



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

NOVEMBER 19, 2019

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

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

1. Call to Order

Pledge of Allegiance

Roll Call

6:00 PM

2. Public Comment

3. Consent Items

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

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Adopt Ordinance 2019-06 Revising Section 11-18-030 (Site Plan and Design Review Procedures) of Title 11 (Zoning) of the San Juan Bautista Municipal Code, for the Purpose of Implementing the San Juan Bautista General Plan Housing Element (Second Reading)

D. Adopt Ordinance 2019-07 Revising Chapter 2-5 (Reserved), of Title 2 (Government Organization and Administration), of the San Juan Bautista Municipal Code to Address Reasonable Accommodations (Second Reading)

E. Adopt Ordinance 2019-08 Revising Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code; and Revising Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), of the San Juan Bautista Municipal Code, Both to Address Priority Utility Services for Affordable Housing (Second Reading)

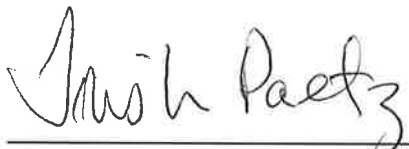
- F. Adopt Ordinance 2019-09 Revising Various Sections of Title 11 (Zoning) of the San Juan Bautista Municipal Code, Including:
 - Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix); and
 - Section 11-29-010 (Definitions); Both for the Purpose of Implementing the San Juan Bautista General Plan Housing Element (Second Reading)
 - G. Adopt Ordinance 2019-10 Adding a New Chapter 3.9 to the Municipal Code Establishing a Permitting Process and Standards for Short-Term Rentals (Second Reading)
 - H. Approve Minutes of the Regular Meeting of October 15, 2019
 - I. Approve Minutes of the Special Meeting of October 8, 2019
 - J. Approve Minutes of the Regular Meeting of September 17, 2019
 - K. Approve Minutes of the Regular Meeting of August 20, 2019
 - L. Approve Minutes of the Regular Meeting of July 16, 2019
 - M. Approve Minutes of the Special Meeting of June 26, 2018
 - N. Approve Resolution for Street Closure for Our Lady of Guadalupe Procession
 - O. Approve Resolution Authorizing Donation of Fire Engine to Guatemala Non-Profit
 - P. Approve Appointment of Youth Commissioners
 - Q. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title
4. Presentations, Informational Items and Reports
- A. Presentation on Resiliency and the Microgrid by Leslie Austin of Green Power
 - B. Presentation on Cannabis Rules and Regulations by Victor Gomez
 - C. Library Annual Report by City Lead Library Tech Rochelle Eagen
 - D. Monthly Financial Statements
 - E. City Manager's Report
 - F. Reports from City Council Appointees to Regional Organizations and Committees
 - G. Strategic Plan Committee Report
5. Action Items
- A. Adopt Rules, Regulations and Application for Cannabis Facilities
 - B. Approve Resolution Allowing for the Partial Release of Faithful Performance Bond for the Copperleaf Subdivision (Edenbridge L.P.)
 - C. Approve Resolution Authorizing Amendment to the Harris and Associates Contract to Add Planning Services
6. Discussion Items
- A. Consider Changing Cannabis Ordinance
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 14th DAY OF NOVEMBER 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 14th DAY OF NOVEMBER 2019.



TRISH PAETZ, DEPUTY CITY CLERK

AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I, TRISH PAETZ, DO NOW DECLARE UNDER THE PENALTIES OF PERJURY, THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL PUBLIC HEARING NOTICE. I FURTHER DECLARE THAT I POSTED SAID NOTICE ON THE 8th DAY OF NOVEMBER 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 13th DAY OF NOVEMBER 2019.



TRISH PAETZ, DEPUTY CITY CLERK

NOTICE OF PUBLIC HEARING CITY OF SAN JUAN BAUTISTA

Pursuant to Government Code Section 65090, the City Council of the City of San Juan Bautista gives notice of actions to be taken at the regular meeting of the City Council on **November 19, 2019** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. The following items will be discussed:

- Adopt an Ordinance Adding a New Chapter 3.9 to the Municipal Code Establishing a Permitting Process and Standards for Short-Term Rentals (Second Reading)
- Adopt an ordinance amending the San Juan Bautista Zoning Ordinance (Section 11-03-101, Development Standards Matrix, of Chapter 11-03, Zoning District Development Standards, of Title 11, Zoning, of the San Juan Bautista Municipal Code) to add special MU Mixed-Use development conditions that apply only to APN 002-350-002 for the purpose of implementing the San Juan Bautista General Plan Housing Element (Second Reading)
- Adopt an ordinance revising Chapter 2-5 (Reserved), of Title 2 (Government Organization and Administration), of the San Juan Bautista Municipal Code to address reasonable accommodations (Second Reading)
- Adopt an ordinance revising Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code; and revising Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), of the San Juan Bautista Municipal Code, both to address priority utility services for affordable housing (Second Reading)
- Adopt an ordinance revising various sections of Title 11 (Zoning) of the San Juan Bautista Municipal Code, Including:
 - Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix); and
 - Section 11-29-010 (Definitions);Both for the purpose of implementing the San Juan Bautista General Plan Housing Element. (Second Reading)

Staff reports and the full text of all items to be discussed will be available for public review at City Hall on **November 12, 2019**. All members of the public are encouraged to attend the meeting and may address the City Council on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to cityplanning@san-juan-bautista.ca.us, not later than **5:00 p.m., November 19, 2019**.

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

Posted: November 8, 2019

ORDINANCE NO. 2019-06

**AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA,
STATE OF CALIFORNIA, REVISING SECTION 11-18-030 (SITE
PLAN AND DESIGN REVIEW PROCEDURES) OF TITLE 11
(ZONING) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE,
FOR THE PURPOSE OF IMPLEMENTING THE SAN JUAN
BAUTISTA GENERAL PLAN HOUSING ELEMENT**

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 3.1 (Adequate Sites Program), calls for the amendment of the San Juan Bautista Municipal Code to include the implementation of special development standards for new affordable housing sites; and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to Title 11 (Zoning), to be less than significant, with mitigation; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Addendum to the Initial Study/Negative Declaration was prepared to evaluate the addition of special MU (Mixed Use) conditions for APN 002-350-002.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA DOES ORDAIN AS FOLLOWS:**

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 11-03-010 (Development standards matrix), of Chapter 11-03 (Zoning District Development Standards) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include a new footnotes #14 and #15 in and at the end of the table contained in this section, as follows:

11-03-010 Development standards matrix.

The following table sets forth development standards for each zoning district. Superscript numbers refer to additional standards shown in the notes below the table.

District	Minimum Lot Area (Gross)	Minimum Lot Width	Density Range du/acre ¹	Floor Area Ratio	Building Coverage	Maximum Height story/feet	Minimum Setbacks Front/Side/Rear
R-1-7 ¹³	7,000 sq. ft. ²	50 ft.	0.50 – 5	0.45	0.45	2/30	F: 20 ft. ⁵ S: 5 ft. ⁷ R: 20 ft.
R-1-6	6,000 sq. ft.	45 ft.	0.50 – 5	0.45	0.50	2/30	F: 20 ft. ⁵ S: 5 ft. ⁷ R: 20 ft.
R-1-5	5,000 sq. ft.	35 ft.	0.50 – 7	0.48	0.50	2/30	F: 20 ft. S: 5 ft. R: 15 ft.
R-2	8,000 sq. ft. ^{3, 4}	60 ft.	6 – 10	0.60 ²	0.45	2/35	F: 20 ft. ⁵ S: 5 ft. ⁶ R: 10 ft.
R-3	10,000 sq. ft.	80 ft.	11 – 21	0.70	0.50	2/35	F: 20 ft. S: 5 ft. R: 10 ft. per story
C	5,000 sq. ft.	50 ft.	NA	0.75	0.85	3/50	Note ⁸
MU ^{14, 15}	Note ⁹	25 ft.	8 – 15	Note ⁹	0.85	3/50	Note ¹⁰
I	10,000 sq. ft.	100 ft.	NA	0.50	0.90	NA/50	F: 30 ft. S: 10 ft. R: 20 ft. ¹⁰
P	0.5 acres	100 ft.	NA	0.10	0.10	1/25	F: 20 ft. S: 10 ft. R: 20 ft.
PF	NA	NA	NA	0.70	NA	2/35	Note ¹¹
A	5 acres	NA	NA	NA	0.10	2/35	Note ¹²

Notes:

- ¹ A calculation that results in a fraction of 0.50 and above shall be counted as a whole unit
- ² May be reduced by the Planning Commission based upon individual site topography and building design layout of the parcel, property or project and the standards as defined in SJBMC [11-04-050](#)
- ³ May be reduced to four thousand five hundred (4,500) sq. ft. with 0.45 FAR in a planned unit development.
- ⁴ May be reduced to four thousand (4,000) sq. ft. with a planned unit development permit
- ⁵ Twenty-five feet (25') for detached garage. Front yard setback may be reduced to fifteen feet (15') to meet design guidelines when approved by the Planning Commission for large developments of more than twenty (20) homes
- ⁶ Ten feet (10') for side facing street at a corner lot parcel
- ⁷ Five feet (5') for detached garages and carports not exceeding fifteen feet (15') in height

- ⁸ Setbacks in the C district shall be consistent but not absolute with the bordering residential district. Deviations to setbacks may be allowed by the Planning Commission on an individual basis
- ⁹ For structure within the downtown historic district, the floor area ratio may be 1.5. All other areas designated MU, the floor area ratio shall be 0.75. FAR may be increased or decreased upon approval of a use or conditional use permit based upon individual projects to preserve the character of the area and/or as an incentive to encourage mixed use development projects
- ¹⁰ Ten percent (10%) of the depth of the lot or ten feet (10'), whichever is less. Planning Commission may allow deviations of the setbacks based upon individual project site plan and building layout
- ¹¹ The minimum front, side, and rear yards in the PF district shall be equal to the front, side and rear yards required in the most restrictive abutting district; provided, that no yard adjoining a street shall be less than twenty feet (20') and that no interior yard shall be less than ten feet (10')
- ¹² Forty feet (40') if used in connection with or for the housing of livestock
- ¹³ The Planning Commission may grant a designation of R-1-6 and R-1-5 on any lot within the R-1 single-family zoning district that meet criteria of Section [11-04-010](#) on a case per case basis taking into consideration topography, surrounding neighborhood, design diversity, economic conditions and housing needs
- ¹⁴ Special standards and conditions apply to one affordable housing site (APN 002-350-002) in this zoning district through the year 2024 only, as follows:
- The allowable density for the designated affordable housing site is a minimum of 20 units per acre and a maximum of 24 units per acre;
 - Twenty (20) percent of the residential development on the affordable housing site must be owner-occupied and/or rental multi-family uses that are affordable to lower-income households;
 - All development on this affordable housing site must be permitted by right (i.e., no conditional use permit, planned development permit, or other discretionary review or approval); and
 - Any development that takes place on APN 002-350-002 would accommodate necessary historic preservation efforts on or off site that would be in compliance with the City of San Juan Bautista Historic Resource Preservation Ordinance (Chp. 11-06) and the Secretary of Interior Standards.
- Except for those usual standards in conflict with the special standards and conditions above, all usual development standards for this zoning district (as shown in the table) also apply to the affordable housing site.
- ¹⁵ Additional special standards and conditions apply to one affordable housing site (APN 002-350-002) in this zoning district, as follows:
- The owner of the site has the right to develop this mixed-use site as 100 percent multi-family housing without a Conditional Use Permit or other discretionary action;
 - If the owner of the site chooses to develop the site as mixed use (commercial and residential, combined), then at least 50 percent of floor area must be developed as a minimum of 16 multi-family dwellings; and
 - Any development that takes place on APN 002-350-002 would accommodate necessary historic preservation efforts on or off site that would be in compliance with the City of San Juan Bautista Historic Resource Preservation Ordinance (Chp. 11-06) and the Secretary of Interior Standards.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of October, 2019, and was passed and adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____ 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor César Flores

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA,
STATE OF CALIFORNIA, REVISING CHAPTER 2-5
(RESERVED) OF TITLE 2 (GOVERNMENT ORGANIZATION
AND ADMINISTRATION) OF THE SAN JUAN BAUTISTA
MUNICIPAL CODE TO ADDRESS REASONABLE
ACCOMMODATION**

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista City Council recognizes that the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 5.2, calls for the creation of a procedure wherein persons with disabilities, including persons with developmental disabilities, seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures; and

WHEREAS, the Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities; and

WHEREAS, a fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities; and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found

the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to the municipal code, to be less than significant, with mitigation; and

WHEREAS, the City Council adopted the Initial Study and Mitigated Negative Declaration at its October 8, 2019 meeting;

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

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Chapter 2-5 (Reserved) of Title 2 (Government Organization and Administration) of the San Juan Bautista Municipal Code is hereby revised to read in full as set forth in the attached Exhibit A, incorporated by this reference.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and shall be published by required by law.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of October, 2019, and was passed and adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor César Flores

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit A

**Chapter 2-5
REASONABLE ACCOMMODATION**

Sections:

Article 1. General Provisions

- 2-5-100 Intent and Purpose
- 2-5-200 Applicability
- 2-5-300 Application Process
- 2-5-400 Approval Process
- 2-5-500 Findings and Decision
- 2-5-600 Appeals determination

Article 1. General Provisions

2-5-100 Intent and purpose.

This Chapter is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

2-5-200 Applicability.

(A) In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice.

(B) A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter applies only to those persons who are defined as disabled under the Acts.

2-5-300 Application process.

(A) In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in zoning and other land use regulations, policies, practices and procedures.

(B) All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. Requests for reasonable accommodation shall be submitted via a form approved by the Planning Department, together with the appropriate fee, and shall be filed with the Planning Department. The applicant is requested to provide the following information:

- (1) Name and address of the applicant;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;
- (4) The current use of the property for which accommodation is requested;
- (5) Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the accommodation;
- (6) The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;
- (7) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
- (8) How the property will be used by the applicant and individual(s) with disabilities.

(C) Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection, subject to the requirements of the California Public Records Act and other applicable law.

(D) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.

(E) If a person needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible. Such assistance shall be limited to that which can be provided by existing city staff, and in no case shall the city be responsible for hiring any outside expert to assist an individual.

(F) The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

2-5-400 Approval process.

(A) Approval Authority:

(1) Administrative Review – The City Manager or an appointed designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Chapter. The City Manager or appointed designee may refer the matter to the Planning Commission, as appropriate.

(2) Planning Commission Review – The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Chapter, when referred by the City Manager or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.

(B) Notice: No advance notice or public hearing is required for consideration of reasonable accommodation requests by the City Manager. Requests for reasonable accommodation subject to review by the Planning Commission shall require a public hearing, and advance notice shall be given pursuant to the requirements of Section 11-17-020 (Notice of Hearing) of Chapter 11-17 (Permit Application Submittal) of Title 11 (Zoning) of the San Juan Bautista Municipal Code.

(C) Decision: The City Manager or an appointed designee shall render a decision or refer the matter to the Planning Commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section 2-5-500(A). The decision shall be in writing and mailed to the applicant.

(1) If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the City Manager or an appointed designee, unless the reasonable accommodation request has been referred by the City Manager or an appointed designee to the Planning Commission for consideration.

(2) If the application for reasonable accommodation is referred to, or reviewed by, the Planning Commission, a decision to approve, approve with conditions, or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth above.

2-5-500 Findings and decision.

(A) Any decision on an application under this Chapter shall be supported by written findings addressing the criteria set forth in this section. An application under this Chapter for a reasonable accommodation shall be granted if all of the following findings are made:

- (1) The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
- (2) The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
- (3) The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
- (4) The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
- (5) There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

(B) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section 2-5-500(A) above.

2-5-600 Appeals determination.

Any decision on an application under this Chapter shall be subject to appeal pursuant to Chapter 11-25 (Appeals) of Title 11 (Zoning) of the San Juan Bautista Municipal Code.

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA, STATE OF CALIFORNIA, REVISING SECTION 5-9-310 (APPLICATION FOR SEWER PERMITS) OF CHAPTER 5-9 (UNIFORM WASTEWATER REGULATION) OF TITLE 5 (PUBLIC HEALTH, SAFETY AND WELFARE) AND SECTION 6-4-105 (EXTENSION OF WATER MAINS) OF CHAPTER 6-4 (WATER SERVICE) OF TITLE 6 (PUBLIC SERVICES) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE, TO ADDRESS PRIORITY UTILITY SERVICES FOR AFFORDABLE HOUSING

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista City Council recognizes that Government Code §65589.7 requires water and sewer providers to grant priority for service allocations to proposed developments that include housing units affordable to lower-income households; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 5.3, calls for the amendment of the San Juan Bautista Municipal Code to grant priority sewer and water service to affordable housing development when service capacity is limited; and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to the municipal code, to be less than significant, with mitigation; and

WHEREAS, the City Council adopted the Initial Study and Mitigated Negative Declaration at its October 8, 2019 meeting;

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

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 5-9-310 (Application for sewer permits) of Chapter 5-9 (Uniform Wastewater Regulation) of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code shall be revised to read in full as follows:

Sec. 5-9-310. Application for sewer permits.

Applications for building sewer permits shall be on forms provided by the City, which forms may be combined with forms for other permits required by the City. The applicant shall submit such forms, specifications, supplemental information and material as may be required by the City Manager. No permit shall be issued until all fees due the City have been paid.

During any period of threatened or actual shortage of essential services that are provided by the city, the city shall have the right to apportion its available sewage capacity among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Such apportionment shall grant priority to housing with units affordable to lower income housing.

SECTION 3. REVISIONS. Section 6-4-105 (Extension of water mains) of Chapter 6-4 (Water Service) of Title 6 (Public Services) of the San Juan Bautista Municipal Code shall be revised to read in full as follows:

Sec. 6-4-105. – Extension of water mains.

Where application is made for water service for any premises located on a street in which there exists no water main in front of the premises, the City Manager will estimate the total cost of labor and materials for the extension of the nearest main to the front of such premises, and upon payment by the applicant of such estimated cost, the City Manager will proceed to make such extension.

Whenever it appears that such cost has been underestimated, the City Manager will re-estimate such cost, and further work on such extension shall cease until the applicant has paid to the City such additional estimated cost. Any excess payment shall be returned to the applicant.

Except that during any period of threatened or actual shortage of essential services that are provided by the city, the city shall have the right to apportion its available water capacity among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Such apportionment shall grant priority to housing with units affordable to lower income housing.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect

the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of October, 2019, and was passed and adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor César Flores

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA, STATE OF CALIFORNIA, REVISING VARIOUS SECTIONS OF TITLE 11 (ZONING) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE, INCLUDING:

- **SECTION 11-02-050 (PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT, USE MATRIX); AND**
- **SECTION 11-29-010 (DEFINITIONS);**

BOTH FOR THE PURPOSE OF IMPLEMENTING THE SAN JUAN BAUTISTA GENERAL PLAN HOUSING ELEMENT

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 3.6 (Transitional Housing, Supportive Housing, Emergency Shelters, and Special Needs and Developmental Disability Groups), calls for the amendment of the San Juan Bautista Municipal Code to better accommodate transitional, supportive, and emergency housing, per Senate Bill 2 of 2007, and allow these housing types by right in all zoning districts that allow residential uses; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 4.4 (Accessory Dwelling Unit Ordinance Program), also calls for the amendment of the San Juan Bautista Municipal Code to replace its definition of “second dwelling unit” with a definition of “accessory dwelling unit;” and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to Title 11 (Zoning), to be less than significant, with mitigation; and

WHEREAS, the City Council adopted the Initial Study and Mitigated Negative Declaration at its October 8, 2019 meeting;

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

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 11-02-050 (Permitted and Conditional Uses By Zoning District, Use Matrix), of Chapter 11-02 (Zoning Districts) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include new and revised information in the first of the three tables contained in this section, as shown below. The other two tables remain unchanged.

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

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	C	C			C	
Day care facilities, small	P, S	P, S	P, S	C	C			C	P, S
Duplexes/duets		P, S	P, S						
Emergency shelters, <u>homeless shelters</u>	C	C	C		C , P			C , P	
Farmworker housing		P, S	P, S						P, S
Home occupations	P	P	P		C				P
Hostels			C	C	P				
Manufactured homes	P, S	P, S							P, S
Mobile home parks			P, S						
Multiple-family dwellings		P, S	P, S		P, S				
Residential care facilities – Small 1-6	P, S	P, S	P, S						
Residential care facilities – Large 7+			P, S						
Residential located above commercial			C	P					
Rooming and boarding		C	C						
Secondary <u>Accessory Dwelling units</u>	P, S	P, S	P, S		C				P, S
Single-family dwellings	P, S	P, S							P, S
Transitional housing, homeless shelters <u>supportive housing</u>	P, S	P, S	P, S	P	P , C			P , C	P, S

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

SECTION 3. REVISIONS. Section 11-29-010 (Definitions), of Chapter 11-29 (Definitions) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include new and revised definitions as follows:

11-29-010 Definitions.

...

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Emergency Homeless shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Homeless shelters shall be subject to the provisions of Chapter 11-18. “Homeless shelter” means the same as “Emergency shelter.”

“Existing Structure” (for the purposes of defining an allowable space that can be converted to an ADU) means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

...

~~“Homeless shelter” means the same as “Emergency shelter.” See definition for “Emergency shelter.”~~

...

“Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

...

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

...

“Supportive Housing” means housing with no limit on length of stay, that is occupied by low income persons and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive Housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Therefore, it is permitted in all zones allowing residential uses and is not subject to any restrictions (e.g., occupancy limit) that are not imposed on similar dwellings (e.g., single-family home, apartments) in the same zone in which the supportive housing is located. Supportive housing shall be subject to the provisions of Chapter 11-18.

“Transitional Housing” means housing with supportive services for up to twenty-four (24) months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing. Transitional Housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Therefore, it is permitted in all zones allowing residential uses and is not subject to any restrictions (e.g., occupancy limit) that are not imposed on similar dwellings (e.g., single-family home, apartments) in the same zone in which the transitional housing is located. Transitional housing shall be subject to the provisions of Chapter 11-18.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of October 2019, and was passed and adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____ 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor César Flores

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

City Attorney

**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: September 10, 2019

REQUEST:

It is requested that the City Council:

1. Give second reading to adopt Ordinance No. 2019-10, which will add a new Chapter 3.9 establishing a permitting process and standards for short-term rentals.

BACKGROUND:

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). The City Attorney returned with an Ordinance to permit STRs in the City and impose a TOT. The City Council asked the Planning Commission to hold a public hearing on the ordinance and to make a recommendation to the City Council. The Planning Commission had a hearing on September 3 and there being no significant objection to the Ordinance recommended approval to the City Council.

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. The City of Santa Monica's TOT on STRs was recently challenged in court and survived the challenge. The attached ordinance was 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.

RECOMMENDATION:

Imposing transient occupancy tax and business license requirements on STRs will increase revenue into the City. The City will create a registry of STRs and will be able to determine whether there are any negative effects from the operation of STRs in the City. Because there is no significant opposition by the public, it is recommended that the City Council approve the Ordinance, as drafted.

ORDINANCE NO. 2019-10

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA ADDING A NEW CHAPTER 3.9 TO THE SAN JUAN
BAUTISTA MUNICIPAL CODE ESTABLISHING A PERMITTING PROCESS AND
STANDARDS FOR SHORT-TERM RENTALS**

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WHEREAS, the City Council asked the City Attorney to provide the City Council with an Ordinance to allow permits to be issued for Short-Term Rentals and Business License Tax and Transient Occupancy Tax to be collected; and

WHEREAS, the City Council asked the Planning Commission to review the Ordinance and hold a public hearing to determine whether there was any concern expressed by the public with the proposed ordinance.

WHEREAS, the Planning Commission had a public hearing on September 3, 2019 and there being no significant public opposition recommends approval by the City Council

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

SECTION 1. Chapter 3.9 is hereby added to the San Juan Bautista Municipal Code, to read as follows:

**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.

SECTION 2. Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the

remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

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

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

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of October, 2019, and was adopted at a regular meeting of the San Juan Bautista City Council on the _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
OCTOBER 15, 2019
DRAFT MINUTES**

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

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

B. ROLL CALL **Present:** Vice Mayor Edge, Council Members Freeman and Jordan.

Absent: Mayor Flores and Council Member DeVries

Staff Present: City Manager Reynolds, City Attorney Mall, City Clerk Cent, Deputy City Clerk Paetz, Associate City Planner Kennedy, Sheriff Captain Taylor, Project Manager Bjarke

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting and Mailing Public Hearing Notice

C. Approve Minutes of the June 18, 2019 Regular Meeting

D. Approve Minutes of the June 18, 2019 Special Meeting

E. Approve Minutes of the June 3, 2019 Special Meeting

F. Approve Resolution 2019-48 for Street Closures for Dia de los Muertos Procession and Christmas Parade

G. Approve by Consensus a Job Description for Code Enforcement Officer

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

Council Member Jordan made a motion to approve all items in 3. Consent Items. Second by Council Member Freeman. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

At this point in the meeting, City Manager Reynolds introduced Rich Brown, the new part-time Code Enforcement Officer.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation for National Philanthropy Day

Vice Mayor Edge read the proclamation and presented it to Bev Meamber, the Chair for National Philanthropy Day.

B. Sheriff's Office Report – Capt. Eric Taylor

Captain Taylor handed out the Third Quarter report, July through September 2019, and reviewed his report. Council members gave comments. There was no public comment.

C. Monthly Financial Statements

City Manager Reynolds reviewed the statements. There was no public comment.

D. City Manager's Report

City Manager Reynolds presented his report. There was no public comment.

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

Council Member Freeman reported on AMBAG and MBCP. Council Member Jordan reported on the San Benito County Water District. There was no public comment.

F. Strategic Plan Committee Report

Strategic Plan Committee Secretary Kennedy provided a report on the Committee's October 6, 2019 meeting, including the Strategic Plan Committee voted to recommend to Council the addition of a website Welcome Package. The Committee asked for a letter and message from the City Council as well as directions to staff, and have the item as an action item on a future Council agenda. There were no public comments.

5. PUBLIC HEARING ITEMS

A. Adopt the Draft 2015-2019 Housing Element

City Manager Reynolds gave an introduction to the Public Hearing and introduced Martin Carver of EMC Planning Group. Mr. Carver had a slide presentation and went over the last-minute changes to the packet to clean up typos, including additions of new footnotes to Item 5. A. ii.

i. Approve Resolution 2019-49 Adopting an Addendum to the "San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration"

Martin Carver reported that the addition of a fourth site required a California Environmental Quality Act (CEQA) addendum.

ii. Introduction and Waiving of First Reading of an Ordinance Amending the San Juan Bautista Zoning Ordinance (Section 11-03-101, Development Standards Matrix, of Chapter 11-03, Zoning District Development Standards, of Title 11, Zoning, of the San Juan Bautista Municipal Code) to Add Special MU Mixed-Use Development Conditions that Apply Only to APN 002-350-002 For the Purpose of Implementing the San Juan Bautista General Plan Housing Element

Martin Carver went over the two options available for rezoning APN 002-350-002: 1. Rezone the site to R-3 which would require additional CEQA work; 2. Keep the site mixed use with conditions which would require a CEQA addendum. Council Member Freeman asked about designating workplace housing. Mr. Carver responded a development agreement could do that.

iii. Introduction and Waiving of First Reading of an Ordinance Revising Chapter 2-5 (Reserved), of Title 2 (Government Organization and Administration), of the San Juan Bautista Municipal Code to Address Reasonable Accommodations

Martin Carver presented the staff report and continued with his slide presentation.

iv. Introduction and Waiving of First Reading of an Ordinance Revising Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code; and Revising Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), of the San

Juan Bautista Municipal Code, Both to Address Priority Utility Services for Affordable Housing

Martin Carver presented the staff report and continued with the slide presentation.

v. Introduction and Waiving of First Reading of an Ordinance Revising Various Sections of Title 11 (Zoning) of the San Juan Bautista Municipal Code, Including: Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix); Section 11-18-030 (Site Plan and Design Review Procedures); and Section 11-29-010 (Definitions); All for the Purpose of Implementing the San Juan Bautista General Plan Housing Element

Martin Carver reviewed the staff report and continued with the slide presentation. City Manager Reynolds reported that the Governor recently signed 18 bills regarding housing so staff was waiting to do work on the Accessory Dwelling Units items. Mr. Carver reported that work had started on the second four-year update and it has been sent to the State Department of Housing and Community Development for review. This update will come back to Council in December 2019. If successfully completed, the City will be back to an eight-year housing element cycle.

Vice Mayor Edge opened the Public Hearing on Item 5. A. i. Approve Resolution 2019-49 Adopting an Addendum to the "San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration." No public comments were received. Vice Mayor Edge closed the Public Hearing. Council Member Jordan made a motion to Approve Resolution 2019-49 Adopting an Addendum to the Mitigated Negative Declaration Prepared for the Adoption of the San Juan Bautista General Plan Housing Element (2015-2019 Cycle) and Various Implementing Actions. Second by Council Member Freeman. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

Vice Mayor Edge opened the Public Hearing on Item 5. A. ii. Introduction and Waiving of First Reading of an Ordinance Amending the San Juan Bautista Zoning Ordinance (Section 11-03-101, Development Standards Matrix, of Chapter 11-03, Zoning District Development Standards, of Title 11, Zoning, of the San Juan Bautista Municipal Code) to Add Special MU Mixed-Use Development Conditions that Apply Only to APN 002-350-002 for the Purpose of Implementing the San Juan Bautista General Plan Housing Element. There was no public comment. Vice Mayor Edge closed the Public Hearing. Council Member Freeman asked staff to bring revisions to the Building Code to include electric vehicle chargers residentially and in the community. Council Member Freeman made a motion to Introduce an Ordinance Revising Section 11-18-030 (Site Plan and Design Review Procedures) of Title 11 (Zoning) of the San Juan Bautista Municipal Code, for the Purpose of Implementing the San Juan Bautista General Plan Housing Element. Second by Council Member Jordan. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

Vice Mayor Edge opened the Public Hearing on Item 5. A. iii. Introduction and Waiving of First Reading of an Ordinance Revising Chapter 2-5 (Reserved), of Title 2 (Government Organization and Administration), of the San Juan Bautista Municipal Code to Address Reasonable Accommodations. There was no public comment. Vice Mayor Edge closed the Public Hearing. Council Member Freeman made a motion to Introduce an Ordinance Revising Chapter 2-5 (Reserved) of Title 2 (Government

Organization and Administration) of the San Juan Bautista Municipal Code to Address Reasonable Accommodation. Second by Council Member Jordan. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

Vice Mayor Edge opened the Public Hearing on Item 5. A. iv. Introduction and Waiving of first Reading of an Ordinance Revising Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code; and Revising Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), of the San Juan Bautista Municipal Code, Both to Address Priority Utility Services for Affordable Housing. Rosa Vivian Fernandez supported restricting affordable housing to those who currently live and work in San Benito County. Vice Mayor Edge closed the Public Hearing. Council Member Jordan made a motion to Introduce an Ordinance Revising Section 5-9-310 (Application For Sewer Permits) of Chapter 5-9 (Uniform Wastewater Regulation) of Title 5 (Public Health, Safety And Welfare) and Section 6-4-105 (Extension of Water Mains) of Chapter 6-4 (Water Service) of Title 6 (Public Services) of the San Juan Bautista Municipal Code, to Address Priority Utility Services for Affordable Housing. Second by Council Member Freeman. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

Vice Mayor Edge opened the Public Hearing on Item 5. A. v. Introduction and Waiving of First Reading of an Ordinance Revising Various Sections of Title 11 (Zoning) of the San Juan Bautista Municipal Code, Including: Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix); Section 11-18-030 (Site Plan and Design Review Procedures); and Section 11-29-010 (Definitions); all for the Purpose of Implementing the San Juan Bautista General Plan Housing Element. There was no public comment. Vice Mayor Edge closed the Public Hearing. Council Member Jordan made a motion to Introduce an Ordinance Revising Various Sections of Title 11 (Zoning) of the San Juan Bautista Municipal Code, Including: • Section 11-02-050 (Permitted and Conditional Uses By Zoning District, Use Matrix); and • Section 11-29-010 (Definitions); Both for the Purpose of Implementing the San Juan Bautista General Plan Housing Element. Second by Council Member Freeman. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

B. Introduce an Ordinance Adding a New Chapter 3.9 to the Municipal Code

Establishing a Permitting Process and Standards for Short-Term Rentals

City Attorney Mall reviewed her staff report. There was no public comment. Council Member Freeman made a motion to Introduce an Ordinance Adding a New Chapter 3.9 to the San Juan Bautista Municipal Code Establishing a Permitting Process and Standards for Short-Term Rentals. Second by Council Member Jordan. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

6. ACTION ITEMS

A. Award Consulting Services Agreement to Akel Engineering Group for Preparation of Waste Water Master Plans and Evaluation, Not to Exceed \$235,410

City Manager Reynolds reviewed his staff report and introduced part-time City employee, Project Manager Karl Bjarke. Council members asked questions which staff

responded to. There was no public comment. Council Member Freeman made a motion to adopt Resolution 2019-50 Approving an Agreement Between the City and Akel Engineering Group for Consulting Services with the caveat that there be studies of alternate water supplies and wastewater treatment. Second by Council Member Jordan. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

B. Approve a Contract with CSUMB for a Sustainable City Year Program

City Manager Reynolds reviewed the staff report and then introduced Professor Fernandez, who spoke to the Council about the Sustainable City Year Program. There was no public comment. Council Member Jordan made a motion to adopt Resolution 2019-51 Authorizing the City Manager to Execute a Research Agreement With the University Corporation at Monterey Bay For the 2019/2020 Sustainable Cities Year Program. Second by Council Member Freeman. Motion passed 3-0 with Council Member DeVries and Mayor Flores absent.

7. DISCUSSION ITEMS

A. Bond Reduction Request for Public Improvements at the Copperleaf Development

City Manager Reynolds introduced the staff report from City Engineer Behzad. Council members asked questions, which City Manager Reynolds answered. No public comments were received.

B. Update on Bird Bombs

City Manager Reynolds gave a staff report. Council members asked questions which City Manager Reynolds answered. Michael Cent spoke in support of an ordinance to give concrete guidelines for the use of propane cannons by farmers and gave examples of other methods to scare away birds.

C. Emergency Power for San Juan Bautista's Critical Systems

Council Member Freeman gave a report with slides and presented a video on microgrids. Leslie Austin of Greenpower spoke in support of Council Member Freeman's presentation and the City hiring a consultant to evaluate the City's situation. She asked the Council to have a formal presentation its November 19, 2019 meeting. Rosa Vivian Fernandez described the San Benito Health Foundation's experience with their emergency power system and encouraged the City to plan ahead. Council Member Jordan requested a presentation at the November City Council meeting.

8. COMMENTS

A. City Council

Council Member Jordan reiterated her request to have an emergency power for the City's critical systems at the November Council meeting. Vice Mayor Edge requested that the Council meeting minutes be done within one month of the meeting.

B. City Manager

No comments received.

C. City Attorney

No comments received.

9. ADJOURNMENT

Council Member Jordan made a motion to adjourn. There being no objection, the meeting was adjourned at 8:04 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
SPECIAL CITY COUNCIL MEETING
OCTOBER 8, 2019
DRAFT MINUTES**

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

PLEDGE OF ALLEGIANCE – Council Member Freeman led the Pledge of Allegiance.

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

Staff Present: City Manager Reynolds, City Attorney Mall, City Clerk Cent,
Associate City Planner Kennedy

2. PUBLIC COMMENT (limited to items on the agenda)

There was no public comment.

3. CONSENT AGENDA

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing

Council Member Freeman made a motion to approve Item 3. Consent Agenda. Second by Council Member Jordan. Motion passed 3-0 with Vice Mayor Edge and Council Member DeVries absent.

4. PUBLIC HEARING

A. Consider Resolution 2019-46 to approve a Mitigated Negative Declaration for the Housing Element Update and All Implementing Ordinances. At their public hearing on September 3, 2019, Planning Commission voted unanimously (4-0) to recommend to City Council approval of the Mitigated Negative Declaration.

B. Consider Resolution 2019-47 to amend the San Juan Bautista General Plan by the Adoption of an Updated 2015-2019 Housing Element. At their public hearing on September 3, 2019, the Planning Commission voted unanimously (4-0) to recommend to the City Council the approval of the Housing Element Update.

City Attorney Mall introduced the staff report, which would contain Items 4. A. and 4. B. together and then the Council would take action on each item separately. City Manager Reynolds reviewed the staff report and then introduced Martin Carver of EMC Planning Group. Mr. Martin had a slide presentation, and went into detail of the staff report and reviewed the additional forms and handouts. He explained the Mitigated Monitoring Program and about design review in the proposed ordinances. He also reported that due to State legislative bills currently on the Governor's desk, he is not working on an Accessory Dwelling Unit ordinance until January 2020. Council Members asked questions of staff, which staff answered. No public comments were received. Council Member Freeman asked for a correction to be made to the statement that the City Council had voted to approve the Copperleaf development. Mr. Carver recommended making that change in the second four-year Housing Element update as to not disrupt the process of the first four-year Housing Element update with the State Department of Housing and Community Development.

Council Member Freeman made a motion to adopt Resolution 2019-46 Approving a Mitigated Negative Declaration and Mitigation Monitoring Program Prepared for the Adoption of the San Juan Bautista General Plan Housing Element (2015-2019 Cycle) and Various Implementing Actions, Including: 1. Reasonable Accommodation Ordinance 2. Public Services Priorities Ordinance 3. Municipal Code Title 11 (Zoning) Text Amendments Ordinance 4. General Plan Amendment for One (1) Affordable Housing Site 5. Zone Change for One (1) Affordable Housing Site. Second by Council Member Jordan. Motion passed 3-0 with Vice Mayor Edge and Council Member DeVries absent.

Council Member Jordan made a motion to adopt Resolution 2019-47 Adopting the General Plan Housing Element (2015-2019 Cycle), Consistent With Section 65580 Et. Seq. of the California Government Code. Second by Council Member Freeman. Motion passed 3-0 with Vice Mayor Edge and Council Member DeVries absent.

5. ADJOURNMENT

Council Member Jordan made a motion to adjourn. Second by Council Member Freeman. Motion passed 3-0, with Vice Mayor Edge and Council Member DeVries absent. The meeting was adjourned at 6:23 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
SEPTEMBER 17, 2019
DRAFT MINUTES**

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

A. PLEDGE OF ALLEGIANCE – Mayor Flores led the pledge of allegiance.

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

Absent: Council Member Jordan

Staff Present: City Manager Reynolds, City Attorney Mall, City Clerk
Cent, Deputy City Clerk Paetz, Associate Planner
Kennedy

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Michael Cent was concerned with noise in his neighborhood from propane canons.
Rachel Ponce thanked the Council and staff for the speed tables installed on Fourth
Street.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Minutes of the April 2, 2019 Special Meeting

D. Approve Resolution 2019-41 for Street Closure for a Farmers Market

**E. Approve Resolution 2019-42 for Street Closure for a Fiesta Run and Dia de los
Muertos Party**

**F. Approve Ordinance 2019-05 Amending the Rancho Vista Development
Agreement to Address Ambiguities and Resolve a Dispute About Interpretation.
This is the Second Reading and Adoption of the Ordinance.**

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

At this point in the meeting, Vice Mayor Edge left the dais for water. A motion was made
by Council Member Freeman and seconded by Council Member DeVries to approve all
items on the consent agenda. The motion passed 3-0-0-2 with Council Member Jordan
and Vice Mayor Edge absent. Vice Mayor Edge returned to her seat at the dais.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

**A. Bringing the Sustainable City Year Program to San Juan Bautista - by CSUMB
Professor Daniel M. Fernandez**

This item was held over pending the arrival of Professor Fernandez.

B. Recognize Volunteers from the Sesquicentennial Event

Mayor Flores distributed certificates of appreciation to those volunteers that were
present tonight and thanked all the volunteers.

C. Monthly Financial Reports

City Manager Reynolds provided a report as the City Treasurer was absent. There was no public comment.

D. City Manager's Report

City Manager Reynolds reviewed his report for Council and responded to questions. There was no public comment.

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

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

F. Strategic Plan Committee Report

Council Member Freeman provided a report. There were no public comments.

Whereupon, Professor Fernandez, together with several of his students, arrived and provided a presentation. It was the consensus of the council to instruct City staff to bring back an agreement for a Sustainable City Year Program with CSUMB.

5. PUBLIC HEARING ITEMS

A. Adopt the Draft 2015-2019 Housing Element

City Manager Reynolds reported that this item would have to be conducted as a workshop because the posted public hearing notice did not include approval of CEQA documents, which is necessary before the Housing Element can be adopted. Richard James of EMC provided a Power Point presentation and responded to questions.

During public comment Cara Vonk was concerned with the stipulation that ADU's will not have to go through design review. Rachel Ponce was concerned with the Housing Element's definition of low-income housing. A motion was made by Council Member DeVries and seconded by Vice Mayor Edge to continue this item to a Special Meeting on October 8. The motion passed unanimously 4-0-0-1 with Council Member Jordan absent.

6. ACTION ITEMS

A. Approve a Policy for Establishing Procedures and Timelines for Council Meeting Agenda Management

Administrative Services Manager Trish Paetz provided a report. This item was brought back from the August meeting where council expressed concern with the possibility the process may violate the Brown Act. Staff supports Council's concerns and changed the policy and is submitting today for approval. There was no public comment. A motion was made by Vice Mayor Edge and seconded by Council Member Freeman to approve Resolution 2019-43 adopting a policy regarding rules of procedure and placement of items on agendas. The motion passed unanimously, 4-0-0-1 with Council Member Jordan absent.

B. Select Honoree for National Philanthropy Day, November 15, 2019

Administrative Services Manager Trish Paetz provided a report. A motion was made by Vice Mayor Edge and seconded by Council Member Freeman to select Xavier Guaracha to honor on National Philanthropy Day at the San Juan Oaks. The motion passed unanimously, 4-0-0-1, with Council Member Jordan absent.

C. Approve Resolution 2019-44 for SB2 Planning Grant

City Manager Reynolds reviewed his staff report. Public comment was received from

Cara Vonk supporting the City having a specific plan in the area south of CA 156. Council Member DeVries made a motion to Approve Resolution 2019-44 Authorizing Application For, and Receipt of, SB2 2019 Planning Grants Program Funds. He then tabled his motion to allow Council Member Freeman to discuss. Council Member DeVries restated his motion. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member Jordan absent.

D. Approve Resolution 2019-44 Affirming the City of San Juan Bautista as a Compassionate City

Strategic Plan Committee member Jennifer Colby reviewed the staff report. Council members continued with discussion. Linda McIntyre submitted via email opposition to approving the resolution. Vice Mayor Edge made a motion to Approve Resolution 2019-44 Affirming the City of San Juan Bautista as a Compassionate City. Second by Council Member Freeman. Motion passed 4-0 with Council Member Jordan absent.

7. COMMENTS

A. City Council

Council Member Freeman announced the Clean Energy Workshop and Fair in Seaside. Council Member DeVries would like to reconsider splitting up the Planning Commission and the Historic Resources Board. City Attorney Mall reported that to consider the item again it would have to be put on the agenda. City Manager Reynolds reported a Commissioner would like to discuss it again at the October 1 Planning Commission meeting. Mayor Flores and Vice Mayor Edge brought up the precedent looking at it again would set. Public comment was received from Rachel Ponce opposing putting it on the agenda again.

B. City Manager

No comments received.

C. City Attorney

No comments received.

8. ADJOURNMENT

A motion to adjourn was made by Vice Mayor Edge. Second by Council Member DeVries. Motion passed 4-0 with Council Member Jordan absent. The meeting was adjourned at 8:02 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
REGULAR CITY COUNCIL MEETING
AUGUST 20, 2019
DRAFT MINUTES**

1. CALL TO ORDER –Mayor Flores called the meeting to order at 6:01 P.M.

PLEDGE OF ALLEGIANCE – Council Member Freeman led the Pledge of Allegiance.

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

Absent: Council Member DeVries

Staff Present: City Manager Reynolds, City Attorney Mall, City Clerk Cent, Deputy City Clerk Paetz, Associate Planner Kennedy, Sheriff Captain Taylor

MOMENT OF SILENCE

Mayor Flores asked 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 and Robert Scattini, former San Benito County Sheriff and Marshal.

2. PUBLIC COMMENT

Sesquicentennial Chair Ann Fritch reported on receiving the proclamation from the San Benito County Board of Supervisors for the 150th anniversary of the City of San Juan Bautista. R. Jerry Lami introduced the West Coast Farmers Market Association which is proposing a farmers' market on Mariposa Street each Sunday in San Juan Bautista when there is not a large event already scheduled. Jolene Cosio read her email sent to the City Manager regarding the speed tables on Fourth Street and that the City had received \$4,000 for raised crosswalks on Third and Fourth streets, and regarding fire protection weed removal and erosion issues.

3. CONSENT ITEMS

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 2019-38 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

Council Member Freeman requested that Item 3. E. Approve Resolution 2019-38 for Street Closures – Vertigo on the Lawn and Autumn Art & Ag Festival be pulled from the Consent Items.

At this point in the meeting Mayor Flores announced that Item 6. C. Special Event Safety – San Benito County Sheriff’s Office would be moved to Item 4. I.

Council Member Jordan made a motion to approve all matters listed under 3. Consent Items except Item 3. E. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

3. E. Approve Resolution 2019-38 for Street Closures – Vertigo on the Lawn and Autumn Art & Ag Festival

Council Member Freeman suggested taking advantage of showing the movie Vertigo more frequently. Council members had questions and discussion about the security for the Autumn Art & Ag Festival. Ramona Hill responded to questions. Associate Planner Kennedy would address security at the September 5, 2019 Special Event Review meeting. There was no other public comment. Council Member Jordan offered an amendment to Resolution 2019-38 for Street Closures – Vertigo on the Lawn and Autumn Art & Ag Festival to approve the street closure for Vertigo on the Lawn but hold on the Autumn Art & Ag Festival. She was for approval of the street closure but wanted more information on the security for the Autumn Art & Ag Festival. Vice Mayor Edge was concerned about the City’s liability. City Attorney Mall reported the City was covered by insurance. Council Member Freeman made a motion to Approve Resolution 2019-38 Authorizing Street Closures – Vertigo on the Lawn and Autumn Art & Ag Festival. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Recognize Green Businesses in San Juan Bautista

Mayor Flores handed out the Certificates of Achievement for the following San Juan Bautista business: Lolla, Jan’s Rock Shop, Credo Studio, Body Mechanics and Margo’s Ice Cream.

B. Proclamation for Gavilan College’s Centennial

Mayor Flores read the Proclamation for Gavilan College’s Centennial and will present it at the ceremony.

At this point in the meeting, Deputy City Clerk Paetz requested that the meeting go back to Item 4. A. Recognize Green Businesses in San Juan Bautista. Celina Stotler and Robbie Brown of San Benito County Integrated Waste Management gave a presentation on Green Businesses.

C. Recognize LULAC Women of the Year – Mayor Flores

Mayor Flores reviewed the announcement of Elaine Zuniga Klauer and Shirley Trevino as LULAC Women of the Year.

D. Proclamation Honoring Jacob’s Heart Children’s Cancer Support Services and Declaration of Childhood Cancer Awareness Month

Mayor Flores read the proclamation Honoring Jacob’s Heart Children’s Cancer Support Services and Declaration of Childhood Cancer Awareness Month.

E. Monthly Financial Statements

City Manager Reynolds reviewed the reports. There was no public comment.

F. City Manager's Report

City Manager Reynolds reviewed his report. Public comment was received from Tony Boch about water quality and the iron/manganese removal plant, to which City Manager Reynolds responded. Council Member Jordan asked that a notice be up on the City's website when flushing would occur.

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

Council Member Freeman reported on the AMBAG meeting he attended, and that Intergovernmental Agency and MBCP did not meet. Vice Mayor Edge reported on the Area Agency on Aging meeting. There is a survey available for seniors to fill out. Council Member Jordan reported on the San Benito County Water District Ground Water Sustainability meeting. Mayor Flores reported on the COG meeting.

H. Strategic Plan Committee Report

Strategic Plan Committee Secretary Kennedy reported on the last two meetings of the Strategic Plan Committee.

I. Special Event Safety – San Benito County Sheriff's Office

This item was moved from 6.C. Captain Taylor made a presentation regrading safety at special events and reported on the hours and services provided in July. Captain Taylor answered questions from council members. There was no public comment.

5. ACTION ITEMS

A. Consider Planning Commission Recommendation to Separate the Planning Commission from the Historic Resources Board

Associate City Planner Kennedy gave a staff report. Commissioners Medeiros and Brewer, the sub committee to study separating the Planning Commission from the Historic Resources Board, presented a report in support of separating the Historic Resources Board and the Planning Commission. There was discussion between council members and staff. Public comment was received from Jackie Morris-Lopez in support of separating the Historic Resources Board and the Planning Commission. Rachel Ponce spoke in support of having the two bodies together if they receive enough support. Council Member Jordan made a motion to not separate the Historic Resources Board and the Planning Commission. Second by Vice Mayor Edge. Motion passed 4-0 with Council Member DeVries absent.

B. Approve Resolution 2019-39 Amending Purchasing Policy

City Manager Reynolds reviewed his staff report. City Attorney Mall concurred with approval of the Resolution. There was no public comment. Vice Mayor Edge made a motion to Approve Resolution 2019-39 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. Second by Council Member Freeman. Motion passed 4-0 with Council Member DeVries absent.

C. Approve a Policy for Establishing Procedures and Timelines for Council Meeting Agenda Management

Deputy City Clerk Paetz reviewed her report. There was discussion between staff and council members on how council members would place items onto the Council meeting

agenda. Council members and staff tabled the procedures until the next City Council meeting.

D. Award a Contract for Installation of Speed Tables on Fourth Street to Granite Rock Company

City Manager Reynolds presented his staff report. City Manager Reynolds responded to questions from council members. Tony Boch gave suggestions where the speed tables should be placed on Fourth Street: Tualam, Polk, Mariposa and by Vertigo. Mr. Boch disagreed with the study that was performed. Rachel Ponce brought up raised crosswalks on The Alameda and that the September start date for the project was not acceptable. Council Member Jordan asked that staff look at adding additional tables on The Alameda and by Vertigo. Vice Mayor Edge made a motion to approve Resolution 2019-40 Authorizing a Contract with Graniterock for Installation of Speed Tables on Fourth Street. Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

6. DISCUSSION ITEMS

A. Selection of Honoree for National Philanthropy Day, November 15, 2019

Mayor Flores presented the report and began the discussion for selecting an honoree for National Philanthropy Day. This year theme is youth and Mayor Flores put forth Xavier Guaracha. The Council will take action on a selection at the September City Council meeting.

B. Transient Occupancy Tax on Short Term Rentals

City Attorney Mall reviewed her report. After Council discussion, direction was given to staff to put a Transient Occupancy Tax on Short Term Rentals to the Planning Commission for their recommendation. Jackie Morris-Lopez supported the tax on short-term rentals. Rachel Ponce asked how the tax would be enforced. City Attorney Mall responded that an ordinance would prevent signing up on VRBO and AirB&B without being on the City's list and for rentals on Craig's List, the City would have to search for violations.

C. Special Event Safety – San Benito County Sheriff's Office

This item was addressed as Item 4. I. earlier in the meeting.

7. COMMENTS

A. City Council

No comments received.

B. City Manager

City Manager Reynolds reported there are only four Short Term Rentals in San Juan Bautista.

C. City Attorney

City Attorney Mall reported on Vice Mayor Edge's request about handling dilapidated properties in San Juan Bautista.

8. ADJOURNMENT

A motion to adjourn was made by Council Member Jordan. Second by Vice Mayor Edge. Motion carried 4-0. The meeting was adjourned at 8:23 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

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

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

PLEDGE OF ALLEGIANCE – Council Member DeVries led the Pledge of Allegiance.

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

Staff Present: City Manager Reynolds, City Attorney Mall, City Clerk Cent, Associate Planner Kennedy

2. PUBLIC COMMENT

Valerie Egland spoke on taking a stance on protection for the immigrant population. Jolene Cosio commented on the Car Show two weeks ago and problems with blocking the streets.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice – Cannabis Item

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

D. Approve Minutes for September 18, 2018 Regular Meeting

E. Approve Minutes for April 16, 2019 Regular Meeting

F. Approve Minutes for April 30, 2019 Special Meeting

G. Approve Resolution 2019-32 for Street Closures – Arts & Crafts Festival, Rib Cook Off, Chicken Festival, and Car Show

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

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

Council Member Jordan had questions about the check-off lists and maps for the Special Events applications. Associate Planner Kennedy responded that these applications have check-off lists and maps. Council Member Jordan moved to approve all matters in 3. Consent Items in one motion. Second by Vice Mayor Edge. Motion passed 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Legislative Update by State Assemblymember Robert Rivas

Assemblymember Rivas was unable to attend the meeting so no update was given.

B. Presentation on Plastics – Council Member DeVries

City Manager Reynolds provided an introduction. Council Member DeVries introduced a video on plastics. Council members and staff discussed the item. City Attorney Mall can bring an ordinance back, for the September meeting. Margo Tankersley, of Margo's Ice Cream commented that her business is a green business and there will be a green business event at St. Francis Retreat tomorrow. Council Member DeVries asked Bob

Quaid of the San Juan Bautista Community Business Association if local businesses had been surveyed.

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

After introducing himself, Pat Conway made a slide presentation about conducting sewer smoke testing. Council members asked questions of Mr. Conway, including the cost, which would be \$10,000. There was no public comment.

At this time Mayor Flores added Item 7A to Item 4D.

**D. Update by San Juan Bautista Sesquicentennial Committee on the Event
7A. Consider Licensing the Donated Sip and Stroll Logo for Future Events**

Ann Fritch of the Sesquicentennial Committee gave an update on the upcoming event and had hand-outs that included an event flyer, set up at Abbe Park and the parade route. Shawna Freels, of the Sip and Celebrate Beer & Wine Stroll, reviewed her memo. She requested permission to donate the proceeded to the non-profit organizations which participated in the event. City Attorney Mall advised that the donations not go though the City. City Manager Reynolds recommended that the funds already on deposit with the City be turned over to the San Juan Committee for distribution to the non-profits. He also recommended allowing licensing to other organizations that want to run the event in the future including the logo designed and donated by Schipper Design. City Attorney Mall recommended adopting a resolution at a future meeting giving the logo away. There was no public comment.

E. Monthly Financial Statements

City Manager Reynolds asked if there were any questions. Mayor Flores stated water should be the number one priority in spending. There was no public comment.

F. City Manager's Report

City Manager Reynolds presented his report. He went over Well #6, the waste water treatment plant, mentioned Julie Behzad, PE, the City Engineer, and working on hiring a Deputy City Manager to oversee Community Development or Public Works. Other items included meeting with the Rancho Vista and Copperleaf developers, cannabis, Community Hall rental policy and the Sip and Celebrate event. He asked what the Council's feelings were about him doing a monthly report for the Mission Village Voice. The Council consensus was in support of City Manager Reynolds contributing to the Mission Village Voice. There was no public comment.

G. Building and Planning Report

Associate Planner Kennedy reported the draft Housing Element update was back from the consultant. There will be a Planning Commission workshop on the draft Housing Element about mid-August. The Planning Commission would then recommend the draft Housing Element to the City Council. Due to the length Mayor Flores requested a paper copy before in the future. Associate Planner Kennedy reported on the new process for vetting special event applications. Council members asked questions and offered comments. There was no public comment.

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

Council Member Freeman reported there were no meetings in July. He met with Jeff Cattaneo of the San Benito County Water District, Supervisor Anthony Botelho and City Manager Reynolds in City Manager Reynolds' office to discuss the issue with the waste

water treatment plant effluent. Mayor Flores reported that COG appointed 11 members to the Measure G Oversight Committee. There was no public comment.

I. Strategic Plan Committee Report

Strategic Plan Committee Secretary Kennedy reported that the Strategic Plan Committee has not met. There will be a Special Meeting of the Strategic Plan Committee on July 18, 2019. Mayor Flores asked if the Farmers' Market is part of the Strategic Plan. Associate Planner Kennedy responded it has been discussed. Bob Quaid spoke regarding updating the Parks Master Plan.

5. PUBLIC HEARING ITEMS

A. Introduce an Ordinance to Amend the Rancho Vista Development Agreement to Address Ambiguities and Resolve a Dispute About Interpretation. This is the First Reading of the Ordinance.

City Manager Reynolds presented his staff report. Emily Renzel spoke in favor of keeping pressure on the Rancho Vista developer to retain wetlands. Council Member Freeman made a motion to introduce an Ordinance to Amend the Rancho Vista Development Agreement to Address Ambiguities and Resolve a Dispute About Interpretation. Second by Council Member DeVries. Motion passed 4-1 with Vice Mayor Edge voting no.

B. Introduce an Ordinance Amending Section 11-02-050 of the San Juan Bautista Municipal Code to Allow Cannabis Facilities in Industrial Zoning Districts by Conditional Use Permit. Exempt from CEQA Guidelines Sections 15061 and 15378. This is the First Reading of the Ordinance.

Associate Planner Kennedy presented his staff report. Council members asked questions and made comments. There was no public comment. Council Member DeVries made a motion to Introduce an Ordinance Amending Section 11-02-050 of the San Juan Bautista Municipal Code to Allow Cannabis Facilities in Industrial Zoning Districts by Conditional Use Permit. Second by Council Member Freeman. Motion passed 5-0.

6. ACTION ITEMS

A. Consider Letter Stating City's Position on the San Benito County Zone Changes Implementing the Commercial Regional Land Use Designation and Approve Resolution 2019-33 Approving a Letter in Opposition to Amendment of the San Benito County Code

At 7:46 P.M. Council Member DeVries recused himself and left the Chamber. City Attorney Mall reported that Assistant City Attorney Rathie wrote the letter. Mayor Flores read proposed Resolution 2019-33 in its entirety. Valerie Eglund spoke in opposition to the Council sending a letter in opposition to the zone changes. Bob Quaid spoke in agreement with Ms. Eglund and asked that the Council not send the letter. Emily Renzel spoke in favor of sending the letter. Vice Mayor Edge made a motion to Approve Resolution 2019-33 Approving a Letter in Opposition to Amendment of San Benito County Code, Title 25 "Zoning Code" to Add a New Zoning District to be Designated as the Regional Commercial (C-3) Zoning District. Second by Council Member Jordan. Motion passed 4-0-1 with Council Member DeVries recused. Council Member DeVries returned to his seat at the dais at 8:05 P.M.

B. Approve Resolution 2019-34 Establishing the Annual Special Tax for Community Facilities District No. 2018-01 for Fiscal Year 2019-2020

City Manager Reynolds reviewed his staff report. There was no public comment. Vice Mayor Edge made a motion to Approve Resolution 2019-34 Levying the Annual Special

Tax for Community Facilities District No. 2018-01 for Fiscal Year 2019/20. Second by Council Member Jordan. A roll call vote was taken and the motion passed unanimously, 5-0.

C. Renew Agreement with Level 1 for Security Services

City Manager Reynolds presented his staff report. There was discussion between council members and staff. There was no public comment. Council Member DeVries made a motion to Authorize the City Manager to Execute a New Contract with Level 1 Private Security. Second by Council Member Freeman. Motion passed 5-0.

D. Adjust the Development Impact Fees for Accessory Dwelling Units and Approve Resolution 2019-35

City Manager Reynolds reviewed his report. There was no public comment. Vice Mayor Edge made a motion to Adopt Resolution 2019-35 Confirming the Development Impact Fee Schedule and Its Applicability to Auxiliary Dwelling Units. Second by Council Member Jordan. Motion passed 5-0.

E. Approve Resolution 2019-36 Authorizing Changes to the Designated Signers on the City's Bank Accounts at Union Bank

City Manager Reynolds reviewed the staff report. There was no public comment. Council Member Freeman made a motion to Adopt Resolution 2019-36 Authorizing Changes to the Designated Signers on the City's Bank Accounts at Union Bank. Second by Vice Mayor Edge. Motion passed 5-0.

F. Approve Resolution 2019-37 Appointing Don Reynolds as a Representative to the PARSAC Board of Directors

City Manager Reynolds reviewed the staff report. There was no public comment. Vice Mayor Edge made a motion to Adopt Resolution 2019-37 Appointing Trish Paetz as a Director on the PARSAC Board of Directors and Don Reynolds as Alternate Director. Second by Council Member DeVries. Motion passed 5-0.

7. DISCUSSION ITEMS

A. Consider Licensing the Donated Sip and Stroll Logo for Future Events

This item was presented and discussed earlier in the meeting along with Item #4D.

B. Rules and Regulations for Cannabis Facilities

Associate City Planner Kennedy presented his staff report. Staff answered questions from council members. City Manager Reynolds listed the items that need to take place to implement the rules and regulations.

C. Potential Options to Tax Short Term Room Rentals – Council Member John Freeman

Council Member Freeman began the discussion on implementing a transient occupancy tax on AirB&B and VRBO rentals. Staff and council members had discussion. City Attorney Mall will research if such a tax will need to go on the ballot to the voters and return with information.

8. COMMENTS

A. City Council

Council Member DeVries brought up the old San Juan Bautista Fire Engine being stored outside and exposed to the elements, rather than safely stored and refurbished. Vice Mayor Edge requested City Attorney Mall to research a policy requiring owners to maintain older buildings and also preventing homes from being boarded up. Bob Quaid

requested that the orange netting be taken down from around the Brewery property. Mayor Flores reported that the Farmers' Market is being worked on. Vice Mayor Edge thanked City Manager Reynolds for the good job he is doing.

B. City Manager

No comments received.

C. City Attorney

No comments received.

9. 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 8:44 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL SPECIAL MEETING
JUNE 26, 2018
DRAFT MINUTES**

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

A. PLEDGE OF ALLEGIANCE – Mayor West led the pledge of allegiance.

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

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

Whereupon a ten-minute recess was taken.

When the meeting resumed, a motion was made by Council Member DeVries and seconded by Vice Mayor Freeman to continue Action Item 3F, Consider Appeal by Jason Williams for Rib Cookoff on May 3rd – 5th in 2019, to the July Regular Council Meeting. The motion passed unanimously, 5-0.

2. PUBLIC COMMENT ONLY ON ITEMS NOT ON THE AGENDA

Rochelle Eagen spoke in support of the Indian Market. Rachel Ponce requested more information. Whereupon, Council Member DeVries stated there will be further discussion amongst the parties about how both events can co-exist on the same weekend. Mandisa Snodey spoke in support of the collaborative efforts. City Staff received emails from Rick Masso, Rebecca Masso, Debbie Hernandez, Laura Masso, Patti Brewington, Maci Fernandez, Anthony and Monica Ramirez, Lori Wilson in support of holding both the Rib Cookoff and the Indian Market on the same weekend in May 2019.

Council Member Martorana commented that neither event was approved last week and they will have to come before the council in the future.

3. ACTION ITEMS

A. Approve Affidavit of Posting Agenda

A motion was made by Council Member Martorana and seconded by Council Member Boch to approve the affidavit of posting agenda. The motion passed unanimously, 5-0.

B. Fiscal Year 2018-2019 Budget

i. Presentation of the Budget

City Manager LaForge presented the proposed Fiscal Year 2018-2019 budget. A

question and answer period followed. No public comment was received

ii. Consider Resolution 2018-36 Adopting the Fiscal Year 2018-2019 Municipal Budget

A motion was made by Council Member Boch and seconded by Council Member Martorana to approve Resolution 2018-36 adopting the Fiscal Year 2018-2019 Municipal Budget. The motion passed unanimously, 5-0.

iii. Consider Resolution 2018-37 Adopting a Holiday Schedule for the Fiscal Year 2018-2019

A motion was made by Council Member Boch and seconded by Council Member Martorana to approve Resolution 2018-37 adopting a holiday schedule for the fiscal year 2018-2019. The motion passed unanimously, 5-0.

C. Approve Resolution 2018-38 for a Final Subdivision Map for Phases 5, 6 and 7 of the Rancho Vista Development

City Manager LaForge provided a report. A question and answer period followed. There was discussion about the roundabout, the wall between the development and the Manning property, and widening of Third Street. Whereupon, John Bayless of Meritage Homes advised that it is in the Development Agreement amendment that Meritage will share the cost of widening Third Street with the developers of the neighboring D'Ambrosio property.

Whereupon, a ten-minute break was taken at 7:40 p.m.

During public comment Linda Ihn was concerned with building of the roundabout. Matthew Manning was concerned with the final map and the improvements, and provided written comments. Kathleen Manning concerned with wall and water flow. During public comment, Harold Gomes asked for a revised grading plan. Doug Brothers supported Harold Gomes' request.

A motion was made by Council Member Martorana and seconded by Council Member Boch to approve Resolution 2018-38 adopting the Fiscal Year 2018-2019 Municipal Budget. The motion passed 4-1-0-0. with Council Member DeVries voting against.

D. Consider Authorizing a Letter of Intent to the San Benito County Community Action Board to Obtain Funding for a Youth Center

Council Member Martorana explains the intent. During public comment, Mandisa Snodey spoke in support of the project. It was the consensus of the Council to submit a letter of intent to the San Benito County Community Action Board to obtain funding for a Youth Center at the Library.

E. Consider Resolution 2018-39 to Submit to the Voters of San Juan Bautista an Ordinance Imposing a Cannabis Business Activities Tax on Cannabis Businesses in the City of San Juan Bautista and Requesting that the County of San Benito

City Council Special Meeting Minutes – June 26, 2018

Consolidate Said Submission With the General Municipal Election and Statewide General Election on November 6, 2018; Approving the Ballot Language; Directing City Attorney to Prepare an Impartial Analysis; Requesting the County to Render Services in Connection with the Election; and Providing Direction Regarding Submission of Ballot Arguments for or Against the Measure

City Attorney Mall provided changes to her proposed resolution as well as projections by Victor Gomez of Pinnacle Strategy for potential tax revenue if sale, manufacturing and cultivation of marijuana were fully executed on the parcels available in the City.

Retail: 2 locations @ \$500K/location @ 5% = \$50,000

Manufacturing: 6 locations @ \$750K/location @ 5% = \$225,000

Cultivation: 6 locations @ 22,000 sq.ft./location @ \$5/sq.ft. = \$660,000

Total estimated tax revenue annually is \$935,000

During public comment, Mandisa Snodey spoke in support of bringing the ordinance forward to the voters.

A motion was made by Council Member Martorana and seconded by Vice Mayor Freeman to approve Resolution 2018-39 to Submit to the Voters of San Juan Bautista an Ordinance Imposing a Cannabis Business Activities Tax on Cannabis Businesses in the City Of San Juan Bautista and Requesting that the County of San Benito Consolidate Said Submission With the General Municipal Election and Statewide General Election on November 6, 2018; Approve the Ballot Language; Directing the City Attorney to Prepare an Impartial Analysis; Requesting the County to Render Services in Connection With the Election; and Providing Direction Regarding Submission of Ballot Arguments For Or Against the Measure. The motion passed unanimously, 5-0.

F. Consider Appeal by Jason Williams for Rib Cookoff on May 3rd – 5th in 2019

This item was continued to the next regular council meeting.

4. ADJOURNMENT

The meeting adjourned at 9:00 p.m.

RESOLUTION NO. 2019-XX

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

BE IT RESOLVED that the Old Mission San Juan Bautista is authorized to have a rolling street closure for their Our Lady of Guadalupe Procession that will begin at the cemetery on Monterey Street, proceed up Monterey Street to Third Street, continue down Third Street, turn onto Franklin Street, then turn onto Second Street, and arrive at the Old Mission on Sunday, December 8, 2019, from 11:15 A.M. to 12:30 P.M.

PASSED AND ADOPTED this 19th day of November 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

Community Events/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Community events and special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the community events application and submit it to the City at least 90 days before your event. The fees associated with your event are due when you submit this form. The **fee schedule** for application is:

Non Profits¹: No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin and Muckelemy 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 Muckelemy 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 citymanager@san-juan-bautista.ca.us.

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

SECTION 1: CONTACT INFORMATION

Event Title: Our Lady of Guadalupe Procession **Today's Date:** 11-7-19

Applicant: Old Mission San Juan Bautista

Organization: _____

Phone: (831) 623-7607 **E-Mail:** maria.avina@oldmissionsjb.org

Mailing Address: 406 2nd St, P.O. Box 400, San Juan Bautista, CA 95045

Fax: _____

Event Setup Dec. 8th **Date:** 12/08/19 **Time:** 11:15am **Event Ends** 12:30pm **Date:** 12/08/19 **Time:** 12:30pm

Event Starts **Date:** 12/8/19 **Time:** 11:30am **Dismantle** **Date:** _____ **Time:** _____

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

LOCATION OF EVENT (please be specific): Old Mission San Juan Bautista

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.

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. 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. 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.

N/A usually there isn't any. we have volunteers who are prepared with trash bags, behind the procession.

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).

parishioners will meet at the cemetery at 11:30 A.M. to process on route to the Mission arriving at 12:00 P.M.

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

State park rangers, Sheriff, volunteers and parishioners, parish staff.

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

Persons with disabilities will have assistants to provide accessibility, by pushing wheel chairs or other needed support.

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

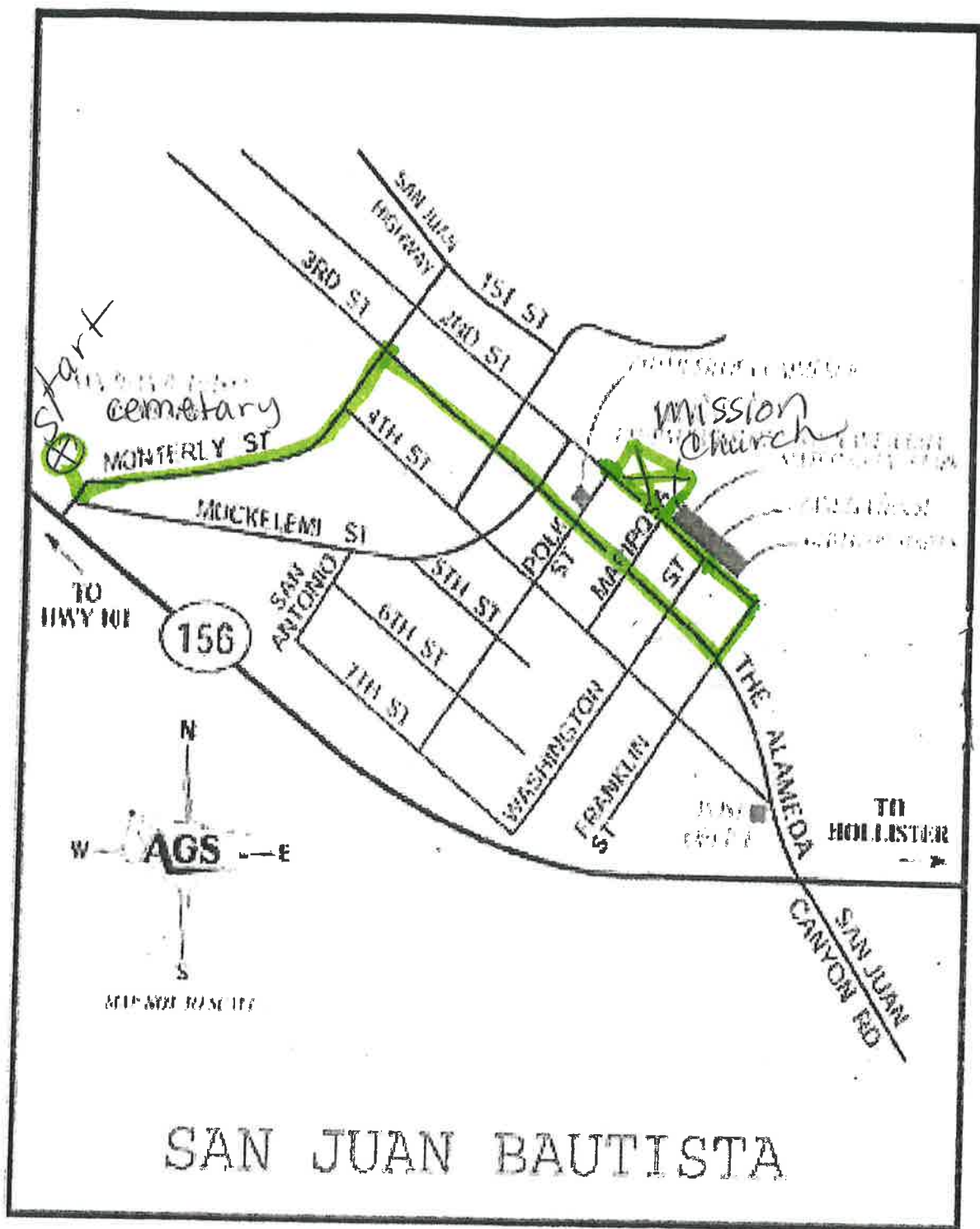
We use walkie-talkies, AMR, fire dept. have been notified as needed.

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.

 (Initials)

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

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





City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: SURPLUS FIRE ENGINE DONATION

DATE: NOVEMBER 19, 2019

FROM: DON REYNOLDS, CTY MANAGER

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution declaring the 1990 Mack Pumper Fire Engine to be of no value to the City, donate it to the charity organization "4 the World," and authorize the City Manager to execute any and all documents including a release of liability and DMV registration forms to effectuate the transfer of ownership.

BACKGROUND:

Attached is the March 15, 2011 staff report seeking the City Council's acceptance of a donated 1990 Mack Pumper from the City of San Jose. At that time, the City relied upon a 1980 Engine 9121 that had limited seating capacity and pumping capacity, and was a leaded gasoline engine with a manual transmission. This 1990 Fire Engine boasted diesel power, an automatic transmission, seating capacity for four firefighters, and a pumping rate of 1500 gpm vs the 1000 gpm rate of the Engine 9121.

When the Hollister Fire Department assumed responsibility for the City's fire protection, the Engine was placed in storage in case of natural disaster or other call for service that was beyond that of the current Department's capability. Over time however, it became obsolete. The engine no longer meets emission standards. The open cab has been outlawed by the Department of Transportation. The Engine still runs and pumps, but has not been deployed for more than five years.

DISCUSSION:

Pursuant to Section 2-8.110 "Sale of Surplus Supplies and Equipment," the City typically sells its surplus equipment through a municipal bidding company. However, in an auction environment, fire apparatus is so specialized that it has little or no value.

This 1990 Mack Fire engine has become obsolete. In such cases, it is common for a City to donate its apparatus and engines to charity. For example, the City of Berkley has donated nine vehicles to cities in Mexico and other countries over the past ten years.

The charity “4 the World” has a program in place where they work with US Fire Fighters and cities in Guatamala, to get them the support and training they need. The donation of this truck can begin savings lies in these rural communities immediately. The 4 the World charity relies on the USAF to transport the vehicles, and the charity will come and pick up the Engine at no cost to the City. This non-profit comes highly recommended from retired Fire Chiefs and will make sure our surplus equipment has a useful life.

FISCAL IMPACT:

The surplus 1990 Mack Fire Engine has no value at auction. By donating it to charity, there is not fiscal impact.

Attached: March 21, 2011 Staff Report
 Resolution

RESOLUTION NO. 2019-XX

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA DECLARING THE 1999 MACK FIRE ENGINE
SURPLUS AND DONATING TO CHARITY**

WHEREAS, the City of San Juan Bautista accepted a donated 1990 MACK Fire Engine from the City of San Jose on April 4, 2011 and used this engine on an emergency back-up basis until the City contracted for fire services with the City of Hollister; and

WHEREAS, Consistent with Municipal Code 2-8-110, the City typically relies upon a municipal bidding company to sell its surplus equipment, but fire apparatus is so specialized, no one bids on it, and is deemed to have no value; and

WHEREAS, the Department of Transportation has outlawed the use of the cab-over truck design now for several years, and the diesel engine no longer meets the current California air quality regulations, meaning that even if the Engine were ready for duty, it would not be legal to use; and

WHEREAS, the Fire Engine has been sitting unused for five to six years, and despite this neglect, it still “runs and pumps,” and

WHEREAS, a non-profit organization “4 the World” has stepped forward asking the City to donate this fire engine to their efforts to support the medical services in other countries to improve the quality of life in these communities; and

WHEREAS, “4 the World” is a charitable non-profit established in 2004 that focusses on the social determinants of health to improve quality of life, build awareness of prevention techniques, provide training, and provide equipment to rural communities; and

WHEREAS, this Fire Engine has no value to those fighting fires in the United States, and by donating it to a charity for use in other countries is not a gift of public funds, and is in the best interest of the community and the City.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista, here by proclaims:

1. The 1990 Mack Westlake Cab-Over Fire Engine is no longer of value to the City of San Juan Bautista.
2. The City does hereby find that donating the Fire Engine to a charity is not a gift of public funds.
3. “4 the World” is registered with the Internal Revenue Services as a legal 501(c) 3, as a charitable organization and has agreed to accept this Fire Engine on behalf of the City, and donate it to a needy community in another country.

4. "4 the World" accepts the Fire Engine in "as is" condition without cause for reservation and agrees to waive any and all cause of damages or liability upon the City after receipt of the Engine.
5. "4 the World" will pay for the transfer of title and all transportation costs to make this donation effective and legal.

ADOPTED this 19th day of November, 2019 at a regular meeting of the City Council of the City of San Juan Bautista by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

City of San Juan Bautista

Date: March 15, 2011
To: Mayor and City Council
From: City Manager
Subject: Acceptance of Donated Fire Apparatus

Background

The City of San Jose routinely donates used but very serviceable equipment to Volunteer and other Fire Departments that are less well funded. Recently the San Jose Fire Department notified our Fire Department of available equipment, including four type one engines, any one of which our department could use to replace Engine No. 9121, a 1980 gasoline powered, stick shift GMC that seats 3 fire fighters.

Although Engine No. 9121 has served the City well, it has its limitations including the fact that it has been in service for 31 years and has a stick shift transmission that requires 'double clutching' to shift gears. As council members may be aware, not everyone is adept at driving a "stick shift" vehicle, let alone a stick shift truck that requires "double clutching". More importantly, only two current members of the department are currently licensed to drive a "stick" or standard shift fire apparatus.

In addition, Engine No. 9121's seating capacity of three fire fighters is also a limitation, particularly since "riding the tailboard" is no longer an option.

The engine selected by our Chief is a 1990 Mack powered diesel, with an automatic transmission, and a seating capacity of four firefighters, and a pumping rate of 1500 gpm vs. the 1,000 gpm pumping rate of Engine No: 9121.

Discussion

In order to accept the donation of this fire apparatus from the City of San Jose Fire Department and to place this vehicle in service, it would be appropriate for the City Council to authorize the Fire Chief and/or the City Manager to sign any and all documents releasing the City of San Jose from liability, transfer documents, DMV forms and any other documents necessary to effectuate the transfer of legal ownership from the City of San Jose to the City of San Juan Bautista.

Recommendation:

- 1. Authorize the City Manager and the Fire Chief to accept the donation of the 1990 Mack Pumper from the City of San Jose and to execute any and all documents to effectuate the transfer of ownership to the City of San Juan**

3. One 1990 Mack , 1500 gpm Midship Pumper (EQ@ 53057)

General Description of Vehicle: Fire engine pumper

- No safety concerns noted in repair order history



Mileage:	124,411 miles
Chassis:	Mack
Body:	Weststates
Engine:	Mack 230
Transmission:	Allison
Pump Make/Model/Capacity:	Waterous, 1500 GPM
Water tank capacity:	500 gallons



DISCLAIMER AND OTHER CONDITIONS OF DONATION

As an authorized representative of _____ ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of the following described fire trucks ("Donated Equipment"):

Select Item	Item Description	Condition
1. <input type="checkbox"/>	1986 Pierce, 1500 gpm Midship Pumper (EQ# 53054)	<ul style="list-style-type: none">• Transfer case need to be rebuilt• Gears grinding when shifting from neutral to drive• Gears grinding when shifting in to pump• Burned odor smell from pump panel area• Pump lights inoperable.
2. <input type="checkbox"/>	1990 Mack 1500 gpm Midship Pumper (EQ# 53055)	<ul style="list-style-type: none">• No safety concerns noted in repair order history
3. <input type="checkbox"/>	1990 Mack 1500 gpm Midship Pumper (EQ# 53057)	<ul style="list-style-type: none">• No safety concerns noted in repair order history

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San Jose, California to Donee.

1. DISCLAIMER

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, AND NO AFFIRMATION OF THE CITY, BY WORDS OR ACTION, WILL CONSTITUTE A WARRANTY AS TO THE DONATED EQUIPMENT. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

2. INDEMNIFICATION

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

3. USE OF DONATED EQUIPMENT

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

4. INSPECTION; NO PROFIT OR FEE

Donee certifies that: i) Donee acknowledges condition of the Donated Equipment, as described above, that the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

5. PICKUP OF DONATED EQUIPMENT

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization Name: _____

Signature: _____

Name: _____

Title: _____

Date: _____



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY
Item #30
City Council Meeting
November 19, 2019

Date: DEC 06 2004

4 THE WORLD, INC.
C/O ROBERT KEITH FROMM
1332 1/2 SPRING STREET
MEDFORD, OR 97504

Employer Identification Number:
75-3147466
DLN:
17053131003024
Contact Person:
JOHN M WHITE ID# 52118
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
January 27, 2004
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2008

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

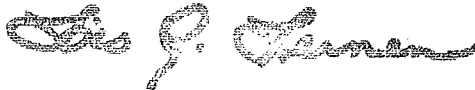
If you distribute funds to other organizations, your records must show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), you must have evidence the funds will be used for section 501(c)(3) purposes.

4 THE WORLD, INC.

If you distribute funds to individuals, you should keep case histories showing the recipient's name and address; the purpose of the award; the manner of selection; and the relationship of the recipient to any of your officers, directors, trustees, members, or major contributors.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)
Form 872-C



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: YOUTH COMMISSIONER RECRUITMENT

MEETING DATE: November 19, 2019

VOLUNTEER: Monica Martinez Guaracha, Youth Commission Advisor

Recommendation

City Council appoint three members to serve on the San Juan Bautista Youth Commission, filling vacant seats that will expire 9/30/2021.

Background

The City Council enacted an ordinance in February of 2015 forming a Youth Commission for members ages 12-18 to provide the City Council with advice about the needs of youth, and to create programs and activities for San Juan Bautista youth, to involve them in the community.

Focused elements of the duties of the Commission are:

1. Studying problems, activities and concerns of the youth; hold forums on these problems, and recommend community programs to the Council which the Commission finds needed and/or desirable.
2. Involving the youth of San Juan Bautista in their community and developing events and activities that connect youth with their community.
3. Working with other committees, boards, commissions and the Council in providing input on youth issues in the community.
4. Researching and advising the Council on local and state legislation affecting youth and provide local youth with information about issues in their city government that pertain to them.
5. Annually determine the Commission's goals and objectives and report these to the Council.

The City accepted applications to fill 4 open seats on the Youth Commission, and received three applications. Only one applicant was interviewed as the other two are Youth Commissioners whose terms expired but desired to continue on. Applicant Chase LaForge-Scracquin was interviewed by a member of the Government & Communications Strategic Planning Committee and Youth Advisor Monica Martinez Guaracha. The following applicants are being recommended for appointment:

- Chase LaForge-Scracquin - 11th grader at Anzar High School
- Xavier Guaracha -11th grader at Anzar High School
- Jugraj Sahi - 12th grader at Gavilan Early College Academy

Appointment of these three members will bring the Commission to a 6-member body, with one remaining vacancy. Continued recruitment efforts are in place to fill the remaining open seat.

WAIVER OF READING OF ORDINANCES

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

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

GC36934



City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: PRESENTATION ON RESILIENCY AND THE MICROGRID

DATE: November 19, 2019

FROM: Don Reynolds, City Manager

BACKGROUND:

To prepare for the energy presentation before the Council tonight, I met with Leslie Austin, Clean Energy Organizer for the non-profit Green Power, and their partner Robert Hymes, the Chief Development Officer for MYNT Systems. MYNT System provided a cost estimate for the Cal OES application to show the cost to take Well 6 off the grid: (\$450,000).

Attached is the City's application to Cal OES for the Resiliency Cities Allocation, created by the Governor following the PGE power outages in October. It was due November 12th. It describes the City's critical facilities and their needs. It includes the MYNT systems cost estimate for Well 6. This same application was sent to Tom Habashi, Chief Executive Officer for Monterey Bay Cooperative Power. They are developing a \$25million dollar low interests loan program for participating agencies to help fortify their emergency power needs.

ATTACHMENT: MBCP PSPS Letter



City of San Juan Bautista

The "City of History"

November 13, 2019

Tom Habashi
Chief Executive Officer
Monterey Bay Community Power
70 Garden Court, Suite 300
Monterey CA 93940

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

**City Council
Mayor**
César E. Flores

Vice V. Mayor
Mary Edge

Councilmember
John Freeman

Councilmember
Dan DeVries

Councilmember
Leslie Jordan

City Manager
Don Reynolds

City Clerk
Laura Cent

City Treasurer
Chuck Geiger

Dear  Mr. Habashi,

Please find attached the City's November 12, 2019 PSPS Resiliency Allocation Grant Application to CalOES that lists the eight essential facilities in San Juan Bautista that require emergency power. If power is shut down for more than 18-hours in San Juan, water reserves could drop below fire prevention standards, without emergency power for these pumps. We have a temporary contingency in place, but seek a permanent solution.

You will notice the addition of a Solar/Power Storage option for Well 6 to remove it from the grid. If Well 6 is up, we will maintain our water supplies. The Waste Water Plant has a generator that is not compliant with air quality standards. The region surrounding and including San Juan is protected by the Hollister Fire Department from the City Hall/Fire Station complex, that is not currently backed up with emergency power.

October 25, 2019, you wrote:

"Directors and Councilors

See information below regarding PG&E's power shutoff. It seems that our communities must endure another weekend without electricity! We are working on a program that will support customers with critical loads with funds that will help with installation of backup generation. Recommendations will be made to the Policy Board in December, stay tuned."

This letter is San Juan Bautista's request to be fully engaged with the MBCP as it moves this "program" forward. Thank you for your consideration.


Don Reynolds

Operational Board Member and City Manager

CC: City Council



Public Safety Power Shutoff (PSPS) Resiliency Allocation to Cities Application Form

Applicant Name:	Contact Information:
CITY OF SAN JUAN BAUTISTA	Name: DON REYNOLDS, CITY MANAGER
Applicant Address:	Phone Number:
311 Second Street PO Box 1420 San Juan Bautista CA 95045	(831) 623-4661
Population of the incorporated city applying for these funds:	E-mail Address:
2,000	CITYMANAGER@SAN-JUAN-BAUTISTA.CA.US
The amount of disaster reserve funds, compared to the total incorporated city budget:	The amount of disaster reserve funds, compared to the total incorporated city budget:
	\$ 2,300,000 Reserve \$1.7m Annual Budget

Briefly explain the number of hours spent year to date in PSPS:

Zero hours of direct time in PSPS to date.

72-hours served indirectly. Our City serves the surrounding rural communities of more than 2,000 population, including Aromas, and other unincorporated residents, businesses and agricultural business owners- 72-hours. We provided the only location for PGE's Community Resource Center to serve these areas.

Briefly explain how the Applicant will use the funds to prepare for and respond to PSPS events:

The City will use the funds to provide emergency power at 7 critical facilities, required if the power is out for more than 18-hours: 3 wells, 3 lift stations and the Fire Department. The Waste Water Treatment Plant's generator is non-complaint with air quality standards. Water storage capacity will last 18-hours. Per the attached quote, the City will use \$206,426 to power all of these facilities, and provide a match of labor and \$20,000 for electrical work. One preferred alternative will remove the largest Well 6 from the grid. The alternative adds \$20k for a total of \$48k to finance 10% of its cost to remove Well 6 completely from the grid. (\$226,426). There is room for a PV Farm and battery storage. Savings from PGE will pay debt service. Proposal is attached.

Please submit by e-mail to: PSPS@caloes.ca.gov



City of San Juan Bautista

The "City of History"

November 12, 2019

Mark S. Ghilarducci
Governor's Office of Emergency Services
PSPS@caloes.ca.gov

SUBJECT: PSPS Resiliency Allocation to Cities

Dear Mr. Ghilarducci:

Please find the City of San Juan Bautista's PSPS Resiliency Allocation application attached for your consideration. The City has two considerations to consider to provide emergency power for critical facilities; traditional, and progressive.

The City hosts by contract with Hollister Fire, fire services from its City Hall to the local region including several Tier 3 rural housing developments. It also provides drinking water from three wells and waste water treatment for its 2,000 residents. We are seeking between \$206,426 and \$226,426 to provide emergency power to these eight facilities. The City will match these costs with an estimated 10% by providing the electrical design and installation services.

Why two costs and two proposals? The City is seeking \$206,426 to provide traditional emergency generators at its eight facilities, where only one exists now. The one generator powering the Waste Water facility is not compliant with air quality standards. But the second option removes Well 6 from the grid. At an estimated cost of \$408,000 we can install battery storage and PV cells that will remove this critical well from the grid. A 10% downtown payment is sought and the balance of costs can be financed with an estimated annual savings of \$12,500. We hope this option is attractive to you and we are open to exploring more micro "micro" grids with your support. Both costs estimates are attached.

Thank you for your consideration.

Sincerely,

Don Reynolds
City Manager
CC: City Council

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

City Council

Mayor

César E. Flores

Vice V. Mayor

Mary Edge

Councilmember

John Freeman

Councilmember

Dan DeVries

Councilmember

Leslie Jordan

City Manager

Don Reynolds

City Clerk

Laura Cent

City Treasurer

Chuck Geiger

Don Reynolds

off the Grid

From: Robert Hymes <rhymes@myntsystems.com>
Sent: Tuesday, November 12, 2019 11:25 AM
To: Don Reynolds
Cc: Leslie Austin
Subject: City of SJB Water Resiliency

Don,

I have put together a rough budget to provide power to your Well #6 during a grid outage based on the limited information I had.

Assuming Well #6 uses a 50HP pump that means it runs at around 38kW (max power) or about 38kWh per hour.

We would assume the pump is not always running at Max Power and that it doesn't run 24/7, so if we apply a 50% load factor and 12 hour per day usage that means the daily consumption would be around 224 kWh.

To run the pump during a 1 day PSPS outage would require a battery with enough power (>38kW) and capacity to keep it going for 12 hours (224 kWh).

With solar onsite during a grid outage we could recharge the battery while the sun was out. On average a 55 kW solar system would produce about 220 kWh per day (~350 kWh in peak of summer, ~100 kWh in the dead of winter). So the battery capacity would not need to be the full 224 kWh considering the PSPS outages will likely happen during the sunny summer period and we could fully recharge from the solar (unless you were trying to size it for a long dark storm related outage or some kind of nuclear winter).

To cover the usage of that pump on an annual basis (~81,000 kWh) would require about 55 kW of Solar PV which is about 3,000 sf. (seems you have about 20,000 sf so plenty of room for expansion).

Considering all of these assumptions and the funding limitations we would size a hybrid grid connected battery back-up system as follows:

75 kW Inverter with 150 kWh Battery Capacity and 55 kW of Solar PV - total cost ~\$450,000.

This system would be grid connected which would allow the City to take advantage of Net Energy Metering and the system would offset all of the Well's electric consumption on an annual basis. This is the equivalent of about \$12,500 in annual savings (should be similar to your annual PG&E billing for that Well #6 meter) and as PG&E rates continue to climb at >5% every year, the City will have a great hedge in place.

All of the above is specifically in the context of the Governor's resiliency grant and does not consider any of the financing options, incentives or alternative financing structures available to the City. There are many options as far as financing the resiliency and onsite renewable power generation for meeting the greater City's needs and long term objectives, and we can explore these tomorrow when we meet.

Let me know if you want to review any of this, happy to chat later today.

Kind regards,
Rob

Robert Hymes | Chief Development Officer | Mynt Systems | 111 Mission Street, Santa Cruz, CA 95060
p: [408-426-5420](tel:408-426-5420) | c: [415-238-7091](tel:415-238-7091) | www.myntsystems.com

ALEXANDER ELECTRIC INC.
DBA STATE ELECTRIC GENERATOR
P.O. Box 66459
SCOTTS VALLEY, CA 95067
LICENSE #806689

QUOTE

DATE	QUOTE #
10/30/2019	1379

CUSTOMER INFORMATION
City of San Juan Bautista P.O. Box 1420 San Juan Bautista, CA 95045

		TERMS	Due on receipt	
DESCRIPTION	QTY		RATE	TOTAL
1 WWTP. 100KW Kohler Generator 100ERESD: three phase 480	1		29,993.00	29,993.00T
Freight charges	1		750.00	750.00
Start up and testing, includes assembly	1		750.00	750.00T
2 City Hall. 80KW Kohler Generator 80ERESD: single phase 240 (FIRE Dept)	1		27,844.00	27,844.00T
Freight charges	1		750.00	750.00
Start up and testing, includes assembly	1		750.00	750.00T
3 Well 6. 80 KW Kohler Generator 80ERESD: three phase 480	1		27,916.00	27,916.00T
Freight charges	1		750.00	750.00
Start up and testing, Includes assembly	1		750.00	750.00T
4 Well 5. 60KW Kohler Generator 60RCLA: three phase 480	1		20,616.00	20,616.00T
Freight charges	1		750.00	750.00
Start up and testing, includes assembly	1		750.00	750.00T
5 Well 1. 48KW Kohler Generator 48RCLB: three phase 480	1		17,877.00	17,877.00T
Freight charges	1		750.00	750.00
Start up and testing, includes assembly	1		750.00	750.00T
6 Lang Street. 48KW Kohler Generator 48RCLB: three phase	1		17,877.00	17,877.00T
Freight charges	1		750.00	750.00
Start up and testing, includes assembly	1		750.00	750.00T
7 Rancho Vista. 48KW Kohler Generator 48RCLB: three phase	1		17,877.00	17,877.00T
Freight charges	1		750.00	750.00
Start up and testing, includes assembly	1		750.00	750.00T
8 Dias. 48KW Kohler Generator 48RCLB: three phase	1		17,877.00	17,877.00T
Freight charges	1		750.00	750.00
			Subtotal	
If this quote is accepted, please sign below and return by fax or e-mail Signed: _____ Date: _____			Sales Tax (9.0%)	
			Total	
Phone #	Fax #			
831-457-3911	831-457-1433			

QUOTE

DATE	QUOTE #
10/30/2019	1379

CUSTOMER INFORMATION

City of San Juan Bautista
P.O. Box 1420
San Juan Bautista, CA 95045

[illegible]



SAN JUAN BAUTISTA CITY

Annual Report FYE19



The library had **1,428**
open hours!



1,375 people have a
card at our library



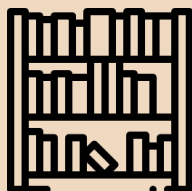
7,426 people walked
through our doors last year



In addition to **272** followers
on Facebook



Print materials totaled
7,328 items



The collection contained
9,139 items



We are looking at **adding**
digital content such as
OverDrive or Hoopla



Which will add to our
3,166 checkouts!



We take part in Inter-
Library Loans (I.L.L.)



Our service is delivered by
0.98 dedicated FTE staff



We're here to help!



And brought in **3** items
upon patron request



86 total programs
offered



1,038 people
attended in total!

READ

801 SECOND ST.
SAN JUAN BAUTISTA, CA, 95045
<http://www.san-juan-bautista.ca.us/city/library.htm>
Online Card Catalog: www.bautista.bywatersolutions.com

For questions or comments, please email library@san-juan-bautista.ca.us

Powered by Counting Opinions yearly CA State Library Survey

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Three Month Period Ended September 30, 2019

Item #4D
City Council Meeting
November 19, 2019

REVENUES	FY19	FY20	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Difference</u>	<u>25%</u>	<u>Notes</u>
General Fund	230,786	356,628	1,854,841	(1,498,213)	19%	
Special Revenue Funds:						
Capital Projects Fund	-	138,000	1,722,000	(1,584,000)	8%	
Community Development	62,521	96,011	553,058	(457,047)	17%	A
COPS	41,197	26,984	100,000	(73,016)	27%	
Parking & Restroom Fd	7,183	6,701	32,200	(25,499)	21%	
Gas Tax Fund	16,307	26,611	53,851	(27,240)	49%	B
Valle Vista LLD	3,346	5,429	21,717	(16,288)	25%	
Rancho Vista CFD	-	23,186	92,744	(69,558)	25%	
Copperleaf CFD	-	8,598	34,390	(25,793)	25%	
Development Impact Fee Funds:						
Public/Civic Facility	19,848	21,205	25,000	(3,795)	85%	A
Library	26,700	28,526	33,000	(4,474)	86%	A
Storm Drain	20,798	-	80,000	(80,000)	0%	A
Park In-Lieu	10,466	-	10,000	(10,000)	0%	A
Public Safety	20,651	22,063	15,000	7,063	147%	A
Traffic	22,980	-	10,000	(10,000)	0%	A
Zone 1 TIMF	-	-	30,000	(30,000)	0%	A
Internal Service Funds:						
Blg Rehab. & Replace	13,875	9,500	38,000	(28,500)	25%	
Vehicle Replacement	15,000	15,000	60,000	(45,000)	25%	
Enterprise Funds:						
Water						
Operations	245,055	272,254	979,000	(706,746)	28%	
Capital	225,045	-	100,000	(100,000)	0%	C
Sewer						
Operations	242,726	270,466	1,010,600	(740,134)	27%	
Capital	70,130	-	600,000	(600,000)	0%	C
TOTAL Funds	1,063,828	970,534	7,455,401	6,484,867	13%	

A ~ These funds are developer derived and are recognized when received.

B ~ Gas tax funds are received at varying increments during the year, as such the amounts received do not always align with the year to date percentages.

C ~ The timing of the projects and the related revenue does not always align with the year-to-date percentages.

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Three Month Period Ended September 30, 2019

Item #4D
City Council Meeting
November 19, 2019

EXPENDITURES	FY19	FY20	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>25%</u>	<u>Note</u>
General Fund	321,892	300,003	1,740,248	(1,440,245)	17%	
Special Revenue Funds:						
Capital Projects Fund	-	32,000	1,763,000	(1,731,000)	2%	A
Community Development	149,071	133,891	553,058	(419,167)	24%	
COPS	25,000	25,000	100,000	(75,000)	25%	
Parking & Restroom Fd	957	3,007	15,000	(11,993)	20%	
Gas Tax Fund	4,529	17,659	53,851	(36,192)	33%	
Affordable Housing Fund	-	49,406	18,877	30,529	262%	B
Valle Vista LLD	4,293	6,580	26,717	(20,137)	25%	
Rancho Vista CFD	-	1,473	40,904	(39,431)	4%	
Copperleaf CFD	2,809	1,473	21,523	(20,050)	7%	
Development Impact Fee Funds						
Public/Civic Facility	-	8,250	33,000	(24,750)	25%	
Library	-	6,000	24,000	(18,000)	25%	
Storm Drain	-	49,000	196,000	(147,000)	25%	
Park In-Lieu	-	28,750	115,000	(86,250)	25%	
Public Safety	-	6,250	25,000	(18,750)	25%	
Traffic	-	27,250	109,000	(81,750)	25%	
Internal Service Funds:						
Blg Rehab. & Replace	-	5,000	20,000	(15,000)	25%	
Vehicle Replacement	-	2,973	11,890	(8,918)	25%	
Enterprise Funds:						
Water:						
Operations	136,241	161,333	738,921	577,588	22%	
Capital	73,266	244,708	349,979	105,271	70%	A
Sewer						
Operations	230,342	290,567	1,608,450	1,317,883	18%	C
Capital	51,313	3,270	638,979	635,709	1%	A
TOTAL Funds	677,821	1,103,839	8,203,397	7,099,558	13%	

Footnotes:

A ~ Capital costs occur sporadically during the year, and do not always align with the to date percentages
B ~ Current year to date costs, which over budget, are offset from prior period impact funds received.
C ~ Costs are higher than prior year due to the implementation of funds transfers for capital purposes in the current fiscal year.

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

Item #4D
City Council Meeting
November 19, 2019

Date	Num	Name	Amount
101.000 - Union Bank			
101.001 - Operating Acct. 1948			
10/04/2019	213085	Abbott's Pro Power	-228.75
10/04/2019	213086	ATEC Systems Associates	-3,500.00
10/04/2019	213087	ATEC Systems, Inc.	-4,472.20
10/04/2019	213088	AVAYA	-212.86
10/04/2019	213089	Cypress Water Services	-10,075.00
10/04/2019	213090	Data Ticket Inc.	-200.00
10/04/2019	213091	Don Reynolds	-72.20
10/04/2019	213092	Fehr Engineering Company, Inc.	-1,500.00
10/04/2019	213093	Hollister Auto Parts, Inc.	-40.94
10/04/2019	213094	Level 1 Private Security.	-8,640.00
10/04/2019	213095	Monterey Bay Analytical Services	-601.25
10/04/2019	213096	Monterey County Health Department	-100.00
10/04/2019	213097	P.M. Landscaping Services, LLC	-18,900.00
10/04/2019	213098	PARSAC	-22.00
10/04/2019	213099	Pinnacle Healthcare Medical Group	-149.00
10/04/2019	213100	Smith & Enright Landscaping	-1,150.00
10/04/2019	213101	Sprint	-112.89
10/04/2019	213102	State Compensation Insurance Fund	-1,851.50
10/04/2019	213103	True Value Hardware	-206.56
10/04/2019	213104	Wendy L. Cumming, CPA	-2,465.00
10/11/2019	213105	at&t	-251.29
10/11/2019	213106	4Leaf, Inc.	-4,338.22
10/11/2019	213107	ACWA Health Benefits Authority	-8,862.69
10/11/2019	213108	All Clear Water Services	-5,636.86
10/11/2019	213109	Alma Rosa Garcia.	-700.00
10/11/2019	213110	at&t	-70.08
10/11/2019	213111	Benjamin Gonzales	-2,295.00
10/11/2019	213112	California Rural Water Association	-612.00
10/11/2019	213113	Clark Pest Control	-95.00
10/11/2019	213114	Code Publishing Company	-247.50
10/11/2019	213115	Cooper Controls, Inc.	-1,341.00
10/11/2019	213116	Department of Conservation	-273.58
10/11/2019	213117	First Alarm	-70.00
10/11/2019	213118	Freitas + Freitas	-8,505.90
10/11/2019	213119	Level 1 Private Security.	-567.00
10/11/2019	213120	Melissa Orozco	-35.25
10/11/2019	213121	P G & E	-3,218.66
10/11/2019	213122	Priscilla Favela.	-700.00
10/11/2019	213123	R & B Company	-435.45
10/11/2019	213124	San Benito County Clerks Office	-2,404.75
10/11/2019	213125	San Benito County Water District	-4,154.14
10/11/2019	213126	US Bank	-8,290.21
10/22/2019	213127	4Leaf, Inc.	-2,481.67

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

Item #4D
City Council Meeting
November 19, 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
10/22/2019	213128	AFLAC	-152.78
10/22/2019	213129	at&t	-79.24
10/22/2019	213130	City of Hollister.	-54,999.45
10/22/2019	213131	Costco Wholesale	-480.00
10/22/2019	213132	Cristian Farfan.	-700.00
10/22/2019	213133	EMC Planning Group Inc.	-16,642.75
10/22/2019	213134	Fabiola Martinez/Victor Ordaz Becerra	-433.66
10/22/2019	213135	Graniterock	-536.50
10/22/2019	213136	Harris & Associates	-7,162.50
10/22/2019	213137	Hollister Auto Parts, Inc.	-106.42
10/22/2019	213138	Jardines, Inc.	-225.00
10/22/2019	213139	KBA Docusys	-278.31
10/22/2019	213140	Laura Cent.	-100.00
10/22/2019	213141	Maria Perez.	-400.00
10/22/2019	213142	Monterey Bay Analytical Services	-1,087.80
10/22/2019	213143	Monterey County Health Department	-279.00
10/22/2019	213144	O'Keefe Engines	-800.00
10/22/2019	213145	P G & E	-12,120.59
10/22/2019	213146	Paul Champion	-384.11
10/22/2019	213147	Pet Waste Co	-84.85
10/22/2019	213148	Petty Cash	-51.52
10/22/2019	213149	Pinnacle Healthcare Medical Group	-138.00
10/22/2019	213150	Priscilla Favela.	-480.00
10/22/2019	213151	Ready Refresh	-269.54
10/22/2019	213152	Sentry Alarm System	-150.00
10/22/2019	213153	Todd Kennedy	-50.00
10/22/2019	213154	United Site Services of California, Inc.	-331.73
10/22/2019	213155	Wellington Law Offices	-4,912.00
10/22/2019	213156	Alliant Insurance Services	-1,557.00
10/22/2019	213157	Pet Friends	-2,500.00
10/22/2019	213158	Rx-Tek	-435.00
Total 101.001 - Operating Acct. 1948			-218,014.15
Total 101.000 - Union Bank			-218,014.15
TOTAL			-218,014.15



City of San Juan Bautista

The “City of History”

CITY COUNCIL REPORT

AGENDA TITLE: CITY MANAGER’S MONTHLY REPORT

DATE: NOVEMBER 19, 2019

FROM: DON REYNOLDS, CITY MANAGER

RECOMMENDATION: That the City Council receive and file this report.

DISCUSSION: A summary of another busy month follows.

Administration- City staffing status: As promised in October, I upgraded the City’s Community Development services (for one year, but in 3-month increments), pending approval of a contract amendment on this City Council Agenda. The Associate Planner and I have had our hands full, and this support is a great relief. After reviewing four proposals, I am recommending the services from Harris and Associates, who offered a seasoned veteran that comes highly recommended, knows some of the developers in town, and is able to help out immediately. In other matters, we began employee evaluations in October. For most City employees, this is a first time they have been evaluated. We had a good constructive risk management review from PARSAC. We are considering closing for the week between Christmas and New Year’s, without pay. The Library remains open. On call services would still be available. (Of course, your CM may be at Nana’s house but remains on-call 24/7!)

Budget/Finance- We are getting ready for the audit in time to bring the results forward to the City Council in December. December will mark the official end of Fiscal Year 2018/19, the mid-year of FY 2019/20, and the beginning of Fiscal Year 2020/2021! Why is that important? We are confirming the accuracy of the revenue and expense projections that became the basis for the current budget. A conservative budget of revenues, with some costs savings may make room for one-time expenditures, reducing debt, or increasing reserves. These matters become questions for the mid-year budget adjustments. We will start from a clear benchmark to build the new budget for next year. The Budget Calendar for 2020/21 will begin in February with a City Council “strategic planning retreat.” More to follow on that idea.

Cannabis – Staff is recommending that the City Council adopt its “rules and regulations” at its November 19 City Council meeting and launch its Cannabis program. We are also providing an opportunity to discuss and consider changes to the current Ordinance. To implement this, we are building an application process and web-presence in advance of having all of the City policies in place for the SJB Cannabis program. It is proposed that the City contract with Pinnacle Strategy

to process applications using the City of Hollister PD to provide background checks. (If this does not work out, we can rely on the County Sheriff.) At the December Council meeting the Ordinance prohibiting Cannabis businesses has to be rescinded. We will set the tax rate by resolution at that meeting as well. At Council's direction, changes to the Cannabis Ordinance may be considered. If approved, the application process could begin as soon as February (60-days following the December Council action).

Planning- By the end of this calendar year, the City will be all caught up with its Housing Element. This will be on the Council's December Agenda as a public hearing. By the end of November, the City will submit its SB2 Planning grant application for \$160,000. We are looking at re-establishing an urban growth boundary around the City as well as a limited specific plan on the south side. Three large property owners are interested in developing more housing here, and the grant would provide a public conversation about what or if this should occur. Annexations are necessary. (This concept is part of the FY 19/20 Budget Message).

Developments- Staff is bringing forward to the Planning Commission a parcel dedication of space from Meritage Homes (Rancho Vista) to the City in relation to the agreed-upon open space buffer zone behind Rancho Vista and the Valle Vista homes on Ahwahnee Street. This will allow Meritage to sell the five parcels. When accepted by the City at a later date, the Community Facilities District will maintain the landscaping. In other matters, Casa Rosa was bought by a capable developer at auction the second week in October. The City received its \$15,000 used to shore up the balcony. This project is moving forward for approval to the Planning Commission December 3rd. Recently the developer of The Alameda "Gas Station" has come forward and this development is in "plan check" for building permits, but first the legal fees have to be paid and the Cal Trans work has to be approved. Staff met with Caltrans District 5 about this project Thursday November 7th.

Library- The Library is filing its annual State report this month. More than 150 kids and parents came out for the Halloween event. It is amazing what can be done with a collection of dedicated volunteers, and part-time staff (equal to 1.3 "full-time equivalents" @ 40-hours per week!). I attended the Intergovernmental Committee Meeting in Hollister where it sounds like there is a regional library effort coming soon. We have solicited bids for a Luck Park Master Plan and have one reply. This effort needs to be incorporated into the draft Parks Master Plan.

Parks- The Luck Park conversation caused me to look more closely at the Proposition 68 funds (\$200,000). Originally, the State was seeking City resolutions by November 1, but this deadline has been pushed out to January because the exact allocations have not been determined yet. Having adopted its Housing Element, the City is ready for these funds! All of these details were shared with the Strategic Planning Committee on November 7th.

Public Works- The Well 6 Filtration Plant resumed operations Tuesday, November 5th. The telemetry is not yet complete and we continue to have issues with sensors, but we have resumed and are in compliance with the Water Board's Interim Operations Orders. In Waste Water, the EPA inspected the Waste Water Treatment Plant in June and provided feedback and a 15 topic request for action October 17th. Thanks to our work on the Master Plans, we believe we can satisfactorily respond on time (45 days). We continue to monitor the Coke Farms Lift Station, tested the flow and found treatment too low, and doubled the chemical treatments the week of October 28th. The Ahwahnee lift station underwent \$4,000 of improvements (paid by the assessment district) and hopefully the odors there are gone for good. We are conducting weekly sample testing until we reach the right threshold that controls the smell. The design of the Third Street renovation project is 90% complete and will be ready for bid soon. Our City Engineer is doing great work for us!

Public Works Crew- We resumed our monthly flush of water and sewer lines, having repaired the pump on the pressure washer last week. We have repainted several crosswalks recently (before the risk manager's inspection). We are repairing a large water leak at San Antonio and Muckeleme Streets this month.

Nothing else? It is so great when I get a call about Abandoned Vehicles to find Code Enforcement has already tagged them. Last week I get a request to "sweep up those damn leaves" and I explain that we just received the pink slip for our new street sweeper! I replied, "We'll be out next week, sir!"

I regret the fact that vandalism hit our village the weekend of November 9 and 10. We are adjusting the security schedules and we have code enforcement supporting the investigation.

My family really enjoyed the Rotarian's Ghost Walk Saturday, October 26th. I confirmed today, the loaves of bread at the Bakery really do "fly off the shelf." The sweet gypsy meat I had for dinner was excellent too! Great fun.

So much going on; so intense.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: ADOPT RULES, REGULATIONS AND APPLICATION FOR CANNABIS FACILITIES

MEETING DATE: NOVEMBER 19, 2019

SUBMITTED BY: DON REYNOLDS, CITY MANAGER

RECOMMENDED ACTION:

Adopt proposed Rules, Regulations and Application for Cannabis Facilities.

BACKGROUND INFORMATION:

On June 19, 2018, City Council adopted Ordinance 2018-05 adding a Chapter 5.31 to the San Juan Bautista Municipal Code concerning Cannabis. On July 16, 2019, City Council first read the Ordinance that enacts a text amendment to the Industrial use by Conditional Use Permit definition. Also at the July 16 Council meeting, staff introduced the proposed rules, regulation and permit application approved by the City Council Cannabis Sub Committee. A discussion ensued with no recommended changes to these processes. No action was taken.

The final stages of implementing a cannabis program requires the following policy actions:

1. Rescind the Ordinance that prohibits cannabis programs, and
2. Adopt a resolution that establishes its rules and regulations and application process, and
3. Adopt a second resolution that adopts the specific tax rate selecting from the range of possible tax rates outlined in the Ordinance.

This report presents the rules and regulations for adoption; the second resolution will follow in December. The prohibition will be rescinded at that time as well. The Cannabis Subcommittee was disbanded after the Ordinance 2018-05 was adopted. After the reorganization of the City Council in December, a new Subcommittee was established (Council Members Devries and Freeman). If issues around this topic arise, the Subcommittee will be consulted and make recommendations to the City Council to adjust these new policies as the process rolls out.

ANALYSIS:

The City has received several inquiries about cannabis that included application process status, city regulations, and zoning districts. Adopting these rules and regulations allows Ordinance 2018-05 to be implemented.

5-31-290 Implementation procedures.

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

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

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

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

There remains a lot of process-oriented work to be done before the first application can be reviewed. To that end, it is critical that a business etiquette be established that uniquely matches San Juan Bautistas's character. Important issues include safety, raw material management on-site, and cash on hand. These business sites have to be closely monitored. How will these policies be enforced? Does the applicant have a safe track record? Is the business plan viable?

In some ways, the City will model its program after Hollister, with the understanding that the City is limited by the size of its industrial zone, which is much smaller than Hollister's potential. A \$7,500 application fee is charged to process an application. We hope to receive these applications through a new page on the City's website. This way, we can send a completed application to our consultant to review and process. Pinnacles Strategies, who provided the drafted Cannabis policies and ordinances, is able to help SJB process applications for a flat fee of \$1,500. A fee will be due to the City of Hollister for processing the background check through the FBI process. Within three to four weeks the City will have a recommendation from Pinnacles Strategies and Hollister PD whether or not to proceed with the application.

The real estate in the City's industrial zone requires development to accommodate cannabis industry. The new well and filtration system is online. A new sewer lateral is ready for bid. Upgrades to the lift station are in design.

So when an application is approved, a development will have to be approved in the form of a conditional use permit. One 18-acre parcel could develop as a business park hosting a variety of cannabis-oriented uses. This CUP will come forward to the Planning Commission and then, if approved, it has to be built. With added help in Community Development, the City is ready to move forward.

FISCAL IMPACT:

The City is in position to increase its General Fund by taxing the Cannabis industry, adopting these rules and regulations and moving forward. All direct costs will be offset by fees.

ATTACHED:

1. Draft Resolution
2. Draft Application

RESOLUTION NO. 2019-XX

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

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

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

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

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

Section 1. APPLICATION FORM.

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

Section 2. APPLICATION FEES AND CHARGES

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

1. A “Eligibility Application Fee” of \$2,536
2. A “Application Processing and Permit Issuance Fee” of \$4,280
3. A “Amended Registration and Regulatory Permit Renewal Fee” set at an hourly rate of \$95.94

Section 3. APPLICATION PROCESS – GENERAL.

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

A. Stage 1 – Applicant and Facility Eligibility:

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

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

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

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

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

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

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

Section 4. CANNABIS FACILITIES AND REGULATIONS.

A. Cannabis Facility Infrastructure and Security Regulations

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

1. Alarms and closed-circuit television.

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

2. Windows.

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

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

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

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

4. Visibility.

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

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

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

5. Fire suppression system.

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

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

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

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

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

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

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

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

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

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

7. Identification and access badges.

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

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

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

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

8. Biometric access system.

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

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

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

9. Security personnel.

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

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

10. Security liaison.

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

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

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

11. Cannabis Facility General Operating Requirements

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

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

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

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

C. Cannabis Cultivation Facility Operating Requirements

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

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

----- END -----

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

PASSED AND ADOPTED this 19th day of November 2019 at a regular meeting of the City Council of the City of San Juan Bautista by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

DRAFT

CITY OF SAN JUAN BAUTISTA CANNABIS FACILITY APPLICATION

APPLICATION FOR CANNABIS FACILITY PERMIT

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

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

OFFICE USE ONLY

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

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

GENERAL INFORMATION (All Applicants)

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

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

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

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

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

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

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

GENERAL INFORMATION (All Applicants)

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

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

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

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

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

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

GENERAL INFORMATION (All Applicants)

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

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

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

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

GENERAL INFORMATION (Cont.)

CERTIFICATION OF EMPLOYMENT PRACTICES

I, _____, certify that the business will not employ any person with any
(Name of Business/Owner listed in Item No. (1) of the application)

type of violent or serious felony conviction as specified in Section 667.5 and 1192.7 of the Penal Code or any felony conviction involving fraud, deceit, or embezzlement. The following shall become a condition of maintaining the license.

(Signature of Owner/Management Employee)

(Printed Name & Title)

(Date)

(Signature of Owner/Management Employee)

(Printed Name & Title)

(Date)

(Signature of Owner/Management Employee)

(Printed Name & Title)

(Date)

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

IF APPLYING AS AN INDIVIDUAL

Last Name: _____

First Name: _____

Middle: _____

Title(s) or AKA(s): _____

Residence address: _____

Home/Business Telephone: _____

Cell Phone: _____

Email Address: _____

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

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

Social Security Number: _____

Driver's License or Identification Card Number: _____

State of Issue: _____

Federal Tax ID Number (if applicable): _____

Seller's Permit Number (if applicable): _____

IF APPLYING AS A PARTNERSHIP

Check One Box:

☐ General Partnership

☐ Limited Partnership/ LLP

☐ Limited Liability Corporation/ LLC

Name of Partnership: _____

Federal Tax ID Number (if applicable): _____

Seller's Permit Number (if applicable): _____

Percentage of Partnership

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

Interest:

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

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

Interest:

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

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

Please Note:

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

IF APPLYING AS A PARTNERSHIP (cont.)

PRINCIPAL PARTNER I

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

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

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

Driver's License Number: _ Issuing State: _____

PRINCIPAL PARTNER II

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

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

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

Driver's License Number: _ Issuing State: _____

PRINCIPAL PARTNER III

Name: _____ Title: _____

Residence Address: _____ Phone: _

Business Address: _____ Phone: _

Email Address: _____

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

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

Driver's License Number: _ Issuing State: _____

IF APPLYING AS A CORPORATION

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

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

Name of Corporation: _____

Corporation Number: _____

Date and Place of Incorporation: _____

Location Headquarters: _____

Federal Tax ID Number: _____

Seller's Permit Number: _____

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

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

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

Numbers of shares issued by Corporation: _____

Number of share retained by Corporation: _____

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

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

IF APPLYING AS A CORPORATION (Cont.)

CORPORATE OFFICER I

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

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

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

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER II

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

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

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

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER III

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

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

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

Driver's License Number: _____ Issuing State: _____

CORPORATE OFFICER IV

Name: _____ Title: _____

Residence Address: _____ Phone: _____

Email Address: _____ Phone: _____

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

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

Driver's License Number: _____ Issuing State: _____

CITY OF SAN JUAN BAUTISTA

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

I, _____, am the legal owner / landlord / lessor of real property located at
(Name of Property Owner/ Landlord) (Circle One)
_____, San Juan Bautista, California. I authorize the
(Address listed in Item No. (4) of the application)

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

cannabis business at the property, as that term is defined in state law and the San Juan Bautista Municipal Code, for
the specific use(s) of _____
(Land uses(s) set forth in the Cannabis Facility application – e.g. cultivation, manufacturing, etc.)

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

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

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

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

(Signature of legal owner/landlord/lessor)

(Printed Name & Title)

(Date)

CITY OF SAN JUAN BAUTISTA

NOTARY ACKNOWLEDGEMENT FORM

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

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

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

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

NAME(S) OF SIGNER(S)

☐ personally known to me - OR -

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

WITNESS my hand and official seal

PLACE NOTARY SEAL ABOVE

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

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

Description of Attached Document

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

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

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

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

APPLICATION ATTACHMENTS

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

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

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

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

CITY OF SAN JUAN BAUTISTA

ACKNOWLEDGEMENT FORM
Cannabis Facility Permit Application

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

Print

Signature

Date

Indemnification Form

City of San Juan Bautista Cannabis Facility Application

I _____, hereby agree:

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

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

Print Name

Signature

Date



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: BOND REDUCTION REQUEST FOR THE PUBLIC IMPROVEMENTS
AT THE COPPERLEAF DEVELOPMENT

DATE: November 19, 2019

DEPARTMENT HEAD: Julie Bezhad, City Engineer

RECOMMENDATION

Approve a Resolution allowing for the partial release of a faithful performance bond for the Copperleaf Subdivision (Edenbridge L.P.).

BACKGROUND

On February 21, 2017, the City entered into a Subdivision Improvements Agreement with Edenbridge, L.P. ("Subdivider") for Tract No. 337 consisting of 45-single family homes, and related public improvements. On March 20, 2017, a Monumentation Bond for Subdivision was issued to the City in the amount of \$6,000; which is 100% of the estimated cost of setting subdivision monuments as stated in the original Engineer's Estimate of Public Improvements; as collateral to assure that the monuments will be installed to the Engineer's design standards and approved plans upon completion of the subdivision improvements and prior to acceptance.

The City was informed that all the final monuments have been installed as shown on the approved map and certified as of August 7, 2019 by Bryan Pierce, Land Surveyor of Ruggeri-Jensen-Azar in conformance with the requirement of Section 66497(a) of the Subdivision Map Act. The Subdivider also brought to the City's attention that the cost of installing the final monuments are also included in the Subdivision Improvements Bond which the City is currently holding 20% of the Public Improvements Bond.

For the reasons stated above, the City Engineer agrees to release the Monumentation Bond issued for Copperleaf, Tract No. 337 per Section 5 (c) of the Subdivision Improvements Agreement dated February 21, 2017.

DISCUSSION

Earlier this year, the City was asked to consider releasing the Monumentation bond since the final monuments have been installed and been certified by the project Land Surveyor. The City also learned that the installation of the monuments is also covered and included in the Public Improvements Bond. Since the installation of the monuments have been completed and certified, the City Engineer is releasing the Monumentation Bond for Copperleaf, Tract No. 337.

FISCAL IMPACT

Since the subdivision is not complete, the monuments may be damaged or otherwise compromised. The City is currently holding 20% of the Subdivision Improvements Bond which should have sufficient funds to repair any outstanding issues. There will be no fiscal impacts to the City.

ATTACHMENTS:

Engineer's Estimate

Resolution for approval

Copperleaf Engineer's Estimate

Item Description	Quantity	Unit	Unit Price	Total
Onsite Improvements				
<u>Grading</u>				
Clearing, Grubbing & Demolition		LS	\$	25,000.00
Sub Ex & Recompact		LS		115,400.00
Lot Fine Grading	45	EA	324.00	14,580.00
Erosion Control		LS		20,000.00
Subgrade streets, sidewalk, curb & Gutter		LS		54,700.00
			\$	229,680.00
<u>Onsite Water</u>				
8" Water	1,892	LF	50.00	94,600.00
1.5" Water Service	54	EA	1,200.00	64,800.00
Re-locate Existing Fire Hydrant	1	EA	2,200.00	2,200.00
Fire Hydrants	8	EA	5,500.00	44,000.00
Connect to Existing Service	3	EA	3,000.00	9,000.00
			\$	214,600.00
<u>Onsite Sanitary</u>				
8" PVC SS	1,630	LF	37.00	60,310.00
4" Service Laterals	54	EA	750.00	40,500.00
SS Manhole	8	EA	2,890.00	23,120.00
			\$	123,930.00
<u>Onsite Storm</u>				
15" RCP	725	LF	45.00	32,625.00
18" RCP	590	LF	50.00	29,500.00
Storm Manhole	7	EA	3,350.00	23,450.00
Thru-curb Drain	90	EA	160.00	14,400.00
Catch Basins	8	EA	2,700.00	21,600.00
			\$	121,575.00
<u>Storm Water Quality Det/Ret Basin</u>				
Bioretention Basin Treatment	9,560	SF	10.00	95,600.00
Flared-out Structure with Rip Rap	1	EA	8,320.00	8,320.00
Basin Outfall Structure	1	LS	3,250.00	3,250.00
			\$	107,170.00
<u>Pave, Rock & Concrete</u>				
Streets 3" AC over 10 CL2AB	65,080	SF	3.00	195,240.00
Curb & Gutter	3,650	LF	26.00	94,900.00
Sidewalk 6" CL2AB	16,135	SF	6.00	96,810.00
Driveway Approaches	5,365	SF	7.00	37,555.00
Handicap Ramps	8	EA	1,775.00	14,200.00
Monuments	10	EA	600.00	6,000.00
			\$	444,705.00
<u>Street Signs, Striping</u>				
Street Signs and Striping	1	LS	9,825.00	\$ 9,825.00

Utilities, Lighting, Electrical, Gas

Joint Trench	55	EA	4,000.00	220,000.00
Electrolier	13	EA	2,500.00	32,500.00
			\$	252,500.00

Soundwall and Fencing

Soundwall	1,180	LF	195.00	230,100.00
Fencing	6,308	LF	20.00	126,160.00
			\$	356,260.00

Landscaping

Streetscape	16,170	SF	3.20	51,744.00
Park	34,550	SF	4.50	155,475.00
			\$	207,219.00

Total Onsite Costs \$ 2,067,464.00

Offsite Improvements

Grading

Demo, Sawcut & Remove	20,860	SF	1.00	20,860.00
SJH Road Street Subgrade	37,700	SF	1.00	37,700.00
				58,560.00

Pave, Rock & Concrete

SJH Road 4" AC over 11.5 CL2AB	25,040	SF	4.00	100,160.00
SJH Road Cub & Gutter	1,020	LF	26.00	26,520.00
				126,680.00

Offsite Water

8" PVC SJH Road	84	LF	75.00	6,300.00
12 PVC in SJH Road	50	LS	120.00	6,000.00
Connect to Existing 12" Main	1	LS	5,700.00	5,700.00
			\$	18,000.00

Offsite Sanitary

8" SDR 26 PVC SS	1258	LF	70.00	88,060.00
SS Manhole	3	EA	4,000.00	12,000.00
Connect to Existing Alameda Manhole	1	EA	15,000.00	15,000.00
			\$	115,060.00

Offsite Storm

15" RCP	300	LF	120.00	36,000.00
Storm Manhole	2	EA	3,800.00	7,600.00
			\$	43,600.00

Total Offsite Costs \$ 361,900.00

Total Onsite & Offsite Costs \$ 2,429,364.00

RESOLUTION 2019-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ALLOWING FOR THE PARTIAL RELEASE OF FAITHFUL PERFORMANCE BOND
FOR THE COPPERLEAF SUBDIVISION (EDENBRIDGE L.P)**

WHEREAS, Section 66499.7 of the Government Code (Subdivision Map Act) allows for a partial release of the Faithful Performance Bond provided that the remaining work does not exceed 20 percent of the original bond amount and that the developer has posted bonds in the amount of 150 percent of the engineer's estimate of the remaining work; and

WHEREAS, the City Engineer has created a punch list of the remaining work and has determined that the remaining work to be performed on the Copperleaf Subdivision does not exceed 20 percent of the original Faithful Performance bond amount; and

WHEREAS, the City Engineer has estimated the cost of the remaining work and has determined that the Developer, Edenbridge L.P. has posted bonds in an amount of 150 percent of the Engineer's estimate of remaining work.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Engineer may allow for a partial release of Faithful Performance Bond for the Copperleaf Subdivision.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 19th day of November 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk



City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: AMENDMENT #2 TO THE HARRIS AND ASSOCIATES
CONTRACT FOR PLANNING SERVICES

DATE: NOVEMBER 19, 2019

FROM: DON REYNOLDS, CITY MANAGER

RECOMMENDATION: It is recommended that the City Council approve the City Manager's execution of Amendment #2 to the Harris and Associates Agreement adding Planning Services.

BACKGROUND: During the past ten-years the City has been served by various planning professionals in both current planning matters, and advanced planning policies and programs. The City requires a professional planner to help protect the community's interest and identity, the environment, respond appropriately to growing development pressure, and assure the City's actions are in compliance with the rapidly changing State community development, historical preservation and environmental quality laws. San Juan Bautista has experienced both success and frustration alternating between in-house services and contractual relationships. Until recently, the City's professional planning and building services were provided by 4-Leaf Inc. On October 27, 2018, the City hired an employee of 4-Leaf to become the City's Associate Planner. An associate planner is a second level journey level position in a class of professional planning services that span as many as eight different levels up to and including Planning Director (aka "Resource Management Director," and "Community Development Director"). The Associate Planner position assumed responsibility for the current planning functions related to day-to-day development and land-use process, and the City hired consultants to tackle the big projects, including the Housing Element. The City Manager hired July 2, 2019 is not a credentialed planning professional and there is a gap in knowledge and experience that needs to be filled.

The Interim City Manager recommended changes to the City's "Community Development Fund" noting that it is in the best interest of the City to partially subsidize these funds with the General Fund when new applications for development are considered, or for big policy changes like the Housing Element. These are policy decisions made annually as part of the budget adoption. Ultimately this fund will evolve to recover 100% of its expenses through the establishment of a trust fund, that receives developer deposits, instead of flat fees.

When the budget was approved, the City Council approved a Deputy City Manager position for 30 hours a week at \$50 per hour to support the new City Manager. Twenty percent of these costs are to be paid from the Community Development Fund (\$14,000) and 10% are to be paid from the General Fund (\$7,000). By July 31st, the City Manager determined that the City needed immediate

help in public works due to the frail nature of the water system, the highly critical results of the Waste Water Treatment Plant's "Conditions of Failure Analysis," and recent critical visits from the State Water Board and the EPA. An offer was made to an interested candidate but \$30 per hour was not close to a competitive salary. This retired Public Works Director was earning \$100 per hour consulting for a Bay Area city. The City was successful retaining this person's services not as a DCM, but to complete two vital studies; a Water Master Plan, and a Waste Water Master Plan. The studies and the staff-time are both paid by the enterprise funds. With this help, and after stabilizing the services of the new City Engineer services (CSG Contract that also started July 1, 2019), it became clear that the City needed more support in Community Development. The first step was to hire a code enforcement officer, and this position was filled by a retired Sheriff Deputy October 1, 2019 at \$50 per hour. There remain funds available from the salary savings in the DCM position between July 1 and October 1, to consider immediate help in Community Development.

The City currently demands much more from a planning services function than the current City Associate Planner can provide. The job description does not include CEQA work, large scale development review like gas stations, health clinic, housing tracts and the related agreements. Support for "advanced planning" including the Housing Element update were in addition to these day-to-day "current planning" services. Picking up the housing element five years after it expired, uncovered six additional ordinances that had to be updated. A Senior Planner with eight years or more experience is better suited to perform these duties.

DISCUSSION: The first attachment is a simple scope of work used to solicit temporary professional planning support. It is in summary, a comprehensive list of immediate needs facing the City in this discipline. Four replies were received.

After interviewing three consulting firms for the planning services sought, the City received notice that a skilled planner working for the City of Marina would be leaving and joining Harris and Associates. The current Agreement between the City and Harris and Associates for City Engineering services was extended in April until December 31, 2019. Having retained CSG as the City Engineer, Harris is only working on one project at this time- the design of the Third Street Improvements.

After an interview and talking with strong reliable references, consideration of cost per hour, the availability to have on-site support now, it was determined by the City Manager to move forward with Harris and Associates. This decision is based upon that fact that the City needs current planning skills to handle a back-log of projects now. The Senior Planner could start October 1, 2019. The cost was \$50,000 less than the competitive proposals for one-years' service, and the Planner could work with us on-site for the first weeks helping address some immediate concerns. Attached is the resume of David Mack, that describes his 13-years of experience with the County of Monterey and City of Marina.

In the past four weeks, Mr. Mack has spent roughly 50-hours helping organize files related to developments that include the new Gas Station, Casa Rosa, and a few smaller residential projects. He is familiar with the developer from Marina that is building the gas station. This experience has been a great support. David Mack brings the confidence that a developer is looking for, as well as the experience necessary to guide the Planning Commission when needed towards better development solutions for the City.

The Amendment and Scope of Services is detailed behind the attached resolution. It describes a total of 740 hours to help get the City on the right track. These hours would be spent quickly upfront at 20-30 per week, but by the end of the first three months, we will be tapering back to between 5-10 hours per week. A weekly development review meeting will be scheduled so that once a week, all disciplines come together to share the current status of their reviews, to ensure that no statutory deadlines are missed. More than 18 housing laws were approved last month and become effective January 1, 2020. New planning systems have to be established to meet these changes.

The scope of work is structured into four 90-day reviews. Adjustments can be made to increase or reduce the amount of services received based on progress and fiscal restraints. In January, a mid-year budget amendment will be forth coming for the potential of making one-time budget adjustments based upon higher than expected revenues or cost savings. One immediate resource is the cost savings from not hiring a Deputy City Manager from July 1- September 30th.

FISCAL IMPACT: The estimated cost of 12-months of Planning Services is \$113,920. It can be terminated or reduced every 90-days (\$28,500 per quarter). Consideration for continued funding of these services will come before the City Council at the January Midyear Budget Review, and perhaps a third review will be included during the budget process for the Fiscal Year 2020/21. Community Development Impact fees will be used as much as possible to off-set a possible transfer from the General Fund reserve.

ATTACHMENTS:

Resolution for approval
Amendment to the contract
Scope of Services

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING A SECOND AMENDMENT AND EXTENSION TO THE AGREEMENT BETWEEN THE CITY AND HARRIS AND ASSOCIATES FOR PLANNING SERVICES

RECITALS

WHEREAS, on November 7, 2017, the City Council of the City of San Juan Bautista approved an agreement with Harris and Associates for Engineering Services; and

WHEREAS, on May 15, 2018, the City Council of the City of San Juan Bautista approved Amendment 1 to an agreement with Harris and Associates for Engineering Services to extend the contract terms to June 30, 2018 and increase the maximum not-to-exceed limit to \$500,000; and

WHEREAS, on April 16, 2019, the City Council extended the term of this Agreement until December 31, 2019; and

WHEREAS, on June 18, 2019, the City hired a new City Engineering firm, but did not cancel the Harris Agreement to assure their work was completed; and

WHEREAS, the City requires consulting work for Planning Services, and after soliciting proposal from four different firms, Harris and Associates has been selected to provide these services; and

WHEREAS, it is recommended that the City Council approve Amendment #2 to the Agreement between the City and Harris and Associates adding Planning Services, as described in the scope of work attached to and provided herein.

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

SECTION 1. The Agreement is hereby amended adding the Planning Services described in the attached scope of work, and extends the Term of the Agreement until September 30, 2020, (unless otherwise terminated as specified in the agreement) with a maximum not-to-exceed limit of \$113,920 (plus engineering design services already in progress at an estimated cost of \$121,077) and authorize the City Manager to execute the Agreement on behalf of the City.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the City Council held on November 19, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

Planning Services Scope of Work

Sent out the first week of October, 2019 to: EMC, 4-Leaf, City Gate, and Harris and Associates

The City requires a well-seasoned professional to manage both current planning and advanced planning efforts for a minimum period of three months. This could be arranged as an intensive effort in the beginning (30-40 hours) tapering off (5 hours a week) as systems are improved. At least 5-hours per week on-site to review the status of the various matters.

Here are the various current planning efforts needed:

Formalize the Entitlement Permit process, with a single form application, ending in an approved Entitlement Permit acknowledged and signed by the applicant and the City. Consider recording this on the title.

Coordinating, expediting and facilitating the building permit process and plan check process (contract City Engineer, Contract building official, planner)

A weekly review of development projects, meetings requested by developers, various zoning interpretations, questions and inquiries.

Scheduling the Agendas of the Planning Commission and Strategic Plan Committees; hearing notices etc.

CEQA concerns, questions and processes

Take control over the various applications now moving forward including Casa Rosa, the health clinic, and adjacent housing development on Muckelemini

Work with Code Enforcement

Here the current long-term planning challenges in need of help:

Initiate a Specific Plan for Annexation of properties in south SJB

Implement the Cannabis Ordinance

Cell Tower lease process and update codes to reflect State codes and 5G

Complete the Housing Element

Review and update the inclusionary housing element

Review and update the Historic Resources Ordinance

Amendment #2

This is Amendment #2 to Agreement for City Engineering Services ("Agreement") between the City of San Juan Bautista ("City) and Harris & Associates ("Consultant") executed on January 11, 2018.

WHEREAS on June 5, 2018, City and Consultant entered into an Amendment 1 to the Agreement to extend the term of the Agreement to June 30, 2019 and to increase the Consultant's compensation from \$200,000 to \$500,000; and

WHEREAS the City and Consultant desire to amend the Agreement to (a) extend the term of the Agreement to December 21, 2020; (b) increase the compensation amount from \$500,000 to \$613,920 for additional planning services; (c) add to the Agreement Exhibit A-1 for additional scope of work and Exhibit B-1 for additional fee schedule; and (d) change the project key personnel to Frank Lopez and Kate Giberson.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions herein contained, the City and Consultant agree as follows:

1. Section 23. **Amendments, Changes or Modifications.** This Agreement is not subject to amendment, change or modification except by a writing signed by the authorized representatives of City and Consultant
2. Section 1. **Scope of Work.**

Section 1 (a), 1st Sentence shall be amended to "Consultant is hereby hired and retained by the City to work in a cooperative manner with the City to fully and adequately perform those services set forth in Exhibit A and Exhibit A-1 attached hereto ("Scope of Work") and by this reference made a part hereof."

Section 1 (c), 2nd Sentence shall be amended to "Each authorized Task Order issued under this Agreement by City shall be incorporated by reference as an integral part of Exhibit A and Exhibit A-1 and into the terms and conditions of this Agreement.

Section 1 (h), 1st Sentence shall be amendment to "City shall cooperate with Consultant and will furnish all information data, records and reports existing and available to City to enable Consultant to carry out work outlined in Exhibit A and Exhibit A-1."

3. Section 2. **Term of Agreement & Commencement of Work.**

Section 2 (a), 1st Sentence shall be amended to "Unless otherwise provided, the term of this Agreement shall begin on the date of its full execution and shall expire on December 31, 2020 unless extended by amendment or terminated earlier as provided herein."

Section 2 (b), Last Sentence shall be amended to "Consultant may be required to prepare a written schedule for the work to be performed, which schedule shall approved by the City and made a part of Exhibit A and Exhibit A-1, and to perform the work in accordance with the approved schedule."

4. Section 3. **Compensation.**

Section 3 (a) shall be amended to "City liability for compensation to Consultant under this Agreement shall only be to the extent of the present appropriation to fund this Agreement. For services to be provided under this Agreement City shall compensate Consultant in an amount not to exceed Six Hundred Thirteen Thousand Nine Hundred Twenty Dollars (\$613,920.00) in accordance with the provisions of this Section and the Fee Schedule attached as Exhibit B and Exhibit B-1 of the original agreement and incorporated herein by this reference."

Section 3 (b) shall be amended to "The City will pay the Consultant under Task Orders on a time and materials/reimbursable expenses (T&M) basis. The hourly rate in Exhibit B and Exhibit B-1 apply to all Task Orders."

Section 3 (f), Last Sentence shall be amended to "Compensation for any authorized Extra Work shall be paid in accordance with Exhibit B and Exhibit B-1."

5. Section 5. **Administrator, Project Manager & Key Personnel.**

Section 5 (b) shall be amended to "Consultant designates Frank Lopez as its Project Manager who shall coordinate all phases of the Project. The Project Manager shall be available to City at all reasonable times during the Agreement term."

Section 5 (c), Last Sentence shall be amended to "The key personnel for performance of this Agreement are as follows:

- Frank Lopez, Senior Director, Engineering
- Kate Giberson, Director, Environmental Planning and Compliance

6. All other portions of Sections 1, 2, 3, 5 and 23 remain unchanged.

7. All other sections of the Agreement shall remain unchanged and in effect.

The City and Consultant have executed this Amendment #2 as of October 21, 2019.

CITY OF SAN JUAN BAUTISTA


Don Reynolds, City Manager

HARRIS & ASSOCIATES

Frank S.
Lopez

Frank S. Lopez, Senior Director

Digitally signed by Frank S.
Lopez
Date: 2019.10.18 13:54:58
-07'00'



Harris & Associates.

EXHIBIT A-1

October 18, 2019

Don Reynolds
City Manager
City of San Juan Bautista
311 2nd Street
San Juan Bautista, California 95045

cc: Frank Lopez, Senior Director, Harris & Associates

Proposal to Provide Planning Services to the City of San Juan Bautista

Dear Mr. Reynolds:

Harris & Associates (Harris) appreciates the opportunity to provide planning services to the City of San Juan Bautista (City). This memorandum includes our understanding of the requested services, our standard billing rates, and cost estimate for the requested services.

Harris understands you would like to amend our existing on-call contract to include the requested services and extend the contract, which expires December 31, 2019, to December 31, 2020.

REQUESTED SERVICES AND STAFFING

Our understanding of the requested services is based on your October 9, 2019, email to me.

The City requires experienced professional staff to manage both current planning and advanced planning efforts, including managing 5-6 open cases, assisting with CEQA compliance, and attending Planning Commission and City Council meetings. The following work assignments were provided by the City as examples, but we understand that actual work assignments may vary.

Current Planning

- Formalize the Entitlement Permit process, with a single form application, ending in an approved Entitlement Permit acknowledged and signed by the applicant and the City (consider recording this on the title)
- Coordinate, expedite and facilitate the building permit process and plan check process (working with the contract city engineer, contract building official, and planner)
- Conduct a weekly review of development projects, meetings requested by developers, various zoning interpretations, questions and inquiries
- Prepare meeting agendas, hearing notices, and the like
- Address CEQA concerns, questions and processes

- Manage various applications moving forward including Casa Rosa, the health clinic, and adjacent housing development on Muckelemini
- Work with Code Enforcement

Advanced Planning

- Initiate a Specific Plan for Annexation of properties in south San Juan Bautista
- Implement the Cannabis Ordinance
- Implement Cell Tower lease process and update codes to reflect State codes and 5G
- Complete the Housing Element
- Review and update the inclusionary housing element
- Review and update the Historic Resources Ordinance

The City seeks assistance up to 20 hours per week for a month, with a more intensive effort in the beginning (up to 40 hours per week), and then tapering off to 5 hours per week as City systems are improved. The duration of services would be required for a minimum period of three months and may continue for up to one year.

Accordingly, we have presented an hours estimate over the course of one year (Table 1) upon which to base the cost estimate (Table 2) for the purposes of providing staff augmentation for planning and environmental compliance services, with the following key staff:

- David Mack, Project Manager/Senior Planner, who has served in a senior planning capacity with the City of Marina and County of Monterey, prior to joining Harris & Associates.
- Michelle Stiefel, Environmental Analyst, who serves as a junior analyst and will assist David with planning and environmental compliance tasks as needed.

We understand that you would like to re-assess the hours and staff every quarter to adjust up or down as funding allows and the work load justifies.

If preparation of CEQA documents, such as Initial Study/Mitigated Negative Declaration or Environmental Impact Report, is required, a specific scope of work and cost estimate would be developed, and a contract amendment may be required.

BILLING RATES AND COST ESTIMATE

Our standard Range of Hourly Rates sheet has been attached, with key staff and their billing rates identified. The cost estimate for the services and hours described herein is \$113,920 (refer to Tables 1 and 2).

Sincerely,
Harris & Associates, Inc.



Kate Giberson
Director, Environmental Planning + Compliance
(831) 419-6800 mobile ■ Kate.Giberson@WeAreHarris.com

David J. R. Mack, AICP

PROJECT MANAGER, SENIOR PLANNER - ENVIRONMENTAL PLANNING + COMPLIANCE

David has more than 13 years of experience in planning. David's planning experience includes planning permit compliance and review; analyzing, preparing, and reviewing California Environmental Quality Act (CEQA) documents, including Negative Declarations (NDs) and environmental impact reports (EIRs); and processing and reviewing proposed development projects, including General Plan Amendments, Specific Plans, and rezoning requests. David communicates with the public with clarity and proficiency and is a skilled and effective presenter.

RELEVANT EXPERIENCE*

CITY OF MARINA

- **Coastal Development Permit for the California-American Water (Cal-Am) Slant Well (Desalination Plant).** Conditional Use Permit to allow the installation of 6 new slant wells and rehabilitation of one test well and associated piping and infrastructure to produce water for a separately proposed desalination plant project. Project review included independent analysis and review of a previously certified EIR (CPUC).
- **Shores at Marina (Owhadi) Specific Plan and Combined Development Permit.** Proposed 58-unit multi-family apartment complex, requiring a Specific Plan, General Plan Amendment, and Zoning Amendment, Conditional Use Permit, Design Review, and CEQA document (Negative Declaration).
- **Seacrest Apartments (Taormina) Specific Plan and Combined Development Permit.** Proposed 12-unit multi-family apartment complex, requiring a Specific Plan, Conditional Use Permit, and Design Review. Project was considered to be exempt from CEQA as in-fill development.
- **Veteran's Transition Center (VTC) and Combined Development Permit.** Proposed supportive housing development on former Fort-Ord lands, requiring a Conditional Use Permit, Design Review, and CEQA document (Mitigated Negative Declaration).
- **General Planning / CEQA Compliance.** Assisted the department with serving the public-at-large, including providing customer service and requested zoning information at the public counter. Reviewed building permits and site plans for consistency with planning requirements, including setback, coverage, height, and floor-area ratio (FAR). Processed application for planning permits that required both Administrative and Public Hearings (Design Review Board, Planning Commission, and/or City Council). Processed, prepared and reviewed CEQA (California Environmental Quality Act) documents including Negative Declarations (NDs), Mitigated Negative Declarations (MNDs) and Environmental Impact Reports (EIRs). Assisted with the update of the Municipal Code, including Zoning Ordinance and General Plan.

COUNTY OF MONTEREY

- **Carmel Canine Sports Center (Walter Properties LLC).** Proposed commercial dog park and training/exhibition facility requiring a Use Permit, Zoning Amendment/Change, Design Review, and CEQA document (Environmental Impact Report).

EDUCATION

BA, Environmental Studies

UC Santa Barbara

CERTIFICATIONS

American Institute of Certified Planners (AICP) Certified Planner

MEMBERSHIPS

American Planning Association (APA)

Association of Environmental Professionals (AEP)


David J. R. Mack, AICP

- ***Ferrini Ranch (Domain Corporation)***. Proposed 185-lot single-family residential subdivision, requiring a Zoning Amendment/change, Tentative Subdivision Map, General Plan Amendment, multiple Use Permits, Design Review, and CEQA document (Environmental Impact Report). Project consisted of approximately 800 acres in total, 600 of which was placed into permanent Open Space, with the remainder of 200 lots being divided into 185 single-family lots of varying sizes. Project review also included analysis of grading on slopes in excess of 30-percent (Use Permit), potential ridgeline development (Use Permit) and placement of housing within and along an identified scenic corridor (State Route 68).
- ***Gonzales Business Park Wind Turbines (Meyer)***. Proposed large-scale commercial wind turbine application to partially power the Gonzales Agriculture Business Park. Project consisted of two approximate 400-foot tall wind turbines, located within the jurisdiction of Monterey County (Meyer property) to supply power to a business park located within the jurisdiction of the City of Gonzales. Processing of the project included granting of Use Permits for the turbines, and a concurrent Code Text Amendment (Ordinance) to allow the turbines above 200-feet in height. The project also includes the preparation and adoption of Negative Declaration to analyze potential impacts resulting from both the project and the Code Text Amendment/Ordinance.
- ***General Planning / CEQA Compliance***. Assisted the department with serving the public-at-large, including providing customer service and requested zoning information at the public counter. Reviewed building permits and site plans for consistency with planning requirements, including setback, coverage, height, and floor-area ratio (FAR). Processed application for planning permits that required both Administrative, Public Hearings, and Appeals (Design Review, Zoning Administrator, Planning Commission, and/or Board of Supervisors). Processed, prepared and reviewed CEQA (California Environmental Quality Act) documents including Negative Declarations (NDs), Mitigated Negative Declarations (MNDs) and Environmental Impact Reports (EIRs). Assisted with the update of the Municipal Code, including Zoning Ordinance and General Plan. Served as liaison for various Land Use Advisory Committees (LUAC) including North Coastal Coastal, Carmel Valley, Castroville, and Greater Monterey Peninsula. Monitored "Condition Compliance" on all assigned and previously processed land use entitlement permits.

****David worked on the above projects as the lead planner prior to joining Harris in October 2019.***

Table 1. Hours Estimate for San Juan Bautista Planning Services Over a Year

Staff	Month												Total
	1	2	3	4	5	6	7	8	9	10	11	12	
Mack	100	80	60	40	20	20	20	20	20	20	20	20	440
Stiefel	50	40	30	20	10	10	10	10	10	10	10	10	220
Giberson	4	2	2	2	2	2	2	2	2	2	2	2	26
TechSupport	8	6	4	4	4	4	4	4	4	4	4	4	54
Total	162	128	96	66	36	36	36	36	36	36	36	36	740

 Harris & Associates	HARRIS STAFF HOURS				Fee
	Kate Giberson Project Director	David Mack Project Manager/ Senior Planner	Michelle Stiefel Environmental Analyst	Technical Support GIS, Graphics, Tech Edit	
Task Description	\$240.00	\$185.00	\$90.00	\$120.00	
Planning Services	26.0	440.0	220.0	54.0	\$ 113,920.00
<i>Hours Subtotal</i>	26	440	220	54	
TOTAL					\$113,920.00

10/18/2019

EXHIBIT B-1



Harris & Associates

RATE SCHEDULE

**Applicable to
Planning and Environmental Compliance Services
for the City of San Juan Bautista**

Effective January 1, 2019 - December 31, 2020

Key Staff	Hourly Rate
David Mack, Project Manager/Sr Planner	\$185
Michelle Stiefel, Project Analyst	\$90
Kate Giberson, Director	\$240
Technical Support: GIS/Graphics Specialist, Technical Editor	\$120

ENVIRONMENTAL PLANNING + COMPLIANCE

HOURLY RATE

Project Directors	\$180-240
Project Managers	135-205
Project Analysts	75-160
Technical Support	70-125
Administrative Support	60-95

Notes: Unless otherwise indicated in the cost proposal, our hourly rates include typical direct costs such as travel, equipment, vehicles, computers, communications and reproductions (except large quantities such as construction documents for bidding purposes).



City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: CONSIDER MINOR CHANGE TO THE CITY CANNABIS CODE
SECTION 5.31-160 (H) (1)

DATE: NOVEMBER 19, 2019

FROM: DON REYNOLDS, CITY MANAGER

RECOMMENDATION:

This discussion item has no recommendation and no action.

BACKGROUND:

In 2018 when the Cannabis Ordinance was adopted, the policies and practices were suggested by Pinnacles Strategies and reviewed by the City Council's Cannabis Subcommittee. Section 5-131.160 describes the building standards and design guidelines for a cannabis business.

**5.31.160 Cultivation, Dispensary, Manufacturing, Distribution and Testing
Locations.**

- A. A cannabis dispensary may be located in Industrial zones only.
- B. A cannabis cultivation facility may be located in Industrial zones only.
- C. A cannabis manufacturing facility may be located in Industrial zones only.
- D. A cannabis testing facility may be located in Industrial zones only.
- E. A cannabis distribution facility may be located in Industrial zones only.
- F. All cannabis facilities shall be setback a minimum of 600 feet from, a school, measured in a straight and direct horizontal line from the parcel boundary line of the cannabis facility to the parcel boundary line of the school. For the purposes of this Section, "school" means any

public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

G. All cannabis facilities shall be additionally setback a minimum of 150 feet from a conforming residential use or a licensed rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of the cannabis facility to the closest exterior wall of the conforming residential.

H. All cannabis cultivation shall be conducted only in the interior of an indoor structure and all cultivation operations including all cannabis plants at any stage of growth shall not be visible from the exterior of any structure, facility, or building containing the cultivation of cannabis.

I. For the purposes of this Section, “indoor structure” means a building, or other structure (or space within a building, or other structure) that (i) has an improved and permanent foundation spanning the entire surface underlying the building, or other structure, (ii) has a complete roof enclosure, transparent or non-transparent, supported by connecting hard sided walls extending from an improved and permanent foundation to the roof, (iii) is secure against unauthorized entry, (iv) provides complete visual screening, (v) complies with all odor control and other design standards required by this Chapter (including any regulations adopted pursuant to this Chapter), (vi) is accessible only through one or more lockable doors, and (vii) is inaccessible to minors.

I. Designation of zoning districts does not give owner or lessor of real property any rights to operate under this Chapter, or provide that any permit applied for under this Chapter shall be allowed. The City shall consider the existing surrounding uses in analyzing impacts of facility, and can deny use in any zoning district if City feels impacts on existing conforming uses are unreasonable. The herein Chapter is intended to allow for activities and uses that are unique and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing it to established development standards and individual aspects of application.

J. The permit for a cannabis facility shall apply to a single premise only.

DISCUSSION:

Recently while discussing the City’s Ordinance with two different prospective cultivators, they had concerns with the Section 5-131.160 H.(1) that requires a “permanent foundation.” These are not “hoops” or greenhouses; they are more substantial than that. Current business models have changed and more flexible pea-gravel or other permeable surface is preferred. Security, odor and visibility can be appropriately addressed with gravel or dirt floors. Not having the concrete

foundation provides more flexibility as site changes are considered in future years. Lastly, the cost is too high.

Having heard this, staff asked about the City Council's consideration at that time, and the intent. Safety, visibility from the street, and security were a few of these considerations. While visiting a large cultivator with the City of Hollister last week, it was suggested that this permanent improvement is easier to maintain, easier to manage contamination from other species (such as pollen from hemp being produced near-by), odor control, the life of the building is longer, and less expensive to maintain and operate. Hollister staff felt that the City should not change its current standards.

The cannabis market has changed significantly from two-years ago. The City's original intent was to attract business and collect the tax revenues. If development standards are preventing the capital investment necessary to attract businesses, neither cannabis cultivators or property owners will benefit. Prior to this discussion, staff will attempt to convene the Cannabis Subcommittee (Councilmembers DeVries and Freeman) with Pinnacles Strategies to thoroughly explore all options, and facilitate Council's discussion.

FISCAL IMPACT:

None.