



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

AUGUST 20, 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

Ask for a Moment of Silence for:

City Employees and Residents of Gilroy affected by the Gilroy Garlic Festival Incident

Robert Bouchard, Former Superintendent of Schools for San Benito County

Robert Scattini, Former San Benito County Sheriff and Marshal

2. Public Comment

3. Consent Items

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

A. Approve Affidavit of Posting Agenda

B. Approve Minutes of the May 21, 2019 Regular Meeting

C. Approve Minutes of the May 24, 2019 Special Meeting

D. Recommendation of the Appointment of Ramona Hill to the Strategic Plan Committee

E. Approve Resolution for Street Closures – Vertigo on the Lawn and Autumn Art & Ag Festival

F. Adopt Ordinance 2019-04 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. Second Reading

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

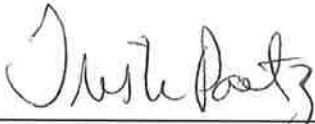
- 4. Presentations, Informational Items and Reports**
 - A. Recognize Green Businesses in San Juan Bautista**
 - B. Proclamation for Gavilan College's Centennial**
 - C. Recognize LULAC Women of the Year – Mayor Flores**
 - D. Proclamation Honoring Jacob's Heart Children's Cancer Support Services and Declaration of Childhood Cancer Awareness Month**
 - E. Monthly Financial Statements**
 - F. City Manager's Report**
 - G. Reports from City Council Appointees to Regional Organizations and Committees**
 - H. Strategic Plan Committee Report**
- 5. Action Items**
 - A. Consider Planning Commission Recommendation to Separate the Planning Commission from the Historic Resources Board**
 - B. Approve Resolution Amending Purchasing Policy**
 - C. Approve a Policy for Establishing Procedures and Timelines for Council Meeting Agenda Management**
 - D. Award a Contract for Installation of Speed Tables on Fourth Street to Granite Rock Company**
- 6. Discussion Items**
 - A. Selection of Honoree for National Philanthropy Day, November 15, 2019**
 - B. Transient Occupancy Tax on Short Term Rentals**
 - C. Special Event Safety – San Benito County Sheriff's Office**
- 7. Comments**
 - A. City Council**
 - B. City Manager**
 - C. City Attorney**
- 8. Adjournment**

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 15th DAY OF AUGUST 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 15th DAY OF AUGUST 2019.



TRISH PAETZ, DEPUTY CITY CLERK

**CITY OF SAN JUAN BAUTISTA
REGULAR CITY COUNCIL MEETING
MAY 21, 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 DeVries, Freeman and Jordan

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

2. PUBLIC COMMENT

Valerie Eglund of REACH gave an update on parks, bike/pedestrian paths and other projects that will bring the County together. Cara Vonk spoke in opposition to the County project involving the four US Highway 101 interchanges. Rachel Ponce was concerned about multiple events on the same day, the problems with parking, and people and booths being too concentrated. Jill Pagarán spoke about Pinnacle Gateway Partners and handed out their “Hidden Gems around Pinnacles National Park” brochure. Council Member DeVries asked how local businesses fared during the Rib Cook-Off and Ms. Pagarán responded regarding the crowds, the parking and the number of people. Cara Denny commented on the social media post regarding parking and spoke in favor the City creating more public parking on vacant lots. Council Member Freeman brought up that May 19-25, 2019 was National Public Works Week and thanked the San Juan Bautista Public Works staff.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Adopt Ordinance 2019-02 Amending the San Juan Bautista Municipal Code Chapter 5-27, to Revise Section 5-27-110, Subsection (A), to Prohibit Smoking in Every Restaurant, Including Any Area Which is Located Outdoor; and to Revise Section 5-27-120, Subsection (A), Number (5) So That Smoking is Disallowed in Outdoor Workplace Areas in Restaurants (Exempt From CEQA)

D. Approve Resolution 2019-19 Approving the Report Prepared in Connection With the Fiscal Year 2019-20 Levy of Assessments in Connection With Valle Vista Landscape & Lighting Maintenance Assessment District No. 1

E. Approve Resolution 2019-20 Declaring the City’s Intention to Levy and Collect Assessments Within Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal Year 2019-20 and Setting the Time and Place for a Hearing on Said Assessment

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

Council Member Freeman made a motion to approve all items listed in 3. Consent Items. Second by Vice Mayor Edge. Motion passed 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation Water Awareness Month – Shawn Novak, Water Resources Assn.

Mr. Novak encouraged residents to continue to conserve water and reported that the Association offers a free service to residents to have their irrigation systems and household plumbing checked for leaks, by calling (831) 637-4378. He then read the May 2019 Water Awareness Month Proclamation. Council Member Jordan asked if there will be workshops on conserving water. Mr. Novak responded there will be workshops which will be publicized in the future. There was no public comment.

B. Planning Commission Presentation of Certificates of Recognition for National Preservation Month to Georgana Gularte for her Residence and 18th Barrel Tasting Room Business Owners Monica and Anthony Ramirez

Georgana Gularte and Ross Gularte were presented a framed photo of her residence and the Certificate of Recognition, which was read aloud by Mayor Flores. Ms. Gularte invited visitors to stop by and see her home. Monica and Anthony Ramirez were presented a framed photo of their business location, 18th Barrel Tasting Room, and the Certificate of Recognition, which was read aloud by Mayor Flores. Monica and Anthony Ramirez thanked the Planning Commission and the Council for the recognition. There was no public comment.

C. Monthly Financial Statements

Interim City Manager Tewes offered to address any questions of the monthly financial statements. There was no public comment.

D. City Manager's Report

Interim City Manager Tewes gave his report where he covered a parking feasibility study to be presented at approximately the July Council meeting. The City's water supply is coming from Well #1 with supplementation from Well #6. Well #5 is the redundant supply; the Magnesium/Iron treatment plant is nearing completion and staff will be trained on its operation. There was no public comment.

E. Building and Planning Report

Interim City Manager Tewes and Associate Planner Kennedy offered to answer questions regarding the report. Council Member Jordan asked questions on the following items in the report:

1. Casa Rosa: Thank you.
2. Faultline Restaurant: Associate Planner Kennedy responded that a permit has been issued and construction has begun.
3. 10 Franklin Street: How long would the City wait for a response? Associate Planner Kennedy responded that it was up to the property owner but he would try to contact the property owner again. Interim City Manager Tewes responded a zone change was not the issue but legal non-conforming use.
4. Harvey's Lockup: Is there an end date? Associate Planner Kennedy responded the project is on track and scheduled to be done by the end of the year.
6. Copperleaf: Where are the Traffic and Park Impact Fees? Interim City Manager Tewes responded the developer has a credit for Traffic Impact Fees for half of San Juan Hollister Road and they will pay Park Impact Fees with the pulling of permits to build.

7. Building & Code Enforcement: Is code enforcement occurring? Associate Planner Kennedy responded code enforcement was being done.

8. 70 Muckelemei: With the notice of nuisance, what is next for the City? Associate Planner Kennedy responded that the property owner needs to turn in an application; a buyer is possible.

9. Brewery: When was this property declared a nuisance? City Attorney Mall responded it has been declared a nuisance. Interim City Manager Tewes responded that the City Council withdrew the conditional use permit and staff can follow up if the property is a public nuisance.

Traffic Circle: Associate Planner Kennedy responded that the minor subdivision plan associated with the traffic circle was moving forward with the Planning Commission next month.

Signage: Associate Planner Kennedy responded there has been no activity for a while. There was no public comment.

6:50 P.M.

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

Council Member Freeman reported on the meetings he had attended: Intergovernmental Committee, AMBAG and Monterey Bay Community Power. There was no public comment.

G. Strategic Plan Committee Report

Strategic Plan Committee Chairperson Snodey handed out a report and reviewed the nine work plan items of the Committee.

At this point of the meeting, Strategic Plan Committee Chairperson Snodey requested that the Council go to Item 6F. Council Member DeVries made a motion to move Item 6F out of order. Second by Council Member Jordan. Motion passed 5-0. However, since the meeting was not in 6. Action Items yet, 5. Public Hearing Items would be completed first.

5. PUBLIC HEARING ITEMS

A. Property Abatement – Fire Marshal Charlie Bedolla

Fire Marshal Bedolla reported the Council would hear any appeals tonight regarding notices for weed abatement. For properties that have not complied, the City would have a contractor go out and abate the weeds. However since there has been more rain and owners were mowing again, he would give the property owners more time and he would identify more properties. He would come back with a list of properties that have not complied and they have to abate. Mayor Flores opened the public hearing. Cara Vonk asked how the properties were determined. Fire Marshal Bedolla responded he looked at open lots that can be seen from the street. He then sent out a letter and asked for the property owner to comply. Being no more comments or appeals, Mayor Flores closed the public hearing. Vice Mayor Edge made a motion for the City of San Juan Bautista to hire a contractor to abate weeds. Second by Council Member Jordan. Motion passed 5-0.

At this point of the meeting, Mayor Flores went to Item 6F.

6. ACTION ITEMS

F. Request for Funding for Mandala Community Art Project – Strategic Plan Committee

Strategic Plan Committee Chairperson Snodey handed out an email from River Sauvageau presenting the Mandala Community Art Project. She also reported there will be three mandalas and requested \$5,700 in funds for the three mandalas. Council Members asked questions about the first mandala done in March 2019 and the three proposed for the rest of the year. Strategic Plan Committee Chairperson Snodey and Credo Studio Owner Ramona Hill responded to the questions. There was no public comment. Interim City Manager Tewes advised the request for funds be addressed in the budget workshops. Vice Mayor Edge made a motion to accept the request for funds for the Mandala Community Art Project and address the request in the budget workshop. Second by Council Member DeVries. Motion passed 5-0.

At this point of the meeting, Mayor Flores went to Item 6A.

A. Approve Agreement with CSG for City Engineer Professional Services

Interim City Manager Tewes reviewed his report. Comments were received from City Attorney Mall and Council Member DeVries regarding CSG Consultants. There was no public comment. Council Member Jordan made a motion to Approve Agreement with CSG for City Engineer Professional Services. Second by Vice Mayor Edge. Motion passed 5-0.

B. Approve Resolution 2019-21 Accepting the City Employee Salary and Benefits Plan

Interim City Manager Tewes reviewed his report. There was no public comment. Council Member Jordan made a motion to approve Resolution 2019-21 Amending the City Employee Salary and Benefits Plan. Second by Council Member Freeman. Motion passed 5-0.

C. Approve Resolution 2019-22 Establishing a Regional Traffic Impact Mitigation Fee

Interim City Manager Tewes reviewed his report. Vice Mayor Edge asked about the planned widening of CA 156 and Measure G funds, and how Measure G funds could be used for City street projects. Interim City Manager Tewes referred to the Fiscal Year 2020 Budget narrative which showed \$154,000 of Measure G funds to be used on the Third Street Reconstruction project. Cara Vonk spoke in support of using fees to impact the CA 156 project. There was no public comment. Council Member DeVries made a motion to approve Resolution 2019-22 Adopting The 2016 Transportation Impact Mitigation Fee Nexus Study. Second by Council Member Freeman. Motion passed 5-0.

D. Request Funding from COG for a Pavement Management Program

Interim City Manager Tewes reviewed his report, which recommended the Council request the San Benito Council of Governments provide \$31,000 for the cost of establishing a Pavement Management Program. These funds would be in addition to the Measure G allocation. There was no public comment. Vice Mayor Edge made a motion to formally request the San Benito Council of Governments to provide funding in the amount of \$31,000 to pay the initial cost of establishing a Pavement Management Program. Second by Council Member Jordan. Motion passed 5-0.

E. Fiscal Year 2019-2020 Budget: Accept City Manager's Recommended Budget, Set Schedule for Budget Workshops, Set Hearing for June 18 and Adopt the Budget

Interim City Manager Tewes made a PowerPoint presentation summarizing the Fiscal Year 2019-2020 Recommended Budget. There was no public comment. Council Members discussed how many and when the Budget Workshops be held. Monday, June 3, 2019 at 6:00 P.M. in Council Chambers was agreed upon. At that meeting it would be decided if a second workshop should be scheduled. The Council agreed to Tuesday, June 18, 2019, the next Regular City Council meeting, to hold a hearing on adopting the Fiscal Year 2019-2020 Budget.

F. Request for Funding for Mandala Community Art Project – Strategic Planning Committee

This item was presented before Item 6A under 6. Action Items earlier in the meeting.

7. COMMENTS

A. City Council

Council Member DeVries requested that a ban on single-use plastics and a video on the subject be a discussion item at the next City Council Meeting. Vice Mayor Edge requested that a report be given at the June City Council meeting regarding what is being developed at the Commercial Nodes along US Highway 101. She also commented that drivers are not stopping at stop signs; there needs to be enforcement. Council Member Freeman suggested camera enforcement. Public comment was received from Cara Vonk, stating that former City Manager McClintock had said there was not enough revenue to be generated for a company to come in and do camera enforcement.

B. City Manager

No comments received.

C. City Attorney

No comments received.

8. ADJOURNMENT

A motion to adjourn was made by Council Member Jordan. Second by Vice Mayor Edge. Motion carried 5-0. The meeting was adjourned at 8:16 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
SPECIAL CITY COUNCIL MEETING
MAY 24, 2019
DRAFT MINUTES**

1. CALL TO ORDER –Mayor Flores called the meeting to order at 8:01 A.M.

PLEDGE OF ALLEGIANCE – Vice Mayor Edge 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 Clerk Cent

2. PUBLIC COMMENT – ONLY ON ITEMS ON THE AGENDA

There was no public comment.

3. 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 8:03 A.M. in the City Council Chambers. At the conclusion Interim City Manager Tewes announced no reportable action taken.

9. ADJOURNMENT

The meeting was adjourned at 2:25 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

From: [Todd Kennedy](#)
To: [Trish Paetz](#)
Subject: update from Strategic Planning Committee to place on Council Agenda
Date: Wednesday, August 14, 2019 12:52:07 PM

Hi Trish,

Per our conversation, the item to place on Council agenda is the following. An Action was made by the Strategic Planning Committee at the meeting on July 18, 2019 for the following information.

Recommendation to Council to appoint Ramona Hill to the Strategic Planning Committee of the City of San Juan Bautista. A motion to approve that recommendation was made by Committee Member Shawna Freels and Seconded by Ann Fritch.

Todd Kennedy

Associate Planner

City of San Juan Bautista

cityplanning@san-juan-bautista.ca.us

831-623-4661, Ext. 20

Physical Address: 311 2nd Street

Mailing Address: P.O. Box 1420

San Juan Bautista, CA 95045

Special Event/Activities – Permit Application

Dear Event Organizer:

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

Application fee: no road blockage & less than 250 people	50.00
Application fee: no road blockage & less than 1,000 people; or requiring blockage of minor City road, not exceeding 1 block	100.00
Application fee: over 1,000 people or requiring blockage of a major City road or more than 1 block ¹	150.00

Once we receive your application, one or more City representatives will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. After you have obtained these, we will contact you and send you a final event approval form. 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 cityplanning@san-juan-bautista.ca.us.

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

SECTION 1: CONTACT INFORMATION

Event Title:	Vertigo movie on the plaza lawn		Today's Date:	7-3-19	
Applicant:	Marcos Vizcaino				
Organization:	San Juan Bautista State Historic Park				
Phone	831-623-2753		E-Mail:	marcos.vizcaino@parks.ca.gov	
Mailing Address:	P. O Box 787 San Juan Bautista, CA 95045				
Fax:					
Event Setup	Date:	9-28-19	Time:	6:00PM	
Event Ends	Date:	9-28-19	Time:	11:00PM	
Event Starts	Date:	9-28-19	Time:	8:00PM	
Dismantle	Date:	9-28-19	Time:	11:00PM	

ANTICIPATED ATTENDANCE: Total or the event:

Total per Day:

LOCATION OF EVENT (please be specific):

RECEIVED
JUL 03 2019

BY: 

¹ All street closures and blockades require review and approval of the City Council.
City of San Juan Bautista Special Event/Activities – Permit Application

INSURANCE

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

CITY FACILITIES

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

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☒ No

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

☒ Yes ☐ No

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

Does this event involve a parade?

☐ Yes ☒ No

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

If you wish to rent barricades, chairs, tables, or other City equipment, list the equipment and numbers (charges will apply for rentals)

If you do not wish to rent the City's equipment, you will be responsible for providing appropriate barriers if your event involves a

street closure: *Yes, we have the large barricades.*

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

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

VENDORS

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

☐ Yes ☒ No

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

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

☐ Yes ☐ No

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

FOOD AND ALCOHOL (all food preparation is subject to state regulations; provide insurance if appropriate)

If you are serving or selling food, you must obtain a permit from the **San Benito County Environment Health Department**.

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

☐ Yes ☒ No

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

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

Does your event involve the use of alcoholic beverages?

☐ Yes ☒ No

PORTABLE REST ROOMS (These permits are handled through the San Benito County Environmental Health Department)

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

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

☐ Yes ☒ No

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

LIGHTING AND SOUND

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

☒ Yes ☐ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☐ Yes ☒ No

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

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

Solid Waste Diversion Plan:

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

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

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

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

cleanup will take place once film is complete at 11:00Pm. Additional cleanup will be done by park staff.

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc. Please note: road closures require Public Works time and the event will be billed for the actual time used.
(If additional space is required, please attach it to this application).

the Vertigo event is the showing of the 1958 film, "Vertigo" on the Plaza lawn.
The film will be shown on an inflatable screen, to be set up at 6:00Pm
Second st., from Washinton to Mariposa, will be closed to traffic.

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

The event is taking place on State Park property which the park rangers will responsible.

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

The State Park property is compatatble with ADA.

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

The State Park Peace Officers are on duty to respond to any medical situation.
They are notified by radio.

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

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

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 Muckeleme 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 Muckeleme 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: Autumn Art and Ag Festival Today's Date: August 7th
Applicant: Art, Culture, Recreation and Wellness Sub-Committee
Organization: Chair: Jennifer Colby (Ramona Hill)
Phone: 831-345-2327 E-Mail: jcolby@csumb.edu
Mailing Address: P.O. Box 264, Aromas CA 95004
Fax: NA

Event Setup Date: 9/22/19 Time: 7am Event Ends Date: 9/22/19 Time: 6pm
Event Starts Date: 9/22/19 Time: 9am Dismantle Date: 9/22/19 Time: 10pm

ANTICIPATED ATTENDANCE: Total of the event: 225 Total per Day: 225

LOCATION OF EVENT (please be specific):
Polk between 3rd and 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.

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.

Polk
between 3rd & 4th

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:

Credo Studio will provide staging area
indoor support for volunteers

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.):

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.

Work with California Green Business Network to organize separation of recycled materials

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).

1. City Sponsored Painting of Mandala
2. Stage with Poetry and theatre
3. Small Farmers Market with Terra Cultura

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

Volunteer Brown Beret Group will patrol the crowd and provide crossing ~~guard~~ guard at Washington for pedestrians

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

Streets will be level and spaces large enough to accommodate restroom for handicap access

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

First Aide booth with volunteers, Retired medic on site, use of walkie talkies, call 911

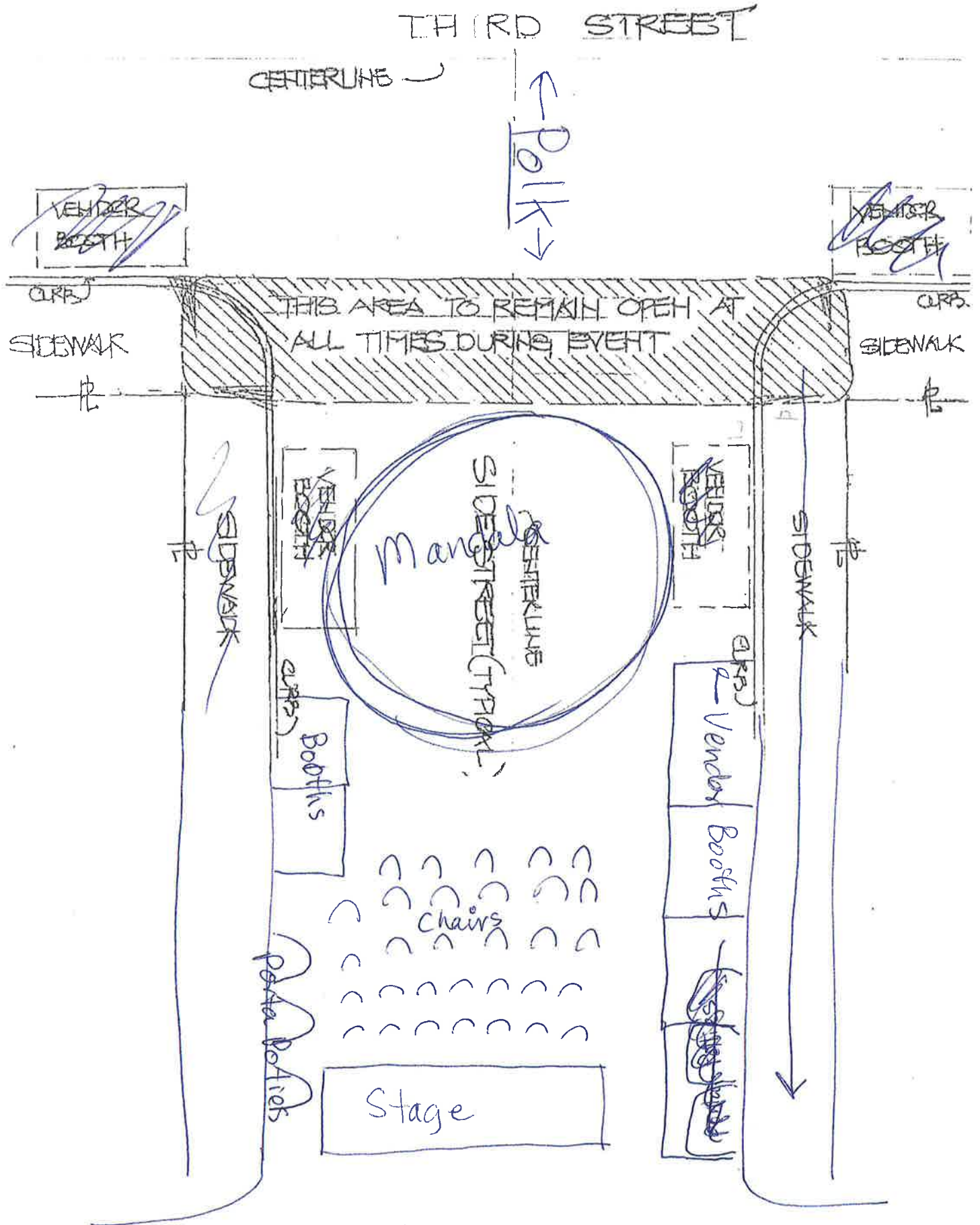
City Benches are for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any time. Thank you. J.L.C. (Initials)

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

Plan for Sept 22
Typical Third Street Intersection

Item #3E
City Council Meeting
August 20, 2019



4th

RESOLUTION 2019-XX

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

BE IT RESOLVED, that the San Juan Bautista Strategic Plan Subcommittee is authorized to close Polk Street between Third and Fourth Streets from 7:00 a.m. until 10:00 p.m. on Sunday, September 22, 2019 in the City of San Juan Bautista for an Autumn Art and Ag Festival, and

BE IT FURTHER RESOLVED, that the San Juan Bautista State Historic Park is authorized to close Second Street between Mariposa and Washington Streets from 6:00 p.m. to 11:00 p.m. on Saturday, September 28, 2019 in the City of San Juan Bautista for a viewing of Vertigo on the lawn at the Old Mission.

PASSED AND ADOPTED this 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **CANNABIS ZONING ORDINANCE AMENDMENT –
SECOND READING**

MEETING DATE: July 16, 2019

SUBMITTED BY: Todd Kennedy, Associate Planner

RECOMMENDED ACTION:

Amend the City Zoning Code to allow cannabis facilities to be allowed in Industrial Zones by Conditional Use Permit (CUP).

BACKGROUND INFORMATION:

The attached ordinance had a first reading and was introduced by Council at the July 16, 2019 Regular meeting.

This report is being generated to include a code update for cannabis facilities so ultimately the City can process applications.

At this time, the City Zoning Code does not have a provision addressing land use for Cannabis Facilities. Staff proposes amending 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). The Planning Commission voted unanimously to recommend to City Council that this zoning amendment be approved.

ANALYSIS:

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.

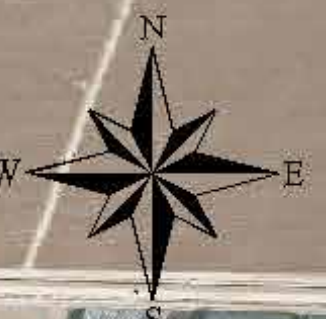
CEQA CONSIDERATION:

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

0 0.1 0.2 0.3 Miles



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

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

PROCLAMATION

GAVILAN COLLEGE CENTENNIAL

WHEREAS, in 1919 San Benito High School added college courses to its curriculum, thereby forming San Benito Junior College, and

WHEREAS, San Benito Junior College provided higher education and career training to the residents of Hollister for many years, providing them with pathways to law enforcement, aviation, healthcare and the arts, and

WHEREAS, in 1963 San Benito High School District joined with the Morgan Hill Unified School District and Gilroy Unified School District to form the Gavilan Joint Community College District, and

WHEREAS, the district has grown to include a campus in Gilroy, satellite sites in Morgan Hill and Hollister, instructional locations in San Martin and Coyote Valley, and is planning construction of a campus in San Benito County, and

WHEREAS, Gavilan College now enrolls over 10,000 students per year, and

WHEREAS, Gavilan College offers programs of instruction leading to Associate in Arts and Associate in Science Degrees, and Associate Degrees for Transfer, and

WHEREAS, Gavilan College offers career education in law enforcement, healthcare, computer technology, digital media, cosmetology, construction, and child development, leading to certificates and careers, and

WHEREAS, Gavilan College alumni are leaders in local government, small businesses, education, public service, healthcare, the arts, and contributing to every career field they have entered, and

WHEREAS, Gavilan College is a leading employer that contributes millions of dollars each year to our local economy, and

WHEREAS, Gavilan College has invited every member of our local communities to celebrate the occasion of its Centennial and to participate in the many activities planned to commemorate this milestone over the course of the year.

NOW, THEREFORE, the City Council of the City of San Juan Bautista, does hereby congratulate Gavilan College and the Gavilan Joint Community College District on the anniversary of its Centennial, and express our best wishes and hopes for the college's continued success.

César E. Flores, Mayor

[NEWS](#)[CRIME & COURTS](#)[VIDEO](#)[CULTURE](#) ▾[SCHOOLS](#)[SAN JUAN](#)[THINGS TO DO](#)[SU](#)**Elaine Zuniga Klauer****Shirley Trevino**

Courtesy of the League of United Latin American Citizens:

Since 1988, San Benito LULAC has hosted the scholarship fundraising Women in Action Reception in celebration of accomplishments of local women.

The reception is scheduled for Saturday, August 24, 2019 at Paine's Restaurant in Hollister. This year, LULAC welcomes keynote speaker Lydia Camarillo to San Benito County. Ms. Camarillo serves as President of Southwest Voter Registration Education Project (SVREP). SVREP was founded in 1974 and is the largest and oldest non-partisan voter participation organization in the United States. In 1999, President Clinton and Vice President Gore appointed Lydia to serve as Chief Executive Officer (CEO) of the 2000 National Convention.

The Women's Reception will be emceed by Krystal Lomanto, Superintendent of the San Benito County Office of Education.

**City of San Juan Bautista
Proclamation
Honoring Jacob's Heart Children's Cancer Support Services and
Declaration of Childhood Cancer Awareness Month**

WHEREAS, each day 42 children in the United States are diagnosed with cancer and more than 40,000 children undergo treatment for cancer each year; and

WHEREAS, cancer remains the leading cause of death by disease among children, more than asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS combined; and

WHEREAS, families of children with cancer in the City of San Juan Bautista receive essential services from Jacob's Heart Children's Cancer Support Services, a local organization that has gained national awards and recognition for improving the quality of life for hundreds of local children with cancer and thousands of family members; and

WHEREAS, Jacob's Heart holds the memories, and honors the legacies, of hundreds of children from our local community who have been lost to cancer, ensuring that their precious memories will never be forgotten; and

WHEREAS, the oncology department at Lucile Packard Children's Hospital at Stanford has worked closely with Jacob's Heart for the past 20 years as a trusted community partner in providing family-centered care that addresses the emotional, practical and financial struggles of families of children with cancer in San Juan Bautista; and

WHEREAS, it is important for all San Juan Bautista residents to recognize the impact of pediatric cancer on families within our community and honor the lives of children in our community whose lives have been cut short by cancer; and

NOW, THEREFORE, I, César E. Flores, Mayor of the City of San Juan Bautista, do hereby declare September as Childhood Cancer Awareness Month in the City of San Juan Bautista and do hereby honor Jacob's Heart Children's Cancer Support Services for 20 years of outstanding support to our community and acknowledge the organization's contributions to Childhood Cancer Awareness Month, honoring children with cancer in our community.

César E. Flores, Mayor

Dated: August 20, 2019

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Year Ended June 30, 2019

Item #4E
City Council Meeting
August 20, 2019

REVENUES	FY18	FY19	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Difference</u>	<u>100%</u>	<u>Notes</u>
General Fund	2,997,149	1,907,089	2,146,347	(239,258)	89%	A
Special Revenue Funds:						
Community Developmer	685,889	262,140	139,286	122,854	188%	
COPS	167,270	135,154	100,000	35,154	135%	
Parking & Restroom Fd	26,968	30,921	25,600	5,321	121%	
Valle Vista LLD	20,064	19,516	20,074	(558)	97%	
Gas Tax Fund	52,291	56,705	505,750	(449,045)	11%	B
Enterprise Funds:						
Water						
Operations	866,221	915,420	768,000	147,420	119%	
Capital	1,314,729	761,606	769,510	(7,904)	99%	
Sewer						
Operations	898,373	963,738	832,000	131,738	116%	
Capital	252,296	344,871	450,313	(105,442)	77%	
TOTAL Funds	4,284,101	3,490,071	5,756,880	2,266,809	61%	

A ~ General Fund revenue is below budget due to the timing of the development projects, which would have provided impact revenues. These revenues are anticipated to be received in the next fiscal year.

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 Year Ended June 30, 2019

Item #4E
City Council Meeting
August 20, 2019

EXPENDITURES	FY18	FY19	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>100%</u>	<u>Note</u>
General Fund:						
City Council	21,347	22,607	34,769	12,162	65%	
City Attorney	86,060	45,819	50,000	4,181	92%	
City Manager	36,522	27,592	42,612	15,020	65%	
Administrative Services	104,074	115,558	122,124	6,566	95%	
City Treasurer	378	480	340	(140)	141%	
Finance and Accounting	153,635	149,797	141,747	(8,050)	106%	
City Library	51,778	100,037	110,541	10,504	90%	
Fire and EMS	241,117	288,412	241,865	(46,547)	119%	A
Law Enforcement	154,394	299,769	279,950	(19,819)	107%	
Animal Control	3,500	5,598	10,000	4,402	56%	
PW - Streets (Operations)	153,099	145,921	182,590	36,669	80%	
PW - Streets (Capital)	5,494	30,538	562,000	531,462	5%	B
PW - Parks & Grounds (Operations)	137,929	193,084	182,715	(10,369)	106%	
PW - Parks and Grounds (Capital)	21,200	161,377	179,700	18,323	90%	
General Government	53,019	48,391	50,500	2,109	96%	
Total General Fund Expenditures	1,223,546	1,634,980	2,191,453	556,473	75%	
Special Revenue Funds:						
Community Development:						
Engineering	217,301	159,659	150,497	(9,162)	106%	
Building	165,363	223,080	139,966	(83,114)	159%	C
Planning	237,283	143,496	207,731	64,235	69%	
COPS	100,000	100,000	100,000	-	100%	
Parking & Restroom Fund	-	18,620	75,000	56,380	25%	D
Valle Vista LLD	22,656	15,143	20,074	4,931	75%	
Gas Tax Fund	19,039	17,558	409,803	392,245	4%	E
Enterprise Funds:						
Water:						
Operations	930,864	929,037	894,222	(34,815)	104%	
Capital	109,527	821,616	867,861	46,245	95%	
Sewer						
Operations	902,042	973,707	961,407	(12,300)	101%	
Capital	45,917	597,512	597,213	(299)	100%	
TOTAL Funds	3,973,538	5,634,408	6,615,227	980,819	85%	

**City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Year Ended June 30, 2019**

**Item #4E
City Council Meeting
August 20, 2019**

Footnotes:

A ~ Costs are higher than budgeted due to repairs to a fire truck.

B ~ Capital projects anticipated did not occur in the fiscal year, and will be part of the FY20 budget.

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 will occur in FY20, not FY19.

E ~ A large part of the Gas Tax Fund budget which will occur in FY20, not FY19.

City of San Juan Bautista
Warrant Listing
As of July 31, 2019

Item #4E
City Council Meeting
August 20, 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
101.000 - Union Bank			
101.001 - Operating Acct. 1948			
07/02/2019	212825	Charter Communications	-489.03
07/02/2019	212826	Pet Waste Co	-161.98
07/02/2019	212827	U.S. Postmaster	-900.00
07/13/2019	212828	4Leaf, Inc.	-6,622.29
07/13/2019	212829	ACWA Health Benefits Authority	-8,862.69
07/13/2019	212830	All Clear Water Services	-3,648.50
07/13/2019	212831	ARTI-Culture	-812.00
07/13/2019	212832	at&t	-244.82
07/13/2019	212833	AVAYA	-212.86
07/13/2019	212834	Clark Pest Control	-95.00
07/13/2019	212835	Code Publishing Company	-480.00
07/13/2019	212836	Credo Studio.	-1,700.00
07/13/2019	212837	Ferguson Enterprises, Inc.	-3,629.56
07/13/2019	212838	Freitas + Freitas	-10,296.00
07/13/2019	212839	Hollister Auto Parts, Inc.	-26.74
07/13/2019	212840	Judy's Gifts & Awards	-16.24
07/13/2019	212841	KS State Bank	-5,818.30
07/13/2019	212842	League of California Cities	-200.00
07/13/2019	212843	Level 1 Private Security.	-8,235.00
07/13/2019	212844	Maria Robles	-100.00
07/13/2019	212845	Mc Kinnon Lumber Co., Inc.	-29.66
07/13/2019	212846	Mission Linen Service	-152.60
07/13/2019	212847	Monterey Bay Analytical Services	-562.90
07/13/2019	212848	MuniBilling	-370.80
07/13/2019	212849	New SV Media	-162.50
07/13/2019	212850	P G & E	-2,950.38
07/13/2019	212851	Pacific Library Partnership	-750.00
07/13/2019	212852	PARSAC	-11,013.00
07/13/2019	212853	San Benito County Sheriff	-82,040.10
07/13/2019	212854	Smith & Enright Landscaping	-1,150.00
07/13/2019	212855	State Compensation Insurance Fund	-1,941.29
07/13/2019	212856	Studio Sauvageau	-1,500.00
07/13/2019	212857	True Value Hardware	-119.20
07/13/2019	212858	United Site Services of California, Inc.	-218.88
07/13/2019	212859	US Bank	-2,090.76
07/13/2019	212860	Wendy L. Cumming, CPA	-3,008.75
07/15/2019	212861	City of Hollister.	-10,780.03
07/15/2019	212862	Frank's Quality Painting	-1,410.00
07/15/2019	212863	R & B Company	-2,198.46
07/23/2019	212864	at&t	-65.88
07/23/2019	212865	at&t	-70.08
07/23/2019	212866	CA Dept of Alcoholic Beverage Control	-1,000.00
07/24/2019	212867	3T Equipment Company Inc.	-909.00

**City of San Juan Bautista
Warrant Listing
As of July 31, 2019**

**Item #4E
City Council Meeting
August 20, 2019**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
07/24/2019	212868	AFLAC	-152.78
07/24/2019	212869	Carol Spence Interior Design	-1,850.00
07/24/2019	212870	Charter Communications	-489.03
07/24/2019	212871	City of Hollister.	-55,386.54
07/24/2019	212872	CSG Consultants, Inc.	-3,492.50
07/24/2019	212873	Department of Conservation	-94.94
07/24/2019	212874	Don Reynolds	-25.00
07/24/2019	212875	Edison Penafiel.	-760.00
07/24/2019	212876	Enrique Ocampo.	-700.00
07/24/2019	212877	Frank's Quality Painting	-5,040.00
07/24/2019	212878	Harris & Associates	-45,797.50
07/24/2019	212879	J.V. Orta's Rent A Fence	-371.25
07/24/2019	212880	KBA Docusys	-460.05
07/24/2019	212881	Level 1 Private Security.	-12,798.00
07/24/2019	212882	Mia Montes.	-700.00
07/24/2019	212883	Monterey Bay Analytical Services	-5,329.40
07/24/2019	212884	P G & E	-11,379.96
07/24/2019	212885	R & B Company	-2,414.74
07/24/2019	212886	Ready Refresh	-165.49
07/24/2019	212887	Rx-Tek	-313.68
07/24/2019	212888	San Benito County Business Council	-500.00
07/24/2019	212889	San Juan Bautista Committee.	-5,000.00
07/24/2019	212890	Sprint	-112.89
07/24/2019	212891	United Site Services of California, Inc.	-319.35
07/24/2019	212892	US Bank Equipment Finance	-249.61
07/24/2019	212893	Wellington Law Offices	-2,500.00
Total 101.001 · Operating Acct. 1948			-333,447.99
Total 101.000 · Union Bank			-333,447.99
TOTAL			-333,447.99

AGENDA TITLE: City Manager Status Report for July-August 2019

DATE: August 14, 2019

DEPARTMENT HEAD: Don Reynolds, City Manager

Administration – Staff received various forms of training in the past month including safety training for maintenance staff, city clerk trainings, and planning trainings. We began exploring an employee evaluation system to put in place using guidance from Liebert and Cassidy. We have begun refining the Agenda process to make certain we are following the Brown Act.

Budget/Finance – Completed several meetings with the contract accounting staff to better understand the budget. Met with several departments as well. Installed the finance software onto my computer for easier access to data. Received several spread sheets to help understand the basis for several staffing decisions. Received an update on the status of several CIP's initiated last year that are being carried into the new fiscal year.

Cannabis – Staff is learning from several other cities about processing permits, as it relates to the unique circumstances of business opportunities in Industrial Zones. The rules and regulations are being reviewed and refined to simplify the process. There are lot of details to consider but, in regards to safety, it seems clear that the City will want experienced applicants that do not require the storage of large volumes of raw materials or keep a large amount of cash on-site. We will also try to consider an on-line process for receiving applications. These rules will be presented again to the City Council September 17.

Deputy City Manager Status – A quick 30-day review has caused me to believe that the City needs the most help immediately in the public works and water maintenance area. I have been in contact with an experienced “coach” whom I hope to bring on board before the 20th. This retired Public Works Director would be the “Deputy City Manager” as approved in the adopted budget and work 20-30 hours per week.

Developments – Staff is working closely with the Copperleaf Development that is trying to wrap up their public improvements. When the City is ready the City Council will be presented with the status of these improvements and, if deemed to be acceptable, will consider releasing their \$2.4 million bond. They were hoping for August, but it looks like September at the earliest. At Rancho Vista, the development began moving forward again this month after the fee dispute was resolved. The roundabout has been referred to a third party for an expert opinion to make sure it is a safe and beneficial design for this location, given the right-of-way that is available. The conversation in not “yes or no,” but how we will work together to make the roundabout work. Several smaller projects are also in the review stages or moving forward. Please feel free to talk to staff off-line, should you have specific questions.

Library – The Library is winding its busy summer programs. The De Anza Trail exhibit is worth “the price of admission.” Please take time to go and see it if you have not. We worked on their budget and Capital program this past week, making repairs to the two bathrooms. With the Mayor’s support, we are also hoping to provide temporary space for Senator Anna Caballero, who would work from the Library’s conference room. We are busy cleaning it up for public use.

Monterey Bay Community Power – I attended my first “Operations Committee” meeting Wednesday, August 14th. This Board of Directors consists of various City Managers within tri-county and San Luis Obispo County area. The Budget was reviewed and approved.

Parks – I have talked to the State regarding Proposition 68 funds. There are two sources; one is allocated based on population, and the other is competitive. The competitive grant closed August 5th, but we were assured that a second round is in the works. This grant can bring as much as \$8 million to a project. The smaller annual grant amount is \$200,000 and this application can happen after our parks master plan is approved. I received a draft of the Master Plan this week from the Strategic Plan Committee and I am reviewing it now. I am working with the Franklin Street community to make this “pocket park” a reality. This tiny circle of property has to be researched and once we know all of the facts, we will plan a course forward. It will most likely be recommended to become part of the parks system, because it is City property and will be tied to City and state ADA, safety and drought-tolerant development standards.

Planning – The Housing Element has been published in its draft form and was introduced to the Planning Commission Tuesday, August 6th. On Tuesday, August 13th, we held a successful community workshop. About 25 attended and the conversation was very helpful. The meeting lasted 90 minutes and allows staff to return to prepare a final draft. This will come before the Commission for approval and recommendation to the City Council in September and October. After its approval, staff will work on completing the SB2 grant application that will bring \$160,000 to the City for planning purposes. Staff is looking to leverage these funds with the Local Government Commission, a non-profit that can help us with additional planning grant funds. It was also noted that it is time to update the Inclusionary Housing Ordinance.

Public Works – The new City Engineer (CSG) has been working hard with our biggest CIP; completing Well 6. They have also been busy on the award of the Fourth Street Speed Table contract. We have had several conversations around the design and cost estimates for the Third Street, Muckeleme and Polk Street improvements. We have \$1.2 million in the budget, and an estimated cost of \$1.8 million, so there is some work refining the design to fit our capacity. They have also stepped up and provided some urgent and needed inspections work for us.

Public Works Crew – Our crew has been working very hard as summer heats up. On at least two occasions the power has gone out, causing after hours monitoring of the

WWTP and the well systems. They hustled to clean-up the sewer spill on Franklin Street that closed Dona Esther's in July, and have since cleaned out this system to prevent further issues. Inspections of grease traps have also been re-initiated. Lately we have been busy repairing several buildings, and removing graffiti. Two leaking water lines have been repaired. Efforts to flush out lines did result in coloration of the water this week, but it is temporary and the result of sound maintenance practices.

Water – Well 6 continues to progress, but slowly. We hope to have it certified by the state in the next two weeks. The Water Board seems satisfied with our progress. On other matters, the Water Board has sent us inquiries regarding the back-flow device systems, and we have already changed out a few that were not working (on City properties). We also responded to their concerns and fixed up Well 1 (notice the new paint job?). We lastly responded to their request for an emergency protocol to be sent to them on their forms, so this was completed this week.

Lastly, thank you for allowing me to travel with family on vacation before my boys started school. Pura Vida!

To: City of San Juan Bautista - Mayor César E. Flores
And Council Members

July 00, 2019

From: San Juan Bautista Historic Resource Board and Planning Commission - Chairperson Scott Freels
And Historic Resource Board Members and Planning Commissioners

San Juan Bautista Planning Commission and Historic Resource Board feels this may be the right time to reorganize the city's Planning Commission and the Historic Resource Board organization in order to find better ways to put more focus on what's important about the city of San Juan Bautista's plan, strategy, and action for and in preservation of its town, valley, and surrounding communities. Preserving its architecture, character, culture, charm, Spirit, and most importantly its legacy and history. We feel this may be a good time to get things started in order to do everything we can to further preserve San Juan Bautista's uniqueness into the future.

Since San Juan Bautista continues to pose and is able to portray over 200 years of our past and with the right resources in place we just might have the opportunity to unlock the type of living found only here in the San Juan Bautista's area; and it is still here that we are able to celebrate and display our uniqueness different from any other part of our state and country.

Furthermore, however successful past administrations may have been with the city of San Juan Bautista, San Juan Valley its surrounding hills and mountains deserves more attention today than we have been putting into preserving our past and legacy.

As result, the current Planning Commission and Historic Resource Board have publicly discussed and announced their intention to go before the San Juan Bautista City Council in seeking their approval, with a plan, to select the right kind of resources and people to establish in determining officially whether San Juan Bautista is now ready to separate into two groups; one group as the current Planning Commission and one group as the new San Juan Bautista Historic Resource Board ... We think It's time to separate! ... If SJB City Council agrees Here are our reasons and Plan (See Attached Reasons and Plan below) ...

Pros:

1. Current public, staff, and HRB/PC Interest base have grown to separate HRB from PC
2. Committee vs. Just start a new HRB – Selection vetting process for the best skills and experienced members
3. City demographics and support – SJB population has multiple resource pools
 - a. Strategic Planning Committee
 - b. San Juan Bautista committee
 - c. Historical Society, Planning Commission, and HRB
 - d. Youth commission
 - e. SJB Monument sign committee
 - f. San Juan Bautista Chamber of Commerce
 - g. San Juan Canyon and Valley community groups
 - h. Ranch and Farm businesses
4. State preservation mandates, guidance, and Funds/Grants – Do we qualify?
5. State legislative zoning updates and changes – What are they?
6. Local businesses and developer's contribution and support
7. Growth in San Juan Bautista and its surroundings communities yet to come forward
8. Separate HRB group provides concentrated effort and focus – urgency and Expediency
9. New members must take annual education course so they better trained
10. Current Planning Commission and Historic Resource board provide support/guidance
11. Should provide an updated and current Historic Resource Board Municipal code/guide
12. Provides a bipartisan, distinctive, and strategic preservation HRB from the city's planning and development statutes

Cons:

1. Lack of professional or right resources and/or too partisan
2. Current combined PC & HRB provide less administration and service within a growing city
3. Current groups and committees too fragmented when dealing with city conservation and preservation
4. Cost in Scheduling, city staffing, and facility accommodations
5. Lack of public, current city staff, and City Council interest
6. Additional workload on city staff and City council administration
7. Workload on Current PC and HRB impacts quality and effectiveness of service
8. Conflict of interest of those living within the SJB historical district

Plan of action:

- 1) Because members of the public have asked the current PC/HRB during an April 2nd, 2019 HRB meeting to study and report back to the current HRB of the possibility to separate the current HRB from the current PC and to recreate a new separate HRB group ... Thus, first to announce and ask the SJB City Council, can we actually do this?
- 2) If the above is yes, then have the SJBCC announce, vet, and appoint actual or acting board members to serve on the new and separate SJB Historic Resource board because:
 - a. The new appointed board members with the current HRB/PC attend public Historic Resource Board monthly meetings as the new Historic Resource Board members or service as new board members during a transition period until ready to serve as the new separate body.
 - b. If a transition period is desired; the new HRB members during and between public meetings will review and/or design and/or develop a local historic resources board, adopt, and document plans and a process in the eventual separation and/or creation of a new SJB HRB by:
 - i. Under the guidance of the current HRB/PC, and/or commissioners Shirley Brewer and David Medeiros when and where appropriate.
 - ii. Review, research, update, document, and report status to an actual complete date and to:
 - iii. Report how the new HRB will be structured/designed, and the SJB Municipal Code reviewed, amended or updated to support the new HRB group.
 - iv. Provide a final vetting process to select/appoint future HRB members by the SJBCC.
 - c. If desired a final step: When ready for actual separation after a transition period and at a SJB City Council meeting to accept or reject the plan to separate the current HRB from the current PC group.

Thank you

Scott Freels – HRB & PC Chairperson
Luis Matchain – HRB & PC Vice Chairperson
Shirley Brewer – HRB & PC
Yolanda Delgado – HRB & PC
David Medeiros – HRB Vice Chairperson & PC

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: August 20, 2019

**SUBJECT: NOTIFY THE OFFICE OF THE STATE CONTROLLER OF THE CITY'S
ELECTION TO BE SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION
COST ACCOUNTING ACT**

FROM: Don Reynolds, City Manager

Background:

On December 18, 2018, the City Council adopted Ordinance 2018-08, amending Municipal Code Section 2-8 regarding its purchasing processes, and elected to be subject to the provisions set forth in the State's Uniform Public Construction Cost Accounting Act (State Public Contract Code Section 22000 et seq. - the "Act"). This action greatly improves the ability of the City to make efficient, transparent and quality purchasing decisions for City's public process.

Amending the Ordinance is only one of several steps required to implement the Act. Recently it was pointed out to staff that a second required step is to send a resolution to the Office of the State Controller (California Public Contract Code Section 22030), notifying them of the City's election to be subject to the provisions of the uniform public cost accounting act, and the California Cost Accounting Commission's policies and procedures manual as they each may be amended from time to time.

Consistent with California Public Contracting Code Section 22030, a draft resolution is attached for the Council's consideration that if approved, will be used to notify the Office of the State Controller that the City has elected to participate and be subject to the provisions of the Uniform Public Construction Cost Accounting Act and follow the State Commission's policies and procedural manual as may be amended from time to time (Section 22000 et seq. of the California Public Contracting Codes).

Recommendation:

Pass a resolution authorizing the City Manager to notify the Office of the State Controller of the City's election to participate in the Uniform Public Construction Cost Accounting Act and to follow the State Commission's policies and procedural manual as may be amended from time to time.

Fiscal Impact:

None

Attachments:

Resolution

RESOLUTION NO. 2019-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ELECTING TO BE SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST
ACCOUNTING PROCEDURES SET FORTH IN THE UNIFORM PUBLIC
CONSTRUCTION COST ACCOUNTING ACT AND DIRECTING THE CITY
MANAGER TO NOTIFY THE STATE CONTROLLER OF THIS ELECTION**

WHEREAS, California Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act, (the Act), establishes a uniform cost accounting standard for construction work contracted by local agencies; and

WHEREAS, the California Uniform Construction Commission (the “Commission”) established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the contracting of local public projects; and

WHEREAS, on December 18, 2018, the City adopted Ordinance 2018-08, amending the San Juan Bautista Municipal Code replacing the Purchasing Process described in Section 2-8 with a new Purchasing Process, and electing to be subject to the provisions established in the State of California Uniform Public Purchasing Act, Public Contract Code Section 22000 et seq.; and

WHEREAS, the City’s election to participate the provisions of the Act amended Municipal Code Section 2-8, and improved the purchasing process making it more efficient for the acquisition of supplies, services, equipment, and materials at the lowest possible cost commensurate with the quality needed, to dispose of surplus personal property to the best advantage of the City, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases and purchasing procedures; and

WHEREAS, In December 2018, when the City amended Municipal Code Section 2-8, it was also obligated to send a resolution to the Office of the State Controller informing them of its election to be subject to the uniform construction cost accounting procedures and until this task is completed, it is unable to take full advantage of the State’s purchasing process and its flexibility.

WHEREAS, staff recommends that the City Council of the City of San Juan Bautista elect to become subject to the procedures set forth in the Act, and to the Commission’s policies and procedures manual, as they may each be amended from time to time.

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

SECTION 1. Approves this Resolution and elects, under the California Public Contract Code Section 22030, to become subject to the Uniform Public Construction Accounting Act, and

to the California Uniform Construction Cost Accounting Commission's policies and procedures manual, as they may each be amended from time to time.

SECTION 2. The City Council directs the City Manager to notify the Office of the State Controller, Local Government Programs and Services Division of this election.

PASSED AND ADOPTED at a duly noticed meeting of the City Council of the City of San Juan Bautista duly held on the 20th day of August, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE: POLICY ESTABLISHING PROCEDURES AND
TIMELINES FOR AGENDA MANAGEMENT**

MEETING DATE: August 20, 2019

DEPARTMENT HEAD: Trish Paetz, Administrative Services Manager and
Deputy City Clerk

RECOMMENDED ACTION:

Adopt a policy establishing procedures and timelines for production of agenda packets and for placing items on the City Council meeting agenda.

BACKGROUND INFORMATION:

From time to time, the City Clerk's office receives requests from the public to place an item on the agenda. Additionally, council members are unclear of the process and, absent a policy, staff advises "how it has always been done."


Staff feels there is a need for a policy that stipulates timelines for staff, contractors, and the council to submit materials for the agenda packet. The policy should also address who is authorized to place items on the agenda, and reference the government code section relevant to posting a special meeting.

Staff developed the attached policy after researching other cities' agenda policies, and requests council review and approval.

Attachments:

Policy

Resolution

 <p>City Council Agenda Items</p>	<p>Citywide Policy Manual</p> <p>Policy # N/A</p>
	<p>Attachments:</p> <p>N/A</p>
<p>Effective Date:</p> <p>August 20, 2019</p>	<p>Responsible Department:</p> <p>City Manager/City Clerk's Office</p>
<p>Related Policies & Notes:</p> <p>N/A</p>	

Purpose

To establish a policy for how items are to be placed on a City Council meeting agenda.

Policy

How someone can place or request an item to be added to a City Council agenda:

- City Manager:
 - The City Manager shall set the agenda with input from the Mayor, Councilmembers, City staff, and/or City Attorney.
- Mayor:
 - The Mayor, along with the City Manager, can place an item on the agenda.
- Councilmember:
 - Outside a Council Meeting:
 - A Councilmember may request an item to be added to a future Council meeting agenda if a second Councilmember agrees with the request. Both Councilmembers must submit a written request (email) to the City Manager requesting such item to be added to a future agenda.
 - During a Council Meeting:
 - During Council Comments at a City Council meeting, two Councilmembers can concur to request to add an item to a future agenda.
- Members of the Public:
 - Members of the public can request an item to be placed on a future agenda by writing a letter to the City Council, speaking under public comment, or attending the Council's annual goalsetting workshop meeting. If City Council chooses to add an item requested by a member of the public on a future agenda, all the same rules above would apply.

Deadlines to submit an agenda item request:

- All requests for items to be placed on the Regular Meeting agenda shall be given to the City Clerk no later than 5:00 p.m. on the thirteenth day prior to the meeting (Wednesday).

Deadlines to submit agenda item materials:

- Council acknowledges and understands that City staff needs ample time to prepare, research, and provide technical and analytical information to be able to make a recommendation to Council. With this in mind, Council shall provide staff the appropriate time to prepare an item for Council consideration.
- All reports, communications, ordinances, resolutions, contract documents, staff report or other matters to be submitted to the City Council as backup information for an agenda item at a Regular Meeting will be delivered to the City Clerk no later than 5:00 p.m. on the eleventh day prior to the meeting (Friday).

Addendums to the Regular Agenda:

- Due to the fact that the City Clerk will post the agenda one week prior to the Council meeting, there may be a need to add additional items to the Regular Meeting agenda that require immediate action. Such addendums, to be posted at least 72 hours in advance of the Regular Meeting, shall be discouraged and limited to urgent matters only that require immediate action which is needed prior to the next regularly scheduled Council meeting. Such addendums will be allowed only if approved by the City Manager and the Mayor. This does not prohibit the Council from adding items to an agenda during a Council meeting if it meets the requirements of section 54954.2 of the California Government Code.

Removal of an item from the agenda:

- Removing an item that was set by the City Manager with input from the Mayor would be at the City Manager or Mayor's discretion with concurrence from the City Manager.
- Removing an item that was set by two or more Councilmembers either during a meeting or outside a meeting with input from the City Manager can only be done with concurrence of the Councilmembers who originally requested the item be placed on the agenda.

Special Meetings:

- Per Govt. Code 54956(a), A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet website, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

- All requests by either the presiding officer of the legislative body or a majority of the members of the legislative body to call a Special Meeting shall be done in writing and given to both the City Manager and the City Clerk.
- The City Manager shall oversee the preparation of the Special Meeting agenda. The backup materials shall be provided as soon as is reasonably possible, but in no event later than 24 hours prior to the meeting.

RESOLUTION NO. 2019-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA ADOPTING A POLICY REGARDING RULES OF
PROCEDURE AND PLACEMENT OF ITEMS ON AGENDAS**

WHEREAS, the City Council for the City of San Juan Bautista desires to establish a policy regarding procedures and timelines for production of agenda packets and for placement of items on an agenda for a meeting of the City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA THAT:**

SECTION 1. A new policy is added to the Citywide Policy Manual as set forth in Exhibit A, attached hereto and incorporated by reference herein.

SECTION 2. The new policy will take effect immediately upon this Resolution being adopted by the City Council, and the City Manager is directed to distribute a copy of this new policy to all Council Members, employees and City contractors.

PASSED, APPROVED, AND ADOPTED ON August 20, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: August 14, 2019

SUBJECT: **AWARD OF FOURTH STREET SPEED TABLES
CONTRACT TO GRANITEROCK**

FROM: Don Reynolds, City Manager

Background:

Background: The Adopted FY 19 Budget included an appropriation of \$80,000 from the General Fund to install four speed tables on Fourth Street.

In 2017, the Council had received a report from Hexagon Traffic Consultants providing the results of a speed survey and a series of low cost recommendations for traffic calming. No decisions were made on those alternatives, but discussion continued about the best approach to address the perceived speeding. In November 2018, the City Manager presented a report recommending the installation of three, and if possible, four speed tables to address concerns about speeding on Fourth Street.

Specifications were prepared for asphalt speed tables, locations identified, and informal bids were solicited in May 2019. Two responses were received, and the lowest bid of \$65,000 was Graniterock. This leaves room for inspections and contingencies. A draft Agreement has been shared with Graniterock and, when signed (prior to the City Council Meeting), it will be shared with the City Council. At this time, construction is scheduled to begin September 9 and last two days.

Recommendation:

Pass a resolution authorizing the City Manager to execute an agreement with Graniterock to install 4-speed tables on Fourth Street.

Fiscal Impact:

This CIP was budgeted in 2019 and carried forward into this fiscal year.

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: August 13, 2019

SUBJECT: Consider Honoree for National Philanthropy Day

DETAILS: It is an annual tradition that the City Council consider a City resident to honor on National Philanthropy Day, November 14. Consideration is given to an individual, or individuals, that have contributed their time and efforts to making the community better. The event is organized by the San Benito County Community Foundation and is held at the San Juan Oaks where presentations are made to honor each volunteer. The honoree attends together with a council member and their guest, and others. Approximately 45 volunteers are honored at the event. The Foundation limits the number of persons for each group to eight, and payment needs to be received by October 11.

Staff informs the Community Foundation of the name of the honoree by October 11, then confirms and pay for dinner for each attendee, and provides a script describing the work the honoree has done for the community.

Below is a list of past honorees:

- 2018 Anthony Ponce: Working with the Junior Giants summer baseball program for kids
- 2017 Marina & Erik Gordon: Caring for and finding homes for stray cats
- 2016 Shawna Freels: Contributions to the community
- 2015 Teresa Lavagnino: Fund raising to resurface tennis courts and clean up San Juan Creek riparian area
- 2014 Sonora Vasquez: Verutti Park clean up
- 2013 Wanda Guibert: Planning Commission, Historical Society, Native Daughters, and others.
- 2012 Danny Gonzalez: Working with the Fire Department Explorer Program benefitting local youth

Fiscal Impact: Dinners are \$50 each

From: [Sharlene VanRooy](#)
Cc: [Beverley Meamber](#)
Subject: National Philanthropy Day--Thursday, November 14, 2019
Date: Friday, July 19, 2019 12:21:24 PM
Attachments: [image003.png](#)
[image004.jpg](#)

National Philanthropy Day does seem like a long ways off, but the Committee is already planning another great event at San Juan Oaks, and I want to keep you in the loop on some of our plans.

FOCUS WILL BE ON YOUTH IN 2019

Join us for another review of philanthropy in San Benito County, as we honor Youth Organizations. We anticipate that youth will participate in the program, from leading the Pledge of Allegiance to making the closing comments. We would also like to suggest that you focus your nominee selection on youth who work with your organization. This idea is **not a requirement**, but if you have youth who are doing a great job, let's promote them at this event.

NONPROFIT GIFT BASKET

We are going to fill a gift basket with items from all of our local nonprofits, a way to promote the more than 150 nonprofits who provide services in San Benito County and give the basket away to someone who attends National Philanthropy Day. **Help us** by providing a baseball cap, water bottle, pen, T-shirt, coffee cup, etc. with your organization's logo. Deliver your item to the Community Foundation at 829 San Benito Street.

Please mark your calendar for Thursday, November 14, 2019. Additional information about nominations is available in the Guidelines on our [website](#).

Sharlene Van Rooy

Marketing Communications Coordinator

Community Foundation for San Benito County

829 San Benito Street, Suite 200, Hollister, CA 95023
831.630.1924

[CFFSBC Horizontal Logo \(high res\)](#)



For Good... For Ever

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL STAFF REPORT**

To: The Honorable Mayor and Council Members

From: The City Attorney

RE: A Transient Occupancy Tax on Short Term Rentals

Date: August 14, 2019

REQUEST:

It is requested that the City Council:

1. Accept this Report; and
2. Give direction as to whether to take the attached draft Ordinance to the Planning Commission for further hearings and analysis or bring the ordinance back to the City Council for a first reading.

BACKGROUND:

At the last meeting, the City Council directed the City Attorney to research whether the City could impose a Transient Occupancy Tax (TOT) on Short Term Rental Units (STR).

DISCUSSION:

Many cities in California impose a TOT on STRs. Because the business, not the property is taxed, the extension of the TOT tax, found in Chapter 3.4 of the City Code, to STRs, may occur without an election pursuant to Proposition 218.

The Hosting Platform, such as VRBO or Airbnb, can be charged with the responsibility to collect the TOT from the STR. As you can see from the attached research, the City of Santa Monica's TOT on STRs was recently challenged in court and survived the challenge. The attached draft ordinance is based on the language which was permitted by the Court. It is my understanding that the Hosting Platforms are familiar with this type of ordinance and will only allow permitted STRs to advertise on their site and will collect the TOT. City Staff will need to issue permits, provide the Hosting Platform with a Registry of permitted STRs and inquire as to whether any further agreement between the Hosting Platform and the City is necessary.

Many cities have started this process with a hearing or hearings before the Planning Commission. Although this Ordinance will be added to the Revenue and Finance Title of the City Code, which is not normally under the jurisdiction of the Planning Commission, there are many aspects that affect land use and impacts on land owners who have STRs or live near STRs. As such, it is recommended that the City Council direct the Planning Commission to consider the Ordinance and hold public hearings to vet the issue.

DRAFT

Chapter 3.9 SHORT-TERM RENTALS

3.9-100 Purpose

The purpose of this chapter is to establish a permitting process and appropriate standards for Short-term Rentals (“STR”) of a whole dwelling unit, or portion of the same, for a period of twenty-nine (29) consecutive days or less.

3.9-200 Definitions

For the purposes of this chapter, the following definitions shall apply:

- A. “Hosting Platform” means a marketplace in whatever form or format which facilitates the home-sharing or vacation rental, through advertising or other means, using any medium of facilitation, and from which the operator of the housing platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.
- B. “Registry” or “City Registry” is the list of STR permits issued in a calendar year. The City shall bear responsibility for keeping the Registry up-to-date with current permits.
- C. “STR Guest(s)” or “Guest(s)” means any person or group of persons staying at a STR for no more than twenty-nine (29) consecutive days.
- D. “STR Administrator” or “Administrator” means the person who is the designated agent or representative of the STR Owner and who is responsible, together with the STR Owner, for compliance with the conditions of this Chapter.
- E. “STR Owner” or “Owner” means the person, firm, corporation or partnership, individually, jointly, in common, or in any manner whereby such property is under single or unified control holding fee title which rents a dwelling operated and used as a STR.
- F. “Short-term Rental” or “STR” means a Dwelling Unit or Dwelling, multifamily, or any portion thereof, rented for occupancy for lodging or sleeping purposes for a period of twenty-nine consecutive (29) days or less.
- G. “Transient Occupancy Tax” or “TOT” means local transient tax as set forth in Chapter 3.4 of this Code. The tax is paid by the Guest when paying for their rental. The collected TOT is then remitted to the City.

3.9-300 Short-term Rental Requirements and Conditions

- A. *Compliance with Applicable Laws.* The Owner and Administrator must comply with all applicable laws, rules, and regulations pertaining to the use and occupancy of the STR.
- B. *Short-term Rental Permit required.* A permit from the City (hereinafter referred to as a “STR Permit”) is required for all STRs. No person shall rent, offer to rent, or advertise for

rent any STR for a term shorter than twenty-nine (29) consecutive days without a valid STR Permit, which may be issued by the City in the manner provided for by this chapter.

- C. *Validity period.* A STR Permit shall expire on June 30th of each calendar year and may be renewed upon reissuance of a business license and proof of timely payment of Transient Occupancy Tax (TOT) during the time period of operation of the STR. The issuance of the STR Permit for a one year period does not grant the owner with fundamentally vested rights to continue operation beyond the one year period. The City reserves the right to deny renewal of a STR permit without a hearing.
- D. *Change in Ownership.* The STR Permit shall be invalidated by a change in Owner or Administrator of a STR, except when a spouse or domestic partner is added to the title of the property or the property is converted to a trust, which is principally under the same ownership. If the STR Permit is invalidated by a change in ownership, the Owner or Administrator must complete the reapplication process within forty (40) days or the right to the STR Permit will be lost.
- E. *Noise and disturbances.* Guests are subject to the requirements of this Code.
- F. *Revocation of STR Permit.* A STR Permit may be revoked by the City due to the failure to meet the requirements set forth in this Chapter, subject to the discretion of the City.
- G. *Appeal process.* Revocation of a STR Permit may be appealed pursuant to Municipal Code section 11-25. The appeal shall be accompanied by a filing fee, if any, as established by City Council resolution.
- H. *Transient Occupancy Tax.* Transient Occupancy Tax (TOT) shall be collected on all short-term rentals. STR Owners are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City on a monthly basis. If a Hosting Platform collects payment for short-term rentals, then it and the STR Owner shall both have legal responsibility for the collection and remittance of TOT.

3.9-400 Permit Application Procedures

An application for a STR Permit shall be filed with the City Manager upon forms, the content of which shall be set by the City Manager and shall, at a minimum, request:

- A. The name, address, and telephone number of the Owner of the STR for which the STR Permit is to be issued.
- B. The name, address, and telephone number of the STR Administrator, if applicable, and a notarized declaration from the STR Owner that the STR Administrator has permission to run a STR on the Owner's property.
- C. A statement of the anticipated daily rental charge for the STR and written acknowledgment of the responsibility to pay TOT associated with the rental of the STR.
- D. A valid business license issued by the City for the STR.
- E. A STR Permit application fee.

3.9-500 Hosting Platform Requirements

- A. Hosting Platforms together with STR Owners shall be responsible for collecting all applicable TOTs and remitting the same to the City. The Hosting Platform shall be considered an agent of the Owner or Operator for purposes of TOT collections and remittance responsibilities as set forth in Chapter 3.4 of this Code.
- B. Subject to applicable laws, Hosting Platforms shall disclose to the City on a regular basis each home-sharing and vacation rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay.
- C. Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the City's Registry at the time the Hosting Platform receives a fee for the booking transaction.
- D. A Hosting Platform operating exclusively on the Internet, which operates in compliance with subsections (1), (2), and (3) above, shall be presumed to be in compliance with this Chapter, except that the Hosting Platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.
- E. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal laws and will not apply if determined by the City to be in violation of, or preempted by, any such laws.

JOINT INFORMATIONAL HEARING OF THE ASSEMBLY LOCAL GOVERNMENT
COMMITTEE AND THE REVENUE AND TAXATION COMMITTEE

**TRANSIENT OCCUPANCY TAXES AND THE
HOME-SHARING PHENOMENON**

MARCH 18, 2015, 1:30 PM, ROOM 4202

HEARING GOAL

The goal of this hearing is to educate members on the application and collection of Transient Occupancy Taxes (TOTs) at the local level. This hearing will also examine how the emerging trend of home-sharing and other short-term vacation rental websites is impacting cities and counties.

1) BACKGROUND ON TRANSIENT OCCUPANCY TAXES

TOTs are levied on occupants for the privilege of occupying a room or rooms in a hotel, motel, inn, or other specified lodging. TOTs were originally designed to compensate local governments for the increased public service costs incurred by serving tourists. In general, TOTs are collected by the operators of hotels or motels, or their agents, and remitted to the city or county imposing the TOT.

More than 400 cities and 55 counties impose a TOT. Rates vary from 3.5% to 15%, with a statewide average of around 10%. On average, TOTs provide about 7% of city general purpose revenues. Some cities, however, are very dependent upon TOT revenue.

Counties and General Law Cities. Counties and general law cities derive their authority to impose a TOT pursuant to Revenue and Taxation Code Section 7280, which provides that "*The legislative body of any city, county, or city and county may levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging unless the occupancy is for a period of more than 30 days.*" Counties may impose a TOT in unincorporated areas. There are a number of exemptions listed in Section

without dependence on a middleman." A disclaimer on HomeAway's website says that "[HomeAway] is not a party to any rental or other agreement between users." HomeAway additionally notes that "Users agree that they are responsible for, and agree to abide by, all laws, rules and regulations applicable to their use of the Site" and that "Members further agree that they are responsible for and agree to abide by all laws, rules and regulations applicable to the listing of their rental property and the conduct of their rental business, including, but not limited to, any and all laws, rules, regulations or other requirements, zoning ordinances, safety compliance and compliance with all anti-discrimination and fair housing laws, as applicable."

3) LEGAL ISSUES

HomeAway Inc. v. City & County of San Francisco. HomeAway, Inc. and HomeAway.com (collectively, "HomeAway") brought suit against the City and County of San Francisco ("City") challenging the enactment of Ordinance No. 218-14 ("Ordinance"). (*HomeAway Inc. v. City & County of San Francisco*, 2015 U.S. Dist. LEXIS 9912.¹) Specifically, HomeAway challenged a provision of the Ordinance potentially making HomeAway responsible for TOT for rental properties advertised on their online platforms.

Under the dormant Commerce Clause, HomeAway challenged the validity of the Ordinance on two grounds. First, HomeAway argued that the Ordinance impermissibly impedes interstate commerce because it discriminates against out-of-state property owners by allowing only San Francisco permanent residents to rent their units. Second, HomeAway argued that the Ordinance impedes interstate commerce because the Ordinance's tax collection requirement favors an "agency" business model over its own "advertising venue" model.

Regarding the first challenge, the District Court held that HomeAway lacked sufficient standing to bring a claim on behalf of the relevant third parties. Regarding HomeAway's second claim, the District Court dismissed this claim on the grounds that HomeAway again lacked standing because they could not establish any causal connection between the injury and the conduct in question. Thus, the District Court granted the City's motion to dismiss the suit.

In re Transient Occupancy Tax Cases, 225 Cal.App.4th 56 (2014). On a related but separate issue, this case arose from the City of San Diego's ("City's") efforts to impose its TOT on online travel companies ("OTCs"). OTCs provide comparative information about airlines, hotels, and rental car companies on their websites. In facilitating hotel room sales, these companies employ several room-sale models, including the "merchant model" whereby OTCs contract with hotels

¹ The Ordinance permits short-term rentals of units only where a permanent resident occupies the unit for at least 275 days out of the calendar year. A "permanent resident" is defined as a person who occupies the unit for at least 60 consecutive days with intent to establish the unit as his or her primary residence.

for the right to advertise and rent rooms to the general public. Specifically, the OTC will pay a hotel a "wholesale" price for a room, and charge its customer a higher "retail" price for the same room. In May 2010, the City's hearing officer ruled that the OTCs owed TOT on their service charges and markups. The OTCs challenged this decision by petitioning for a writ of mandate, which the superior court granted. On review, the Court of Appeal affirmed the trial court's ruling, holding that the City's TOT ordinance did not reveal an intent to impose a tax on the service fees and markups charged by the OTCs.

The City currently alleges that, in affirming the trial court's decision, the Court of Appeal inappropriately failed to focus on the total consideration paid by a transient for occupancy. The Supreme Court of California has granted review and the final interpretation of San Diego's TOT ordinance will be resolved by that Court.

3) OTHER LOCAL GOVERNMENT ISSUES

As these types of home-sharing and short-term vacation rental websites become increasingly popular, some local governments in California are experiencing a variety of resulting issues that are not addressed in their local ordinances and municipal codes. Several local agencies have banned short-term rentals in their jurisdictions, but are aware of listings on websites in violation of their policy, and are struggling with how to deal with these listings. Rentals can also violate a city's zoning ordinance, and can constitute an unpermitted activity. Cities and counties are familiar with the hotels, motels, and B & Bs operating in their jurisdictions, and as such, there are certain statewide and local regulations that apply to the traditional lodging accommodations that may not apply to listings on VRBO and Airbnb.

There are also safety and noise issues to consider, as well as whether hosts or those people who post listings on these types of websites must apply for, receive, and pay business license taxes for the privilege of conducting business within the city or county.

Santa Monica Short-Term Rental Ordinance Withstands Legal Challenge

March 25, 2019

The Ninth Circuit Court of Appeals issued a decision last week rejecting a legal challenge brought by online hosting platforms HomeAway.com and Airbnb to Santa Monica's short-term rental ordinance.

The League filed a friend-of-the-court brief in the case, authored by Christi Hogin of Best, Best and Krieger. The California State Association of Counties and the International Municipal Lawyers Association also joined in the League's brief.

The ordinance at issue in the case authorizes city-licensed and registered "home-sharing" rentals – where resident(s) remain on-site with guest(s) – but prohibits all other forms of short-term rentals for 30 days or less. It also imposes certain obligations on online short-term rental hosting platforms such as HomeAway.com and Airbnb. Specifically, the ordinance requires online hosting platforms to collect and remit transient occupancy taxes and to regularly disclose listings and booking information to the city. It also prohibits them from booking properties that are not licensed and registered with the city and from collecting any fees in connection with such prohibited transactions.

The city adopted the ordinance following a proliferation of short-term rentals in residential zones. Such short-term rentals, the city council reported, "had negatively impacted the quality and character of its neighborhoods by 'bringing commercial activity and removing residential housing stock from the market' at a time when California is already suffering from severe housing shortages."

HomeAway and Airbnb sued, claiming the ordinance violated various laws including the federal Communications Decency Act of 1996 and the First Amendment.

Federal courts have interpreted the Communications Decency Act to immunize "publishers" of third-party content from liability arising out of that content. The purpose of the Act is "to promote the continued development of the Internet and other interactive computer services."

HomeAway and Airbnb argued that Santa Monica's ordinance was inconsistent with the Act because it effectively required them to monitor and remove third-party content "to prevent their website from becoming littered with unbookable listings." The Ninth Circuit Court of Appeals

rejected this argument, noting that the ordinance simply prohibited the online platforms from proceeding with unlicensed bookings; it did not seek to impose any liability on the platforms for the contents of the listings. “Like their brick-and-mortar counterparts,” the court held, “internet companies must also comply with any number of local regulations concerning, for example, employment, tax, or zoning.”

The Ninth Circuit was also unpersuaded by HomeAway and Airbnb’s arguments that the ordinance imposed a “content-based financial burden” on their commercial speech in violation of the First Amendment. The Ninth Circuit found no “significant expressive element” associated with processing a short-term rental booking.

Although this ruling may be appealed, it is a positive development for cities in the area of short-term rental regulation. Cities that have questions as to how they may be impacted by this ruling should consult with their city attorney.