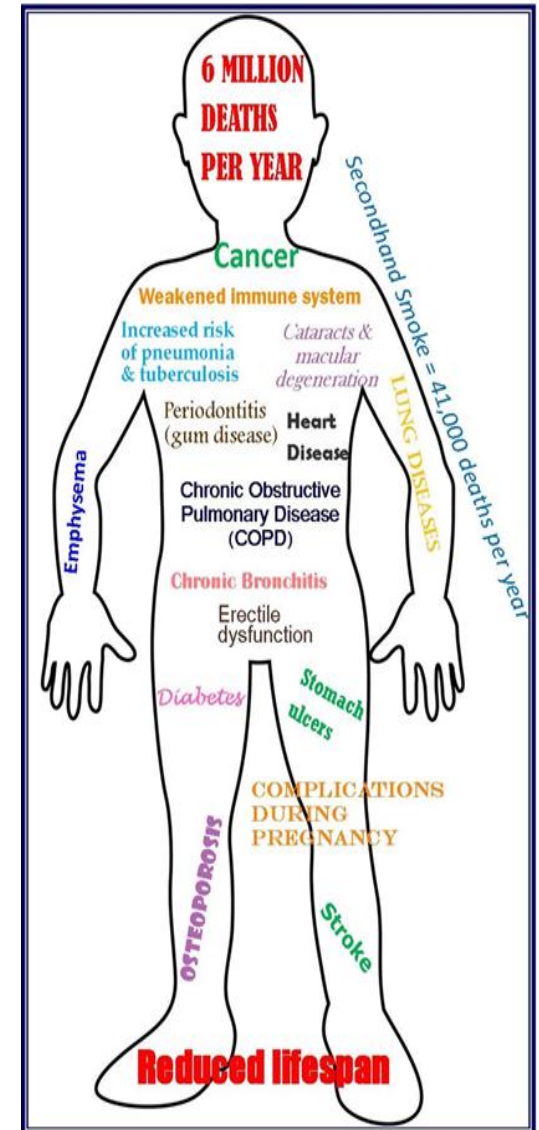


- **SHS is the combination of smoke emitted from the burning ends of any tobacco product, including vaping and cannabis (sidestream smoke) and the smoke exhaled from the lungs of users (exhaled mainstream smoke).**



# Health Effects of Secondhand Smoke (SHS)

- ❖ There is **no risk-free level** of **SHS** smoke exposure; even **brief exposure can be harmful** to health.
- ❖ **In the United States, SHS alone causes more than 42,000 deaths in non-smoking adults** and 400 deaths in infants each year.
- ❖ Tobacco smoke contains **more than 69 substances** that are known or suspected to **cause cancer**.
- ❖ In **2018**, there were a total of **93 deaths** related to smoking in **San Benito County** deaths.





# How Do We Protect Our Community Members and Our Visitors from Exposure Secondhand Smoke in Outdoor Dining Areas?

- All restaurants surveyed in San Juan Bautista currently have voluntary smoke-free outdoor dining policies: Jardines, Dona Esther, JJ's Homemade Burgers, Lolla, Natural Wonders and Vertigo Coffee Roasters.
- A voluntary policy is not enough for creating a equal playing field for all businesses and future businesses .
- A voluntary policy, although excellent in its nature, is not held to the same level of accountability as a official policy backed by our council.
- A policy backed by our council will support our businesses in providing a healthy smoke-free dining environment for their staff and patrons.



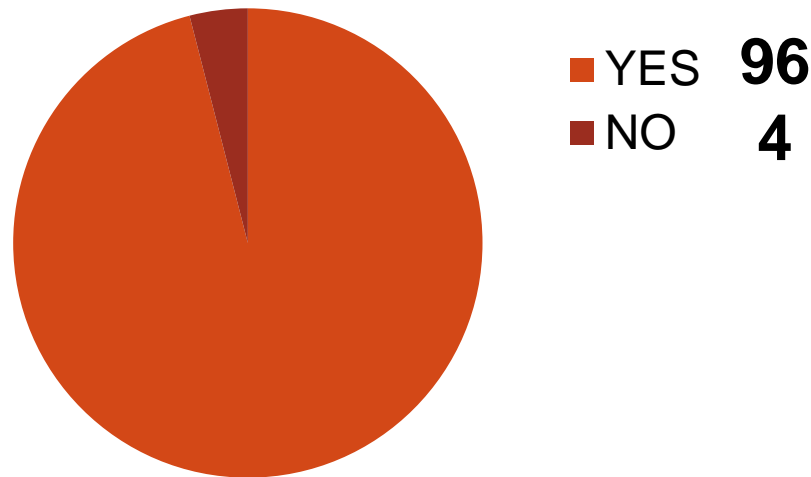
# **List of Jurisdictions that Restrict Smoking in Outdoor Dining Areas**

- **There are a total of 151 jurisdictions throughout California that have a policy that restrict smoking in outdoor dining areas.**
- **This includes: Santa Cruz County, Capitola, Santa Cruz, and Monterey**

# Local Support from SJB Residents and Business Owners

- **Would you support a smoke-free policy for the outdoor dining areas in SJB?**

**2019**



# Enjoy Your Fresh Air Dining Experience

<https://vimeo.com/310883741>

A black and white photograph of a white coffee cup on a saucer. The coffee has a latte art design of a smiley face (:) on the surface.

“My local restaurant  
just agreed to ‘no smoking’  
on their patio.  
*Now it’s my favorite restaurant.”*

Almost all Californians support smoke-free outdoor dining.  
**Talk to your local restaurant about being 100% smoke-free.**

**TobaccoFreeCA.com**

© 2011 California Department of Public Health

**City of San Juan Bautista**  
**Revenues ~ Budget Vs. Actual**  
**For the Seven Month Period Ended January 31, 2019**

Item #4B  
March 19, 2019  
City Council Meeting

<b>REVENUES</b>	<b>FY18</b>	<b>FY19</b>	<b>Annual</b>		<b>YTD</b>	
<b><u>Fund</u></b>	<b><u>Actuals</u></b>	<b><u>Actuals</u></b>	<b><u>Budget</u></b>	<b><u>Difference</u></b>	<b><u>58%</u></b>	<b><u>Notes</u></b>
<b>General Fund</b>	551,042	1,065,080	2,146,347	1,081,267	50%	
<b>Special Revenue Funds:</b>						
Community Development	64,687	75,311	139,286	63,975	54%	
COPS	105,707	81,415	100,000	18,585	81%	
Rest. & Roads Fund	15,294	17,341	25,600	8,259	68%	
Valle Vista LLD	11,849	10,037	27,884	17,847	36%	
Gas Tax Fund	27,137	26,465	505,750	479,285	5%	<b>A</b>
<b>Enterprise Funds:</b>						
Water						
Operations	487,978	524,294	768,000	243,706	68%	
Capital	17,496	736,078	769,510	33,432	96%	<b>B</b>
Sewer						
Operations	524,044	540,946	832,000	291,054	65%	
Capital	5,000	340,773	450,313	109,540	76%	<b>B</b>
<b>TOTAL Funds</b>	<b>1,259,192</b>	<b>2,352,660</b>	<b>5,764,690</b>	<b>3,412,030</b>	<b>41%</b>	

- A** ~ Gas tax revenue is below budget due to a budgeted line item fund a significant road project.  
Those budgeted funds of \$316k have not yet been received.
- B** ~ Developer and Impact revenue has been received primarily in the first half of the fiscal year.  
The remainder of budget is expected to be received in the fourth quarter of the fiscal year.

**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**  
**For the Seven Month Period Ended January 31, 2019**

Item #4B  
March 19, 2019  
City Council Meeting

<b>EXPENDITURES</b>	<b>FY18</b>	<b>FY19</b>	<b>Annual</b>		<b>YTD</b>	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>58%</u>	<u>Note</u>
<b>General Fund:</b>						
City Council	11,781	14,068	34,769	20,701	40%	
City Attorney	49,011	30,000	50,000	20,000	60%	
City Manager	21,596	14,243	42,612	28,369	33%	
City Clerk	57,050	71,208	122,124	50,916	58%	
City Treasurer	300	302	340	38	89%	
Finance and Accounting	97,466	94,041	141,747	47,706	66%	<b>A</b>
City Library	27,514	53,073	110,541	57,468	48%	
Fire Department	161,509	161,373	241,865	80,492	67%	
Law Enforcement	85,040	187,970	279,950	91,980	67%	<b>B</b>
Animal Control	3,500	3,598	10,000	6,402	36%	
PW - Streets (Operations)	73,070	91,551	182,590	91,039	50%	
PW - Streets (Capital)	1,750	-	562,000	562,000	0%	<b>C</b>
PW - Parks & Grounds (Operations)	76,801	121,023	182,715	61,692	66%	
PW - Parks and Grounds (Capital)	16,200	108,814	179,700	70,886	61%	
General Government	37,038	32,950	50,500	17,550	65%	
<b>Total General Fund Expenditures</b>	<b>719,626</b>	<b>984,214</b>	<b>2,191,453</b>	<b>1,207,239</b>	<b>45%</b>	
<b>Special Revenue Funds:</b>						
Community Development:						
Engineering	68,175	128,831	150,497	21,666	86%	<b>D</b>
Building	44,893	133,051	139,966	6,915	95%	<b>D</b>
Planning	85,360	90,187	207,731	117,544	43%	
COPS	72,017	58,331	100,000	41,669	58%	
Rest. & Roads Fund	-	-	75,000	75,000	0%	<b>E</b>
Valle Vista LLD	10,225	10,556	27,884	17,328	38%	
Gas Tax Fund	11,250	10,541	409,803	399,262	3%	<b>F</b>
<b>Enterprise Funds:</b>						
Water:						
Operations	523,755	519,829	894,222	374,393	58%	
Capital	116,883	626,179	867,861	241,682	72%	<b>G</b>
Sewer						
Operations	524,635	557,412	961,407	403,995	58%	
Capital	194,437	569,912	597,213	27,301	95%	<b>G</b>
<b>TOTAL Funds</b>	<b>2,371,256</b>	<b>3,689,043</b>	<b>6,623,037</b>	<b>2,933,994</b>	<b>56%</b>	

**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**  
**For the Seven Month Period Ended January 31, 2019**

Item #4B  
March 19, 2019  
City Council Meeting

**Footnotes:**

- A** ~ Finance & Accounting is higher than budget due to the annual audit fees incurred in November.
- B** ~ Law enforcement expenditures are higher than last year due to a larger service contract in the current year. Expenditures are higher than budgeted in both Fire and Law Enforcement due to an annual County communication fee of \$61k that was due in January.
- C** ~ Capital projects occur at various times during the year, as such the percent will not always match the same as the percentage of year completed.
- D** ~ Engineering and building higher than budgeted due to inspections and related cost occurring in the first half of the fiscal year. These costs are expected to be significantly lower in the second half of the year due to the slow down of the developer projects.
- E** ~ A large part of the Restroom and Road Fund budget is slated for projects that will occur sporadically during the year.
- F** ~ A large part of the Gas Tax Fund budget is slated for street projects that will occur sporadically during the year.
- G** ~ The expenses in this fund are capital in nature and will be incurred sporadically throughout the year.

# City of San Juan Bautista

## Warrant Listing

As of February 28, 2019  
Name

Item #4B  
City Council Meeting  
March 19, 2019

Date	Num	Name	Amount
<b>101.000 - Union Bank</b>			
<b>101.001 - Operating Acct. 1948</b>			
02/05/2019	212380	4Leaf, Inc.	-10,138.95
02/05/2019	212381	AB Tree Service	-7,650.00
02/05/2019	212382	Accent Clean & Sweep, Inc.	-1,886.50
02/05/2019	212383	ACWA Health Benefits Authority	-9,959.65
02/05/2019	212384	at&t	-266.90
02/05/2019	212385	AVAYA	-210.98
02/05/2019	212386	Brigantino Irrigation, Inc.	-199.33
02/05/2019	212387	CalPERS 457 Plan	-1,511.02
02/05/2019	212388	Charter Communications	-371.90
02/05/2019	212389	City Clerks Association of CA	-50.00
02/05/2019	212390	Core & Main	-96.53
02/05/2019	212391	Cypress Water Services	-12,268.95
02/05/2019	212392	Department of Transportation	-486.50
02/05/2019	212393	Enrique Arreola	-255.75
02/05/2019	212394	Frank's Quality Painting	-4,974.00
02/05/2019	212395	Harris & Associates	-20,430.00
02/05/2019	212396	Heidi Balz	-1,418.87
02/05/2019	212397	Hillyard	-136.02
02/05/2019	212398	Hollister Auto Parts, Inc.	-233.96
02/05/2019	212399	International Institute of Municipal Cler	-135.00
02/05/2019	212400	League of California Cities	-1,275.00
02/05/2019	212401	Level 1 Private Security.	-11,136.00
02/05/2019	212402	Michaele LaForge	-500.00
02/05/2019	212403	Monterey Bay Analytical Services	-1,049.50
02/05/2019	212404	P G & E	-729.10
02/05/2019	212405	Revize LLC	-150.00
02/05/2019	212406	San Benito County Communications Div.	-60,667.28
02/05/2019	212407	San Benito County Mosquito Abatement Prog	-277.24
02/05/2019	212408	Smith & Enright Landscaping	-1,150.00
02/05/2019	212409	Staples	-219.82
02/05/2019	212410	State Compensation Insurance Fund	-1,889.92
02/05/2019	212411	Synagro-WWT, Inc.	-473,552.00
02/05/2019	212412	True Value Hardware	-164.01
02/05/2019	212413	United Site Services of California, Inc.	-318.85
02/05/2019	212414	US Bank	-3,815.90
02/05/2019	212415	US Bank Equipment Finance	-247.32
02/05/2019	212416	Valero Marketing & Supply	-421.07
02/05/2019	212417	Wendy L. Cumming, CPA	-4,640.00
02/11/2019	212418	ATEC Systems, Inc.	-38,277.00
02/11/2019	212419	Lumenature	-6,389.59
02/11/2019	212420	Noble Pride Roofing Company Inc.	-27,017.70
02/11/2019	212421	P G & E	-491.11
02/11/2019	212422	San Benito County Environmental Health	-1,886.00



**City of San Juan Bautista  
Warrant Listing**

<b>Date</b>	<b>Num</b>	<b>As of February 28, 2019 Name</b>	<b>Amount</b>
02/19/2019	212423	California Home Resort	-1,852.00
02/21/2019	212424	P G & E	-8,793.90
02/21/2019	212425	AFLAC	-152.78
02/21/2019	212426	All Clear Water Services	-4,502.00
02/21/2019	212427	at&t	-70.08
02/21/2019	212428	California Home Resort	-1,852.00
02/21/2019	212429	Charter Communications	-114.97
02/21/2019	212430	Dudek	-25,682.71
02/21/2019	212431	EMC Planning Group Inc.	-599.62
02/21/2019	212432	Employment Development Department	-2,811.00
02/21/2019	212433	Graniterock	-530.68
02/21/2019	212434	Harris & Associates	-33,660.25
02/21/2019	212435	Jeanette Ayala.	-700.00
02/21/2019	212436	John Tobias.	-83.78
02/21/2019	212437	Justin Sanders	-240.00
02/21/2019	212438	KBA Docusys	-380.10
02/21/2019	212439	Kim Dao	-450.00
02/21/2019	212440	KS State Bank	-5,818.30
02/21/2019	212441	Laura Cent.	-100.00
02/21/2019	212442	Madeline Bautista.	-700.00
02/21/2019	212443	Maria de Lourdes Soto	-500.00
02/21/2019	212444	Mission Linen Service	-170.64
02/21/2019	212445	Monterey Bay Analytical Services	-94.90
02/21/2019	212446	Monterey Bay Water Works Association	-120.00
02/21/2019	212447	Monterey County Health Department	-162.00
02/21/2019	212448	New SV Media	-108.00
02/21/2019	212449	Pet Friends	-2,000.00
02/21/2019	212450	Pinnacle Healthcare Medical Group	-109.00
02/21/2019	212451	R & B Company	-708.46
02/21/2019	212452	Ready Refresh	-217.13
02/21/2019	212453	San Benito County Environmental Health	-784.00
02/21/2019	212454	San Juan Bautista Committee.	-5,000.00
02/21/2019	212455	Sprint	-112.22
02/21/2019	212456	State Compensation Insurance Fund	-683.04
02/21/2019	212457	Todd Kennedy	-378.00
02/21/2019	212458	Tri-County Fire Protection, Inc.	-552.62
02/21/2019	212459	Uline	-59.68
02/21/2019	212460	Univar USA Inc.	-528.59
02/21/2019	212461	US Bank Equipment Finance	-247.32
02/21/2019	212462	Wellington Law Offices	-2,500.00
02/28/2019	212463	4Leaf, Inc.	-14,104.50
02/28/2019	212464	C & N Tractors	-40,000.00
02/28/2019	212465	CalPERS 457 Plan	-1,805.44
02/28/2019	212466	Charter Communications	-371.90
02/28/2019	212467	Cypress Water Services	-8,000.00

**City of San Juan Bautista  
Warrant Listing**

**As of February 28, 2019  
Name**

<b>Date</b>	<b>Num</b>		<b>Amount</b>
02/28/2019	212468	De Lage Landen Public Finance	-969.18
02/28/2019	212469	Elliott Gil	-150.00
02/28/2019	212470	Gold Coast Glass	-508.57
02/28/2019	212471	Hollister Auto Parts, Inc.	-413.59
02/28/2019	212472	Interstate Sales	-2,052.76
02/28/2019	212473	Monterey Bay Analytical Services	-1,415.80
02/28/2019	212474	Noble Pride Roofing Company Inc.	-572.42
02/28/2019	212475	San Benito County Clerks Office	-15.00
02/28/2019	212476	Staples	-591.50
02/28/2019	212477	State Compensation Insurance Fund	-5,558.14
02/28/2019	212478	The Pin Center	-137.00
02/28/2019	212479	Todd Kennedy	-100.00
02/28/2019	212480	United Site Services of California, Inc.	-318.85
02/28/2019	212481	Valero Marketing & Supply	-715.72
02/28/2019	212482	Wellington Law Offices	-3,284.00
02/28/2019	212483	WF CTS Debt Service	-202,281.58
Total 101.001 · Operating Acct. 1948			<u>-1,096,440.94</u>
Total 101.000 · Union Bank			<u>-1,096,440.94</u>
<b>TOTAL</b>			<u><u><b>-1,096,440.94</b></u></u>

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
	Building/Planning						
1	Casa Rosa	Casa Rosa was approved by City Council in April of 2017. Building Permits were never issued and demolition began before aprval was given. The property has since been left in a state of disrepair to the current date. The city hired a structural engineer to make recommendation on fixes to the building. <b>City Council heard the case on 2/25/19 Special Meeting. Passed the proposal as an Abatement. Recommendations are being gathered from contractors. Historic Resources Board to discuss possible alterations at their hearing 3/12/19.</b>	Project was approved by HRB as minor alteration (4/4/17). Scope of work indicates major alteration. Work took place without building permits.	Site Design and Review performed by HRB and Planning Commission approved in April of 2017. No building permits applied for or approved. Evidence suggests the City Staff was aware of the work being done at the time.	Building has been tagged as an unsafe structure. Violations of the Municipal Code include Section 5-8-110 and Section 5-8-190.	Staff has been reporting as developments have continued, including meeting with the owner and hiring a Structural Engineer consultant. Results of the Structural Engineer report address 3 issues present that must be addressed in order to reopen the public right-of-way. City is beginning the abatement process. Possible alterations for safety purposes will be discussed at the Historic Resources Board will be discussed at their hearing on 3/12/19.	Abatement process to begin shortly. After repairs are completed, the right-of-way will eb reopened. Estimated ETA is 3 months till repairs are completed.
2	Fault Line Restaurant	Garage was damaged by a tree fall in 2/17. Project was approved by Commission on 10/2/18 with conditions. Council Approved the zone change for Faultline site and residence at 17 Franklin on 12/18/18. <b>Lot Merge Recording has already taken place. Awaiting revised plans from applicant that meet the last round of comments from City Staff (3/5/19).</b>	Zoning classification onsite is Mixed-Use. Awating revised plans that meet building, engineering, and planning comments.	Permits are required for the garage reconstruction. Permits have been filed, but need more information per building, engineering, and planning before issuance can take place.	demolition was done without permit issuance	Staff is working with the applicant to finish the accessory building and ultimately reopen the restaurant. <b>Awating revised plans. (3/5/19)</b>	Revised permit plans
3	10 Franklin existing contruction, alteration, and demolition	Approved per permit issuance by Permit Number 2017149 in 2015. Construction has been ongoing. Building Offical reviewed the plans and permit material. Determined it as valid and may continue as approved. <b>Zone change is still pending. Awating CEQA quote from consultant (3/5/19).</b>	phase 1 for the multi-unit building construction is currently underway.	yes	none	It is anticipated to demolish at least one of the other buildings onsite. The property owner has given the ok to include his property in that change. <b>The second reading of the zone change did not happen because the Native American Tribes need to be included. They expressed concern about burials in or around the site. Awaiting a quote for CEQA review, then further steps will be taken. (3/5/19)</b>	Property owner is still working on the site. He wants to finish, but a time frame is still undetermined.
4	Harvey's Lockup	progress is being made on the frontage & right-of-way improvements. <b>Interior sprinklers have been installed in one area of the building, but need to cover the entire building per Fire Code. Fire Alarm and smoke dectectors have been installed.</b>	Frontage work is in progress. Fire sprinkler work and prevention system to be completed in all phases. Applicant is ahead of schedule.	No active building permits. Encroachment permit to be pulled as needed.	n/a	Requirments of conditions of approval are in progress. <b>After checking in, the applicants are working towards inspections. A final inspection for the fire alarm system has been scheduled for 3/6/19. The inspection took place on the 6th. The Fire Marshall is requiring several things including fire extinguishers, knox boxes, curb to be painted red, and install ceiling tiles.</b>	Owner is working with his contractor to install heat and smoke detection systems.
5	Rancho Vista Subdivision	42 active permits. 1 application is on hold because of design.	Under Construction	42 active permits. 1 application is on hold because of design.	none	<b>Construction on issued permits is slowly wrapping up. It is expected that we will see more permit applications toward the end of the rainy season. (3/5/19)</b>	To be Determined - Permit issuance has slowed down

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
6	Copperleaf Subdivision	20 permits issued as of 3/5/19.	Under Construction	Permits have been issued	n/a	Traffic and Park development fee held until approved agreement or Final Inspection on each project. Several permit applications have been submitted to the City for review. (3/5/19)	To be Determined - Estimate of Winter 2019
7	Building Department activity.	Work continues on both subdivisions while smaller projects take place inside the city. Notable Projects include Midnight Express Warehouse undergoing plan check and Hillside Vista (D'Ambrosia) Model homes are undergoing plan check. (10/26/2018)	n/a	n/a	none	Code Enforcement is making regular rounds to check for work being done without permits and violations of the Municipal Code.	n/a
8	Well 3 and 6 exchange/Minor subdivision on Mission Vineyard and Old San Juan Road	Well 6 NOE has been finalized. Water moritorium has been lifted by the State Waterboards.	Well 6 work is moving forward	Well 6 Permit has been issued	none	Work is moving forward. (3/5/19)	Water moritorium has been lifted.
9	70 Muckelemi	Applicant wishes to either demolish or alter the Chalmers House onsite that is in bad condition. He wishes to develop the site with a mix of uses and housing units.	Staff has reviewed past documents onsite from 2006. It was determined the applicant should start with brand new documents because of the age and how the circumstances have changed.	no	No violations. There was a notice of nusiance because of the condition of the old chalmers house.	Property owner presented an informal project review to Planning Commission on 2/5/19. General response was positive and are looking forward to reviewing plans. <b>Applicant followed up with staff. Asked about the process and applications. (3/5/19)</b>	No-ETA yet.
10	Brewery	Project is showing activity towards deed to perfect and continuation of project towards to completion. Staff met with them and provided a follow up letter to them in December 2018.	no applications yet, working with owner for submittal.	No permits issued	none	Staff is working with the property owner. Met with the property owner on 12/5/18. <b>Staff followed up and as of 2/19/19, the applicatns are creating the plans and preparing for submittal. (3/5/19)</b>	no-ETA yet
11	Building Department activity.	Larger Projects: D'Ambrosia Project has it's first 3 Models approved by the Building Plan Check. No permits issued for project. Rancho Vista Subdivision has been Issued multiple Occupancies since the Water Moratorium was lifted. Copperleaf has recied Temporary Occupancy on their Sales office. (2/12/19	n/a	n/a	none	None at this time. (2/12/19)	n/a
12	Code Enforcement Activity	Code Enforcement is making regular rounds of the city, looking for work taking place without permits, parking violations, and other nuisances. (2/12/19)	n/a	n/a	none	None at this time. (2/12/19)	n/a

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
13	General Plan Timeline	General Plan was updated and adopted in 2/16. The housing element is being reviewed. We need to do so per State requirement. <b>Staff has signed the contract with EMC. Housing Element Workshop has taken place. Got feedback from the public.</b>	n/a	n/a	n/a	Staff is working on getting the Housing Element squared away for the State. <b>Staff has signed the EMC contract. Workshop has taken place. Working towards the first part of the 5th cycle requirements (3/5/19).</b>	end of 2019
	New Development						
1	Hillside Vistas	First Phase Approved for first 8 lots. Master set is under review for design. No construction has started. Phase 2 is anticipated. Higher density residential development may be done on phase 2.	Phase 1 completed and anticipated to be built out. Phase 2 to come.	No permits have been issued.	none	<b>Staff has received revised master plan set on 10/26/18. That has been reviewed. Staff has followed up with them and met with them on 2/7/19. Plan revisions are taking place. Phase 2 may be redone with a higher density residential development. The applicanted stated that in 3 months or so, applications will be turned in.</b>	The developer has met with staff. Eager to continue with the project
2	Loazza (957 First Street - 4 Parcel Minor Subdivision)	Review has started. Waiting for application payment.	CEQA review completed. Staff is starting review.	No permits issued	none	Awating the \$5,000 payment at this time. Roundabout adjacent to Rancho Vista was discussed. <b>Information was gathered from City records about First Street classification. This was for information in the roundabout study. (3/5/19)</b>	unknown
3	Gas Station to be located along The Alameda and Hwy 156	Staff is working with the applicant to help move the project forward.	can move forward.	no permits have been issued	none	<b>Applicant is revising plans. A decelartion lane would need to be installed along Hwy 156.</b>	Court ruled in favor of the project
6	404 and 406 Third Street - Proposed Vietnamese Bistro and residential unit expansion	The property owners wish to open a new Bistro inside an existing building downtown. They also wish to relocate permanently to town and expand an existing residential unit in the rear of 406 third Street	Minor Alteration approved by Commission	A health permit has been issued previously. Awaiting plan updates to accommodate fire and building requirments.	n/a	<b>S taff met with the applicants and went through the requirments. Fire requirments are currently being worked out between City Staff, applicants, and the fire marshall (3/5/19)</b>	Case was approved by Planning Commission
7	Midnight Express	Approved by Commission Resolution. <b>Plan set has been submitted for permit review. Applicant reduced the size of their project and would like to do it in phases.</b>	Awaiting applicant response.	<b>No permits have been issued.</b>	n/a	Discussion about the development took place and phasing in parts of the development were discussed. <b>They would like to reduce the intensity of the project scope by reducing the size of the building from 15,000 sqaure feet to 5,000 square feet and do the project in phases. They submitted a letter to City Staff making that formal request. City Staff signed that letter. A temporary project is taking place right now. Further review from City Staff is taking place. (3/5/18).</b>	staff has issued first round of comments after review.
	Infrastructure						
	Traffic Circle	Roundabout is under review. <b>Meritage has been commissioned to do a traffic study. Street classifications for the First Street Segment has been determined (3/5/19)</b>	under review	n/a	n/a	<b>Street classification for First Street has been determined. A traffic study has been commissioned. Further information is anticipated to follow (3/5/19).</b>	progress can continue, but final product needs to be determined
	Parking						
	Signage	Monument signs have been discussed. There is an interest in putting in monument signs in gateway locations. <b>More review and planning needs to be discussed (3/5/19).</b>	further consideration is needed	n/a	n/a	Staff and San Juan Committee Member met with a sign contractor to discuss possible signs and monument signs. <b>Locations, designs, and logo will need to be reviewed with Planning Commission (3/5/19).</b>	No ETA at this time



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** City Manager Performance Review and Compensation

**MEETING DATE:** March 19, 2019

**FROM:** Mayor César E. Flores

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### RECOMMENDED ACTION:

Approve one-time compensation bonus of \$10,000 for Michael LaForge.

### BACKGROUND INFORMATION:

In accordance with the employment agreement with Michael LaForge, the Council conducted a performance review of the City Manager on February 25, 2019.

The Council concluded that Ms. LaForge's performance was "outstanding" over the past year and specifically, that two performance objectives had been achieved and for which she is entitled to a performance bonus of \$5000 for each objective:

- "1. Two of the three currently existing State Water Resources Control Board compliance orders are lifted.
2. A Director of Public Works and a Director of Community Development are hired and passed their sixty day probationary period.
3. The Fiscal year was completed within the Budget approved by the City Council.
4. The City's annual Capital Improvement Project list has been eighty percent (80%) completed in each project category."

The Council has determined that objectives #1 and #3 were substantially accomplished.



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Employment Agreement for Interim City Manager

MEETING DATE: March 19, 2019

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### RECOMMENDED ACTION:

Approve Employment Agreement and authorize the Mayor to execute on behalf of the City.

### BACKGROUND INFORMATION:

With the resignation of Michael LaForge it is necessary to appoint an Interim City Manager. On February 25, 2019, the Council interviewed J. Edward Tewes and directed the City Attorney to prepare an employment agreement for subsequent review and approval by the Council.

The agreement is for a 90-day period at an annualized salary of \$120,000 (or \$57.69/hour) equivalent of that provided to Ms. LaForge except that Mr. Tewes will not receive a car allowance or have an opportunity to earn a performance bonus. He will be a regular employee entitled to earn vacation, sick and holiday pay equivalent to that of other city employees; however he has specifically waived all other health and dental benefits.

During the interim period, Mr. Tewes will serve as City Manager and will manage the recruitment and evaluation process for the selection of the next permanent city manager.

### FISCAL IMPACT:

The cost of the agreement is within the adopted city budget.

### ATTACHMENTS:

1. Employment Agreement

**EMPLOYMENT AGREEMENT  
FOR  
INTERIM CITY MANAGER**

THIS AGREEMENT is made and entered into on March \_\_\_\_, 2019, by and between the City of San Juan Bautista, a California city, hereinafter referred to as “City,” and J. Edward Tewes, hereinafter referred to as “Employee,” as follows:

**Recitals**

A. The City requires the services of an Interim City Manager. J. Edward Tewes applied for the position, was interviewed by Council Members on February 25, 2019, his resume and qualifications were reviewed and references were considered.

B. At the public session of the regular meeting of March 19, 2019, the City Council, by Resolution, approved the appointment of J. Edward Tewes to serve in the capacity of Interim City Manager, approved the terms for compensation and the Mayor was authorized to execute a contract for City Manager services, on the terms set forth herein.

**Terms and Conditions**

In consideration of the mutual provisions contained herein, City and Employee agree to the following terms and conditions:

1. **Scope of Services.** Employee is hereby hired and retained by the City to serve, at will, as the Interim City Manager.

a) The Interim City Manager shall be the chief executive officer of the City and shall be responsible to the City Council for the proper administration of the affairs of the City.

b) The Interim City Manager shall perform all of the duties of the City Manager as set forth in the City of San Juan Municipal Code, Chapter 2-2, Article 1 and as otherwise legally required. The City Manager shall also perform other legally permissible and proper duties and functions as the City Council may assign from time to time.

c) The City Council also designates the Interim City Manager as the chief executive of any other City-related legal entities.

d) The Interim City Manager shall administer and enforce policies established by the City Council and promulgate rules and regulations as necessary to implement City Council policies.

e) The Interim City Manager is required to attend all meetings of the City Council, unless excused by the Mayor, and take part in the discussion of all matters before the City Council.



f) The Interim City Manager shall review all agenda documents before preparing the agenda for any regular or special meeting of the City Council.

g) The Interim City Manager shall direct the work of all City employees.

h) The Interim City Manager shall exercise control of City government in emergencies as authorized by the Municipal Code and California law.

2. Term. Employee will commence work on the services to be provided hereunder on March 11, 2019 and shall serve until June 14, 2019, with the terms of this Agreement subject to being extended by the consent of both parties.

3. Compensation.

a) For the services to be performed under this Agreement, City shall pay Employee:

1. A Salary of ten thousand dollars (\$10,000) per month; and

2. Paid vacation and holidays, as are paid to City employees.

b) City acknowledges that participation in local, state and regional municipal city manager organizations by the Employee benefits the City and provides professional development. The City agrees to pay Employee's professional dues, subscriptions and memberships in such organizations necessary for Employee to maintain professional relationships. The City also agrees to provide Employee with an annual allocation to cover reasonable travel, conference registration, lodging, meals and meeting expenses of the League of California Cities' City Manager's Department Meeting, subject to reasonable budgetary limitations, as approved by the City during the budget process. The Employee shall make an effort to minimize cost to the City.

c) Employee shall be classified as exempt under the Fair Labor Standards Act and shall be a confidential employee for all purposes. Employee shall receive no additional benefits, including, medical, vision or dental insurance, deferred compensation or cellular telephone.

4. Termination, Resignation and Severance Pay.

a) This agreement may be terminated by either party, without cause.

b) Employee agrees that in the event Employee's employment is terminated, under no circumstances will Employee be able to contest the nature of Employee's at-will employment status, nor will Employee be entitled to raise the remedy of reinstatement in any administrative or legal forum. Employee agrees that the sole issue for resolution upon termination of Employee's employment agreement will be the amount of payment for services already rendered which are due Employee. Employee shall have no other right of action against the City as it relates to termination and/or any severance.

5. Indemnification. The City shall defend, hold harmless and indemnify the City Manager against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the performance of duties to the City. In its sole discretion, the City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered there from. The parties hereto acknowledge and agree that California Government Code Sections 53243-53243.4, inclusive, could under certain circumstances require the Employee fully to reimburse City for funds provided, pursuant to this Agreement or otherwise, by the City to Employee

6. Personnel System Rules. Except as modified by this Agreement, Employee shall be subject to and comply with the City Personnel System Rules, and with any modified Personnel Rules. Employee shall receive the same sick leave as other employees of the City, with the exception that Employee shall report to the Mayor if the Employee needs to take more than three consecutive sick days.

7. Modification. This Agreement is not subject to amendment or modification except by a writing signed by the parties hereto.

8. Entire Agreement. This Agreement contains the entire agreement of the parties with respect to the matters covered by this Agreement, and no other agreement, statement or promise made by or to any party or by or to any employee, officer or agent of any party, which is not contained in this Agreement, shall be binding or valid.

9. Attorney's Fees. In the event of any controversy, claim or dispute relating to this Agreement, or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

10. Employee's Examination of Agreement. Employee acknowledges that Employee has had the right to examine this Agreement, has been advised that Employee may wish to consult with an attorney prior to entering into this Agreement and has read and understands all of the provision of this Agreement.

11. Severability. If any provision or any portion thereof contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed to be severable and shall remain in full force and effect.

IN WITNESS WHEREOF, Employee and the City of San Juan Bautista, by its duly authorized representative, have executed this Agreement on the date first hereinabove set forth at San Juan Bautista, California.

CITY OF SAN JUAN BAUTISTA

EMPLOYEE

By \_\_\_\_\_  
Cesar E. Flores  
Mayor

\_\_\_\_\_  
J. Edward Tewes

Approved as to form:

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City Attorney



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:** Road Improvements Associated with Midnight Express  
(Old San Juan Hollister Road)

**MEETING DATE:** March 19, 2019

**DEPARTMENT HEAD:** Interim City Manager Tewes

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**RECOMMENDED ACTION:** Approve a Deferred Improvements Agreement, subject to approval as to form by the City Attorney, and Authorize the City Manager to execute it on behalf of the City.

**BACKGROUND INFORMATION:** On March 6, 2018 the Planning Commission approved a Conditional Use Permit for the construction and operation of a produce transfer facility on a portion of land zoned "Industrial". The SJB Zoning Code allows such uses in the Industrial Zone subject to a Conditional Use Permit.

One of the conditions of approval required full street improvements across the entire frontage of the property. At the hearing, the applicant expressed concern about the "open endedness" and potential expense of the condition. In the succeeding months the applicant's engineer and the City Engineer have reached an agreement on the first phase of installation of the improvements and a plan for deferring the remaining improvements that is embodied in the recommended Deferral Agreement.

The recommended phasing plan reflects three changed circumstances that were not evident at the time of the CUP approval. First, the final configuration of the Well 6 site has been determined and it is necessary to provide access from the street and through an access easement provided by Midnight Express (as required by the conditions of approval). The Deferral Agreement provides that the applicant will be responsible for the frontage road improvements along both the City's well sites and the first phase of construction on the private property.

Second, it was discovered that there is a substantial box culvert under the existing roadway which would need to be reconstructed as part of any road improvements. The Deferral Agreement acknowledges that it is the City's responsibility to replace the box culvert and, accordingly, the overlying road improvements are being deferred until the City can budget and construct those improvements.

Third, the improvements to Well # 6 have made clearer that there will need to be very extensive upgrades to the water and sewer lines in the public right of way. That work should be accomplished

before the road improvement in order to avoid unsightly utility cuts that would degrade the integrity of the road surface.

The attached sketch shows: 1) the limits of the road improvements to be completed with the first phase; 2) the area of the box culvert for which the improvements are being deferred until the City can budget and reconstruct it; and 3) the limits of the remaining road improvements that are being deferred until the balance of the private property is actually developed.

The "triggers" in the deferral agreement will be as follows:

Phase One is the adjacent travel lane and shoulder along the limited frontage in front of the City's well site and including a short length adjacent to the head wall of the culvert under the driveway. No later than 18 months following the certificate of occupancy, either the applicant shall construct the improvements or deposit an amount of money which the city will use as part of a larger project. The dollar amount will be equal to the unit cost of the recently completed road projects for the section along the Copperleaf subdivision multiplied by the quantities of Phase One (to be precisely calculated by the City Engineer) inflated by the change in the Engineering News Record Construction Cost Index from March 2018.

Phase Two would be the full width (two travel lanes and shoulders) along the frontage of any subsequent partial development. Building permits would not be issued until this Phase two of road improvements would have been constructed.

Phase Three would be full width (two travel lanes and shoulders) along the frontage of full development of the site, plus the remaining work deferred from Phase One (namely, the travel lane and shoulder on the opposite side.)

Approval of the deferral agreement will allow the applicant to complete its financing and begin construction of the project. In accordance with the Zoning Code, the City Manager has previously approved a Temporary Use Permit to allow storage of vehicles and equipment on the site pending the final construction. A building permit has been applied for and is expected to be issued soon.

Because further build out of the property will require a new Conditional Use Permit, it is likely that the requirement for frontage improvements will need to be revisited at that time. However, for the moment, the underlying condition of approval is not being revised; only the timing and phasing is addressed in this Deferred Improvement Agreement. With Council approval of these business terms, the City Attorney will draft the formal agreement for signature.

## ATTACHMENTS:

1. Sketch of Phase I

# TYP ROAD SECTION

