



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

JULY 16, 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

6:00 PM

**Pledge of Allegiance
Roll Call**

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 Affidavit of Posting Public Hearing Notice – Cannabis Item

C. Approve Affidavit of Posting Public Hearing Notice – Meritage Dev. Agmt. Item

D. Approve Minutes for September 18, 2018 Regular Meeting

E. Approve Minutes for April 16, 2019 Regular Meeting

F. Approve Minutes for April 30, 2019 Special Meeting

G. Approve Resolution for Street Closures – Arts & Crafts Festival, Rib Cook Off, Chicken Festival, and Car Show

H. Adopt Ordinance 2019-03 Amending Section 2-8-050 Increasing Solicitation Thresholds in Accordance with New Thresholds Set by the State (Relative to the Bid Process) (Second Reading)

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

4. Presentations, Informational Items and Reports

A. Legislative Update by State Assemblymember Robert Rivas

B. Presentation on Plastics – Council Member DeVries

C. Presentation on Smoke Testing in City Sewer – Pat Conway, California Rural Water Association

D. Update by San Juan Bautista Sesquicentennial Committee on the Event

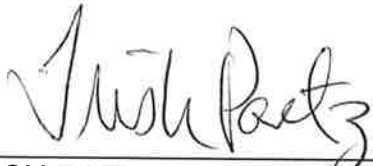
- E. Monthly Financial Statements**
 - F. City Manager's Report**
 - G. Building and Planning Report**
 - H. Reports from City Council Appointees to Regional Organizations and Committees**
 - I. Strategic Plan Committee Report**
- 5. Public Hearing Items**
- A. Introduce an Ordinance to Amend the Rancho Vista Development Agreement to Address Ambiguities and Resolve a Dispute About Interpretation. This is the First Reading of the Ordinance.**
 - B. Introduce an Ordinance Amending Section 11-02-050 of the San Juan Bautista Municipal Code to Allow Cannabis Facilities in Industrial Zoning Districts by Conditional Use Permit. Exempt from CEQA Guidelines Sections 15061 and 15378. This is the First Reading of the Ordinance.**
- 6. Action Items**
- A. Consider Letter Stating City's Position on the San Benito County Zone Changes Implementing the Commercial Regional Land Use Designation**
 - B. Approve Resolution Establishing the Annual Special Tax for Community Facilities District No. 2018-01 for Fiscal Year 2019-2020**
 - C. Renew Agreement with Level 1 for Security Services**
 - D. Adjust the Development Impact Fees for Accessory Dwelling Units and Approve a Resolution**
 - E. Approve Resolution Authorizing Changes to the Designated Signers on the City's Bank Accounts at Union Bank**
 - F. Approve Resolution Appointing Don Reynolds as a Representative to the PARSAC Board of Directors**
- 7. Discussion Items**
- A. Consider Licensing the Donated Sip and Stroll Logo for Future Events**
 - B. Rules and Regulations for Cannabis Facilities**
 - C. Potential Options to Tax Short Term Room Rentals – Council Member John Freeman**
- 8. Comments**
- A. City Council**
 - B. City Manager**
 - C. City Attorney**
- 9. 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 11th DAY OF JULY 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 11th DAY OF JULY 2019.



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 28th DAY OF JUNE 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 8th DAY OF JULY 2019.



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 **July 16, 2019** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. During the public hearing, the following item will be discussed:

- Consider amending Section 11-02-050 of the San Juan Bautista Municipal Code to accommodate Cannabis uses (growing, manufacturing, testing and distribution) within the City of San Juan Bautista. This amendment to the Municipal Code is exempt from the California Environmental Quality Act pursuant to Article 19, Sections 15060, 15061, and 15378.

Staff reports and the full text of all items to be discussed will be available for public review at City Hall on **July 9, 2019**. 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., July 16, 2019**.

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 6/28/19

**PROOF OF PUBLICATION
(2015.5 C.C.P.)
STATE OF CALIFORNIA
County of San Benito**

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above entitled matter.

I am the printer and principal clerk of the publisher of the Free Lance, published on line, printed and published in the city of Hollister, County of San Benito, State of California, **FRIDAY, AND ON LINE** for which said newspaper has been adjudicated a newspaper of general circulation by the **Superior Court of the County of San Benito, State of California, under the date of June 19, 1952, Action Number 5330**, that the notice of which the annexed is a printed copy had been published in each issue. Thereof and not in any supplement on the following dates:

JUNE 28, 2019

I, under penalty of perjury that the foregoing is true and correct. This declaration has been executed **ON JUNE 28, 2019**

**HOLLISTER FREE LANCE
350 Sixth Street,
Hollister CA 95023**

/S/ Stacy Sutherland /
Legal Publications Specialist
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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.

(PUB HF 6/28)

**NOTICE OF PUBLIC HEARING
CITY OF SAN JUAN BAUTISTA**

AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I, LAURA CENT, DO NOW DECLARE UNDER THE PENALTIES OF PERJURY, THAT I AM THE 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 5th DAY OF JULY 2019, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

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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 5th DAY OF JULY 2019.



LAURA CENT, CITY CLERK

**NOTICE OF PUBLIC HEARING
CITY OF SAN JUAN BAUTISTA
Revised 7/5/2019**

Pursuant to Government Code Section 65090, the City Council of the City of San Juan Bautista gives notice of a public hearing on **July 16, 2019** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. During the public hearing, the following item will be discussed:

- Consider an amendment to the Meritage Homes Development Agreement (Rancho Vista Subdivision)

Pursuant to Government Code 65090(b) general explanation of the matter to be considered is an amendment to the Rancho Vista Subdivision Development Agreement that will among other things, clarify the application of development fees, modify building permit fees, and increasing development impact fees to 2019 rates for individually developed homes. The “Rancho Vista Subdivision” is located in the northern section of town, along First Street (San Juan Highway) at the intersection of Ahwahnee Street.

Staff reports and the full text of the item to be discussed will be available for public review at City Hall on **July 10, 2019**. 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., July 16, 2019**.

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.

Revised & Posted 7/5/2019

**PROOF OF PUBLICATION
(2015.5 C.C.P.)
STATE OF CALIFORNIA
County of San Benito**

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above entitled matter.

I am the printer and principal clerk of the publisher of the Free Lance, published on line, printed and published in the city of Hollister, County of San Benito, State of California, **FRIDAY, AND ON LINE** for which said newspaper has been adjudicated a newspaper of general circulation by the **Superior Court of the County of San Benito, State of California, under the date of June 19, 1952, Action Number 5330**, that the notice of which the annexed is a printed copy had been published in each issue. Thereof and not in any supplement on the following dates:
JULY 5, 2019

I, under penalty of perjury that the foregoing is true and correct. This declaration has been executed **ON JULY 5, 2019**

**HOLLISTER FREE LANCE
350 Sixth Street,
Hollister CA 95023**

/s/ Stacy Sutherland /
Legal Publications Specialist
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Website: www.sanbenitocountytoday.com

**NOTICE OF PUBLIC HEARING
CITY OF SAN JUAN BAUTISTA**

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Consider an amendment to the Meritage Homes Development Agreement (Rancho Vista Subdivision)

Staff reports and the full text of the item to be discussed will be available for public review at City Hall on **July 10, 2019**. 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., July 16, 2019**.

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.

(PUB HF 7/5)

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
SEPTEMBER 18, 2018
DRAFT MINUTES**

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

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

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

Staff Present: City Manager LaForge, City Attorney Mall, Deputy City Clerk Paetz, City Engineer Dobbins

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Jeff Welch was concerned with availability of water for the Rancho Vista development. Ted Thoeny reported he is getting residents involved in an event for Dia de Los Muertos in October. Mandisa Snodey stated she expected Indigenous People's Day to be on the agenda. Whereupon, Mayor West suggested a special meeting be called for Friday, September 28 at 5 p.m. to address this item. Mirijana Tomas commented she does not support replacing Columbus Day, and she feels a crime was committed against Casa Rosa, a historic property in the City.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Resolution 2018-XX for Street Closure – SJ School Fiesta Run

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

A motion was made by Council Member Martorana and seconded by Council Member Boch to approve all items on the consent agenda after pulling Item B, Resolution for a Street Closure. The motion passed unanimously, 5-0.

3.B. Approve Resolution 2018-49 for Street Closure – San Juan School Fiesta Run

Council Member Martorana was concerned with the route for the event. City Manager LaForge reported a de-brief was conducted with the organizer after last year's event where improvements to the route and management of the event were discussed, and she was assured volunteers would get training.

A motion was made by Council Member Boch and seconded by Council Member DeVries to approve Resolution 2018-49 for a street closure. The motion passed unanimously, 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation Celebrating 150 Years of Volunteerism in San Juan Bautista

The proclamation was read by Council Member Freeman.

B. Treasurer's Report

City Treasurer Geiger was not present. City Manager LaForge responded to questions about the items on the Warrant List. No public comment was received.

C. City Manager's Report

Council received the report in their packet. There was no public comment. There was discussion.

D. Monthly Construction Progress Report

Council received the report in their packet. There was no public comment.

E. Community Development Report

Council received the report in their packet. There was no public comment.

F. City Engineer's Report

Council received the report in their packet. There was no public comment.

G. Public Works Report

Council received the report in their packet. There was no public comment.

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

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

E. Strategic Plan Committee Report

Vice Mayor Freeman provided a report. There were no public comments.

5. ACTION ITEMS

A. Award of Sludge Removal Project Contract at Wastewater Treatment Plant

City Engineer Patrick Dobbins provided a report. There were no public comments received.

A motion was made by Council Member Martorana and seconded by Council Member Freeman to approve Resolution 2018-50 authorizing a contract with Synagro-WWT for removal of sludge at the City's Wastewater Treatment Plant in the amount of \$400,000. The motion passed unanimously, 5-0.

B. Confirm Selection of New Youth Commission Members – Strategic Plan Committee Chairperson Shawna Freels

Shawna Freels reported three applicants were interviewed by a panel consisting of members of the Government & Communications Strategic Planning Committee, a seated Youth Commissioner, and the City Manager. All three were selected, and the committee requests confirmation by the City Council. No public comment was received.

A motion was made by Council Member Martorana and seconded by Council Member Boch to approve new members to the Youth Commission. The motion passed unanimously, 5-0.

C. Consider an Ordinance Providing for Emergency Organization and Functions

Shawna Freels provided a report. City Attorney Mall approved the report with changes to the numbering. No public comment was received.

A motion was made by Council Member Martorana and seconded by Council Member Boch to introduce an ordinance approving the addition of Chapter 5-33, Emergency Organization and Functions, to Title 5 of the San Juan Bautista Municipal Code. The motion passed unanimously, 5-0.

D. Consider Selection of Honoree for National Philanthropy Day, November 15, 2018

Council Member Martorana recommended honoring Anthony Ponce, for his work done with local youth and the Junior Giants program. Council Member DeVries recommended honoring Jim Ostick for his involvement with cleaning up the highway. No public comment was received.

A motion was made by Council Member Martorana and seconded by Council Member Boch to honor Anthony Ponce on National Philanthropy Day 2018. The motion passed unanimously, 5-0.

6. COMMENTS

A. City Council

No comments received.

B. City Manager

No comments received.

C. City Attorney

City Attorney Mall reported the court in San Jose would hear oral arguments on October 3rd for the gas station project.

7. Adjournment

The meeting was adjourned at 7:50 p.m.

**CITY OF SAN JUAN BAUTISTA
REGULAR CITY COUNCIL MEETING
APRIL 16, 2019
DRAFT MINUTES**

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

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

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

Absent: Council Member DeVries

Staff Present: Interim City Manager Tewes, City Attorney Mall, City Clerk
Cent, Associate Planner Kennedy, City Engineer
Fernandez, Fire Marshal Bedolla

2. PUBLIC COMMENT

Sonne Reyna commented that the California Indian Market had been mistreated. Elayne Reyna commented that the California Indian Market came to San Juan Bautista 35 years ago. Jackie Morris-Lopez spoke in favor of the California Indian Market and felt they were not treated well, and the community was going in the wrong direction. She also spoke in favor of undoing the three stops signs near the Copperleaf Development and the three stop signs by the Mission Garden Apartments because they were not legal; they should be redone the correct way with studies.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Minutes for the March 19, 2019 Regular Meeting

C. Approve Minutes for the March 19, 2019 Special Meeting

D. Approve Resolution 2019-12 for Street Closure for Early Days

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

F. Approve Resolution 2019-13 Ordering Preparation of an Engineer's Report for Fiscal Year 2019-20 for Valle Vista Landscape and Lighting Maintenance Assessment District No. 1

Council Member Jordan made a motion to approve all matters listed in Item 3 Consent Items enacted in one motion. Second by Council Member Freeman. Motion passed 4-0 with Council Member DeVries absent.

At this point of the meeting, Mayor Flores went to Item 5E.

5. ACTION ITEMS

E. Consider a Letter of Support for AB 1783, Farmworker Housing Bill

Assemblymember Robert Rivas presented his bill, AB 1783 – Farmworkers Housing Bill and provided an update as the District 30 Assembly person. He introduced Amy McElroy, staff member in his local office. Council Members asked questions of

Assemblymember Rivas regarding AB 1783. Council Member Freeman made a motion to authorize a Letter of Support for AB 1783. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

At this point of the meeting Mayor Flores returned to Item 4.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation National Public Works Week

Mayor Flores read the National Public Works Week Proclamation to those assembled.

B. Peak Day Proclamation

Mayor Flores read the Fremont Peak Day Proclamation and presented it to Georgana Gularte.

C. Monthly Financial Statements

Interim City Manager Tewes offered to address any questions. There was no public comment. There were no questions from Council Members.

D. City Manager's Report

Interim City Manager Tewes gave a report including the long-term water strategy for the City. There was no public comment. Council Members asked questions regarding San Juan Bautista's water quality.

E. Building and Planning Report

Associate Planner Kennedy presented the report. Interim City Manager Tewes answered questions from Council Members regarding items listed on the report as did Associate Planner Kennedy. Vice Mayor Edge asked Associate Planner Kennedy to follow up on No. 12 Code Enforcement, specifically parking at the pepper tree on Washington Street as drivers sometimes block the street. There was no public comment.

At this point of the meeting, Mayor Flores went to Item 4G.

G. Strategic Plan Committee Report

Strategic Plan Committee Secretary Kennedy had no report as the Strategic Plan Committee did not meet on April 4, 2019. There was no public comment.

At this point in the meeting, Mayor Flores went to Item 4F.

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

Council Member Freeman reported on the Intergovernmental Meeting. Vice Mayor Edge reported on the Leadership Meeting on Homelessness. Mayor Flores reported on the COG meeting. There was no public comment.

5. ACTION ITEMS

A. Confirm Appointments to Planning Commission

City Attorney Mall reviewed her staff report. There was discussion between Council Members and staff regarding appointing members of the Planning Commission in the future. At this time in the meeting, members of the City Council came over to the City

Clerk's desk in order to examine and identify with their name the first round of ballots from the appointment of the Planning Commission at the December 18, 2018 Regular City Council meeting. After identifying their ballots, City Clerk Cent read the results: Mayor Flores marked Yolanda Delgado, Luis Matchain and David Medeiros. Vice Mayor Edge marked Yolanda Delgado, Luis Matchain and David Medeiros. Council Member Freeman marked Darlene Boyd, Nicole Franco and Luis Matchain. Council Member Jordan marked Cherie Foletta, Luis Matchain and David Medeiros. The remaining ballot was assumed to belong to Council Member DeVries by process of elimination and it was marked Darlene Boyd, Cherie Foletta and Nicole Franco. City Clerk Cent announced the results of the first round of identified ballots: four (4) X in favor of Luis Matchain, three (3) in favor of David Medeiros, two (2) in favor of Nicole Franco, two (2) in favor of Cherie Foletta, two (2) in favor of Yolanda Delgado and two (2) in favor of Darlene Boyd. The appointment of Luis Matchain and David Medeiros to the Planning Commission was confirmed. There was a four-way tie for the third appointment between Nicole Franco, Cherie Foletta, Yolanda Delgado and Darlene Boyd. Again, the members of the City Council came over to the City Clerk's desk to examine and identify with their name the second round of ballots from the appointment of the Planning Commission at the December 18, 2018 Regular City Council meeting. After identifying their ballots, City Clerk Cent read the results: Mayor Flores marked Yolanda Delgado. Vice Mayor Edge marked Yolanda Delgado. Council Member Freeman marked Darlene Boyd. Council Member Jordan marked Cherie Foletta. The remaining ballot was assumed to belong to Council Member DeVries by process of elimination and it was marked Darlene Boyd. City Clerk Cent announced the results of the second round of identified ballots: two (2) X in favor of Darlene Boyd, two (2) in favor of Yolanda Delgado, one (1) in favor of Cherie Foletta and none (0) in favor of Nicole Franco. Again, the members of the City Council came over to the City Clerk's desk in order to examine and identify with their name the third round of ballots from the appointment of the Planning Commission at the December 18, 2018 Regular City Council meeting. After identifying their ballots, City Clerk Cent read the results: Mayor Flores wrote down Yolanda Delgado. Vice Mayor Edge wrote down Yolanda Delgado. Council Member Freeman wrote down Darlene Boyd. Council Member Jordan wrote down Yolanda. The remaining ballot was assumed to belong to Council Member DeVries by process of elimination and it had Darlene written on it. City Clerk Cent announced the results of the third round of identified ballots: three (3) in favor of Yolanda Delgado, and two (2) in favor of Darlene Boyd. The appointment of Yolanda Delgado to the Planning Commission was confirmed. There was no public comment. Vice Mayor Edge made a motion to approve the amended Minutes for the December 18, 2018 Regular Meeting of the City Council and to confirm the appointments of Luis Matchain, David Medeiros and Yolanda Delgado to the Planning Commission. Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

B. Designate Muckelemi, Third Street and Polk Street Pavement Rehabilitation Project as the City's Priority Project under the State's Road Repair and Accountability Act of 2017 and Measure G

Interim City Manager Tewes presented the staff report. He and City Engineer Fernandez of Harris & Associates responded to questions. Public comment was

received from Rachel Ponce about the short sections of Third Street and the speed tables on Fourth Street. Council Member Freeman made a motion to approve Resolution 2019-14 designating Muckelemi Street, Third Street and Polk Street Pavement Rehabilitation Project as the City's Priority Project under the State's Road Repair and Accountability Act of 2017 (SB1) and Measure G and added that staff look at sharing mobilization costs and other costs with the County. Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

At this point of the meeting, Mayor Flores went to Item 5I.

I. Introduce an Ordinance for Smoke Free Outdoor Dining in the City

City Attorney Mall reviewed her report and stated this is the first reading of the Ordinance. The second reading of the Ordinance will be at the May 2019 Regular City Council Meeting. Mayor Flores asked about vaping be added to the Ordinance. Public comment was received from Laura Calderon of San Benito County Public Health Department thanking the City for its time and money put into writing the Ordinance. She then went over the Questions & Answers she distributed before the meeting. Vice Mayor Edge asked that vaping be added to the Ordinance. Rachel Ponce felt that the Ordinance needed some teeth and gave an example of smoke drifting from one business to another. Jackie Morris-Lopez commented that business owners have rights to control their businesses. Vice Mayor Edge made a motion to Introduce an Ordinance for Smoke Free Outdoor Dining in the City. Second by Council Member Jordan, adding to revisit the Ordinance as a whole. Motion passed 4-0 with Council Member DeVries absent.

C. Approve Amendment to Contract with Harris & Associates for Engineering Services through December 31, 2019

Interim City Manager Tewes reviewed his report. There was no public comment. Vice Mayor Edge made a motion to approve Resolution 2019-18 Amending the Contract with Harris & Associates for Engineering Services through December 31, 2019. Second by Council Member Freeman. Motion passed 4-0 with Council Member DeVries absent.

D. Approve Resolution 2019-15 Approving Issuance of a Proposition 218 Notice for Proposed Maximum Allowable Solid Waste Collection Rates Adjustment

Kevin McCarthy and Kathleen Gallagher, representing San Benito County Integrated Waste Management, presented their report. Council Member Freeman asked why compressed natural gas was not being used to fuel the trucks. Kevin McCarthy and Phil Couchee, General Manager of Recology San Benito County, responded that the new trucks use renewable diesel. There was no public comment. Council Member Jordan made a motion to approve Resolution 2019-15 Approving Issuance of a Proposition 218 Notice for Proposed Maximum Allowable Solid Waste Collection Rates Adjustment. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

F. Consider Declaring Abatement of Certain Properties and Noticing a Public Hearing

Fire Marshal Charlie Bedolla reviewed his report. Thirty-eight lots have been identified and notices will be sent. A public hearing will be held on Tuesday, May 21, 2019, to hear objections to abatement orders. Interim City Manager Tewes explained that the City should bid out the abatement work, at an hourly rate plus an administration fee. Council Member Jordan made a motion to adopt Resolution 2019-16 Declaring Abatement of Certain Properties and Noticing a Public Hearing. Second by Council Member Freeman. Motion passed 4-0 with Council Member DeVries absent.

G. Adopt a Surcharge for Updating the General Plan and Elements of the General Plan

Associate Planner Kennedy reviewed the staff report which recommended a 3% surcharge and provided a hand-out listing the General Plan Surcharge Percentage for surrounding jurisdictions. Council Member Freeman proposed increasing the surcharge to 5%. There was no public comment. Council Member Freeman made a motion to approve Resolution 2019-17 Setting General Plan Surcharge Fees, with the amendment of 3% to 5%. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

H. Approve Transfer of \$2.0 million into LAIF

Interim City Manager Tewes reviewed his report. Council Members asked questions and discussed current bank fees with Union Bank and possibly transferring \$4.0 million into LAIF. There was no public comment. Vice Mayor Edge made a motion to approve the transfer of \$2.0 million into LAIF (Local Agency Investment Fund). Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

6. DISCUSSION ITEMS

A. Establish a Regional Traffic Impact Fee

Interim City Manager Tewes gave a report and provided a hand-out with proposed Regional Transportation Impact Mitigation Fee compared to the current San Juan Bautista Traffic Impact Fee. Council Member Freeman gave direction to staff to provide an update with money going to San Juan Bautista and not COG. Mr. Tewes reported that an update is required by Measure G; a nexus study is needed and should be included in the budget. There was no public comment.

B. Dig Once Policy

Council Member Freeman presented materials regarding a Dig Once Policy for the City, and asked that internet service providers receive a notice when the street would be open and they can add buried lines. There was no public comment. A subcommittee was created with Council Member Freeman and Vice Mayor Edge as members, to develop steps, notifications regarding digging, and later agency a policy.

7. COMMENTS

A. City Council

Council Member Jordan commented on the Fourth Street tabletop project and WELL Conference she attended. Mayor Flores and Vice Mayor Edge made comments about water meters being installed properly to prevent incorrect readings.

B. City Manager

No comments received.

C. City Attorney

No comments received.

8. CLOSED SESSION

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

There was no public comment. The closed session began at 8:52 P.M. At the conclusion City Attorney Mall announced no reportable action taken.

9. ADJOURNMENT

The meeting was adjourned at 9:07 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
SPECIAL CITY COUNCIL MEETING
APRIL 30, 2019
DRAFT MINUTES**

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

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

Staff Present: Interim City Manager Tewes, City Clerk Cent

2. PUBLIC COMMENT – ONLY ON ITEMS ON THE AGENDA

There was no public comment.

3. ACTION ITEMS

A. Approve Affidavit of Posting Agenda

There was no public comment. Council Member Jordan made a motion to Approve the Affidavit of Posting Agenda. Second by Vice Mary Edge. Motion passed 5-0.

4. CLOSED SESSION

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

There was no public comment. The closed session began at 5:30 P.M.in the City Manager's office. At the conclusion Interim City Manager Tewes announced there was no reportable action taken.

5. ADJOURNMENT

The meeting was adjourned at 6:15 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

RESOLUTION NO. 2019-XX

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

NOW, THEREFORE, BE IT RESOLVED that Williams LTD is authorized to close Third Street between Franklin and Muckeleme Streets, and Mariposa, Washington and Polk Streets between Second and Fourth Streets on Saturday, March 28, 2020 from 2:00 a.m. until Sunday, March 29, 2020 at 5:00 p.m. for an Arts and Crafts Festival in the City of San Juan Bautista; and

BE IT FURTHER RESOLVED that Williams LTD is authorized to close Third Street between Franklin and Muckeleme Streets, and Mariposa, Washington and Polk Streets between Second and Fourth Streets on Friday, May 1, 2020 from 2:00 a.m. until Sunday, May 3, 2020 at 5:00 p.m. for a Rib Cook Off in the City of San Juan Bautista; and

BE IT FURTHER RESOLVED that Naomi Medina and the San Juan Merchants are authorized to close Third Street between Franklin and Muckeleme Streets on Sunday, September 15, 2019 from 5:00 a.m. until 7:00 p.m. for a Chicken Festival in the City of San Juan Bautista; and

BE IT FURTHER RESOLVED that Gold Coast Rods, Inc. is authorized to close Third Street between Franklin and Muckeleme Streets on Sunday, October 6, 2019 from 7:00 a.m. to 4:00 p.m. in the City of San Juan Bautista for their 17th Annual Car Show.

PASSED AND ADOPTED this 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

Community Events/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Community events and 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 community events application and submit it to the City **at least 90 days before your event**. The fees associated with your event are due when you submit this form. The **fee schedule** for application is:

Non Profits¹: 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 and Muckelemi Streets and more than 1,000 people ²	\$150.00
Private Promoter Organizations³: 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 and Muckelemi Streets, and more than 1,000 people	\$600.00

Once we receive your application, a City representative 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 accttech@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 arrangements with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: The San Juan Bautista Art + Craft Festival Today's Date: 5-20-19
 Applicant: Jason Williams
 Organization: Williams LTD
 Phone: 775 324 6435 E-Mail: WILLLLTDJASON@AOL.COM
 Mailing Address: 4005 Riverhaven Dr. Reno NV 89519
 Fax: 775 787 0799

Event Setup Date: March 28 Time: 2am Event Ends Date: March 29 Time: 5pm
 Event Starts Date: March 28 Time: 10am Dismantle Date: March 29 Time: 5pm

ANTICIPATED ATTENDANCE: Total of the event: Hard to say 7,000? Total per Day: 3,500?
 LOCATION OF EVENT (please be specific): 3rd St. from Franklin to Muckelemi and cross streets Washington, Mariposa, and Polk. weather permitting. (can be less...)

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 (name as additional insured). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (Alliant). After the application and fee is submitted, the City Manager or designee will contact Alliant 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 *N/A*

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

☒ Yes ☐ No

If yes, please specify which streets and cross streets need to be closed. *3rd Street from Franklin to Muckelemi and cross Streets Washington, Mariposa, and Polk. (2nd to 4th)*

Does this event involve a parade?

☐ Yes ☒ No

If yes, attach a map of the event. *N/A*

If you wish to rent barricades, chairs, tables or other equipment from the City, list what and how many. If you do not wish to rent the City's equipment and your event involves a street closure, you will be responsible for providing appropriate barriers.

16 barricades for street closures. Onion barrels for trash. A Frames also. # yet to be determined. (Number varies)

PRIVATE PROPERTY (A City application is required when attendance at a temporary gathering on private property can be reasonably expected to exceed 250 people)

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

N/A

VENDORS

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

☒ Yes ☐ No

If yes, a California Department of Tax & Fee Administration Seller's Permit will be required for each vendor proving that they are appropriately registered with the State of California. 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 maximum of five (5) exempt local non-profit 10 ft. spaces, 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): *Possible pony rides + petting zoo as in past years.*

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 and include a permit from the **San Benito County**

Environmental Health Department. Does your event include food concessions and/or preparation areas?

☒ Yes ☐ No

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?

Possible beer garden
sponsored by SJB Rotary

☒ 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:** 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 include as part of this application.

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

☒ Yes ☐ No

Provide a copy of your San Benito County Environmental Health Permit.

If no, what plans have you made to accommodate the public? Provide 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.):

silent

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. 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. Therefore, you are 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.

Same as past years - Professional Clean Up Crew also Recology
recycle crew with Lisa. Dumpster location Mariposa between 3rd + 4th.
(No longer Polk street)

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc.
Please note: Events involving road closures will be billed for Public Works time involved in setting up and dismantling.
(If additional space is required, please attach it to this application).

Art + Craft Festival including food booths and entertainment.
Road closure @ 2am Saturday morning from Franklin to
Muckelemi and cross streets between 2nd to 4th Also a beer garden is
usually on Mariposa sponsored by
SSB's Rotary...

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

Kysmet Security
(Same as past years)

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

All cross walks and wheelchair access points
will be kept open and available to the public
during the event.

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

All streets used for the event will have a 15 ft or wider
fire lane for any emergency access. Communication: We will
also be in constant cell phone range/contact with each other.

City Benches are 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 time. Thank you. *JW* (Initials)

**Please provide a site plan/route map for your event. Attach additional pages 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 or relay), indicate the direction of travel, including starting and ending locations.
- 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 location 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.
- Parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Location of all other event activities

Community Events/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Community events and 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 community events application and submit it to the City at least 90 days before your event. The fees associated with your event are due when you submit this form. The **fee schedule** for application is:

Non Profits¹: 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 and Muckelemi Streets and more than 1,000 people ²	\$150.00
Private Promoter Organizations³: 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 and Muckelemi Streets, and more than 1,000 people	\$600.00

Once we receive your application, a City representative 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 acctech@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 arrangements with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: The Great San Juan Bautista Rib Cook off **Today's Date:** 5-20-19

Applicant: Jason Williams

Organization: Williams LTD

Phone: 775 324 6435 **E-Mail:** WILLLLTDJASON@AOL.COM

Mailing Address: 4005 Riverhaven Dr. Reno NV 89519

Fax: 775 787 0799

The rest... Event Setup Friday **Date:** 5-1-20 **Time:** 2am **Event Ends** Sunday **Date:** 5-3-20 **Time:** 5pm

Event Starts Friday **Date:** 5-1-20 **Time:** 11am **Dismantle** Sunday **Date:** 5-3-20 **Time:** 5pm

ANTICIPATED ATTENDANCE: Total of the event: Hard to say Total per Day: 5000?

LOCATION OF EVENT (please be specific):

3rd St. between Franklin + Muckelemi. Also cross streets between 2nd + 4th.

- 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.

City of San Juan Bautista Community Events/Activities – Permit Application
Revised 12/17/2018

Thurs. 4-30-20 after 5pm ...
Pre set up for Rib Cookers
on 3rd street between
Washington + Mariposa. Also
Rotary Beer Garden on Mariposa
between 2nd + 3rd.

INSURANCE

The City will require that you co-insure the City (name as additional insured). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (Alliant). After the application and fee is submitted, the City Manager or designee will contact Alliant 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 N/A

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

☒ Yes ☐ No

If yes, please specify which streets and cross streets need to be closed. *Third Street from Franklin to Muckelemini and cross streets Washington, Mariposa, and Polk between 2nd + 4th...*

Does this event involve a parade?

☐ Yes ☒ No

If yes, attach a map of the event. *N/A*

If you wish to rent barricades, chairs, tables or other equipment from the City, list what and how many. If you do not wish to rent the City's equipment and your event involves a street closure, you will be responsible for providing appropriate barriers.

*Barricades for street closure. Onion Barrels for trash.
Number varies. Number varies.*

PRIVATE PROPERTY (A City application is required when attendance at a temporary gathering on private property can be reasonably expected to exceed 250 people)

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, a California Department of Tax & Fee Administration Seller's Permit will be required for each vendor proving that they are appropriately registered with the State of California. 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 maximum of five (5) exempt local non-profit 10 ft. spaces, 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):

Pony Rides! ☺

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 and include a permit from the **San Benito County**

Environmental Health Department. Does your event include food concessions and/or preparation areas?

☒ Yes ☐ No

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? *Will provide ABC permit at a Rotary Beer Garden... later date...* ☒ 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:** 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 include as part of this application.

Golden State Portables

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

☒ Yes ☐ No

Provide a copy of your San Benito County Environmental Health Permit.

If no, what plans have you made to accommodate the public? Provide 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.):

Silent

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. 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. Therefore, you are 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.

Same as years past - Professional clean up crew. Also Recology recycle crew w/Lisa. Two dumpsters this year! On Mariposa between 3rd and 4th. Between driveways...

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc.

Please note: Events involving road closures will be billed for Public Works time involved in setting up and dismantling.

(If additional space is required, please attach it to this application).

A BBQ rib cook off and competition that will include retail booths as well as live entertainment. Road closure Thursday @ 5pm on 3rd st. between Washington + Mariposa. Same as 2019. The remaining closures between Franklin + Muckelemei @ 2am Friday a.m.

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

Kysmet Security

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

All sidewalk crosswalks will be left open as well as wheelchair access points.

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

All streets used for this event will have a 15ft or wider fire lane for any possible emergency access. Communication: We will also be in constant cell phone range/contact with each other.

City Benches are 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 time. Thank you.

AW (Initials)

Please provide a site plan/route map for your event. Attach additional pages 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 or relay), indicate the direction of travel, including starting and ending locations.
- 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 location 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.
- Parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Location of all other event activities

Community Events/Activities – Permit Application

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Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
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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 arrangements with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: Chicken Festival Today's Date: 6/10/19
Applicant: Christopher Rosalejos / Bob
Organization: San Juan Committee / San Juan Bautista Community Business Association
Phone: 408-661-1310 E-Mail: Chris.rosalejos@gmail.com
Mailing Address: 2230 Preston Ct. Hollister, CA 95023
Fax: _____

Event Setup Date: 9/15/19 Time: 7am Event Ends Date: 9/15/19 Time: 5pm
Event Starts Date: 9/15/19 Time: 10am Dismantle Date: 9/15/19 Time: 7pm

ANTICIPATED ATTENDANCE: Total of the event: 1000 Total per Day: 1000

LOCATION OF EVENT (please be specific):

Downtown San Juan Bautista, 3rd St & side streets

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 (name as additional insured). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (Alliant). After the application and fee is submitted, the City Manager or designee will contact Alliant 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 specify which streets and cross streets need to be closed.

Does this event involve a parade?

☐ Yes ☒ No

If yes, attach a map of the event.

If you wish to rent barricades, chairs, tables or other equipment from the City, list what and how many. If you do not wish to rent the City's equipment and your event involves a street closure, you will be responsible for providing appropriate barriers.

PRIVATE PROPERTY (A City application is required when attendance at a temporary gathering on private property can be reasonably expected to exceed 250 people)

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, a California Department of Tax & Fee Administration Seller's Permit will be required for each vendor proving that they are appropriately registered with the State of California. 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 maximum of five (5) exempt local non-profit 10 ft. spaces, 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 and include a permit from the **San Benito County**

Environmental Health Department. Does your event include food concessions and/or preparation areas?

☒ Yes ☐ No

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:** 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 include as part of this application.

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

☒ Yes ☐ No

Provide a copy of your San Benito County Environmental Health Permit.

If no, what plans have you made to accommodate the public? Provide 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.):

We would need a generator for the musicians.

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. 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. Therefore, you are 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.

We plan to partner with Recology. I will also be recruiting for volunteers to assist in cleanup.

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc.
Please note: Events involving road closures will be billed for Public Works time involved in setting up and dismantling.
(If additional space is required, please attach it to this application).

The setup will be the traditional setup of all previous chicken festivals.

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

I will contact the county sheriff's office regarding the security plan & crowd control

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

All access will be ground level to accommodate ADA

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

Emergency/medical plans will be made w/ the Fire Department

City Benches are 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 time. Thank you. CK (Initials)

Please provide a site plan/route map for your event. Attach additional pages 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 or relay), indicate the direction of travel, including starting and ending locations.
- 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 location 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.
- Parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Location of all other event activities

Community Events/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Community events and 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. All events require a meeting with City Manager. 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 community events application and submit it to the City at least 90 days before your event. The fees associated with your event are due when you submit this form. The **fee schedule** for application is:

Non Profits¹ : 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 and Muckelemi Streets and more than 1,000 people ²	\$150.00
Private Promoter Organizations³ : 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 and Muckelemi Streets, and more than 1,000 people	\$600.00

Once we receive your application, a City representative 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 accitech@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 arrangements with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: 17TH ANNUAL CAR SHOW Today's Date: 5-21-2019
 Applicant: OTIS STEVENSON
 Organization: GOLD COAST RODS
 Phone: 831 601 2375 E-Mail: OTISAUTOSALES@GMAIL.COM
 Mailing Address: PO BOX 2672 MONTEREY CA 93940
 Fax: 831 899 4430
 Event Setup 7AM Date: 5-21-2019 Time: 7AM Event Ends 4PM Date: 10-6-19 Time: 4PM
 Event Starts 8AM Date: 10-6-19 Time: 8AM Dismantle 10-6-19 Date: 10-6-19 Time: 4PM

ANTICIPATED ATTENDANCE: Total of the event: Total per Day:

LOCATION OF EVENT (please be specific):

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 (name as additional insured). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (Alliant). After the application and fee is submitted, the City Manager or designee will contact Alliant 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 specify which streets and cross streets need to be closed.

Does this event involve a parade?

☐ Yes ☒ No

If yes, attach a map of the event.

If you wish to rent barricades, chairs, tables or other equipment from the City, list what and how many. If you do not wish to rent the City's equipment and your event involves a street closure, you will be responsible for providing appropriate barriers.

PRIVATE PROPERTY (A City application is required when attendance at a temporary gathering on private property can be reasonably expected to exceed 250 people)

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, a California Department of Tax & Fee Administration Seller's Permit will be required for each vendor proving that they are appropriately registered with the State of California. 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 maximum of five (5) exempt local non-profit 10 ft. spaces, up to a maximum of 5% of the total number of booth feet for an event.

Event applicant shall verify that all vendors who do not have a physical presence in SJB, shall obtain from California Department of Tax and Fee Administration a temporary seller's permit or a sub-permit listing the address of the City of San Juan Bautista City Hall for purposes of distribution of sales tax revenue.

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.)

City of San Juan Bautista Community Events/Activities – Permit Application
Revised 12/17/2018

If you are serving or selling food, you must obtain and include a permit from the **San Benito County**

Environmental Health Department. Does your event include food concessions and/or preparation areas?

☐ Yes ☒ No

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.

TRASH BAGS OUR MEMBERS WILL
CLEAN

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc.
Please note: Events involving road closures will be billed for Public Works time involved in setting up and dismantling.
 (If additional space is required, please attach it to this application).

CLASSIC CAR SHOW From 8am UNTIL 4pm
 3rd St BLOCK MUCKLEHEM ST POLK ST
 MARIPOSA ST WASHINGTON ST FRANKLIN ST

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

our members will control

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

we only use CITY streets

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

our club members will be IN
 CONTACT WITH SHERIFF Dept

City Benches are 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 time. Thank you. OK (Initials)

**Please provide a site plan/route map for your event. Attach additional pages 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 or relay), indicate the direction of travel, including starting and ending locations.
- 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 location 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.
- Parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Location of all other event activities



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **Introduce an Ordinance Amending Section 2-8-050 Increasing Solicitation Thresholds in Accordance with New Thresholds Set by the State (Relative to the Bid Process)**

MEETING DATE: July 10, 2019

DEPARTMENT HEAD: City Manager Reynolds

RECOMMENDED ACTION: After a second reading, adopt ordinance increasing the thresholds for public projects that may be awarded without competitive bidding, with informal bids, and formal bidding.

BACKGROUND INFORMATION: Upon recommendation of the City Engineer, the Council recently established a formal purchasing ordinance that, among other things, established rules for awarding public projects. In order to conform to subsequent revisions in the State Public Contract Code, the new thresholds are proposed to be:

No Bidding Required:	projects up to \$60,000
Informal Bidding Process:	projects between \$60,000 and \$200,000
Formal Bidding Required:	projects over \$200,000

ATTACHMENTS:

1. Ordinance

ORDINANCE 2019-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE CHAPTER 2-8, TO
REVISE SECTION 2-8-050 TO INCREASE SOLICITATION THRESHOLDS IN
ACCORDANCE WITH NEW THRESHOLDS SET BY STATE**

(EXEMPT FROM CEQA)

WHEREAS, the San Juan Bautista City Council amended the City Code in 2018 to adopt the California Uniform Public Construction Cost Accounting Act; and

WHEREAS, AB 2249 recently amended the Act to increase the thresholds for solicitation; and

WHEREAS, the San Juan Bautista City Council desires to revise Section 2-8-050 of the City Code to be in accord with the new solicitation thresholds.

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

Section 2-8-050 shall be revised as follows:

Subparagraph (C), Section (2) shall be revised so as to replace “forty-five thousand dollars (\$45,000)” with “sixty thousand dollars (\$60,000),” so that that Section shall read as follows:

(2) No Bidding Required. Public projects less than or equal to sixty thousand dollars (\$60,000) may be performed by City staff, by force account with a contractor, by negotiated contract, or by use of a purchase order, pursuant to Section 22032 of the Public Contract Code.

Subparagraph (C), Section (3) shall be revised to replace “one hundred seventy-five thousand dollars (\$175,000)” with “two hundred thousand dollars (\$200,000),” so that that Section shall read as follows:

(3) Informal Bids. The City shall follow the following informal bidding procedure for public projects of two hundred thousand dollars (\$200,000) or less, or those public projects as specified in either Section 22032(b) or 22020 of the Public Contract Code.

Subparagraph (E), Section (3) shall be revised to replace “one hundred seventy-five thousand dollars (\$175,000)” with “two hundred thousand dollars (\$200,000),” so that that Section shall read as follows:

(E) Authority to Award Bid. The authority to award informal contracts is hereby delegated to the City Manager unless all informal bids received are in excess of two hundred thousand dollars (\$200,000), in which case the City Council may, by passage of a resolution by a four-fifths (4/5) vote, award the contract at the amount set forth in Section 22034(f) of the Public Contract Code or less to the lowest responsible bidder, if it determines the cost estimate of the responsible department head was reasonable.

Subparagraph (F), Section (3) shall be revised to replace “one hundred seventy-five thousand dollars (\$175,000)” with “two hundred thousand dollars (\$200,000),” so that that Section shall read as follows:

(F) Formal Bids. The City shall follow the following formal bidding procedure for public projects equal to or greater than two hundred thousand dollars (\$200,000), or as specified in either Section 22032(b) or 22020 of the Public Contract Code.⁸

The FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 18th day of June, 2019, and was adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

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

PLASTIC

rising to the top of local government concerns

Tim Goncharoff, Zero Waste Programs Manager
Santa Cruz County, Santa Cruz, California

Scientists estimate that by 2050 there might be more plastic in our oceans than fish.

It was 52 years ago that a well-meaning neighbor urgently whispered “Plastics!” into Dustin Hoffman’s ear in *The Graduate*. That prophecy has been borne out, as the endlessly varied and malleable substance

has become ubiquitous in our lives. But that popularity has come with a downside that is becoming ever-more apparent to local governments across the United States.

Since plastic products first came on the scene in the 1950s, production has grown from zero to more than 300 million tons every year. Producers recently announced plans for new plants that would increase production another 40%.



Since plastic products first came on the scene in the 1950s, production has grown from zero to more than 300 million tons every year.

While many in the environmental community have been ringing the alarm about plastic for some time, public attention first focused on the issue with the discovery of the Great Pacific Garbage Patch by Captain Charles Moore in 1997.

Research following Moore's discovery revealed giant plastic garbage patches in all of the Earth's oceans. And they are not just floating on the surface. Plastic is found throughout the ocean water column, even in the deepest ocean trenches. Plastic is so pervasive that some experts have predicted that by 2050 there will be more plastic in the oceans than fish.

Some argue for better recycling programs, but the recycling industry seems headed in the wrong direction. While

manufacturers tout plastic's recyclability, plastic recycling in the U.S. peaked at about 9%, and is declining rapidly. Compare this to the approximately 70% recycling rates for products like paper and cardboard, and it's easy to understand why so much plastic has ended up littering our landscape and waters, prompting calls for action and outright bans of many plastic products.

China's recent decision to turn away from the recycling business has created a severe disruption in the world of global recycling. As much as 40% of U.S. recyclables were shipped to China prior to the enactment of the Green Fence and National Sword policies which have slowed that flow to a trickle.

"The Chinese waste import restrictions have disrupted recycling programs throughout the United States, and affected tens of millions of tons of scrap and recyclables since they were imposed," said David Biderman, Executive Director, Solid Waste Association of North America. "They are the most important change to these programs in at least a decade."

Recyclers are doing their best to adjust.

"The recycling market is changing, and the industry continues to adjust to China's restrictions on imported recyclables," says Darrell Smith, President, National Waste and Recycling Associa-

Plastic is found throughout the ocean water column, even in the deepest ocean trenches.

Plastic washes up daily on the Kamilo Beach
on the Big Island of Hawaii.



tion (NWRA). “Our members are making significant investments in labor and technology to reduce contamination at facilities, as well as educating customers on smart recycling practices to reduce contamination in the recycling stream.”

Major recyclers have some advantages. They can invest in more sorting equipment, new plants and more staff. They can store materials while waiting for market conditions to improve. And they can chase an ever-shifting and more demanding market.

Waste Management, the largest recycling and solid waste company in the U.S., is a good example.

“While we’ve been shipping into China for years, we also have opened up markets in other parts of Southeast Asia, India, South America and Europe,” said Brent Bell, a Waste Management vice president for recycling. “And so, when the Chinese started restricting the imports, we quickly

shifted that material to some of these alternative markets.”

Smaller communities and waste haulers are having a harder time adjusting. Rural and small-town residents are starting to get squeezed by a change that is wreaking havoc on the global recycling market.

Hannibal, Mo., has stopped accepting most recyclable plastics, such as yogurt containers and shampoo bottles. Sacramento, the capital of recycling leader California, is doing the same. And in Columbia County, N.Y., residents soon will have to pay \$50 a year to dump their materials at one of the county’s recycling centers.

In a number of towns in Florida, city officials have decided to end recycling altogether.

A city spokesman in Deltona said the decision was made because of a drop in demand for raw recycled materials from overseas countries, which has led to increased costs.

**A 2012 study
determined that
90 west coast
communities spend
a total of more than
\$520 million each year
to combat litter.**

“As of this year, we were notified that it was going to cost the city to process recycling material,” spokesman Lee Lopez said. “Essentially, the material wouldn’t go overseas. It would wind up going to the landfill anyway.” Other cities are not far behind.

“They’ve already been exploring this. It’s just that the city decided to go ahead and get it done,” Lopez said.



Plastic straws' small size and weight mean they slip through sorting machinery, making them hard to recycle.

The problems with the global recycling market have added to longstanding worries about plastic among local governments across the United States. Coastal communities have been long concerned. A 2012 study determined that 90 west coast communities spend a total of more than \$520 million each year to combat litter. The ubiquitous plastic bag was an early target. There are now statewide bans in Hawaii and California, and hundreds of cities and counties across the U.S. have done the same. Styrofoam is close behind, with bans from New York to Washington, D.C. and Miami to San Diego.

Plastic straws have become a recent focus of plastic pollution concern. Their small size and weight mean they

slip through sorting machinery, making them hard to recycle. And straws are one of the most frequently littered items. Cities from Seattle to Santa Cruz, Calif., have banned them outright. Companies from Starbucks to McDonalds have decided to begin phasing them out. A&W Canada has decided to drop them entirely. Susan Senecal, A&W Canada's president and CEO said, "This decision shows our commitment to continuously work toward creating positive change within our own organization."

Despite the progress, the industry's plans to dramatically increase plastic production have local governments looking for more solutions. San Diego recently joined the ranks of cities that

have banned plastic cutlery. Berkeley just enacted a 25-cent fee on single-use cups. And more cities and counties are eyeing persistent sources of problems, from balloons that entangle power lines and choke sea turtles to plastic cigarette filters that clog storm drains. Recent revelations that microplastic fibers from clothing and other textiles are pouring into our rivers, lakes and oceans are prompting efforts from manufacturers to find solutions and scrutiny from local governments of new filtering technologies to capture the tiny plastic particles.


And public health officials have added their voices to the chorus of concern. Studies have found plastic in many samples of drinking water, beer, seafood and even human stool samples. A recent study from the University of Ghent determined that the average person who eats seafood consumes up to 11,000 pieces of plastic every year.

Environmental filmmaker Sir David Attenborough shares the concern.



Despite the progress in banning some plastic, industry plans to dramatically increase plastic production have local governments looking for more solutions.

"We've seen albatrosses come back to feed their chicks with nothing in their bellies but plastic. It is one world. And it's in our care. For the first time in the history of the Earth, one species has the future in the palms of its hands. We must act now."

Tim Goncharoff can be reached at (831) 454-2970 or tim.goncharoff@santacruz-county.us. 



Numerous African nations have banned plastic bags, including Kenya, Mauritania, Rwanda and Morocco. These children in Nigeria are prepared for the ban now being considered there, with bags courtesy of Santa Cruz County, California.

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Eleven Month Period Ended May 31, 2019

Item #4E
City Council Meeting
July 16, 2019

REVENUES	FY18	FY19	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Difference</u>	<u>92%</u>	<u>Notes</u>
General Fund	1,195,041	1,719,908	2,146,347	426,439	80%	A
Special Revenue Funds:						
Community Developmen	503,815	171,670	139,286	(32,384)	123%	
COPS	153,343	126,820	100,000	(26,820)	127%	
Parking & Restroom Fd	21,034	24,046	25,600	1,554	94%	
Valle Vista LLD	20,064	19,516	27,884	8,368	70%	A
Gas Tax Fund	46,894	44,124	505,750	461,626	9%	B
Enterprise Funds:						
Water						
Operations	758,599	826,798	768,000	(58,798)	108%	
Capital	25,238	761,606	769,510	7,904	99%	
Sewer						
Operations	793,802	878,085	832,000	(46,085)	106%	
Capital	12,408	344,871	450,313	105,442	77%	
TOTAL Funds	2,335,197	3,197,536	5,764,690	2,567,154	55%	

A ~ General Fund revenue is below budget due to the timing of the next property tax installment, which was received in June. This applies to the Valle Vista Lighting District as well.

B ~ 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.

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Eleven Month Period Ended May 31, 2019

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EXPENDITURES	FY18	FY19	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>92%</u>	<u>Note</u>
General Fund:						
City Council	18,501	21,101	34,769	13,668	61%	
City Attorney	76,936	43,419	50,000	6,581	87%	
City Manager	32,366	25,485	42,612	17,127	60%	
Administrative Services	92,490	102,271	122,124	19,853	84%	
City Treasurer	355	421	340	(81)	124%	
Finance and Accounting	137,472	134,337	141,747	7,410	95%	
City Library	43,286	89,908	110,541	20,633	81%	
Fire and EMS	218,016	260,457	241,865	(18,592)	108%	A
Law Enforcement	148,555	266,871	279,950	13,079	95%	
Animal Control	3,500	5,598	10,000	4,402	56%	
PW - Streets (Operations)	136,645	133,621	182,590	48,969	73%	
PW - Streets (Capital)	5,494	26,746	562,000	535,254	5%	B
PW - Parks & Grounds (Operations)	119,928	174,251	182,715	8,464	95%	
PW - Parks and Grounds (Capital)	21,200	153,858	179,700	25,842	86%	
General Government	42,597	47,097	50,500	3,403	93%	
Total General Fund Expenditures	1,097,341	1,485,441	2,191,453	706,012	68%	
Special Revenue Funds:						
Community Development:						
Engineering	203,414	157,793	150,497	(7,296)	105%	
Building	143,493	212,669	139,966	(72,703)	152%	C
Planning	225,716	130,137	207,731	77,594	63%	
COPS	83,087	91,663	100,000	8,337	92%	
Parking & Restroom Fund	-	9,666	75,000	65,334	13%	D
Valle Vista LLD	18,126	18,929	27,884	8,955	68%	
Gas Tax Fund	17,645	16,042	409,803	393,761	4%	E
Enterprise Funds:						
Water:						
Operations	778,419	807,378	894,222	86,844	90%	
Capital	65,309	815,023	867,861	52,838	94%	
Sewer						
Operations	791,034	831,198	961,407	130,209	86%	
Capital	563,567	589,665	597,213	7,548	99%	
TOTAL Funds	3,987,151	5,165,604	6,623,037	1,457,433	78%	

7/11/2019

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Eleven Month Period Ended May 31, 2019

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Footnotes:

- A** ~ Costs are higher than budgeted due to repairs to a fire truck.
- B** ~ 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.
- C** ~ Building department costs are higher than budgeted due to inspections, and related costs. 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.
- D** ~ A large part of the Parking and restroom fund budget is slated for projects that will occur sporadically during the year.
- E** ~ A large part of the Gas Tax Fund budget is slated for street projects that will occur sporadically during the year.

City of San Juan Bautista
Warrant Listing
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	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
101.000 - Union Bank				
101.001 - Operating Acct. 1948				
	06/03/2019	212722	Charter Communications	-489.03
	06/06/2019	212723	4Leaf, Inc.	-8,833.90
	06/06/2019	212724	Abbott's Pro Power	-45.15
	06/06/2019	212725	All Clear Water Services	-4,574.50
	06/06/2019	212726	at&t	-240.35
	06/06/2019	212727	AVAYA	-212.86
	06/06/2019	212728	City of Hollister.	-34,467.71
	06/06/2019	212729	Clark Pest Control	-95.00
	06/06/2019	212730	Cypress Water Services	-14,752.13
	06/06/2019	212731	Data Ticket Inc.	-800.00
	06/06/2019	212732	David Medeiros.	-65.20
	06/06/2019	212733	De Lage Landen Public Finance	-969.18
	06/06/2019	212734	Elaine Reyna.	-150.00
	06/06/2019	212735	Filomeno Garza.	-84.95
	06/06/2019	212736	Harris & Associates	-9,485.00
	06/06/2019	212737	Heidi Balz	-1,293.93
	06/06/2019	212738	Hollister Landscape Supply	-171.04
	06/06/2019	212739	Jardines, Inc.	-150.00
	06/06/2019	212740	Laura Cent.	-100.00
	06/06/2019	212741	Mission Linen Service	-76.48
	06/06/2019	212742	Monica Molina.	-640.00
	06/06/2019	212743	Monterey Bay Analytical Services	-621.55
	06/06/2019	212744	Monterey County Health Department	-55.00
	06/06/2019	212745	Paul Champion	-34.40
	06/06/2019	212746	R & B Company	-3,531.68
	06/06/2019	212747	Rx-Tek	-1,943.19
	06/06/2019	212748	Smith & Enright Landscaping	-1,150.00
	06/06/2019	212749	Staples	-343.17
	06/06/2019	212750	State Compensation Insurance Fund	-2,297.50
	06/06/2019	212751	Thomas & Associates	-2,147.16
	06/06/2019	212752	Univar USA Inc.	-1,355.46
	06/06/2019	212753	US Bank	-4,043.93
	06/06/2019	212754	Valero Marketing & Supply	-784.70
	06/06/2019	212755	Vivint Solar	-500.00
	06/06/2019	212756	Wellington Law Offices	-3,125.00
	06/06/2019	212757	Wendy L. Cumming, CPA	-3,697.50
	06/06/2019	212758	P G & E	-1,244.75
	06/13/2019	212759	at&t	-70.08
	06/14/2019	212760	Abbott's Pro Power	-113.87
	06/14/2019	212761	ACWA Health Benefits Authority	-8,862.69
	06/14/2019	212762	AMBAG	-837.00
	06/14/2019	212763	American Supply Company.	-10.24
	06/14/2019	212764	Anthony Gutierrez.	-700.00

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Date	Num	Name	Amount
06/14/2019	212765	at&t	-76.36
06/14/2019	212766	Bay Tech	-155.00
06/14/2019	212767	C & N Tractors	-24,433.33
06/14/2019	212768	Clark Pest Control	-95.00
06/14/2019	212769	Design Line & Granger	-279.54
06/14/2019	212770	Hollister Landscape Supply	-116.91
06/14/2019	212771	Iron Mountain	-203.76
06/14/2019	212772	iWorQ Systems	-4,500.00
06/14/2019	212773	KBA Docusys	-344.89
06/14/2019	212774	KS State Bank	-5,818.30
06/14/2019	212775	Leo Havener	-300.00
06/14/2019	212776	MailFinance	-573.37
06/14/2019	212777	Mc Kinnon Lumber Co., Inc.	-13.00
06/14/2019	212778	Monterey Bay Analytical Services	-335.40
06/14/2019	212779	P G & E	-805.79
06/14/2019	212780	PARSAC	-788.00
06/14/2019	212781	Petty Cash	-65.89
06/14/2019	212782	R & B Company	-130.36
06/14/2019	212783	Rx-Tek	-435.00
06/14/2019	212784	SmartHIRE	-389.75
06/14/2019	212785	Todd Kennedy	-100.00
06/14/2019	212786	True Value Hardware	-15.22
06/14/2019	212787	Uline	-70.94
06/14/2019	212788	Wright Bros. Industrial Supply	-23.48
06/24/2019	212789	P G & E	-8,488.90
06/28/2019	212790	4Leaf, Inc.	-7,477.85
06/28/2019	212791	AFLAC	-152.78
06/28/2019	212792	Bracewell Engineering, Inc.	-475.00
06/28/2019	212793	CSG Consultants, Inc.	-1,650.00
06/28/2019	212794	Cypress Water Services	-10,075.00
06/28/2019	212795	Duquette Engineering	-38.28
06/28/2019	212796	Erika Servin.	-700.00
06/28/2019	212797	Fabiola Hurtado.	-700.00
06/28/2019	212798	First Alarm	-440.37
06/28/2019	212799	Harris & Associates	-34,517.50
06/28/2019	212800	Hollister Auto Parts, Inc.	-287.30
06/28/2019	212801	Hollister Landscape Supply	-438.42
06/28/2019	212802	Inderjit Khunkhun	-100.00
06/28/2019	212803	J. Edward Tewes	-136.55
06/28/2019	212804	J.V. Orta's Rent A Fence	-225.00
06/28/2019	212805	Jardines, Inc.	-75.00
06/28/2019	212806	Junior Library Guild	-445.37
06/28/2019	212807	Laura Cent.	-100.00
06/28/2019	212808	Level 1 Private Security.	-9,131.00
06/28/2019	212809	Maggiora Bros. Drilling Inc.	-26,955.69

City of San Juan Bautista
Warrant Listing
As of June 30, 2019

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<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
06/28/2019	212810	Monterey Bay Analytical Services	-331.15
06/28/2019	212811	PARSAC	-25,251.00
06/28/2019	212812	R & B Company	-666.33
06/28/2019	212813	Ready Refresh	-165.49
06/28/2019	212814	Rosendo Ramirez.	-700.00
06/28/2019	212815	Rossi Bros Tire & Auto	-45.00
06/28/2019	212816	San Juan Home & School Club	-175.00
06/28/2019	212817	Sentry Alarm System	-912.00
06/28/2019	212818	Sprint	-112.05
06/28/2019	212819	Staples	-311.00
06/28/2019	212820	United Site Services of California, Inc.	-319.35
06/28/2019	212821	US Bank Equipment Finance	-249.61
06/28/2019	212822	Valero Marketing & Supply	-632.28
06/28/2019	212823	Interpol Private Security.	-438.00
06/28/2019	212824	Marcella Ann Gardner	-100.00
Total 101.001 - Operating Acct. 1948			<u>-288,252.84</u>
Total 101.000 - Union Bank			<u>-288,252.84</u>
TOTAL			<u><u>-288,252.84</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	Plans came in from the structural engineer to address the balcony. Staff has approved and new posts to support the balcony were installed. (7/8/19)	Support posts have been installed for the balcony	Site Design and Review performed by HRB and Planning Commission approved in April of 2017. No building permits applied for or approved. Structural improvements for the balcony were submitted and approved for the balcony.	Building has been tagged as an unsafe structure. Violations of the Municipal Code include Section 5-8-110 and Section 5-8-190.	Structural Plans have been approved and posts have been installed making the balcony safe. (7/8/19)	Right of way has been reopened. The issue of Public Safety has been resolved by the temporary measures of the balcony reinforcement. (7/8/19)
2	Fault Line Restaurant	Reconstruction is underway for the accessory building. (7/8/2019)	Under construction	Have been issued during the week of 5/14/19.	none	Permits have been issued and reconstruction is underway. 7/8/19	Moving forward
3	10 Franklin existing construction, alteration, and demolition	Approved per permit issuance by Permit Number 2017149 in 2015. Construction has been ongoing. Building Official reviewed the plans and permit material. Determined it as valid and may continue as approved. Property owner must apply for the zone change through application process and initiate the CEQA review. The property owner has been notified and will be in touch with city staff. Staff followed up with an email. No response as of 7/8/19.	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. Property owner must move forward with zone change by their application if they wish to change the zone from Public Facility to Mixed - Use. Further CEQA review is required as part of the process. Property owner will be in touch with city staff. Staff followed up with an email. No response of 7/8/19	Property owner has been notified of the City's position. Awaiting response on the next steps.
4	Harvey's Lockup	progress is being made on the frontage & right-of-way improvements. 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 detectors have been installed. Agreement is being met for the next step due at the end of 2019. (7/8/19)	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	Requirements of conditions of approval are in progress. 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 March 6, 2019 and it passed per the Fire Marshall. Progress is being made to meet the entire agreement. Next step is due at the end of 2019 (7/8/19).	Owner is working with his contractor to install heat and smoke detection systems.
5	Rancho Vista Subdivision	42 homes have received Occupancy. 4 new permits have been applied for, approved, and issued. An amendment to the development agreement to be reviewed by City Council (7/8/19).	Under Construction	42 homes have received Occupancy. 4 new permits have been applied for, approved, and issued. (6/18/19)	none	Construction on new homes is ongoing with occupancy being granted. An amendment to the development agreement to be reviewed by City Council. (7/8/19)	In Progress - Estimated Build out in 2021.

	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	Copperleaf's stated Phase 2 has begun and some Homes from Phase 1 have been granted occupancy. More permits have been reviewed and signed off. (7/8/19)	Under Construction	31 permits have been issued.	n/a	No comments or complaints. (7/8/19)	In Progress - Estimate of Winter 2020
7	Building Department and code enfocement 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) Phase 2 is being discussed. Code Enforcement is making regular rounds of the city, looking for work taking place without permits, parking violations, and other nuisances. (7/8/19)	n/a	n/a	none	None at this time. (7/8/19)	n/a
8	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. Discussion is underway with the property owner and interest on the neighboring parcel has been noted. Both parties met with city staff and met eachother for the first time. No response as of 7/8/19	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. Adjacent Parcel has interest. Parties met with city staff on 4/3/19. No response as of 7/8/19.	No-ETA yet, but discussion is continuing.
9	Brewery	Staff is working with the property owner. Met with the property owner on 12/5/18. Staff followed up, the applicants are creating the plans and preparing for submittal. Staff followed up with phone calls to the applicants. No response as of 7/8/19.	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. Staff followed up, the applicants are creating the plans and preparing for submittal. Staff followed up with phone calls. No response as of 7/8/19.	no-ETA yet
10	General Plan Timeline	Draft Housing Element has been completed and was turned into the State HCD on 4/4/19. HCD responded with comments and EMC has incorporated them and will submit back to HCD. 60-day period ended on 6/7/19. Commnets have been issued. Consultant and staff are working through the comments. Tribal consultation period has ended on 6/17/19. One request for consultation has been issued. Consultant is moving forward per contract amendment. (7/8/19)	n/a	n/a	n/a	Staff is working on getting the Housing Element in compliance for the State. 60-day period ended on 6/7/19. Commnets have been issued. Consultant and staff are working through the comments. Tribal consultation period has ended on 6/17/19. One request for consultation has been issued. Consultant is moving forward per contract amendment. (7/8/19)	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. Awaiting further response (7/8/19)	Phase 1 completed and anticipated to be built out. Phase 2 to come.	No permits have been issued.	none	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. (7/8/19)	The developer has met with staff. Eager to continue with the project
2	Loayza (957 First Street - 4 Parcel Minor Subdivision)	Planning Commission approved the minor subdivision back on June 4th. Project Engineer and City Engineer are working together along with staff for completion. (7/8/19)	CEQA review completed. Staff is starting review.	No permits issued	none	Planning Commission approved the minor subdivision back on June 4th. Project Engineer and City Engineer are working together along with staff for completion. (7/8/19)	June of 2019
3	Gas Station to be located along The Alameda and Hwy 156	Awaiting plan submittal. (7/8/19)	can move forward.	no permits have been issued	none	A decelartion lane would need to be installed along Hwy 156. Awaiting plan submittal. (7/8/19)	Court ruled in favor of the project

	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)
4	Midnight Express	Approved by Commission Resolution. Applicant reduced the size of their project and would like to do it in phases. A temporary Use Permit was approved by Staff in December, 2018. Applicant submitted a new application on June 14, 2019. Staff is reviewing that includes Building, Fire, and Engineering. (7/8/19)	Awaiting applicant response.	Temporary Use Permit renewal has been applied for.	n/a	Applicants would like to reduce the intensity of the project scope by reducing the size of the building from 15,000 sqare feet to 5,000 square feet and do the project in phases. Applicant submitted a new application on June 14, 2019. Staff from Building, Fire, and Engineering will be reviewing and comments and conditions will be crafted. No decision has been made (7/8/19).	staff has issued first round of comments after review.
	Infrastructure						
1	Traffic Circle/Roundabout	Roundabout is under review. Street classifications for the First Street Segment has been determined as a Major Collector. Minor Subdivision has been approved by Commission. (7/8/19)	under review	n/a	n/a	Street classification for First Street has been determined as a major collector. Minor subdivision for the ROW has been approved (7/8/19).	Moving forward



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

ACTION ITEM: **AMENDMENT TO RANCHO VISTA DEVELOPMENT
AGREEMENT TO ADDRESS AMBIGUITIES AND RESOLVE
A DISPUTE ABOUT INTERPRETATION**

DATE: June 26, 2019

DEPARTMENT HEAD: Interim City Manager Tewes

RECOMMENDED ACTION: Review proposed Amendment to the Development Agreement and introduce an ordinance approving the amendment.

BACKGROUND: In 2015 the City and Robert Fulton entered into a Development Agreement setting forth the obligations of the City and the Developer. State law and the City's Municipal Code authorize such agreements which typically "lock in" fees and approvals, in exchange for public benefits. Under the Agreement and subsequent amendments the Developer, now Meritage Homes, has contributed \$579,850 over and above its required fees to address the City's water supply problem.

As described in the attached staff report to the City Council, a legal dispute has arisen regarding the City's interpretation of the portion of the agreement setting forth the building permit and development impact fees. Meritage contends that it based its decision to purchase the project from Fulton based on an understanding of how fees would be calculated, but that the City adopted an interpretation of ambiguous language which increased its fee obligations.

To resolve the dispute and avoid legal proceedings, an amendment is recommended that does the following:

- Clarifies that the "locked in" building fees apply only to the habitable space of each house and that patios and garages will be charged building permit fees in accordance with current schedules

- Recommits the City to not charge fees not covered by the Development Agreement
- Provides that development impact fees will be paid on a “per unit” basis (and not vary with the square footage of a house) and that the fees will be those fees in effect on July 1, 2019
- Requires Meritage to provide additional public benefits by contributing \$25,000 to be used by the City to make safety improvements to the sewer lift station.

The agreement does not revise any of the conditions of approval or relieve Meritage of its obligations under the Subdivision Improvement Agreement.

ATTACHMENTS:

Proposed Ordinance

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA APPROVING A THIRD AMENDMENT TO DEVELOPMENT AGREEMENT WITH MERITAGE HOMES OF CALIFORNIA, INC. REGARDING THE RANCHO VISTA PROJECT

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 et seq. (the "Development Agreement Statute") which authorizes cities to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property; and

WHEREAS, in accordance with the Development Agreement Statute, the City of San Juan Bautista (the "City") has enacted Chapter 10-6 of the San Juan Bautista Municipal Code (the "Development Agreement Regulations") to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute; and

WHEREAS, the City and R.L. Fulton Holding Company, LLC, predecessor in interest to Meritage Homes of California Inc. ("Developer"), previously entered into that certain Development Agreement dated as of March 17, 2015 (the "Development Agreement"), pursuant to which the City and R.L. Fulton Holding Company, LLC agreed to certain matters with respect to the development of 86 lots (the "Project") on certain real property consisting of approximately 28.35 acres, located in the northerly part of the City, on the west side of the San Juan Highway, within the current city limits boundary (the "Project Site"), which is more particularly described in the Development Agreement; and

WHEREAS, the City and Developer have amended the Development Agreement twice previously with those certain Amendments to the Development Agreement dated as of June 1, 2015 and August ____, 2018 (the "Amended Development Agreement"); and

WHEREAS, prior to its adoption of the Development Agreement, the City has approved an Initial Study and Mitigated Negative Declaration for the Project Site (the "IS/MND") a General Plan Amendment (the "General Plan Amendment"), rezoning, and a vesting tentative map (collectively the "Project Approvals"); and

WHEREAS, consistent with the Project Approvals, the Developer is in the process of developing the Project on the Project Site; and

WHEREAS, the City and Developer have negotiated the terms of this Third Amendment to the Development Agreement (the "Third Amendment") amending the terms of the Amended Development Agreement; and this Ordinance No. 2019-____; and.

WHEREAS, the complexity, magnitude and long-term buildout of the Project would be difficult for the Developer to undertake if the City had not determined, through the Amended Development Agreement, to inject a sufficient degree of certainty in the land use regulatory process to justify the substantial financial investment associated with development of the Project; and

WHEREAS, the Third Amendment to the Development Agreement will assure both the City and Developer that the Project can proceed without disruption caused by a change in City planning and development policies and requirements, which assurance will thereby reduce the actual or perceived risk of planning, financing and proceeding with construction of the Project and promote the achievement of the private and public objectives of the Project; and

WHEREAS, pursuant to Section 65867 of the Government Code, the Planning Commission held a duly noticed public hearing on July 2, 2019, on the Third Amendment to the Development Agreement during which public hearing the Planning Commission received comments from the Developer, City staff, and members of the general public; and

WHEREAS, following said public hearing, the Planning Commission, elected to forward the Third Amendment to the Development Agreement to the City Council with a recommendation that the City Council _____ ; and

WHEREAS, pursuant to Section 65867 of the Government Code, the City Council, on _____, 2019, held a duly noticed public hearing on the Third Amendment to the Development Agreement, during which public hearing, the City Council received comments from Developer, City staff, and members of the general public.

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the Amended Development Agreement and the Third Amendment to the Development Agreement substantially in the form on file with the City Clerk as of the date of passage of this Ordinance, subject to the provisions of Section __ hereof.

SECTION 2. This Ordinance is adopted under the authority of Government Code Section 65864 et seq., and pursuant to Chapter 10.6 of the Municipal Code of the City of San Juan Bautista, which was added by City Ordinance No. 2007-09, establishing procedures and requirements for consideration of development agreements pursuant to Government Code Section 65864 et seq. (the "Development Agreement Regulations").

SECTION 3. In accordance with Section 10-6-080 of the Development Agreement Regulations, the City Council hereby finds and determines, as follows: (a) The Third Amendment to the Development Agreement is consistent with the objectives, policies, general land uses and programs in the General Plan and any applicable

specific plan; (b) The Third Amendment to the Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the Property which is subject to the Development Agreement is located; (c) The Third Amendment to the Development Agreement is in conformity with public convenience, general welfare and good land use practice; (d) The Third Amendment to the Development Agreement will not be detrimental to the public health, safety and general welfare; (e) The Third Amendment to the Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and (f) The Third Amendment to the Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5. (g) Based on the information provided that no new environmental review for the project is required pursuant to CEQA Guidelines Section 15162 and that the IS/MND shall serve as the environmental review for the approval of the Third Amendment to the Development Agreement.

SECTION 4. The foregoing findings and determinations are based upon the following: (a) The Recitals set forth in this Ordinance, which are deemed true and correct; (b) The IS/MND; (c) The City's General Plan; (d) The San Juan Bautista Zoning Map; (e) All City staff reports (and all other public reports and documents) prepared for the Planning Commission, City Council, or others relating to the IS/MND, the General Plan Amendments, the Development Agreement, the First and Second Amendments to the Development Agreement and other actions relating to the Property; (f) All documentary and oral evidence received at public hearing or submitted to the Planning Commission or City during the comment period relating to the Third Amendment; and (g) All other matters of common knowledge to the City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

SECTION 5. The City Council hereby approves the Third Amendment to the Development Agreement, subject further to such minor, conforming and clarifying changes consistent with the terms hereof as may be approved by the City Manager prior to execution hereof, as follows:

Section 2.10 shall be repealed and replaced to read in its entirety as follows:

"2.10 Development Fees

- a) Developer shall be obligated to pay only those City building permit fees and City impact fees listed in this Section 2.10.b and 2.10.e.
- b) Building Permit Fees shall be paid on a dwelling by dwelling basis and shall be due no sooner than building permit issuance, unless indicated otherwise below. For the Term of this Development Agreement, the Building Permit Fees shall be as set forth below. Developer shall pay a proportionate share, as defined below, of building permit fees for "conditioned or living space" as defined in the Building

Code; and shall pay for all other permitted space, such as patios and garages, the current fees established by the City and the Building Code. The amount of these listed Building Permit Fees is based on a base case of 2400 square feet of conditioned space per dwelling. If the size of the actual conditioned space for a dwelling unit varies from the base case of 2400 square feet the building permit fees will be adjusted accordingly. For example, if the size of the actual conditioned space for which a building permit is requested is 2,640 square feet (a 10% increase over 2,400 square feet), then the amount of the building permit fee owing for that building permit shall be increased by 10%. Likewise, as another example, if the size of the conditioned space for which a building permit is requested is 2,160 square feet (a 10% decrease from 2,400 square feet of conditioned space) then the amount of the Building Permit Fees shall be reduced by ten percent (10%). The listed Building Permit Fees are based on 2400 square feet of conditioned space per dwelling unit. All spaces other than conditioned spaces will be charged based on the square footage of such construction, the tables within the Building Code and the City's rate structure. For the Term of this Development Agreement, the Building Permit Fees shall be:

- 1) Building Permit (UBC) Fee in the amount of \$2,125.25 per floor plan, payable at building permit issuance for each such building permit sought.
- 2) Plan Check Fee in the amount of \$1,034.00 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 3) Electrical Permit (Average) Fee in the amount of \$280.00 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 4) Plumbing Permit Fee in the estimated amount of \$190.00 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 5) Mechanical Permit Fee in the amount of \$120.00 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 6) Strong Motion Instrumentation Fee in the amount of \$30.00 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 7) Green Fee in the amount of \$12.00 per dwelling unit, payable at building permit issuance for each such building permit sought.

(c) If a request for a dwelling plan that has previously paid a plan check fees and is reused on another lot or site and there are no structural changed or modification other than cosmetic or exterior architectural appendages, no plan check fees will be required.

(d) No additional Development Fees shall be imposed on the Project during the Term of this Development Agreement.

e) Development Impact Fees shall be paid on a dwelling by dwelling unit basis, and will not vary with the size of the unit. The development impact fees shall be paid in accordance with the following schedule which comprises the fees in effect as of July 1, 2019.

- 1) Water Connection Fee in the amount of \$9,002.29 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 2) Traffic Fee in the amount of \$2,045.92 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 3) Public Safety Fee in the amount of \$1,838.59 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 4) Park Development Fee in the amount of \$931.90 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 5) Storm Drain Fee in the amount of \$1,851.70 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 6) Library Fee in the amount of \$2,377.18 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 7) Civic/Public improvement Fee in the amount of \$1,767.09 per dwelling unit payable at building permit issuance for each such building permit sought.
- 8) In addition, it is understood that the Aromas/San Juan School District collects a School Fee per square foot of habitable space.
- 9) Fire Sprinkler inspection fee in the amount of \$150 per dwelling unit, payable at building permit issuance for each such building permit sought.
- 10) Sewer Connection Fee in the amount of \$6,243.81 per dwelling unit, payable at building permit issuance for each such building permit sought."

Section 2.01 (e) shall be added to read in its entirety as follows:

"(e) In exchange for the benefits provided by this Third Amendment to the Development Agreement, Developer agrees to provide an additional public benefit to the City by contributing \$25,000 to be used by the City to install upgrades to the Sewer Lift Station at Rancho Vista. Unless, the City Manager and the Developer agree to have the improvements installed by the Developer, the payment shall be due upon execution of this ordinance."

SECTION 6. Upon the effective date of this Ordinance as provided in Section 9 hereof, the Mayor and City Clerk are hereby authorized and directed to execute the Third Amendment to the Development Agreement on behalf of the City of San Juan Bautista.

SECTION 7. The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Third Amendment to the Development Agreement and the Amended Development Agreement pursuant to the terms of the Amended Development Agreement as amended by the Third Amendment, including but not limited to provisions for certain administrative amendments and transfers and assignments as authorized therein.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption; as certified by the City Clerk.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the _____ day of _____ 2019, and was passed and adopted at a regular meeting of the San Juan Bautista City Council on the _____ day of _____ 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

César E. Flores, Mayor

ATTEST: Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **CANNABIS ZONING ORDINANCE AMENDMENT**
MEETING DATE: July 16, 2019
SUBMITTED BY: Todd Kennedy, Associate Planner

RECOMMENDED ACTION:

Review and approve the proposed Zoning Text Amendment allowing Cannabis Facilities to be located in Industrial Zones with a Conditional Use Permit.

BACKGROUND INFORMATION:

This report is being generated to include code updates for cannabis facilities so the City of San Juan Bautista can begin accepting and processing applications.

On June 19, 2018, City Council adopted Ordinance # 2018-05 that added a new chapter to the San Juan Bautista Municipal Code (Chapter 5.31). Since the adoption of the ordinance, there have been several inquiries to City Staff on the status of the application process made by prospective applicants.

At this time, the City Zoning Code does not have a provision addressing land use for Cannabis Facilities. This item intends to address that by recommending to Council an amendment to the Zoning Code allowing cannabis facilities to be located in the Industrial Zones with a Conditional Use Permit.

PLANNING COMMISSION ACTION:

Staff has made a proposed amendment to Section 11-02-050 of the City Municipal Code to include a new use in the Zoning Matrix to allow cannabis facilities to be allowed in Industrial Zones by Conditional Use Permit (CUP). This proposed amendment was presented to Planning Commission at their hearing on June 4, 2019. Planning Commission voted unanimously to recommend to City Council that this proposed zoning amendment be approved.

ANALYSIS:

As stated above, City Staff has received inquiries about cannabis that included application process status, city regulations, and zoning districts. By having this new Zoning Text Amendment in place, this is a major step in the direction to having a complete provision in place addressing cannabis facilities.

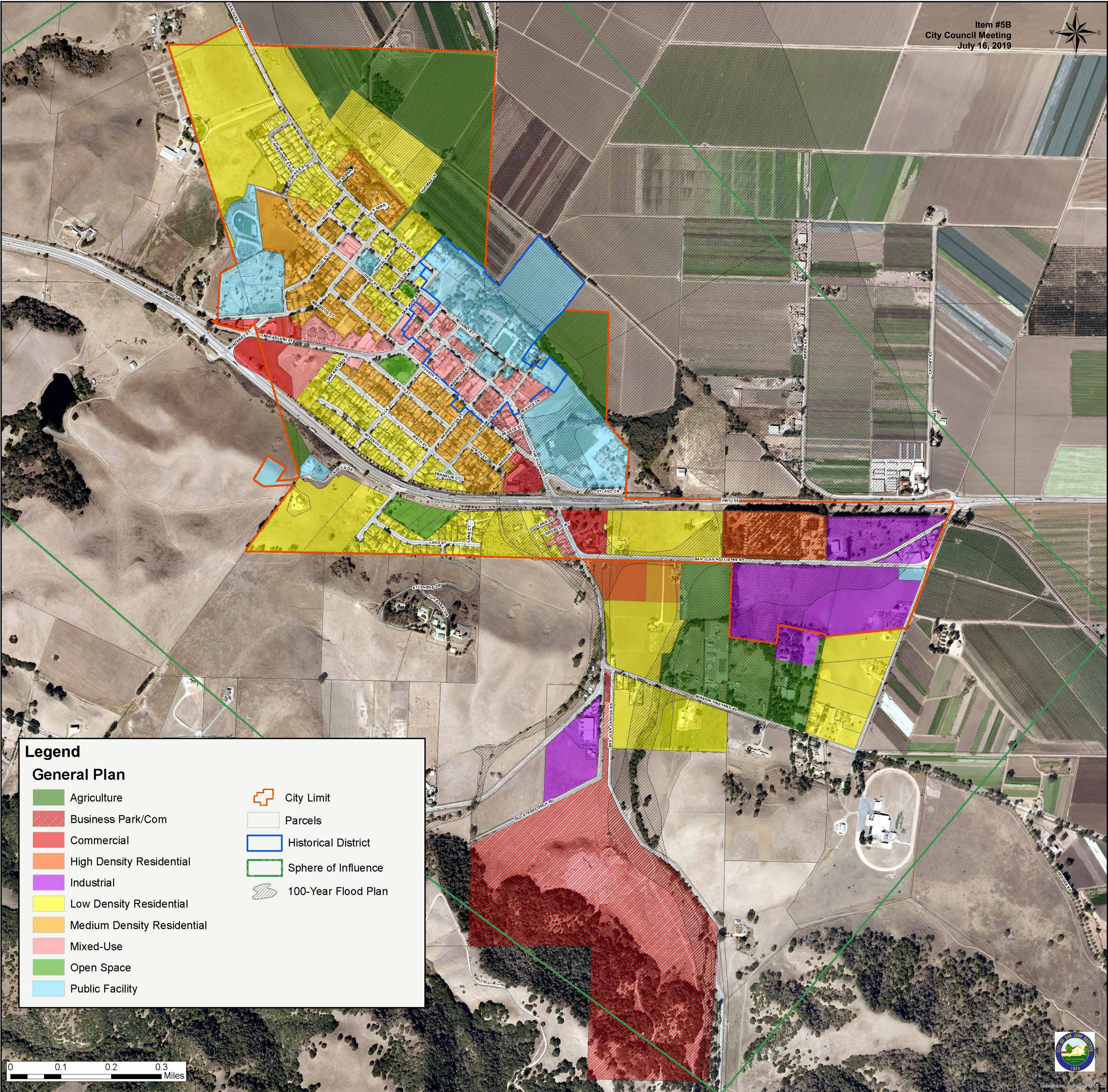
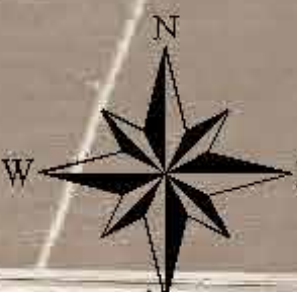
CEQA CONSIDERATION:

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. Further projects subject to the ordinance will require a discretionary permit and CEQA review, and will be analyzed at that time in accordance with CEQA.

ATTACHED:

1. Zoning Map
2. Draft Ordinance



Legend

General Plan

- Agriculture
- Business Park/Com
- Commercial
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mixed-Use
- Open Space
- Public Facility

- City Limit
- Parcels
- Historical District
- Sphere of Influence
- 100-Year Flood Plan



ORDINANCE 2019 - XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING A ZONING TEXT AMENDMENT TO SECTION 11-02-050 TO ALLOW CANNABIS FACILITIES IN INDUSTRIAL ZONING DISTRICTS BY CONDITIONAL USE PERMIT

WHEREAS, the City Council received a recommendation from the Planning Commission by a unanimous vote to amend the City Zoning Code so Cannabis Facilities are allowed in the Industrial Zoning Districts by Conditional Use Permit, and

WHEREAS, the City Council finds that the Industrial Zoned properties effected are within the existing City boundary, and public utility services are available to serve the property, and

WHEREAS, the City Council reviewed the staff report for the project together with findings that the proposed Zoning Text Amendment is categorically exempt from CEQA (California Environmental Quality Act) review, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby amends current Zoning Ordinance Section 11-02-050 to allow Cannabis Facilities in Industrial Zoning Districts by Conditional Use Permit as indicated below.

11-02-050 Permitted and conditional uses by zoning district.

Use (Residential)	R-1	R-2	R-3	C	MU	I	P	PF	A
Accessory buildings	P, S	P, S	P, S						P, S
Co-housing/shared housing			C		C				
Day care facilities, large	P, S	P, S	P, S	C				C	
Day care facilities, small	P, S	P, S	P, S	C	C			C	P, S
Emergency shelter	C	C	C		P			C	
Farmworker housing		P, S	P, S						P, S
Home occupations	P	P	P		C				P
Hostel			C	C	P				
Manufactured homes	P, S	P, S	P, S						P, S
Mobile home parks	P, S	P, S	P, S						
Multiple-family dwellings		P, S	P, S		P, S				
Rooming and boarding		C, S	C		C, S				

Use (Residential)	R-1	R-2	R-3	C	MU	I	P	PF	A
Residential care facilities – Small 1 – 6	P, S	P, S	P, S		C, S				
Residential care facilities – Large 7+	P, S	P, S	P, S		C, S				
Residential located above commercial				C	P				
Secondary units	P, S	P, S	P, S		C				P, S
Single-family dwellings	P	P							P, S
Transitional housing, homeless shelter	P, S	P, S	P, S		C			C	P, S
Two-family dwellings		P, S	P, S						

P – Permitted Use; C – Conditional Use; S – Site Review

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Adult entertainment facility						C			
Agricultural machinery sales and service						P			
Agricultural processing facilities, when processing products raised on the same property									C
Agricultural uses that are soil-dependent, including crop and tree farming, dry land farming, livestock farming, greenhouses, and vineyards									P
Agriculture – wholesale animal-raising facilities									C
Alcoholic beverage, off-site sales				P	P	P			
Alcoholic beverage, on-site sales				P	P	C			
Ambulance services				C		P		C	
Animal boarding and services						C			C
Animal Hospital/Veterinary Office						C			
Antennas and telecommunications facilities				C	C	C		C	C
Antique and Collectible Shops				P	P	C			
Assembly use		C	C	C	P			C	
Auction House									

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Automated Teller Machines (ATMs)				C	C				
Automobile sales and service						P			
Automobile service stations				C		C			
Automobile parts				P	C	P			
Automobile storage						C			C
Automobile washing				C		C			
Bakeries, retail				P	P				
Bakeries, wholesale						P			
Bank				P	P				
Bed and Breakfast Inns		P	P	P	C				
Bicycle sales, rentals and repair				P	P	P			
Boat sales						P			
Bowling Alley				C		P			
Brewery				C	C	P			
Broker (Auto, Mortgage, Stock)				P	P				
Building and landscape materials sales and services indoor				P	C	P			
Building and landscape materials sales and services outdoor				P/S		P/S			
Business Support Services				P	P				
Cannabis Facilities						C			
Catering Services				P		P			
Card Room				C	C	C			
Cemeteries, public and private								P, S	
Classes, art, dance, gymnastic, exercise, music or special education				C	C	C		C	
Commercial Filming									

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Commercial Recreation and Entertainment									
Communication facilities						P		C	
Community Gardens	C	C	C		C			C	
Contractor's Yard									
Convenience stores		C	C	C	C				
Convenience stores with gas pumps									
Dance, Gymnastic, and Music Studios									
Drug stores				P	P				
Entertainment, Live (excluding adult entertainment)									
Equipment sales, service, and rentals									
Farm/marine equipment sales, rentals, and services in an enclosed commercial building						P			
Feed Store									
Financial businesses/services				P	P				
Fitness/health facility				C	C	P			
Food and beverage sales, wholesale						P			
Fortunetelling				C	C				
Fuel and Ice Dealers				C		C			
Funeral and interment services				C		C			
Galleries, Arts and Crafts, and Artist's Studios					P				
Garages, public and storage						C			
Golf course								C	
Grocery stores and Delis				P	P				
Health and Fitness Clubs				C	C	C			
Ice cream shops				P	P				

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Inn			C	C	C				C
Laboratories				C		P			
Laundromats, dry cleaning				P	C				
see above building									
Live-Work Units – One or Two									
Live-Work Units – Two or More									
Maintenance and repair services (nonautomotive)				C	C	P			
Manufacturing, assembly, packaging, processing, and other industrial operation where all emissions are effectively confined						P			
Medical clinics and laboratories				P		P			
Motels and hotels				C	C				
Bars and Nightclubs, with entertainment				C	C				
Offices (business, professional, administrative, and executive)				P	P	P			
Outdoor dining, as an accessory use to a principal on-site restaurant				C	C				
Pawn Shops				C	C				
Personal services (barber, beauty salon, nails, skin care)				P	P				
Pet store, including grooming as long as no kenneling services are provided					P				
Plant nursery - Indoor						P			P
Plant nursery - Outdoor				C	C	C			
Bed and Breakfast		C	C	C	C				C
Pool and Billiards Establishment				C	C				
Printing, publishing services						P			
Public utilities facilities	C	C	C	C		C	C	C	C
Recreation facilities				C		P	C	C	C

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Recreational Vehicle Parks			P						
Recycling facility,						P			
Recycling drop-off				C	C	P			
Research and Development						C			
Restaurant			C	P	P			C	
Restaurant, limited to six (6) seats			C	P	P			C	
Retail shops				P	P				
Secondhand or Consignment Shops				C		C			
Shopping Centers				P	C				
Studio (art, dance, music, photography)				P	P			C	
Special event				C	C	C	C	C	
Swap meets						P			
Tattoo or Body Piercing Parlors				C	C	C			
Theater				C	C				
Tow Yard						C			
Warehousing					C	P			
Wineries						C			C
Wine tasting				P	P	C			

P – Permitted Use; C – Conditional Use

Use (Public)	R-1	R-2	R-3	C	MU	I	P	PF	A
Clubs and Lodges				P		C		C	
Community centers		C	C		P		C	C	
Convalescent Hospitals/Nursing Homes				P	C	C			
Cultural or historical establishment (museum, library, etc.)	C	C	C	C	P		C	C	

Use (Public)	R-1	R-2	R-3	C	MU	I	P	PF	A
Government Offices				P	P	P		P	
Historic sites, State or other publicly owned	C	C	C	C	C	C	C	C	C
Hospitals and facilities incidental or appurtenant thereto, public or private						C		C	
Parking lot, public				C	C			C	
Parks and playgrounds, public	P	P	P	P	P	P	P	P	P
Public Safety Facilities						C		C	
Public Utility Service Yards						C			
Recreation facilities, noncommercial	C	C	C						
Religious Assembly									
Religious Institution									
Schools	C	C	C	C	C			C	
Utilities									

P – Permitted Use; C – Conditional Use S - Site and design review (staff and Planning Commission)

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 16th day of July 2019, and adopted at a regular meeting of the San Juan Bautista City Council on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk



City of San Juan Bautista

The "City of History"

P.O. Box 1420
311 Second Street
San Juan Bautista,
California 95045
Main: (831) 623-4661
Fax: (831) 623-4093

City Council

Mayor

César E. Flores

Vice Mayor

Mary Vazquez Edge

Council Member

Leslie Q. Jordan

Council Member

John Freeman

Council Member

Dan DeVries

City Manager

Don Reynolds

City Clerk

Laura Cent

City Treasurer

Chuck Geiger

July 16, 2019

Board of Supervisors of the County of San Benito
County Government Center
481 Fourth Street
Hollister, California 95023

Re: Opposition of the City of San Juan Bautista to Amendment
Amendment of County Code, Title 25 "Zoning Code"
to Add New Regional Commercial (C-3) Zoning District.

Dear Chair Medina and Fellow Supervisors:

On behalf of the City Council of the City of San Juan Bautista ("City"), as Mayor of the City, I write in opposition to the proposal before you to add a new Regional Commercial (C-3) Zoning District to the County's Zoning Ordinance to implement the intent of the 2035 County General Plan by designating three Commercial Regional Nodes for subsequent development and amending the General Plan to designate a fourth Commercial Regional Node and to allow commercial development by changing the current zoning designations for these properties from their current designations as agricultural and rural properties.

At the City Council meeting of June 18, 2019, the members of the Council reviewed the Staff Report and the County Planning Staff's recommendation from the meeting of the County Planning Commission held on May 15, 2019, to approve the new zoning district. During the meeting the Council received numerous comments from City residents and persons residing within the County, all of whom spoke in opposition to adding the Regional Commercial Zoning District designation to the County's Zoning Ordinance in furtherance of establishing Commercial Regional Nodes ("Nodes") and thereby facilitating development on the first four of these Nodes to be located at:

1. Betabel Road
2. Highway 129/Searle Road
3. Rocks Road/Red Barn
4. Livestock 101

The City understands that each of these four Notes is to have a separate and distinct commercial theme as follows: the 55.5 acres of the "Betabel Node" is to

be developed with a mid-century roadside theme employing googie, streamline moderne, art deco architectural styles; the 39.7 acres of the “Highway 129/Searle Road Node” is to reflect an early farmstead theme employing Italianate, Victorian and Colonial Revival styles; the 72-acre “Rocks Ranch Node” theme is that of an old California village featuring false fronts, Spanish-influenced roof lines, Dutch gables and lean-to sheds¹; while the 159.3 acres of the “Livestock 101 Node” would reflect the attributes of a working cattle or horse ranch in a Central California style. The city further understands that lodging, restaurant, gas station and fast food establishments and other visitor-serving commercial attributes, as well as a possible residential component, are to be associated with some or all of these Nodes.

The members of the public who spoke to the City Council articulated what the Council found to be well-reasoned, sincere and serious expressions of concern as to the development and the effects of development of commercial Nodes in general and to the specific conceptual development proposals. In summary, those concerns which are also shared by the City Council include:

(a) The potential to destroy forever the rural and natural attributes which make the City and the County unique and attractive places to live, work and recreate. The relatively massive nature and the aesthetics of the proposed developments would fundamentally change the character of our environment without adequate consideration for protecting the interests or the property values of residents in those areas. Despite the “country theme park” attributes for each of proposed Nodes, the inevitable result would be regional urbanization and a loss of identity.

(b) Any one of the proposed developments would have a significant and negative effect, and in combination possibly a devastating effect, on the water supplies for the entire region which are already in certain areas in a critical overdraft condition with significant numbers of wells having gone dry. For the Betabel Node, due to its location in a floodplain an above ground septic sewer systems may be the only viable wastewater alternative thereby creating the risk of a effluent discharge into the Pajaro or San Benito Rivers and local streams.

The Final Environmental Impact Report for the 2035 San Benito County General Plan Update was prepared four years ago and hydrological conditions for the prospective water supplies intended to serve each Node have almost certainly changed. The C-3 Zone District Initial Studies and Addenda to the Revised Draft EIR 2035 San Benito County General Plan for the Rocks Ranch/Red Barn Node, located within the Pajaro Valley Groundwater Basin, and the Livestock 101 Node, located predominately within the Pajaro Valley Groundwater Basin, both include the San Benito County Water District’s recommendation for further “hydrogeological study as part of a water supply report for [each] site to establish the sustainable water supply prior to development. [Emphasis added]” The City believes this should serve as a “red flag” and on that basis urges the Board of Supervisors to require that those hydrological studies be performed prior to changing the Zoning Ordinance and adding new regional commercial development on the scale contemplated which would further draw on the already limited supplies of potable water.

¹ As San Juan Bautista is this year celebrating its sesquicentennial, we find it particularly ironic that Section 25.16.078 “Special Regulations for Rocks Ranch Node” of the proposed amendment to Title 25 of the County’s Zoning Ordinance uses photos of buildings located in San Juan Bautista to portray the attributes of what is sought for that Node’s “Old California Village” theme.

(c) Each of these proposed developments would create even more traffic on roads which have difficulty accommodating even the current volume of traffic. The weekly traffic jams now experienced with greater and greater frequency on Highway 101 would become an even more frequent occurrence with the associated and corresponding loss of air quality.

(d) The areas proposed for the commercial Nodes each serve as important wildlife corridors which would be negatively impacted by development.

(e) The City of San Juan Bautista will inevitably experience a significant loss of revenue as visitors are increasingly diverted to the Nodes and away from our city.

Some members of the public who addressed remarks to the City Council complained and were frustrated by their belief that there was little information provided concerning the effect of establishing zoning designation C-3 Regional Commercial when the 2035 County General Plan was adopted.

In its discussion the Council as well as some members of the public recognized that there is a legitimate need for revenue-generating commercial development options and that in the effort to facilitate commercial development the City and the County have similar and shared interests and needs. However, the City Council has significant concerns regarding the wisdom of the Board of Supervisors adopting the changes to the County's Zoning Ordinance as recommended by the Planning Commission and, on that basis, wishes to convey to the Board its opposition and objection to the amendment of Title 25, the County's Zoning Code to add a designation of Regional Commercial (C-3) Zoning District and to the creation and the development of the four Nodes as described herein.

The City appreciates the Board's attention to these concerns and the City Council is willing to work together with the County to ensure commercial development can take place in locations and in a manner and scale that continues to protect the shared interest of our residents and the unique and special attributes of our respective jurisdictions.

Respectfully,

César E. Flores
Mayor

CEF:rwf

cc: Council Members
City Manager

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
APPROVING A LETTER IN OPPOSITION TO AMENDMENT OF SAN BENITO COUNTY
CODE, TITLE 25 "ZONING CODE" TO ADD A NEW ZONING DISTRICT TO BE
DESIGNATED AS THE REGIONAL COMMERCIAL (C-3) ZONING DISTRICT

-o00o-

WHEREAS, on June 18, 2019, the City Council reviewed the Staff Report and County Planning Staff's recommendation adopted at the meeting of the County Planning Commission held on May 15, 2019, that the San Benito County Board of Supervisors approve a new zoning district which would establish commercial regional nodes to facilitate development; and

WHEREAS, commercial development of such nodes is initially proposed to take place and be located at: Betabel Road; Highway 129/Searle Road; Rocks Ranch/Red Barn; and Livestock 101; and

WHEREAS, on June 18, 2019, the City Council heard public comment from City residents and from members of the public residing within the County, all of whom spoke in opposition to the recommendation of the County Planning Commission; and

WHEREAS, the City Council on June 18, 2019, directed that a letter to the San Benito County Board of Supervisors be prepared expressing this Council's opposition to amendment of San Benito County Code, Title 25 "Zoning Code" to establish new Regional Commercial (C-3) Zoning District and the establishment of the four initial nodes.

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

SECTION 1. The letter attached hereto as Exhibit A is approved for the Mayor's signature.

SECTION 2. The City Manager's office is authorized to transmit the letter to the Clerk of the San Benito County Board of Supervisors and request that the letter be included in the record for the Board of Supervisors consideration of the Planning Commission's recommendation at the Board's meeting on July 23, 2019, or whenever that matter may next come before the Board.

PASSED AND ADOPTED at a duly noticed meeting of the City Council of the City of San Juan Bautista duly held on the 16th day of July, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

Laura Cent, City Clerk

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL STAFF REPORT

DATE: July 1, 2019

SUBJECT: RESOLUTION FOR ANNUAL LEVY APPROVAL – CFD NO. 2018-01

FROM: Don Reynolds, City Manager

Recommendation:

1. Open public comment to accept any input from the public and consider any comments or questions. No action is required at this time.
2. Consider and adopt a Resolution, Levying the Annual Special Tax for Community Facilities District No. 2018-01, Fiscal Year 2019-20.

Background:

On October 16, 2018 the City Council officially formed San Juan Bautista Community Facilities District No. 2018-01 in order to levy a special tax to fund the public services required to maintain certain public improvements within the boundaries of the CFD pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311). Each year, the City Council will be asked to adopt a Resolution establishing the annual special tax levy for the District.

Fiscal Impact:

There is no impact to the City's General Fund, so long as the special taxes for the CFD are collected and are sufficient to cover the annual costs.

Attachments:

1. Resolution Levying the Annual Special Tax for the CFD.

RESOLUTION NO. 2019-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA LEVYING THE ANNUAL SPECIAL
TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2018-01
FOR FISCAL YEAR 2019/20**

WHEREAS, the City Council of the City of San Juan Bautista, California (the “City Council”), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors authorizing the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1. Division 2, Title 5 of the Government Code of the State of California (the “Act”). Said special tax district is known and designated as Community Facilities District No. 2018-01 (the “CFD”).

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

SECTION 1. That the above recitals are true and correct.

SECTION 2. The specific special tax to be collected for the CFD, for Fiscal Year 2019/20 is hereby determined and established as shown on the attached special tax roll.

SECTION 3. The special tax as set forth on said attachment does not exceed the amount as previously authorized by Ordinance of the City Council and is not in excess of that as previously approved by the individual electors of the CFD, and is in compliance with the provisions of Proposition 218, Section XIII C of the California Constitution.

SECTION 4. The proceeds of the special tax shall be used to pay, in whole or in part, the costs of the following, and shall not be used for any other purpose:

- Landscape Maintenance
- Park Maintenance
- Recreational Equipment
- Street and Sidewalk Maintenance
- Curb & Gutter Maintenance
- Street Lighting Maintenance
- Storm Drain Maintenance
- Sound Wall Maintenance
- Fencing
- Graffiti Abatement
- Mosquito Abatement

SECTION 5. The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and same procedure and

sale in cases of delinquent ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting said special tax.

SECTION 6. All monies collected shall be paid into a fund for the CFD, including any reserve amounts.

SECTION 7. The County Auditor-Controller is hereby directed to enter in the next County assessment roll on which property taxes will become due, opposite each lot or parcel of land affected in a space marked “public service” or “special tax”, or by any other suitable designation, the installment of the special tax and the exact amount of the special tax as submitted.

SECTION 5. The County Auditor-Controller shall then, at the close of the tax collection period, provide a detailed report showing the parcels and corresponding special tax amounts.

PASSED, APPROVED AND ADOPTED this 16th day of July, 2019, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

2019/20 SPECIAL TAX ROLL TAX ZONE 1 (COPPERLEAF)

<u>APN</u>	<u>Lot</u>	<u>2019/20 Special Tax</u>	<u>APN</u>	<u>Lot</u>	<u>2019/20 Special Tax</u>
002-610-007	1	\$36.90	002-610-030	24	\$888.16
002-610-008	2	\$36.90	002-610-031	25	\$888.16
002-610-009	3	\$36.90	002-610-032	26	\$888.16
002-610-010	4	\$888.16	002-610-033	27	\$36.90
002-610-011	5	\$888.16	002-610-034	28	\$888.16
002-610-012	6	\$888.16	002-610-035	29	\$888.16
002-610-013	7	\$888.16	002-610-036	30	\$888.16
002-610-014	8	\$888.16	002-610-037	31	\$888.16
002-610-015	9	\$888.16	002-610-038	32	\$888.16
002-610-016	10	\$888.16	002-610-039	33	\$888.16
002-610-017	11	\$888.16	002-610-040	34	\$888.16
002-610-018	12	\$888.16	002-610-041	35	\$888.16
002-610-019	13	\$888.16	002-610-042	36	\$888.16
002-610-020	14	\$888.16	002-610-043	37	\$888.16
002-610-021	15	\$888.16	002-610-044	38	\$888.16
002-610-022	16	\$888.16	002-610-045	39	\$888.16
002-610-023	17	\$888.16	002-610-046	40	\$888.16
002-610-024	18	\$888.16	002-610-047	41	\$888.16
002-610-025	19	\$888.16	002-610-048	42	\$888.16
002-610-026	20	\$888.16	002-610-049	43	\$36.90
002-610-027	21	\$888.16	002-610-050	44	\$36.90
002-610-028	22	\$888.16	002-610-051	45	\$36.90
002-610-029	23	\$888.16			<u>\$34,008.38</u>

2019/20 SPECIAL TAX ROLL TAX ZONE 2 (RANCHO VISTA)

APN	Lot	Special Tax	APN	Lot	Special Tax
002-620-001	11	\$1,133.30	002-620-031	35	\$1,133.30
002-620-002	10	\$1,133.30	002-620-032	36	\$1,133.30
002-620-003	9	\$1,133.30	002-620-033	37	\$1,133.30
002-620-004	8	\$1,133.30	002-620-034	38	\$1,133.30
002-620-005	7	\$1,133.30	002-620-035	39	\$1,133.30
002-620-006	6	\$1,133.30	002-620-036	40	\$45.34
002-620-007	5	\$1,133.30	002-620-037	41	\$45.34
002-620-008	12	\$1,133.30	002-620-038	42	\$45.34
002-620-009	13	\$1,133.30	002-620-039	43	\$1,133.30
002-620-010	14	\$1,133.30	002-620-040	44	\$1,133.30
002-620-011	15	\$1,133.30	002-620-041	45	\$1,133.30
002-620-012	16	\$1,133.30	002-620-042	46	\$1,133.30
002-620-013	17	\$45.34	002-620-043	47	\$1,133.30
002-620-014	18	\$45.34	002-620-044	54	\$1,133.30
002-620-015	19	\$1,133.30	002-620-045	55	\$1,133.30
002-620-016	20	\$1,133.30	002-620-046	56	\$1,133.30
002-620-017	21	\$1,133.30	002-620-047	57	\$1,133.30
002-620-018	22	\$45.34	002-620-048	58	\$1,133.30
002-620-019	23	\$45.34	002-620-052	4	\$1,133.30
002-620-020	24	\$45.34	002-620-053	3	\$45.34
002-620-021	25	\$1,133.30	002-620-054	2	\$45.34
002-620-022	26	\$1,133.30	002-620-055	1	\$45.34
002-620-023	27	\$1,133.30	002-620-056	50	\$1,133.30
002-620-024	28	\$1,133.30	002-620-057	49	\$1,133.30
002-620-025	29	\$1,133.30	002-620-058	48	\$1,133.30
002-620-026	30	\$1,133.30	002-620-059	53	\$1,133.30
002-620-027	31	\$1,133.30	002-620-060	52	\$1,133.30
002-620-028	32	\$1,133.30	002-620-061	51	\$45.34
002-620-029	33	\$1,133.30	002-220-011	Ph. 6	<u>\$1,224.18</u>
002-620-030	34	\$1,133.30			\$53,900.06



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **LEVEL 1 CONTRACT**

MEETING DATE: July 16, 2019

DEPARTMENT HEAD: City Manager Reynolds

RECOMMENDATION:

Provide direction on contract issues and authorize City Manager to execute a new contract with Level 1 reflecting that Council direction.

BACKGROUND:

On April 19, 2018 the City Council adopted a motion authorizing the City Manager to execute an agreement with Level 1 for security patrol services up to a maximum of \$100,000. On May 4, 2018 a new contract was executed (attached) for a one-year period ending May 4, 2019.

On June 3, 2019, at the Budget Workshop, the Council was asked to revise the contract to allow the City Manager to authorize additional patrol hours up to the amount provided in the budget. Both Staff and Level 1 advised the Council that we had a three-year agreement. That was not correct. As shown on the attachment, the agreement was for one year only. The June 3rd request by Level 1 provides an opportunity to address several outstanding issues that were not part of the contract including the term.

On Monday July 8, and again on Wednesday July 10, 2019, Level 1 and the City Manager met to discuss various issues related to the private security contract. We agreed that in order to formalize our arrangement, it is necessary to clarify the following issues and provide Council direction:

1. Use of personal protective equipment. At the Council meeting in April 2018, the City Manager indicated that she wished to allow Level 1 personnel to use pepper spray and "maybe" a baton as defensive weapons only. The contract does not provide for that authorization. The City's insurance carrier declined to allow the use of batons or tazers, but has agreed to the use of pepper spray.
2. Additional patrol hours at direction of City Manager. In April 2018 the City Manager requested authorization to direct additional patrol hours during peak seasons. The actual one-year contract was for a maximum of \$99,000 which would provide opportunities for additional patrol hours. The new contract should authorize the City

Manager to direct additional patrol subject up to the budgeted amount. The approved Budget does provide additional funds for the additional patrol.

3. First right of refusal. Level 1 proposed that the City contractually commit to provide Level 1 with a “first right of refusal for any security services conducted in the city of San Juan Bautista.” That language was not included in the current contract. On February 12, 2019 the City Council did take action to require private renters of the Community Hall to contract with Level 1 for the required security at events. That arrangement is independent of the patrol contract, and should be reviewed each year. Level 1 agreed to relax this arrangement, suggesting that the City solicit bids from qualified security firms specifically to serve the Community Center, interview and pick the top three as a choice for private parties to hire as they wish. Staff will bring a whole new Community Center rental application, process and procedure forward for the Council’s consideration as soon as it is able, with a goal of August 19, 2019.
4. Activity reports. The signed contract does not require monthly activity reports but that should be included in any subsequent contract. Level 1 agreed to provide monthly reports to the City.
5. Expired Agreement. The original Agreement expired May 3, 2019, and staff is asking the Council to approve the payment for the months of May and June 2019.
6. Term of agreement. It is proposed that a new agreement be executed for a three-year period beginning July 1, 2019, through June 30, 2022. This is consistent with Level 1’s proposal, but was not included in the current contract.
7. Compensation. Level 1 proposed increases in the hourly rates for personnel and vehicles with adjustments on each January 1. There was no increase in January 1, 2019, but rates did increase in June 2019, per the 2018 agreed amount of seventy-five cents per officer. Staff and Level 1 have agreed to the same program as previously negotiated, with rate changes each July 1, as shown below.

Level 1						
Rates for Agreement approved 07.16.2019						
		Exec. Contr	1st Increase	2nd Increase	3rd Increase	
per the May 4 2018 contract		4-May-18	1-Jul-19	1-Jul-20	1-Jul-21	
1 Unarmed Security Officer		\$ 26.25	\$ 27.00	\$ 27.75	\$ 28.50	
2 2nd Unarmed Security Officer		\$ 25.00	\$ 25.75	\$ 26.50	\$ 27.25	
3 Unarmed Security Emergencies		\$ 45.00				
4 Security Vehicle used		\$ 4.25	\$ 5.00	\$ 5.75	\$ 6.50	
5 Alarm Response		\$ 45.00				
Invoices shall reflect the combined rate for one patrol officer with vehicle (1+4)						
			\$ 32.00	\$ 33.50	\$ 35.00	
When additional services are requested, the invoices will include a second officer and vehicle (2+4)						
			\$ 30.75	\$ 32.25	\$ 33.75	
Items 3 and 5 are billed as needed and itemized on the invoice.						

Staff is seeking Council approval to pay the past invoices for May and June 2018, and seeking direction on each of the other seven issues. If approved, a new contract will be quickly prepared and executed.

ATTACHMENT:

May 4, 2018 Contract

CITY OF SAN JUAN BAUTISTA
AGREEMENT FOR SECURITY SERVICES

THIS AGREEMENT is made and entered into on May __, 2018, by and between the CITY OF SAN JUAN BAUTISTA, a California municipal corporation (hereinafter referred to as "City") and LEVEL 1 PRIVATE SECURITY, a California sole proprietorship (hereinafter referred to as Contractor)

Recitals

Contractor represents and warrants that his firm is licensed as a Private Patrol Operator by the State of California and employs personnel with the requisite qualifications, skills, training and experience to properly provide the security services herein contemplated.

City desires to retain Contractor to provide the services as herein set forth.

Term and Conditions

In consideration with the mutual promise contained herein, the City and Contractor agree to the following terms and conditions:

1. **Scope of Contractor's Basic Services:** Contractor is hereby hired and retained by the City to perform security services for nine hours per day on Mondays, Tuesdays, Wednesdays and Sundays and for fifteen hours per day on Thursdays, Fridays and Saturdays, and such additional hours as required by the City, in accordance with the Scope of Work, attached as Exhibit "A" and by this reference made a part hereof.
2. **Term of Agreement:** Commencement of Services. The term of this Agreement will be for a period of 365 days (one year), and may be extended annually, contingent upon both parties prior written agreement to extend the contract. The commencement date of this Agreement is May __, 2018.
3. **Schedule:** Contractor will provide unarmed security officers to monitor all properties designated by the City and within the city limits, to provide the services and perform the duties set forth in Exhibit "A" from 10:00 p.m. to 7:00 a.m. with an unpaid one hour lunch and breaks as required by law. City will provide Contractor with a safe place for the officers to write reports, take lunches and use the restroom.
4. **Compensation:** For the services to be performed under this Agreement, compensation shall be paid by the City to Contractor, pursuant to the costs set forth in Exhibit "A", in an amount not to exceed Ninety-Nine Thousand Dollars (\$ 99,000) per year. Contractor shall bill the City weekly and payments are due in full upon receipt of Contractors

properly presented invoice. Invoices not paid within 14 days shall be considered delinquent and will be charged a late fee of 5% or \$10.00, whichever is greater. Any disputes regarding invoices shall be submitted in writing no later than fourteen days of the invoice. The City agrees to pay the amount due less disputed amount until resolution of said claim. Returned checks are subject to a \$25.00 service charge and any late balance is subject to late penalties. The City agrees to pay one and one half the contracted rate for the following holidays: New Year's Day, Easter Sunday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day. City has the right to receive, upon request, written documentation substantiating the charges billed and the right to perform an audit of Contractor's records pertaining to the charges. (See also Section 19 "Monitoring"). City will make no deduction for payroll taxes or Social Security from the amount due the Contractor for services provided under this Agreement and compensation paid will be considered as full compensation for all personnel, materials, supplies, equipment, transportation and miscellaneous expenses and services.

5. **Delegation of Work:** Contractor will employ or utilize sufficient personnel to prosecute the work diligently and continuously. Contractor is an equal opportunity employer and must conduct any employee-associated activities in conformance with local labor standards. Contractor may utilize persons or firms having applicable expertise to assist Contractor in performing the work of this Agreement. Contractor will, however, be fully responsible and liable for the administration, completion, presentation, and quality of all work performed. If such persons are utilized, there will be no increase in compensation to be paid unless City has previously agreed in writing to such an increase. Contractor has the right of first refusal for any security services conducted in the City
6. **Status of Contractor:** Contractor is at will, at all times during any term of this Agreement, remain a wholly independent contractor and neither Contractor nor its employees are officer, employees or agents of the City. Neither Contractor nor any of its employees will obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Contractor has no authority to bind the City in any manner, nor incur any obligation, debt or liability of any kind on behalf or against the City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by the City.
7. **Transportation:** Contractor or Contractor's employees, will, at their own cost and expense, provide all transportation to the City, to perform the services under this Agreement. Payment of costs and expenses related to transportation costs for the performance of the services required by the Agreement shall be as set forth in Exhibit "A."
8. **Non-Discrimination - Equal Opportunity.** During and in connection with the performance of this Agreement, Contractor and any of its sub-contractors will not unlawfully discriminate against or in any way exclude from participation or employment

or deny program benefits to any otherwise qualified person, employee or applicant for employment on the basis of race, religion, color, national origin, ancestry, marital status, age (over 40), sex, or physical or other motor disability or medical condition unless based upon bona fide occupational qualifications. Contractor will comply with the Americans with Disabilities Act of 1990, and applicable regulations and guidelines thereof, which prohibit discrimination on the basis of disability in employment, state and local government service and in public accommodations and commercial facilities. Contractor and any of its sub-contractors will ensure that the evaluation and treatment of their employees and applicants for employment are free of such discriminations. Contractor and sub-contractors will comply with the provisions and all implementing regulations of the Title VI of the Civil Rights Act of 1964, Title 1 of the Housing Community Development Act of 1974, as amended, the Age Discrimination Act of 1975, Fair Employment and housing Act. (Government Code, Section 12990 et.seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, Section 7258.0 et seq.) The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulation are incorporated into this contract by reference and made a part hereof as set forth in full. Contractor and its sub-contractors will give written notice of their obligations under this provision to any labor organizations with which they have a collective bargaining or other agreement. Contractor must include the nondiscrimination and compliance clause in any subcontract to perform work under the contract.

9. Insurance:

(a) Insurance Requirements: Contractor shall provide and maintain insurance acceptable to the City's Risk Manager and Attorney, in full force and effect throughout the term of this Agreement, against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives or employee. Insurance is to be placed with insurers with a current A.M. Bests rating of not less than A:VII. Contractor shall provide the following scope and limits of insurance:

(b) Minimum Scope of Insurance: Coverage shall be at least as broad as:

- (1) Insurance Service Office form Commercial General Liability coverage (Occurrence Form C G 0001)
- (2) Insurance Service Office form number CA 0001 (ed.1/87) covering Automobile Liability, including Code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to the written approval of the City.
- (3) Worker's Compensation insurance as required by the Labor Code of the State of California and Employer's Liability insurance and covering all persons providing services on behalf of the Contractor and all risks to such persons under this Agreement.

- (c) Minimum Limits of Insurance. . If Contractor maintains higher limits than the specified minimum limits, City requires and shall be entitled to coverage for the higher limits maintained by contractor.

- (1) General Liability: \$3,000,000 general aggregate for bodily injury, personal injury and property damage.
- (2) Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
- (3) Worker's Compensation and Employer Liability: Worker's Compensation as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident, \$1,000,000 Disease per employee; \$1,000,000 Disease per policy

(d) Other Provisions: Insurance policies required by this Agreement shall contain the following:

- (1) All Policies: Contractor shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self insured retention is increased. In the event of any cancellation or reduction in coverage or limits of any insurance, Contractor shall forthwith obtain and submit proof of substitute insurance. Should Contractor fail to immediately procure other insurance, as specified, to substitute for any canceled policy, the City may procure such insurance at Contractor's sole cost and expense.

(e) General Liability and Automobile Liability Coverage.

- (1) City, its respective elected and appointed Council, commissions, boards, officers and employees, agents and volunteers are to be named and covered as additional insured's as respects; liability arising out of activities Contractor performs; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City, its respective elected and appointed Council, commissions, boards, officials, officers, employee's agents and volunteers.
- (2) Contractor's insurance coverage shall be primary insurance with respect to the City, its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents, and volunteers. Any insurance or self-

insurance maintained by the City and its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents, and volunteers shall apply in excess of, and not contribute with, Contractor's insurance.

- (3) Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insured's liability.
- (4) Any failure to comply with the reporting or other provisions of the policies including breach of warranties shall not affect coverage provided to the City and its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents, and volunteers.

(f) Worker's Compensation and Employer's Liability Coverage. The Contractor and its insurer shall agree to waive all right of subrogation against the City, its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents, and volunteers for losses arising from work performed by Contractor.

(g) Other Requirements: Contractor agrees to deposit with the City certificates of insurance necessary to satisfy the City that the insurance provisions of this Agreement have been complied with. The City Attorney may require that Contractor furnish City with copies of original endorsements effecting coverage required by this Agreement. The certificates and endorsement are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to inspect complete certified copies of all required insurance policies, at any time.

- (1) Contractor shall furnish certificates and endorsements from each subcontractor, if any, identical to those the Contractor provides.
- (2) Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insurer retentions as respect the City or its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents, and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.
- (3) The procuring of such required policy or policies or insurance shall not be construed to limit Contractor's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement. All insurance policies are subject to approval by the City as right to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City's Risk Manager. Contractor agrees to provide the City with copies of required policies upon request.

10. Indemnification & Hold Harmless:

- (1) City, its respective elected and appointed Council, commissions, boards, officials, officers, employees, agents, and volunteers (collectively "Indemnitees") will have no liability to Contractor or any other person for, and Contractor must indemnify, defend, protect and hold harmless Indemnitees from and against, any and all liabilities, claims, actions, causes of actions, proceedings, suits, damages, judgments, liens, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively "Claims"), which indemnitees may suffer or incur or to which indemnitees may become subject by reason of or arising out of any injury to or death of any person(s), damage to property, loss of use of property occurring as a result of or allegedly caused by Contractor's performance of or failure to perform any services under this Agreement or by negligence or willful acts or omissions of Contractor, its agents, officers, directors, subcontractors or employees, commit in performing any of the services under this contract.
- (2) If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Contractor has agreed to indemnify Indemnitees as provided above, Contractor upon notice from the City, must defend Indemnitees at Contractor's expense by counsel acceptable to the City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to indemnification in order to be so indemnified. The insurance required to be maintained by Contractor by this Agreement will ensure Contractor's obligations under this Section, but the limits of such insurance will not limit the liability of Contractor hereunder. The provisions of this section will survive the expiration or earlier termination of this Agreement.
- (3) The provisions of this section do not apply to claims occurring as a result of the sole negligence or willful acts of omission of the City.

11. Assignments: Contractor may not assign or transfer this Agreement or the performance of any Contractor's duties or obligations under this Agreement, without the prior written consent of the City Manager. Any attempted assignment will be ineffective, null and void and will constitute a material breach of this Agreement, entitling the City to any and all remedies at law or in equity, including summary termination of this Agreement.

12. Compliance with Law: Contractor must keep informed of and comply with all applicable federal and state laws, statutes, codes, ordinances, regulations and rule in effect during the term of this Agreement. Contractor will obtain and maintain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement, including retention of its Private Patrol Operator's License. Neither the City, nor of its elected or appointed boards, officials, officers, employees or agents will be

liable at law or in equity as a result of any failure of Contractor to comply with this section

13. Termination of Agreement:

- (1) City may terminate this Agreement, with or without cause, at any time by given thirty (30) days written notice of termination to Contractor. In the event such notice is given, Contractor must cease immediately any work in progress.
- (2) Contractor may terminate this Agreement at any time upon thirty (30) days written notice to City.
- (3) If either Contractor or City fails to perform any material obligation under this Agreement, then in addition to any other remedies, either Contractor or City may terminate this Agreement immediately upon written notice.
- (4) Upon termination of this Agreement by either Contractor or City, all property belonging exclusively to the City which is in Contractor's possession must be returned to the City. Contractor will furnish to the City a final invoice.

14. Notice. All notices required or permitted to be given under this Agreement must be in writing and personally delivered, or sent by telecopy or certified mail, postage prepaid with return receipt requested, address as follows:

To City: City Manager
 City of San Juan Bautista
 P.O. Box 1420
 San Juan Bautista, California
 831 422-4661 Ext. 14

To Contractor: Level 1 Private Security

Notice will be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after custody of the U.S. Postal Service.

15. Modifications: No amendment to or modification of this Agreement will be valid unless made in writing and approved by the Contractor and by the City Manager. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver will be void.

16. **Waiver:** No waiver of any provisions of this Agreement will be effective unless made in writing and signed by a party. Waiver by any party to this Agreement of any term or condition or covenant of this Agreement will not constitute a waiver of any other term, condition or covenant. Waiver by any party of any breach of the provisions of this Agreement will not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement.
17. **Dispute Resolution:** If any dispute arises between the parties as to proper interpretation or application of this Agreement, the parties must and confer in a good faith attempt to resolve the matter between themselves. If the dispute is not resolved by meeting and conferring, the matter may be submitted for mediation. The expenses of such mediation will be shared equally between the parties. If the dispute is not or cannot be resolved by mediation, the parties may mutually agree (but only as to those issues of matters not resolved by mediation) to submit their dispute to arbitration. Before commencement of the arbitration, the parties may elect to have arbitration proceed on an informal basis; however, if the parties are unable to so agree, then the arbitration may be conducted in accordance with the rules of the American Arbitration Association. The decision of the arbitrator will be binding, unless within thirty (30) days after issuance of the arbitrators written decision, any party files an action in court.
18. **Law to Govern; Venue:** This Agreement will be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts will lie exclusively in the County of San Benito. In the event of litigation in a U.S. District Court, venue will lie exclusively in the Northern District of California, in San Jose.
19. **Monitoring:** Contractor must allow the City, State, and Federal agencies or Bureau of State Audits or their representatives to access, with or without prior notice all relevant books and records to monitor for conformity with Federal and State requirements, and for auditing purposes. Contractor must keep all books and records pertaining to this Agreement for at least three (3) years after the expiration of this Agreement or any extension, or for three (3) years after the conclusion of any audits or after the resolution of any litigation, whichever is later.
20. **Attorney's Fees:** In the event of litigation, controversy, claim, dispute or other preceding relating to this Agreement, or the breach thereof, the prevailing party will be entitled to recover from the losing party, in addition to any other relief to which it may be entitled, reasonable expenses, attorney's fees and costs.
21. **Severability:** If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement will not be affected thereby and the Agreement may be read and construed without the invalid, void or unenforceable provision(s).

22. **Authority.** The individuals executing this Agreement warrant that they are legally authorized to do so and intend that its terms and conditions be binding in accordance with its terms.
23. **Entire Agreement:** This Agreement, including the attached exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters address therein and supersedes all other agreements or understanding, whether oral or written, or entered into between Contractor and the City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein will be valid and binding. No amendment to this Agreement will be valid and binding unless in writing duly executed by the parties or their authorized representatives.

IN WITNESS WHEREOF, the City, by its duly authorized representative, and Level 1 Private Security have executed this Agreement on the date first above written.

City of San Juan Bautista

By:  5/4/18

Michael LaForge, City Manager

Contractor

 5/4/18

Level 1 Private Security

Attest:



Trish Paetz, Deputy City Clerk

Approved as to form:



City Attorney

Exhibit "A"

Level 1 Private Security Rates:

\$26.25 per hour for Unarmed Security Officer
\$25.00 per hour for second Unarmed Security Officer
\$45.00 per hour for Unarmed Security Officer (Emergency Service)
\$4.25 per hour for each Security Vehicle used
\$45.00 for each alarm response

Level 1 Private Security Scope of Services:

Uniformed Officers are to conduct high visibility vehicle and foot patrols within the City limits. No fewer than 4 patrols of each street (residential and commercial areas) will be conducted each night.

Uniformed officers will conduct a foot patrol of the downtown area 2 times per nights ensuring all businesses are properly secure and no vandalism has occurred.

The fully marked patrol vehicle will be mobile and assist City staff as needed during normal patrol hours.

Detailed Daily Activity Reports will be generated and turned into the City on a regular basis.

Level 1 Private Security Officers will have a clear line of communication and work in tandem with the City Staff and the San Benito County Sheriff's Department to provide a safe and peaceful environment within the City limits.

Level 1 Private Security will have an action plan prepared to work in tandem with the City's staff in the event of an emergency situation which includes but is not limited to criminal activity, medical issues on public property and natural disasters. There will be a Level 1 Private Security Officer or representative available in an on call status for such emergency events.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE: ADJUSTING DEVELOPMENT IMPACT FEES FOR
ACCESSORY DWELLING UNITS**

MEETING DATE: July 16, 2019

DEPARTMENT HEAD: City Manager Reynolds

Recommendation: Adopt a resolution confirming the current impact fee schedule and applicability to Secondary Units (Auxiliary Dwelling Units)

In 2013, the Council adopted a series of development impact fees and determined that they should be revised each year by the change in the Construction Cost Index published by the Engineering News Record. The FY 20 Budget provides funding for a new nexus study to update the fees based on current costs, the requirements of the General Plan, and the impact of new development. Until that study can be completed the fees established in 2013 will continue to be charged and collected.

In 2016, the Council reduced the fees applicable to Secondary Units or Auxiliary Dwelling Units to a level 25% of the then established development impact fees. At the time the City's Municipal Code defined Secondary Units as dwellings on a single lot that were no greater than 35% of the primary unit and no greater than 600 square feet.

Subsequently, State Law was changed to preempt local ordinances that did not allow ADU's up to 1200 square feet. The State law also required that fees for sewer and water connections be reduced in proportion to their reduced burden on sewer and water systems. In the light of the State Law it is necessary to revise the fee schedule for ADU's to recognize that they may now be approved up to 1200 square feet.

Until a new nexus study can be considered, it is proposed that the development impact fees applicable to ADU's be established as 25% of the standard fee per 600 square feet. In practice, the fee for a 1200 square foot unit would be at 50% of the standard fee; and a 900 square foot unit would be at 37.5% of the standard fee.

The table below compares the existing rates to those proposed in this Resolution. Applying the standards in the Uniform Plumbing Code, if a single family home (SFH) is charged per the number of "Drainage Fixture Units" and it has ten "units," and the proposed ADU has eight, the chart below shows the ADU at the development fees at 80% of the SFH fees. It then shows the proposed rates at 25% for 600 square feet and 900 square feet ADU's.

APPLYING FEES TO ADU'S			ADU Before 2016	proposed sq feet	
		SFH		600	900
07.01.2019	water con	\$ 9,002	\$ 7,202	\$ 2,251	\$ 3,376
07.01.2019	sewer	\$ 6,244	\$ 4,995	\$ 1,561	\$ 2,341
07.01.2019	City Traffi	\$ 2,046	\$ 1,637	\$ 511	\$ 767
07.20.2019	Reg Traff	\$ 2,449	\$ 1,959	\$ 612	\$ 918
07.01.2019	Pub Safety	\$ 1,839	\$ 1,471	\$ 460	\$ 689
07.01.2019	Park Dev	\$ 932	\$ 746	\$ 233	\$ 349
07.01.2019	Storm Dr	\$ 1,852	\$ 1,481	\$ 463	\$ 694
07.01.2019	Library	\$ 2,377	\$ 1,902	\$ 594	\$ 891
07.01.2019	Pub/Civic Fac	\$ 1,767	\$ 1,414	\$ 442	\$ 663
		\$ 28,508	\$ 22,806	\$ 7,127	\$ 10,690

The new nexus study will update the analysis for all impact fees and will include a new analysis for ADU's. Until then, it is recommended that the Council adopt a resolution amending the rates as applied to ADU's confirming the revised schedule of development impact fees.

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA CONFIRMING THE DEVELOPMENT IMPACT FEE SCHEDULE
AND ITS APPLICABILITY TO AUXILIARY DWELLING UNITS

WHEREAS, on March 19, 2013 the Council adopted Resolution 2013-08 adopting Development Impact Fees, and

WHEREAS, that resolution required that the fees be adjusted each July 1 to reflect the change in the Construction Cost Index published by the Engineering News Record for the preceding June to June time period; and

WHEREAS, on August 16, 2016 the Council adopted Resolution 2016-41 adopting a reduced fee for Secondary Units, which could not exceed 600 square feet as defined in the Municipal Code; and

WHEREAS, the analysis considered by the City Council considered several factors that resulted in a reduction of fees to a level equivalent of 25% of the standard fee; and

WHEREAS, the State enacted AB 2299 effective January 1, 2017 preempting the City Code and redefining Secondary Units as Auxiliary Dwelling Units of up to 1200 square feet on a single lot; and

WHEREAS, the Council desires to conform the development impact fee schedule with the State law;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista adopts the attached fee schedule and confirms the applicability of the fees for ADU's to 25% per square foot.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista on the 16th day of July, 2019, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

City of San Juan Bautista
Development Impact Fee Schedule (With ADU's)

Impact Fee	effective July 1, 2019	effective July 20, 2019**
Water connection		
Residential Unit	\$9,002.29	
ADU per 600 sf	\$2,250.57	
Commercial connection	\$12,413.75	
Sewer Connection		
Single Family Unit	\$6,243.81	
ADU per 600 sf	\$1,560.95	
Commercial, High Strength	\$11,813.81	
Traffic Impact (City)		
Single Family Unit	\$2,045.92	
ADU per 600 sf	\$511.48	
Multiple Family Unit	\$1,260.01	
Commercial/1000 sq.ft.	\$2,926.49	
Traffic Impact Mitigation Fee (Regional)		
Single Family Unit		\$2,449.11
ADU per 600 sf		\$612.28
Multifamily Unit		\$1,522.45
Office per 1000 sq. ft.		\$3,940.30
Commercial/Retail per 1000 sq.ft.		\$2,378.55
Industrial/other per 1000 sq. ft.		\$519.60
Public Safety Impact	\$1,838.59	
ADU per 600 sf	\$459.65	
Park Development Impact	\$931.90	
ADU per 600 sf	\$232.98	
Park In-Lieu	\$2,681.03	
Parking In-Lieu	\$7,745.19	
Storm Drain Impact	\$1,851.70	
ADU per 600 sf	\$453.93	
Library Impact	\$2,377.18	
ADU per 600 sf	\$594.30	
Public and Civic Facilities	\$1,767.09	
ADU per 600 sf	\$441.80	

*Fees adjusted July 1 based on June 2019 Construction Cost Index of 12354.46

** Fees will be adjusted February 1 based on January 2020 Construction Cost Index

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: July 8, 2019

SUBJECT: **AUTHORIZE CHECK SIGNING AUTHORITY TO NEW CITY MANAGER**

FROM: Trish Paetz, Administrative Services Manager

Background:

The individuals holding the position of Mayor, City Treasurer and City Manager are all check signers on the City's checking account at Union Bank. With the change in City Manager, the resolution that lists the authorized signers needs to be updated.

Recommendation:

Pass a resolution authorizing Don Reynolds as a check signer on the City's bank account.

Fiscal Impact:

None

RESOLUTION 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING CHANGES TO THE DESIGNATED SIGNERS ON THE CITY'S BANK ACCOUNTS AT UNION BANK

WHEREAS, Michaele LaForge is no longer an employee of the City of San Juan Bautista, and

WHEREAS, Don Reynolds was appointed by the City Council as the City Manager for the City of San Juan Bautista.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL hereby requests Union Bank remove Michaele LaForge from the City bank accounts, and add Don Reynolds as an authorized signer on City bank accounts.

FURTHER, the City Council hereby confirms that the total list of signatories consists of Charles Geiger, Don Reynolds, César Flores, John Freeman and Leslie Jordan, and all previously authorized check signers are hereby revoked. This shall be in effect for the checking account, and

FURTHER, the City Council hereby authorizes Wendy Cumming, CPA to have access to bank information but *not* added as a check signer.

PASSED AND ADOPTED this 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

César E. Flores, Mayor

Laura Cent, City Clerk

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: July 8, 2019

SUBJECT: **DESIGNATE NEW CITY MANAGER AS ALTERNATE DIRECTOR ON THE PARSAC BOARD**

FROM: Trish Paetz, Administrative Services Manager

Background:

PARSAC requires two individuals be appointed from each member agency to serve as Director and Alternate Director. The requirement of the Alternate Director is to attend Board meetings in the absence of the Director. Board meetings are held in May and December in Sacramento. As the City's Risk Manager, Trish Paetz has served as the City's PARSAC Director since 2005, and the City Manager serves as the Alternate Director.

Recommendation:

Pass a resolution authorizing Don Reynolds as Alternate Director on the PARSAC Board.

Fiscal Impact:

None

RESOLUTION NO. 2019-XX

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SAN JUAN BAUTISTA
TO APPOINT A REPRESENTATIVE TO THE PUBLIC AGENCY RISK
SHARING AUTHORITY OF CALIFORNIA BOARD OF DIRECTORS**

WHEREAS, the City of San Juan Bautista (“the City”) is a party to the Revised and Restated Joint Powers Agreement creating the Public Agency Risk Sharing Authority of California, dated November 19, 1993 (the “Joint Powers Agreement”), and, as such, is a Member Agency of the Public Agency Risk Sharing Authority of California (“PARSAC”), as that term is defined in the Joint Powers Agreement, and

WHEREAS, pursuant to the Joint Powers Agreement, each Member Agency of PARSAC is required to appoint a Director and an Alternate Director to act in the Director’s absence, to represent the City as if the City itself were present and acting on the PARSAC Board of Directors for all matters which come before such Board of Directors and also for the Director to be eligible for serving on the PARSAC Executive Committee;

NOW, THEREFORE, BE IT RESOLVED, that this City Council hereby appoints (1) Trish Paetz to serve as its Director on the PARSAC Board of Directors to act on behalf of the City, a Member Agency of PARSAC, on all matters to come before the Board of Directors as if the City itself were present and acting at such meeting, and for such Director to be eligible for serving on the PARSAC Executive Committee; and appoints (2) Don Reynolds to serve as Alternate Director in the absence of the Director.

RESOLVED FURTHER, that the City Manager, or a designee, be instructed to inform the Secretary of PARSAC of the above appointment by sending a copy of this Resolution to PARSAC’s business office.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting duly held on the 16th day of July, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

César E. Flores, Mayor

Laura Cent, City Clerk

Memo to the San Juan Bautista City Council

Presented by Shawna Freels of the 150th Anniversary Committee – Re: Sip and Celebrate Beer & Wine Stroll

June 18, 2019

The 150th Anniversary Committee has developed a wonderful two-day celebration on September 7 & 8, 2019 to commemorate the City's incorporation with a variety of events taking place throughout the weekend. On Sunday, the inaugural San Juan Bautista Sip and Celebrate Beer & Wine Stroll will take place from 1-5 p.m. where 20 business locations will host a winery or brewery and participants will enjoy a 2 oz. tasting of beer or wine.

The stroll will spotlight local San Juan serving nonprofit organizations who will be paired with the local businesses and will participate as the pourers. The goal is to highlight our local businesses and our local non-profits giving the nonprofits a venue to raise money and promote their organization. Participant nonprofits such as the Native Daughters of the Golden West, San Juan Library Auxiliary, Pet Friends, Rozas House Org., Inc., San Juan Home & School Club, San Juan Bautista Historical Society, Rotary, San Benito County Agricultural Land Trust, the San Juan Service Club and many more are participating.

Tickets to the event are now on sale and it is anticipated we will sell 350-400 tickets with a goal of raising \$8,000-\$10,000. We are asking Council consideration of authorizing the donation of the proceeds from the event to the participating nonprofits, as this is a City sponsored event.

We have also received an in-kind donation of the event logo from Schipper Design, which is valued at \$1,275. We are asking the Council to consider licensing the donated logo to be used for a future annual event.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **RULES AND REGULATIONS FOR CANNABIS FACILITIES**
MEETING DATE: July 16, 2019
SUBMITTED BY: Todd Kennedy, Associate Planner

RECOMMENDED ACTION:

Review and discuss proposed adoption of Rules and Regulations for Cannabis Facilities.

BACKGROUND INFORMATION:

This report is being generated to review the draft Rules and Regulations to address future proposed cannabis facilities as applications are submitted to City Staff.

On June 19, 2018, City Council adopted an ordinance (Ordinance 2018-05) that added a new chapter to the San Juan Bautista Municipal Code (Chapter 5.31). Since the adoption of the ordinance, there have been several inquiries to City Staff on the status of the application process made by prospective applicants. The Cannabis Subcommittee consisting of Council Members Devries and Freeman have not met recently per the minutes of the City Council Meeting on June 19, 2018. The Cannabis Subcommittee was disbanded after Ordinance 2018-05 was adopted. It was referred that after the reorganization of City Council, a new Subcommittee was established (Council Members Devries and Freeman), but they have not met at this time.

ANALYSIS:

As stated above, City Staff has received inquiries about cannabis that included application process status, city regulations, and zoning districts. By having Rules and Regulations in place, Ordinance 2018-05 can be implemented. Furthermore, this step would be one of the last steps stated in Chapter 5.31 indicated above to allow permitting.

5-31-290 Implementation procedures.

(A) This Chapter shall not become operative and applications for a regulatory permit authorized by this Chapter shall not be accepted by the City Manager or designee, nor a regulatory permit issued unless both of the following occur:

- (1) The City Council submits a City tax on **cannabis** facilities to the voters, the voters approve the tax, and the tax is certified by the County pursuant to Section 15372 of the California Elections Code.*

*(2) Written implementing regulations have been approved by the City Council for the type of **cannabis** facility permit for which application is sought. The City Council may impose such conditions of approval as it deems appropriate.*

(B) The City Council or designee shall develop written regulations governing the implementation of the cannabis facility regulatory permit process authorized by this Chapter. Such written regulations shall be approved by the City Council before they shall become effective. The City Council may impose such conditions of approval as it deems appropriate.

ATTACHED:

1. Draft Resolution
2. Draft Application

RESOLUTION NO. 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA SETTING
CANNABIS RULES AND REGULATIONS

WHEREAS, the City of San Juan Bautista City Council passed Ordinance 2018 – 05 approving the addition of a new Chapter 5.31 “Cannabis Facilities Regulatory Permit” to Title 5 “Public Health, Safety and Welfare” of the San Juan Bautista Municipal Code, and

WHEREAS, the San Juan Bautista Planning Commission made a recommendation to City Council to approve a Zoning Text Amendment to Section 11-02-505 of the City Zoning Ordinance to allow Cannabis Facilities in Industrial Zoning Districts by Conditional Use Permit, and

WHEREAS, the City Council reviewed the staff report for the project together with findings that the proposed Rules and Regulations are categorically exempt from CEQA (California Environmental Quality Act) review, and

WHEREAS, the adopted Rules and Regulations shall reflect the following:

Section 1. APPLICATION FORM.

The City Council adopts the form Application for Cannabis Facility Regulatory Permit in the form as set forth in the Exhibit “A” to this Resolution, attached hereto and incorporated by this reference.

Section 2. APPLICATION FEES AND CHARGES

The City Council adopts Cannabis Business Application Fee schedule as set forth in the Exhibit “B” to this Resolution, attached hereto and incorporated by this reference.

1. A “Eligibility Application Fee” of \$1536
2. A “Application Processing and Permit Issuance Fee” of \$5280
3. A “Amended Registration and Regulatory Permit Renewal Fee” set at an hourly rate of \$95.94

Section 3. APPLICATION PROCESS – GENERAL.

The City Manager or designee shall administer the following three stage process for the screening and evaluation of Cannabis facility regulatory permit applications:

A. Stage 1 – Applicant and Facility Eligibility:

Stage 1 of the cannabis facility regulatory permit application process considers the eligibility of the application and the proposed facility according to the following procedure:

1. The application is evaluated for completeness, including the execution of any required agreements accompanying the application form and the following documentation;
 - i. Copy of the applicant's Articles of Incorporation or Articles of Organization;
 - ii. Copy of the applicant's bylaws or operating agreement;
 - iii. Copy of the applicant's Certificate of Status issued by the California Secretary of State;
 - iv. Copy of the applicant's Entity Status Letter from the California Franchise Tax Board;
 - v. The applicant's Federal Employer Identification Number;
 - vi. Evidence of the legal right for the applicant to occupy and use the property for a cannabis facility. In the event that the applicant is not the owner of record of the property, the applicant must provide a notarized statement from the owner of the property acknowledging and consenting to use of the property as a medical cannabis facility by the applicant; and
 - vii. The identification of any individual with a financial interest of 10% or greater in the applicant including the address, phone number, email address, description of percentage ownership interest, and copies of government issued identification for each individual;
2. The proposed location is evaluated for conformance with the zoning and sensitive use restrictions contained in Section 5.31 of the Municipal Code; which shall include a reliable mapping of the proposed location and distances to all sensitive uses, satellite mapping is preferred;
3. Each applicant under the application will undergo a Fingerprint-Based Criminal History Records Check; which will include Live Scan and any indicated follow-up investigation, and
4. Government issued identification to determine that each applicant, manager, and employee of the medical cannabis facility is over twenty-one (21) years of age.

All eligible applications will be notified, in writing, that they have passed Stage 1 and will be allowed ninety (90) days to provide documentation for consideration for onto Stage 2.

B. Stage 2 – Applicant and Facility Evaluation and Scoring:

1. In the initial portion of Stage 2, applications are scored via a point system that weighs the various components of the application requirements under the City Code as follows:
 - a. Qualifications (including residency) of the applicants, managers, and employees – **50 points**
 - b. Comprehensive site plan and floor plan of the facility which includes the dimensions of the interior floor plan; location of all exist doors, width of doors and panic hardware; principal uses of the floor area including, storage areas and restricted areas. – **100 points**

- i. Photographic evidence accurately depicting the entire interior and exterior and exterior of the proposed site(s), including entrance(s), street frontage(s), parking, front, rear and sides of the proposed site.
- c. Security plan – **200 points**
 - i. Identification of companies providing security services, including California Business Private Patrol Operator (PPO) license number, PPO.
 - ii. Identification of a security liaison
 - iii. Identification physical security measures
 - iv. Identification of surveillance system coverage and recording
 - v. Number of security personnel.
 - vi. 24-hour and off-business hour security, surveillance and monitoring.
 - vii. Detailed description of security plan including security diagrams
 - viii. Fire and emergency response plan.
- d. Business plan including financial information, revenue and expense projections, capital investment and operating reserves – **200 Points**
- e. Community benefits plan with a dedicated community liaison – **100 Points**
- f. Standard operating procedures demonstrating operational compliance – **100 points**
- g. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess cannabis or cannabis products – **50 points**
- h. Procedures for inventory control including a detailed description of inventory tracking software and procedures – **150 points**
- i. An odor management plan, including a detailed description of the ventilation system used in the medical cannabis facility including but not limited to how the ventilation systems mitigate odor from and how to mitigate the noxious fumes or gases. – **100 points**
- j. Signage plan – **25 points**
- k. Proposed development agreement with no less than 1% of gross revenues dedicated to public safety funding to be provided by the City – **100 Points**
- l. On-site Renewable energy: Project will include either on-site renewable energy source or will join Monterey Bay Community Choice Energy. – **25 points**

- m. A description of water conservation measures planned to be used by operator including the dedicated and identified water source. – **25 points**

Section 4. CANNABIS FACILITIES AND REGULATIONS.

A. Cannabis Facility Infrastructure and Security Regulations

Cannabis facilities shall comply with the following infrastructure and security regulations:

1. Alarms and closed-circuit television.

- a. A Sheriff's Department approved, 24-hour centrally monitored alarm system is required. The system shall automatically notify the Sheriff's Department dispatch and allow camera system access for dispatch to relay vital information to responding officers on alarm activations.
- b. Closed circuit television ("CCTV") video monitoring shall be installed that meets the following criteria:
 - i. Continuous 24-hour operation and recording with minimum archival period of 30 days.
 - ii. Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where medical cannabis or medical cannabis products is present at any time.
 - iii. Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows, or other avenues of potential access.
 - iv. All CCTV recordings shall be accessible to law or code enforcement officers at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system, including still photograph images.
 - v. To prevent tampering, the recorder shall be kept in a secure, locked location and all recordings shall be date and time stamped.

2. Windows.

- a. Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.
- b. Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.

3. Roofs, roof hatches, sky lights, and ceilings.

a. All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

b. Roof hatches and skylights shall be secured so as to prevent intrusion.

4. Visibility.

a. Cannabis or cannabis products or graphics depicting cannabis or cannabis products within the cannabis facility shall not be visible with the naked eye from the perspective of a pedestrian immediately exterior to the property line of the cannabis facility.

b. Exterior landscaping within 10 feet of a cannabis facility shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.

c. Exterior building lighting and parking area lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.

5. Fire suppression system.

a. An approved automatic fire sprinkler system fire suppression system, designed in compliance with International Fire Code is required.

6. Entrances, exits, and doors. (Fully Enclosed Sites)

a. A cannabis facility shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.

b. Emergency exits shall be self-closing, self-locking, commercial grade locks equipped with an alarm and not used except in an emergency.

c. Any aluminum door shall be fitted with steel inserts at the lock receptacles.

d. Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.

e. Panic exit hardware shall be "push-bar" design.

f. Double doors shall be fitted with three-point locking hardware and push-bars consistent with fire agency regulations or requirements.

g. All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.

h. All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.

7. Identification and access badges.

a. Managers and employees of a cannabis facility shall wear identification badges with photo identification on breakaway style lanyards, at chest height.

b. The identification badges shall be the means to access areas of the cannabis facility not designed for public access.

c. The identification badge access system shall have a duress feature.

d. The identification badge access system shall have a readily available recorded log for entry/exit time of areas of the cannabis facility not designed for public access. The electronic logs must be retained for 90 days.

8. Biometric access system.

a. Entrances to areas of a cannabis facility where cannabis or cannabis products are cultivated, manufactured, processed, stored, tested, or labeled must have biometric scanners for individual unmistakable identifying access.

b. The biometric access system shall have a duress feature.

c. The biometric access system shall have a readily available recorded log for entry/exit time for to the secured areas. The electronic logs must be retained for 90 days.

9. Security personnel.

a. A cannabis facility shall utilize adequate security personnel and patrols to ensure the safety of persons and to protect the facility from theft during business hours at all times.

b. All security personnel utilized by the cannabis facility shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.

10. Security liaison.

a. A cannabis facility shall provide the City Manager or designee with the name, telephone number, and email address of a security liaison to whom the City can provide notice if there are security problems associated with the cannabis facility or refer members of the public who may have any concerns or complaints regarding the security of the cannabis facility. Each cannabis facility shall also provide the above information to all businesses and residences located within 1000-foot radius of the cannabis facility premises.

b. The security liaison shall be reasonably available to meet with the City Manager, County Sheriff, or their designees, regarding any security related measures or and operational issues.

- c. Any other infrastructure and security condition included in the development agreement between the cannabis facility and the City pursuant to Title 5.31 of the Municipal Code.

11. Cannabis Facility General Operating Requirements

In addition to the operating requirements applicable to cannabis facilities contained in the Municipal Code, cannabis facilities shall comply with the following general operating requirements:

1. A cannabis facility shall post, in a prominent location within the facility, a copy of its cannabis facility regulatory permit and a document that provides (a) the name, telephone number, and address of a person(s) authorized to accept service of process on behalf of the facility, (b) the name, telephone number, and address of the facility's community relations liaison required pursuant to Section 5.31 of the Municipal Code, and (c) the name, telephone number, and address of the facility's security liaison required pursuant to this Resolution.
2. There shall be at least one responsible person at the cannabis facility to act as manager and supervise employees at all times during business hours. Such responsible person shall undergo a Fingerprint-Based Criminal History Records Check and shall not have been convicted of an offense listed in Title 5.31 of the Municipal Code.
3. No recommendations or approvals by a physician to use medical cannabis or medical cannabis products shall be issued at a cannabis facility.
4. All finished cannabis shall be secured and locked in a room, safe, or vault in a manner as to prevent diversion, theft, and loss. No outdoor storage of cannabis or cannabis products is permitted at any time.
5. A cannabis facility shall utilize an inventory and tracking system to track and report on all aspects of the facility's business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by wholesale). The system must have the capability to produce historical transactional data for review by the City Manager or designee.
6. All cannabis or cannabis products sold by a cannabis facility shall be cultivated by licensed facilities that maintain operations in full conformance with the State and local regulations.
7. Signage and notices.
 - a. In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis facility shall conform to the requirements of the City Code, including, but not limited to, seeking the issuance of a sign permit.
 - b. No signs placed on the premises of a cannabis facility shall obstruct any entrance or exit to the building or any window.
 - c. Each entrance to a cannabis facility shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis facility is prohibited.

- d. Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered or retail locations.
- e. Signage shall not be directly illuminated, internally or externally.
- 8. Odor control for Indoor. (Fully Enclosed Sites Only)
 - a. Odor control devices and techniques shall be incorporated in all cannabis facilities to ensure that odors from cannabis are mitigated to the maximum extent reasonably possible so as to minimize off-site detection. Cannabis facilities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis facility that is distinctive to its operation is mitigated to the maximum extent reasonably possible so as to minimize off-site detection, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis facility. As such, cannabis facilities must install and maintain the following equipment, or any other equipment which the City Manager or designee determine is a more effective method or technology:
 - i. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally.
 - ii. An air system that creates negative air pressure between the cannabis facility's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.
- 9. A cannabis facility shall (i) prohibit loitering by individuals outside the cannabis facility, whether the loitering is occurring immediately outside the cannabis facility or anywhere else on the property or parcel; (ii) on-site consumption of cannabis or alcohol; and (iii) loud car stereos or activities disruptive to the neighboring businesses or residences outside the cannabis facility, whether the disruption is occurring immediately outside the cannabis facility or anywhere else on the property or parcel.
- 10. A cannabis facility shall notify the City Manager or designee within twenty-four (24) hours after discovering any of the following:
 - a. Discrepancies identified during inventory.
 - b. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
 - c. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of a medical cannabis facility.
 - d. Any other breach of security.

13. Agents or employees of the City requesting access to a cannabis facility or the records required to be maintained by a cannabis facility shall be given unrestricted access.
14. A cannabis facility shall implement and monitor procedures for cash management, security, and storage.
15. A cannabis facility shall secure worker's compensation insurance covering employees of the cannabis facility.

C. Cannabis Cultivation Facility Operating Requirements

In addition to the operating requirements applicable to cannabis facilities, cannabis cultivation facilities shall comply with the following operating requirements:

1. A cannabis cultivation facility shall not use pesticides or insecticides prohibited by federal, State, or local law for fertilization or production of edible produce.
2. A cannabis cultivation facility shall comply with all applicable federal, State, and local laws regarding use and disposal of pesticides and fertilizers.
3. A cannabis cultivation facility shall send cannabis cultivated by the facility for batch testing to a cannabis testing center that maintains operations in full conformance with the State and local regulations prior to distribution.
4. Prior to distribution, a cannabis cultivation facility shall package and seal all cannabis in tamper-evident packaging and use a unique identifier, such as a batch and lot number or bar code, to identify and track the cannabis.
5. Any other operating requirement included in the development agreement between the cannabis cultivation facility and the City.

----- END -----

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista hereby establishes Rules and Regulations addressing Cannabis Facilities.

ADOPTED this 16th day of July 2019 at a regular meeting of the City Council of the City of San Juan Bautista by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César Flores, Mayor

ATTEST:

Laura Cent, City Clerk

CITY OF SAN JUAN BAUTISTA CANNABIS FACILITY APPLICATION

APPLICATION FOR CANNABIS FACILITY PERMIT

(Please Print All Information – Incomplete Applications Will Not Be Accepted)

- (1) Applicant's Name (Legal Ownership Structure): _____
- (2) Business Name (DBA): _____ Business Phone: (_____) _____
- (3) Applicant/ Business Email: _____
- (4) Business Site Address: _____
- (5) Date Business Proposes to Open: _____
- (6) Days & Times Premises Are Open For Inspection: _____
- (7) Proposed Use (Select One Only):
Note: You must submit a separate application for each cannabis business.
- ☐ Dispensary Facility ☐ Laboratory Testing ☐ Other (explain) _____
- ☐ Cultivation Facility ☐ Cannabis Delivery
- ☐ Distribution Facility ☐ Manufacturing Facility
- (8) Community Relations Liaison Name: _____
- Community Relations Liaison Phone Number: _____
- Community Relations Liaison Email: _____
- (9) Type of Organizational Structure:
- ☐ Corporation ☐ Partnership ☐ Individual ☐ Unincorporated Association or Club
- ☐ Trust ☐ LLC ☐ Other, explain: _____

OFFICE USE ONLY

<input type="checkbox"/> Building	<input type="checkbox"/> Fire	<input type="checkbox"/>	(Check Inspecting Department)	Date Received: _____
<input type="checkbox"/> Building/Location meets Department Requirements for the proposed use.				
<input type="checkbox"/> Building/Location meets Department Requirements for the proposed use subject to the following conditions: _____				
<input type="checkbox"/> Building/Location does not meet Department requirements for the proposed use.				
Inspection Completed On (date): _____ By: _____				
City Manager				
<input type="checkbox"/> CMO finds no basis for denial		<input type="checkbox"/> CMO finds basis for denial		
<input type="checkbox"/> CMO finds no basis for denial with conditions				
Conditions or Basis for Denial Request: _____				
By: _____ Title: _____ Date: _____				

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.

GENERAL INFORMATION (All Applicants)

- (10) If the applicant is incorporated, attach to this application copies, certified by the Secretary of State, of the Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information, By Laws, Restated Articles of Incorporation, and the most recent Annual Report of Officers and Directors.
- (11) If the applicant is an unincorporated association and filed a Statement By Unincorporated Association with the Secretary of State, attach copies, certified by the Secretary of State, of each Statement by Unincorporated Association, Registration of Unincorporated Nonprofit Association, and original & amended Articles of Association to this application.
- (12) If the applicant is an informal unincorporated association, provide copies of the fully executed Articles of Association (AKA Charter or Constitution).
- (13) Fictitious business names or dba's used: _____
- (14) Place and date of filing of fictitious business name statement: _____
- (15) Names and address of all agents and employees authorized to negotiate or otherwise represent individual in connection with any transaction with the City of San Juan Bautista:

- (16) Name and address of person (agent) authorized to accept service of process in California:

- (17) State whether you are licensed by any governmental agency to engage in any business. If so, list each such license held, the city in which it is held, and expiration date thereof:

- (18) Has the Cannabis Facility applicant previously operated in this City or any other county, city, or state under a similar license or permit?
- a. If "Yes," provide the license/permit issuing city, county, state, and the license and/or permit identification number(s):

- b. Please confirm whether any of these previously issued licenses or permits were revoked or suspended, and the reason(s) why:

- (19) Has any owner or business manager ever been convicted of a felony? ☐ Yes ☐ No
If yes, please list provide details of conviction.
- (20) For each Employee convicted of a crime or currently on probation or parole as set forth in Item No. (19) above, attach with this application the first and last name of the Employee, the associated criminal case number(s), the statute(s) violated, the date(s) of conviction, the date(s) of imposition of probation and/or parole, and the name and address of the sentencing court.
- (21) If the applicant owns the property listed in Item No. (4) of the application, enter date of purchase: _____

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

GENERAL INFORMATION (All Applicants)

Item #7B
City Council Meeting
July 16, 2019

- (22) If the applicant rents, leases, or is in the process of leasing and/or purchasing the property listed in Item No. (4), check the boxes below to verify that the applicant has notified the owner(s) and landlord or leasing agent of the proposed Cannabis Business property use.

- ☐ Attached is a copy of proof of ownership, lease, and/or letter of landlord's commitment to lease upon issuance of a license to the proposed business location
- ☐ Attached is an original fully executed Letter of Authorization, for each owner, landlord, and leasing agent of the property listed in Item No. (4) of the application.

NOTE: If the property is owned, rented, or leased by more than one person, a separate authorization form must be submitted for each owner, landlord, and leasing agent or equivalent.

- (23) Does the applicant have a CA Seller's Permit issued by the California State Board of Equalization for the location identified in Item No. (4) of this application? ☐ Yes ☐ No

- a. If "Yes," enter the CA Seller's Permit identification number, and attach a legible copy of the CA Seller's Permit to this application: _____

- (24) Attach photographs accurately depicting the entire interior and exterior of the proposed site(s), including entrance(s), street frontage(s), parking, front, rear and sides of the proposed site.

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.
Cannabis Facility Application

GENERAL INFORMATION (All Applicants)

**Item #7B
City Council Meeting
July 16, 2019**

- (25) Provide the name, address, telephone number, business license account number, and PPO number of the security company that will be used. NOTE: A copy of the security guards' CA state license must be maintained on file at the business at all times.

- (26) Will an alarm monitoring company be used?

a. If "Yes," provide the name, address, and telephone number of the alarm monitoring company:

- (27) Provide a list of all members with access to the surveillance camera system to be used (Attach additional pages if necessary):

CERTIFICATION OF EMPLOYMENT PRACTICES

I, _____, certify that the business will not employ any person with any
 (Name of Business/Owner listed in Item No. (1) of the application)
 type of violent or serious felony conviction as specified in Section 667.5 and 1192.7 of the Penal Code or any felony
 conviction involving fraud, deceit, or embezzlement. The following shall become a condition of maintaining the
 license.

(Signature of Owner/Management Employee)_____
(Printed Name & Title)_____
(Date)_____
(Signature of Owner/Management Employee)_____
(Printed Name & Title)_____
(Date)_____
(Signature of Owner/Management Employee)_____
(Printed Name & Title)_____
(Date)

Note: This is NOT a Cannabis Facility Permit. Do not operate until a valid permit is issued.
 Cannabis Facility Application

IF APPLYING AS AN INDIVIDUAL

Item #7B
City Council Meeting
July 16, 2019

Last Name: _____

First Name: _____

Middle: _____

Title(s) or AKA(s): _____

Residence address: _____

Home/Business Telephone: _____

Cell Phone: _____

Email Address: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Social Security Number: _____

Driver's License or Identification Card Number: _____

State of Issue: _____

Federal Tax ID Number (if applicable): _____

Seller's Permit Number (if applicable): _____

IF APPLYING AS A PARTNERSHIP

Item #7B
City Council Meeting
July 16, 2019

Check One Box:

☐ General Partnership

☐ Limited Partnership/ LLP

☐ Limited Liability Corporation/ LLC

Name of Partnership: _____

Federal Tax ID Number (if applicable): _____

Seller's Permit Number (if applicable): _____

Percentage of Partnership

Name and residence addresses of **General Partners:**

Interest:

_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

Names and residence addresses of **Limited Partners:**

Interest:

_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

Place and date of filing Articles or Certificate of Partnership or Limited Partnership:

Please Note:

Attach certified copies of *Articles of Partnership* or *Limited Partnership*, or other written evidence of partnership status and all amendments thereto this application.

IF APPLYING AS A PARTNERSHIP (cont.)

Item #7B
City Council Meeting
July 16, 2019

PRINCIPAL PARTNER I

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
_____ : _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _ Issuing State: _____

PRINCIPAL PARTNER II

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
_____ : _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _ Issuing State: _____

PRINCIPAL PARTNER III

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____
_____ : _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _ Issuing State: _____

IF APPLYING AS A CORPORATION

PLEASE ONLY PROVIDE INFORMATION FOR ALL OFFICERS, DIRECTORS, OR SHAREHOLDERS WHO OWN MORE THAN 10% OF THE ISSUED AND OUTSTANDING STOCK

Check One Box: ☐ For-Profit Corporation ☐ Non-Profit Corporation

Name of Corporation: _____

Corporation Number: _____

Date and Place of Incorporation: _____

Location Headquarters: _____

Federal Tax ID Number: _____

Seller's Permit Number: _____

Please attach certified copies of *Articles of Incorporation and By-Laws*, and all amendments to this application.

Name and Residence Address of Corporation Officers (members of the executive board):

Name	Title & Ownership %	Address	Telephone
_____	_____	_____	_____ () _____
_____	_____	_____	_____ () _____
_____	_____	_____	_____ () _____
_____	_____	_____	_____ () _____

Numbers of shares issued by Corporation: _____

Number of share retained by Corporation: _____

Name and addresses of shareholders, if ten (10) or less state also the number and type of shares:

Name, address, telephone number, and email address of agent for service of process designated by Corporation with the Secretary of State of California:

IF APPLYING AS A CORPORATION (Cont.)

Item #7B
City Council Meeting
July 16, 2019

CORPORATE OFFICER I

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER II

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER III

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER IV

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

Race: _____ Sex: _____ Hair: _____ Eyes: _____ Height: _____ Weight: _____

Date of Birth (mm/dd/yyyy): _____ Place of Birth: _____

Driver's License Number: _____ Issuing State: _____

CITY OF SAN JUAN BAUTISTA

PROPERTY OWNER/ LANDLORD AUTHORIZATION FOR INSPECTION AND RIGHT TO OPERATE A CANNABIS FACILITY

I, _____, am the legal owner / landlord / lessor of real property located at
(Name of Property Owner/ Landlord) (Circle One)

_____, San Juan Bautista, California. I authorize the
(Address listed in Item No. (4) of the application)

Cannabis Business entitled _____ to operate a
(Name of Business/Owner listed in Item No. (1) of the application)

cannabis business at the property, as that term is defined in state law and the San Juan Bautista Municipal Code, for

the specific use(s) of _____
(Land uses(s) set forth in the Cannabis Facility application – e.g. cultivation, manufacturing, etc.)

set forth in the Cannabis Facility License Application submitted to the City of San Juan Bautista by

_____ and allow the City of San Juan Bautista to enter the property for
(Name of Business/Owner listed in Item No. (1) of the application)

inspection of the property. I further understand that I am responsible for any violation and nuisance activity, which may occur at this property. I declare under penalty of perjury that the foregoing information is true and correct. Executed this _____ day of _____ 20____, at San Juan Bautista, California.

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

CITY OF SAN JUAN BAUTISTA

NOTARY ACKNOWLEDGEMENT FORM

The notarized signature of the majority representative owner or owners, as established by deed or contract, of the subject property or properties is required for the filing of this application.
(Additional sheets may be attached if needed.)

On _____ before me, _____ the undersigned,
DATE (WRITE NAME OF NOTARY)

a Notary Public in and for said County, duly commissioned,

personally appeared _____
NAME(S) OF SIGNER(S)

NAME(S) OF SIGNER(S)

☐ personally known to me - OR -

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

PLACE NOTARY SEAL ABOVE

Notary Public in and for the County
of San Benito, State of California

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title of type of Document: PROPERTY OWNER/ LANDLORD AUTHORIZATION FORM

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Title(s): _____ Title(s): _____

APPLICATION ATTACHMENTS

In addition to the Cannabis Permit Application, the following list of required attachments:

1. Complete interior floor plan on paper no larger than 11" x 17" (multiple sheets allowed) to include the following information:
 - a. Dimensions of interior floor plan.
 - b. Indicate location of all exit doors, widths of doors and panic hardware.
 - c. Principal uses of the floor area including where non-patients will be permitted, private consulting areas, storage areas, retail areas, areas for cash handling and storage, and restricted areas
 - d. Show the separation of the areas that are open to persons who are not patients from those areas open to patients

NOTE: All areas of proposed business site must be disabled access compliant pursuant to Title 24 of the State of California Code of Regulations and the Americans with Disabilities Act

2. Proof of Worker's Compensation Insurance including the limits of each policy, policy numbers, name of the insurer, effective date, and expiration date of each policy.
3. Proof of Liability Insurance including the limits of each policy, policy numbers, name of the insurer, effective date, and expiration date of each policy. Insurance must have aggregate policy limits in an amount not less than \$1,000,000.
4. Copy of CA Seller' Permit (for retail businesses only)
5. Copy of your Fictitious Name Filing, if applicable.
6. Corporation, Limited Liability Companies, Limited Liability Partnerships:
 - a. Copy of your Articles of Incorporation
 - b. Copy of your Statement of Information
7. Standard Operating Plan Procedures to include the following information (as outlined in the Regulations):
 - a. General Operating Procedures
 - b. Security
 - c. Operational Security
 - d. Facility Security
 - e. Community Service
 - f. Fire Plan
 - g. Labor Relations/Employee Handbook
 - h. Business Plan / Financials
8. Proof of Ownership, lease, and/or letter of landlord's commitment to lease upon issuance of a license to the proposed business location
9. Proof Entity is Registered and in Good Standing with Secretary of State and Franchise Tax Board
10. Copy of one (1) valid government issued form of identification for each owner and managing member
11. Copy of Live Scan for each owner and business manager

CITY OF SAN JUAN BAUTISTA

ACKNOWLEDGEMENT FORM
Cannabis Facility Permit Application

- ./ I/we consent to onsite inspections of our Cannabis Facility by City of San Juan Bautista officials. Inspections will be conducted by City of San Juan Bautista Officials during regular business hours Monday-Friday 9:00a.m to 5:00 p.m., excluding holidays. The telephone number listed on my application is the number the City can call to provide notice, when possible.
- ./ I/we acknowledge that by submitting the permit application we allow onsite inspections; dogs/animals will be locked up, lock gates will be assessable.
- ./ I/we consent that all structures on parcel that are utilized for Commercial Cannabis Activities will be built in accordance with applicable City of San Juan Bautista Building Codes and permit requirements.
- ./ I/we acknowledge that the information I/we provide with this application may be released as required by law, judicial order, or subpoena, and could be used in a criminal prosecution.
- ./ I/we consent to defend, indemnify, and hold harmless the City of San Juan Bautista from any defense costs, including attorneys' fees or other loss connected with any legal challenge brought as a result of the City of San Juan Bautista's review and/or approval of this Application. I/we agree to execute a formal agreement to this effect on a form provided by the City and available for my inspection.
- ./ I/we will only employ individuals at least eighteen (18) years of age, require a Federal or State issued proof of identification be carried at all times on property, and will comply will all applicable state and federal requirements for payment of payroll taxes, including federal and state income taxes and/or contribution for unemployment insurance, state workers' compensation liability law.
- ./ I/we have reviewed the San Juan Bautista Cannabis Business Ordinance, I/we understand the requirements, will comply with the requirements, and understand the consequences of Non-Compliance.
- ./ I/we acknowledge that the application fee is non-refundable.
- ./ I will comply with Local, State and Federal regulatory agencies.

Print

Signature

Date

Indemnification Form

City of San Juan Bautista Cannabis Facility Application

I _____, hereby agree:

1. I have applied with the City of San Juan Bautista for permission to conduct _____ (state type of facility) commercial cannabis pursuant to City of San Juan Bautista Cannabis Business Ordinance (hereafter "Project").
2. Nothing in this Agreement shall be construed to limit, direct, impede or influence the City of San Juan Bautista's review and consideration of the Project.
3. I shall defend, indemnify, save and hold harmless the City of San Juan Bautista, its elected and appointed officials, officers, employees, agents, contractors and volunteers from any and all claims, actions, proceedings or liability of any nature whatsoever (including, but not limited to; any approvals issued in connection with any of the above described application(s) by City; any action taken to provide related environmental clearance under the California Environmental Quality Act ("CEQA") by City's advisory agencies, boards or commissions, appeals boards, or commissions, Planning Commissions, or City Council; and attorneys' fee and costs awards) arising out of, or in connection with the City's review or approval of the project or arising out of or in connection with the acts or omissions of the Applicant, its agents, employees or contractors. With respect to review or approve, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project, including any contention the project or its approval is defective because a City ordinance, resolution, policy, standard or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the Applicant, its agents, employees or contractors, its obligation, hereunder shall apply regardless of whether the City of San Juan Bautista prepared, supplied or approved plans, specifications or both.
4. The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.
5. City of San Juan Bautista shall have the absolute right to approve any and all counsel employed to defend the City. To the extent the City uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the Applicant will reimburse the City upon demand. Such resources include but are not limited, staff time, court costs, City Attorney's time at its regular rate for non-City agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action or proceedings.
6. For any breach of this obligation the City of San Juan Bautista may rescind its approval of the Project.
7. The Applicant shall not be required to pay or perform any settlement unless the Applicant, which approval shall not be unreasonably withheld, approves the settlement in writing. The City of San Juan Bautista must approve any settlement affecting the rights and obligations of the City.
8. This agreement shall be construed and enforced in accordance with the laws of the State of California.
9. In any legal action or other proceeding brought by either party to enforce or interpret this Agreement, the appropriate venue is the San Benito County Superior Court.
10. The Applicant shall pay all court ordered costs and attorney fees.
11. The defense and indemnification of the City of San Juan Bautista set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceedings.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

Print Name

Signature

Date