



City of San Juan Bautista

The "City of History"

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REVISED AGENDA

REGULAR CITY COUNCIL MEETING

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

APRIL 16, 2019

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

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

1. **Call to Order**
Pledge of Allegiance
Roll Call

6:00 PM

2. **Public Comment**

3. **Consent Items**

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

- A. **Approve Affidavit of Posting Agenda**
- B. **Approve Minutes for the March 19, 2019 Regular Meeting**
- C. **Approve Minutes for the March 19, 2019 Special Meeting**
- D. **Approve Resolution for Street Closure for Early Days**
- E. **Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**
- F. **Approve Resolution 2019-XX Ordering Preparation of an Engineer's Report for Fiscal Year 2019-20 for Valle Vista Landscape and Lighting Maintenance Assessment District No. 1**

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

- A. **Proclamation National Public Works Week**
- B. **Peak Day Proclamation**
- C. **Monthly Financial Statements**
- D. **City Manager's Report**
- E. **Building and Planning Report**
- F. **Reports from City Council Appointees to Regional Organizations and Committees**
- G. **Strategic Plan Committee Report**

5. Action Items

A. Confirm Appointments to Planning Commission

- i. Approve Amended Minutes for the December 18, 2018 Regular Meeting**
- ii. Adopt a Motion Confirming Appointments to the Planning Commission**

- i. Staff Report: City Attorney Mall

- ii. Discussion

- iii. Public Comment

- iv. Possible Action:

- a. Motion to approve the Amended Minutes for the December 18, 2018 Regular Meeting

- b. Motion to Confirm Appointments to the Planning Commission

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

- i. Staff Report: Frank Lopez, City Engineer

- ii. Discussion

- iii. Public Comment

- iv. Possible Action:

- Motion to approve Resolution 2019-XX designating Muckelemi Street, Third Street and Polk Street Pavement Rehabilitation Project as the City's Priority Project under the state's Road Repair and Accountability Act of 2017 (SB1) and Measure G

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

- i. Staff Report: Interim City Manager Tewes

- ii. Discussion

- iii. Public Comment

- iv. Possible Action:

- Motion to approve amendment to contract with Harris & Associates for engineering services through December 31, 2019

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

- i. Staff Report: Kathleen Gallagher, San Benito County Integrated Waste Management

- ii. Discussion

- iii. Public Comment

- iv. Possible Action:

- Approve Resolution 2019-XX Approving Issuance of a Proposition 218 Notice for Proposed Maximum Allowable Solid waste collection rates adjustment

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

- i. Staff Report: Mayor Flores

- ii. Discussion

- iii. Public Comment

- iv. Possible Action:

- Motion to authorize a Letter of Support for AB 1783

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

- i. Staff Report: Fire Marshal Charlie Bedolla
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:

Motion to Adopt Resolution 2019-XX declaring the condition of certain properties to constitute a public nuisance, ordering the abatement of weeds thereon, and noticing a public hearing for the receipt of objections to the proposed abatement

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

- i. Staff Report: Associate Planner Kennedy
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:

Motion to approve Resolution 2019-XX Setting General Plan Surcharge Fees

H. Approve Transfer of \$2.0 million into LAIF

- i. Staff Report: Interim City Manager Tewes
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:

Motion to authorize a transfer of \$2.0 million from a demand deposit checking account at Union Bank to LAIF

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

- i. Staff Report: City Attorney Mall
- ii. Discussion
- iii. Public Comment
- iv. Possible Action:

Motion to introduce an ordinance for smoke free outdoor dining in the City of San Juan Bautista

6. Discussion Items

- A. Establish a Regional Traffic Impact Fee**
- B. Dig Once Policy**

7. Comments

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

8. Closed Session

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


9. Adjournment

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 10th DAY OF APRIL 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 10th DAY OF APRIL 2019.



TRISH PAETZ, DEPUTY CITY CLERK

**CITY OF SAN JUAN BAUTISTA
REGULAR CITY COUNCIL MEETING
MARCH 19, 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, Vice Mayor Edge, Council Members DeVries, Freeman and Jordan

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

2. PUBLIC COMMENT

Sandra Arretche described an incident that occurred on March 2, 2019 with Level 1 Private Security. Vanessa Gonzalez introduced herself as the Field Representative for State Senator Anna Caballero. Darlene Boyd commented there were two un-noticed meetings on December 18, 2018 and January 22, 2019 and she requested what was discussed be disclosed. Jackie Morris-Lopez commented there have been several complaints about the stop signs in front of the Mission Garden Apartments and that the installation should be revisited, removed and a study done. City Attorney Mall responded to Ms. Boyd's comment regarding January 22, 2019 that she met with Council Member Jordan regarding a possible conflict of interest and no one else.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

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

C. Approve Minutes for the February 25, 2019 Special Meeting

D. Approve Resolution 2019-11 Confirming Appointments to Commissions, Committees and Regional Boards

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

Council Member Freeman requested that Item 3D be pulled from the Consent Items. Council Member Jordan made a motion to approve the Consent Items except for Item 3D. Second by Vice Mayor Edge. Motion passed 5-0.

3D. Approve Resolution 2019-11 Confirming Appointments to Commissions, Committees and Regional Boards

Interim City Manager Tewes reviewed his staff report. There was discussion between Council Members and staff. Public comment was received from Darlene Boyd reading sections of the Brown Act and requesting a revote of the selection of the members of the Planning Commission. City Attorney Mall and Interim City Manager Tewes listed options to rectify the issue including placing on the next meeting's agenda and identification of the ballots, or a revote, and to approve Resolution 2019-11 without the

Planning Commission. There was more discussion from Council Members. Public comment was received from Jackie Morris-Lopez that the process to choose the Planning Commission was corrupted. Council Members and staff continued to discuss. Public comment was received from Mirijana Tomas that the most qualified candidates were not appointed to the Planning Commission and that the procedure needs to be addressed. Council Member Jordan made a motion to Approve Resolution 2019-11 Confirming Appointments to Commissions, Committees and Regional Boards and that identifying the ballots for selecting members of the Planning Commission be placed on the agenda for the next City Council Meeting. Second by Council Member DeVries. Motion passed 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Presentation by San Benito County Public Health Services – Proposal for Smoke Free Outdoor Dining in the City

A PowerPoint presentation was made by Laura Calderon of San Benito County Public Health Services. She requested that the City Council consider an ordinance to formalize smoke-free outdoor dining within the City of San Juan Bautista. Letters of support from local restaurants and Breathe California of the Bay Area were distributed. Public comment was received from Dr. Gail Newel, Public Health Officer of San Benito County, supporting the ordinance and offering her expert opinion to the Council. Public comment was received from San Juan Bautista resident Erica in favor of the proposed ordinance. Marcus Edwards, General Manager of Jardines de San Juan, spoke in favor of the proposed ordinance. There were questions and comments from Council Members. Mayor Flores directed staff to place an ordinance for smoke-free outdoor dining in the City of San Juan Bautista on the agenda for the next City Council Meeting.

B. Monthly Financial Statements

Interim City Manager Tewes reviewed the monthly financial statements for Council. There was no public comment. Council Members asked questions about items on the monthly financial statements.

C. City Manager's Report

Interim City Manager Tewes gave a report including the schedule for the Fiscal Year 2020 Budget. There was no public comment.

D. Building and Planning Report

Associate Planner Kennedy presented the report. Interim City Manager Tewes answered questions from Council Members regard the Casa Rosa abatement. Council Member DeVries requested a joint meeting with the Historic Resources Board to discuss and approve what would be done to La Casa Rosa in the abatement. Public comment was received from Mirijana Tomas requesting the City expedite the abatement before the next rain storm. Council Members posed more questions regarding items on the report, which were answered by Associate Planner Kennedy and Interim City Manager Tewes.

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

Council Member Freeman pointed out that he is on the Monterey Bay Community Power Authority Policy Board and that Resolution 2019-11 approved earlier in the meeting had MBCPA Operations Board listed. Interim City Manager Tewes will have Resolution 2019-11 corrected to reflect that Council Member Freeman is a member of the MBCPA Policy Board. Mayor Flores reported that he is the Chairperson of San Benito Council of Governments. Council Member Freeman reported on AMBAG and MBCPA. There was no public comment.

F. Strategic Plan Committee Report

Strategic Plan Committee Secretary Kennedy reported on the upcoming event on March 30, Indigenous Peoples Spring Equinox. Secretary Kennedy responded to questions from Council Members. There was no public comment.

At this point in the meeting, Interim City Manager Tewes added to his City Manager's Report that the Planning Commission/Historic Resources Board is considering recommending to the City Council to separate the two bodies. This would require a change to the ordinance to have two separate organizations. There was no public comment.

5. ACTION ITEMS

A. Approve Performance Bonus for Michael LaForge per Agreement

Mayor Flores reviewed his report. Public comment was received from Jackie Morris-Lopez in opposition to the bonus and asked what the benchmarks were. Vice Mayor Edge made a motion to Approve a Performance Bonus for Michael LaForge per Agreement for \$10,000. Second by Council Member Jordan. Motion passed 5-0.

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

Public comment was received from Darlene Boyd who spoke in favor of appointing Mr. Tewes as Interim City Manager. Jackie Morris-Lopez asked that the Council approve the appointment of Mr. Tewes as Interim City Manager. Council Member DeVries made a motion to Approve the Appointment of J. Edward Tewes as Interim City Manager and Authorize the Mayor to Sign an Agreement. Second by Vice Mayor Edge. Motion passed, 5-0.

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

Council Member DeVries recused himself stating at one time he represented the applicant, and left the Chamber at 7:37 P.M. Interim City Manager Tewes reviewed his staff report. Council Member Freeman requested that a "Dig Once" policy be considered for the entire City. There was no public comment. Council Member Freeman made a motion to Approve the Proposed Deferred Improvements Agreement for Midnight Express and Authorize the City Manager to Execute It on Behalf of the City. Second by

Council Member Jordan. Motion passed, 4-0, with Council Member DeVries recused. At 7:42 P.M. Council Member DeVries returned to his seat in the Chamber.

6. DISCUSSION ITEMS

A. City Manager Recruitment Update

Interim City Manager Tewes gave a report. There was no public comment.

B. Weekly Old Town Block Party – Mayor Flores

Mayor Flores pulled this item as he had not had any response. There was no public comment.

7. COMMENTS

A. City Council

No comments received.

B. City Manager

No comments received.

C. City Attorney

No comments received.

8. ADJOURNMENT

The meeting was adjourned at 7:44 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
SPECIAL CITY COUNCIL MEETING
MARCH 19, 2019
DRAFT MINUTES**

1. CALL TO ORDER - Mayor Flores called the meeting to order at 7:45 P.M.

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

Staff Present: Interim City Manager Tewes, City Attorney Mall

2. PUBLIC COMMENT – ONLY ON ITEMS ON THE AGENDA

There was no public comment.

3. ACTION ITEMS

A. Approve Affidavit of Posting Agenda

There was no public comment. Council Member Jordan made a motion to approve the Affidavit of Posting Agenda. Second by Council Member Freeman. The motion passed 5-0.

4. CLOSED SESSION

No public comment was received. Closed session began at 7:46 P.M.

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

City Attorney Mall announced no reportable action taken.

7. ADJOURNMENT

The meeting adjourned at 8:00 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

Special Event/Activities – Permit Application

Dear Event Organizer:

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

Non 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 & Muckelemi and more than 1,000 people ²	\$150.00
Private Promoter Organizations¹: No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin & Muckelemi, and more than 1,000 people	\$600.00

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

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

SECTION 1: CONTACT INFORMATION

Event Title: Early Days in San Juan Bautista Today's Date: _____

Applicant: SJB State Historic Park, Marcos Vizcaino

Organization: _____

Phone 623-2753 E-Mail: marcos.vizcaino@parks.ca.gov

Mailing Address: PO Box 787, SJB, CA 95045

Fax: 623-4612

Event Setup Date 6-14-19 Time: 11:00 am Event Ends Date: 6/16/19 Time: 4:00 pm

Event Starts Date: 6/15/19 Time: 11:00 am Dismantle Date: 6/16/19 Time: 4:00 pm

ANTICIPATED ATTENDANCE: Total or the event: 700 Total per Day: 350

LOCATION OF EVENT (please be specific):

2nd St in between Mariposa and Washington Sts. In front of Plaza Hotel.

¹ Requires proof of charitable non-profit status.

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

³ Additional fees for use of public facilities may apply.

INSURANCE

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

CITY FACILITIES

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

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☐ No

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

☒ Yes ☐ No

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

2nd St. in between Mariposa and Washington Sts, directly in front of Plaza Hotel.

Does this event involve a parade?

☐ Yes ☐ No

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

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

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

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

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

VENDORS

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

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

☐ Yes ☒ No

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

RESOLUTION NO. 2019-XX

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

BE IT RESOLVED that the California State Parks and Plaza History Association are authorized to close Second Street between Mariposa and Washington Streets on Friday, June 14 at 11:00 a.m. through Sunday, June 16 at 4:00 p.m. for Early Days.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

WAIVER OF READING OF ORDINANCES

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

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

GC36934

RESOLUTION NO. 2019-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA ORDERING PREPARATION OF AN ENGINEER'S REPORT
FOR FISCAL YEAR 2019-20 FOR VALLE VISTA LANDSCAPE AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. 1**

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500 *et seq.*) ("Act"), the City levies an annual assessment in connection with its Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 ("District"); and

WHEREAS, the City Council desires to initiate proceedings for the Fiscal Year 2019-20 levy of the assessment in connection with the District.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista as follows:

1. That City Engineer Frank Lopez be and is hereby appointed as Engineer of Work to perform all engineering work in the conduct of said proceedings.
2. That the improvements to be maintained, and operations and services in connection with the District shall be substantially unchanged from those provided for in Fiscal Years 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19: the maintenance, operation and servicing of street lighting and street landscaping within the district, as well as the maintenance, operation and servicing of lighting and landscaping associated with the detention basin, sanitary sewer pump station, and public park located within the district.
3. That the Engineer of Work hereby is directed to prepare and to file a report in compliance with Sections 22565 *et seq.* of the Act.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Cesar E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

(DRAFT)

Proclamation in Recognition of National Public Works Week

WHEREAS, public works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of this community; and,

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from State and local units of Government and the private sector, who are responsible for and must plan, design, build, operate, and maintain the transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential to serve our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in California to gain knowledge of and maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2019 marks the 59th annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Cesar Flores, Mayor of the City of San Juan Bautista, do hereby proclaim the week May 19-25, 2019 as National Public Works Week; and I urge all our people to join with representatives of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they have made to our national health, safety, welfare and quality of life.

César E. Flores, Mayor

DRAFT
FREMONT PEAK DAY
PROCLAMATION

WHEREAS, San Juan Bautista, the City of History, chartered in 1869, proclaims this is an opportunity to recall the unfurling of the first American Flag flown on the Plaza here on June 17, 1846, and to travel to el nido del Gabilan atop Fremont Peak State Historic Park, to celebrate our 150 years as a California city; and

WHEREAS, this year, at el nido del Gabilan, we wish to stand together to pledge our faith and devotion to pioneers, flag, and country with

Veterans of Foreign Wars Post #6359 of Monterey Bay District 12
celebrating Loyalty Day since 1950 at the Peak, and

Native Daughters of the Golden West Parlor No. 179, leading the
celebrations since 1908 in San Juan and after 1918 at the Peak,
and with

Scouts of Troop 428, and

State Park Rangers District #19; and

WHEREAS, this year, we climb to el nido del Gabilan to remember John Charles Fremont in San Juan, California before 1969,

1846-1847 Major Fremont, on is scientific and exploratory expedition to Oregon with the California Battalion, unfurled an American Flag, in defiance of General Castro's order for Fremont to leave Alta California with his 75 men and 500 horses.

1850 Fremont became California's first U.S. Senator,

1856 Fremont campaigned against slavery for the first time on the newly-formed Republican Party ticket for the Presidency of the United States.

WHEREAS, this year we salute the American Flag flying over el nido del Gabilan at high noon and commit ourselves once again to serve this City for the next 150 years as best we can.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista, hereby declares Sunday, April 28, 2019 Fremont Peak Day in the City of San Juan Bautista.

César E. Flores, Mayor

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Eight Month Period Ended February 28, 2019

Item #4C
City Council Meeting
April 16, 2019

REVENUES	FY18	FY19	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Difference</u>	<u>67%</u>	<u>Notes</u>
General Fund	716,674	1,291,496	2,146,347	854,851	60%	
Special Revenue Funds:						
Community Developmer	66,989	76,763	139,286	62,523	55%	
COPS	117,109	101,820	100,000	(1,820)	102%	
Parking & Restroom Fd	16,301	17,980	25,600	7,620	70%	
Valle Vista LLD	11,849	10,037	27,884	17,847	36%	
Gas Tax Fund	33,045	30,404	505,750	475,346	6%	A
Enterprise Funds:						
Water						
Operations	553,734	595,550	768,000	172,450	78%	
Capital	25,238	781,764	769,510	(12,254)	102%	B
Sewer						
Operations	595,463	616,121	832,000	215,879	74%	
Capital	12,408	340,773	450,313	109,540	76%	B
TOTAL Funds	1,432,136	2,571,212	5,764,690	3,193,478	45%	

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

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Eight Month Period Ended February 28, 2019

Item #4C
City Council Meeting
April 16, 2019

EXPENDITURES	FY18	FY19	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>67%</u>	<u>Note</u>
General Fund:						
City Council	13,345	15,582	34,769	19,187	45%	
City Attorney	54,389	33,626	50,000	16,374	67%	
City Manager	24,541	16,921	42,612	25,691	40%	
City Clerk	64,933	80,065	122,124	42,059	66%	
City Treasurer	312	348	340	(8)	102%	
Finance and Accounting	92,752	102,258	141,747	39,489	72%	A
City Library	30,298	65,219	110,541	45,322	59%	
Fire Department	175,005	177,398	241,865	64,467	73%	
Law Enforcement	102,606	208,909	279,950	71,041	75%	B
Animal Control	3,500	5,598	10,000	4,402	56%	
PW - Streets (Operations)	93,999	104,863	182,590	77,727	57%	
PW - Streets (Capital)	1,750	10,715	562,000	551,285	2%	C
PW - Parks & Grounds (Operations)	90,301	139,393	182,715	43,322	76%	
PW - Parks and Grounds (Capital)	16,200	145,831	179,700	33,869	81%	C
General Government	37,537	32,775	50,500	17,725	65%	
Total General Fund Expenditures	801,468	1,139,501	2,191,453	1,051,952	52%	
Special Revenue Funds:						
Community Development:						
Engineering	99,163	143,017	150,497	7,480	95%	D
Building	52,722	145,595	139,966	(5,629)	104%	D
Planning	102,503	111,995	207,731	95,736	54%	
COPS	72,017	66,664	100,000	33,336	67%	
Parking & Restroom Fund	-	-	75,000	75,000	0%	E
Valle Vista LLD	13,211	11,772	27,884	16,112	42%	
Gas Tax Fund	12,681	11,926	409,803	397,877	3%	F
Enterprise Funds:						
Water:						
Operations	552,239	593,327	894,222	300,895	66%	
Capital	58,800	684,928	867,861	182,933	79%	G
Sewer						
Operations	607,592	639,282	961,407	322,125	66%	
Capital	91,409	581,013	597,213	16,200	97%	G
TOTAL Funds	2,463,805	4,129,020	6,623,037	2,494,017	62%	

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Eight Month Period Ended February 28, 2019

Footnotes:

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

City of San Juan Bautista

Warrant Listing

As of March 31, 2019

Item #4C
City Council Meeting
April 16, 2019

Date	Num	Name	Amount
101.000 - Union Bank			
101.001 - Operating Acct. 1948			
03/11/2019	212484	U.S. Postmaster	-235.00
03/11/2019	212485	4Leaf, Inc.	-121.07
03/11/2019	212486	ACWA Health Benefits Authority	-8,973.48
03/11/2019	212487	All Clear Water Services	-3,907.54
03/11/2019	212488	Aromas-San Juan Unified School District	-25.00
03/11/2019	212489	at&t	-263.66
03/11/2019	212490	AVAYA	-210.98
03/11/2019	212491	C & N Tractors	-27.96
03/11/2019	212492	Calvac	-5,770.00
03/11/2019	212493	Code Publishing Company	-285.00
03/11/2019	212494	Cypress Water Services	-11,617.52
03/11/2019	212495	Design Line & Granger	-645.17
03/11/2019	212496	Enrique Hernandez	-32.47
03/11/2019	212497	Ferguson Enterprises, Inc.	-1,086.61
03/11/2019	212498	Filomeno Garza.	-141.68
03/11/2019	212499	Freitas + Freitas	-6,068.40
03/11/2019	212500	Graniterock	-3,434.57
03/11/2019	212501	Hollister Auto Parts, Inc.	-87.58
03/11/2019	212502	Home Depot Credit Services	-261.55
03/11/2019	212503	J.V. Orta's Rent A Fence	-225.00
03/11/2019	212504	KBA Docusys	-248.90
03/11/2019	212505	Level 1 Private Security.	-8,803.00
03/11/2019	212506	MailFinance	-569.23
03/11/2019	212507	Mc Kinnon Lumber Co., Inc.	-49.47
03/11/2019	212508	Monterey Bay Analytical Services	-273.65
03/11/2019	212509	P G & E	-1,096.76
03/11/2019	212510	Paul Champion	-45.00
03/11/2019	212511	R & B Company	-305.63
03/11/2019	212512	Rx-Tek	-435.00
03/11/2019	212513	San Benito County Elections	-5,622.96
03/11/2019	212514	Smith & Enright Landscaping	-1,150.00
03/11/2019	212515	U.S. Postmaster	-356.00
03/11/2019	212516	Uline	-57.20
03/11/2019	212517	US Bank	-6,204.72
03/11/2019	212518	Wellington Law Offices	-5,428.00
03/11/2019	212519	Wendy L. Cumming, CPA	-3,480.00
03/23/2019	212520	4Leaf, Inc.	-9,879.40
03/23/2019	212521	Abbott's Pro Power	-139.24
03/23/2019	212522	AFLAC	-152.78
03/23/2019	212523	Alma Aguilar Alvarez	-960.00
03/23/2019	212524	at&t	-70.08
03/23/2019	212525	Bacilio Romulo & Hortencia Santos Vasquez	-500.00
03/23/2019	212526	C & N Tractors	-1,200.00

**City of San Juan Bautista
Warrant Listing**

As of March 31, 2019

Date	Num	Name	Amount
03/23/2019	212527	Charter Communications	-114.97
03/23/2019	212528	Cynthia Marie Mendoza	-700.00
03/23/2019	212529	EMC Planning Group Inc.	-10,311.75
03/23/2019	212530	FedEx	-30.43
03/23/2019	212531	First Alarm	-440.37
03/23/2019	212532	Frank's Quality Painting	-825.00
03/23/2019	212533	Gold Coast Glass	-455.41
03/23/2019	212534	Heidi Balz	-2,558.76
03/23/2019	212535	HydroScience Engineers Inc	-2,695.00
03/23/2019	212536	KS State Bank	-5,818.30
03/23/2019	212537	League of California Cities	-45.00
03/23/2019	212538	Michael LaForge	-250.00
03/23/2019	212539	Monterey Bay Analytical Services	-312.65
03/23/2019	212540	Monterey County Health Department	-240.00
03/23/2019	212541	Nancy Soto	-25.33
03/23/2019	212542	Obdulia Robles Martinez	-700.00
03/23/2019	212543	P G & E	-7,781.05
03/23/2019	212544	Patricia Paetz	-113.41
03/23/2019	212545	Ready Refresh	-172.58
03/23/2019	212546	Rossi's Tire & Auto Service	-12.17
03/23/2019	212547	Rx-Tek	-971.09
03/23/2019	212548	San Benito County Water District	-3,578.15
03/23/2019	212549	Sentry Alarm System	-417.00
03/23/2019	212550	Sewer Equipment Company of Nevada	-3,872.00
03/23/2019	212551	Sprint	-112.22
03/23/2019	212552	Todd Kennedy	-50.00
03/23/2019	212553	U.S. Postmaster	-900.00
03/23/2019	212554	US Bank Equipment Finance	-247.32
03/23/2019	212555	Valero Marketing & Supply	-537.08
03/23/2019	212556	Wellington Law Offices	-5,656.00
Total 101.001 - Operating Acct. 1948			<u>-140,390.30</u>
Total 101.000 - Union Bank			<u>-140,390.30</u>
TOTAL			<u>-140,390.30</u>

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
	Building/Planning						
1	Casa Rosa	Casa Rosa was approved by City Council in April of 2017. Building Permits were never issued and demolition began before apprval was given. The property has since been left in a state of disrepair to the current date. The city hired a structural engineer to make recommendation on fixes to the building. City Council heard the case on 2/25/19 Special Meeting. Passed the proposal as an Abatement. Recommendations are being gathered from contractors. Historic Resources Board heard the case and a statement from a contractor on 3/12/19. City Manager and Building Official have been discussing the matter and plans have been recieved from the Structural Engineer and are currently under review. (4-9-2019)	Project was approved by HRB as minor alteration (4/4/17). Scope of work indicates major alteration. Work took place without building permits.	Site Design and Review performed by HRB and Planning Commission approved in April of 2017. No building permits applied for or approved. Evidence suggests the City Staff was aware of the work being done at the time.	Building has been tagged as an unsafe structure. Violations of the Municipal Code include Section 5-8-110 and Section 5-8-190.	Staff has been reporting as developments have continued, including meeting with the owner and hiring a Structural Engineer consultant. Results of the Structural Engineer report address 3 issues present that must be addressed in order to reopen the public right-of-way. City is beginning the abatement process. Possible alterations for safety purposes have been discussed at the 3/12/19 HRB meeting. Plans from the structural engineer have been recieved and under review. (4/9/19)	Abatement process to begin shortly. After repairs are completed, the right-of-way will be reopened.
2	Fault Line Restaurant	Garage was damaged by a tree fall in 2/17. Project was approved by Commission on 10/2/18 with conditions. Council Approved the zone change for Faultline site and residence at 17 Franklin on 12/18/18. Revised plans have been submitted. Planning has issued comments. (4/10/19)	Zoning classification onsite is Mixed-Use. Awating revised plans that meet building, engineering, and planning comments.	Permits are required for the garage reconstruction. Permits have been filed, but need more information per building, engineering, and planning before issuance can take place.	demolition was done without permit issuance	Staff is working with the applicant to finish the accessory building and ultimately reopen the restaurant. Revised plans have been submitted. Planning has issued comments (4/10/19).	Revised permit plans
3	10 Franklin existing contruction, alteration, and demolition	Approved per permit issuance by Permit Number 2017149 in 2015. Construction has been ongoing. Building Official reviewed the plans and permit material. Determined it as valid and may continue as approved. Property owner must apply for the zone change through application process and initiate the CEQA review. The property owner has been notified and will be in touch with city staff. No response of 4/10/19.	phase 1 for the multi-unit building construction is currently underway.	yes	none	It is anticipated to demolish at least one of the other buildings onsite. The property owner has given the ok to include his property in that change. Property owner must move forward with zone change by their application if they wish to change the zone from Public Faciltiy to Mixed - Use. Futher CEQA review is required as part of the process. Property owner will be in touch with city staff. No response of 4/10/19	Property owner has been notified of the City's position. Awating response on the next steps.
4	Harvey's Lockup	progress is being made on the frontage & right-of-way improvements. Interior sprinklers have been installed in one area of the building, but need to cover the entire building per Fire Code. Fire Alarm and smoke dectectors have been installed. Agreement is being met. (4/10/19)	Frontage work is in progress. Fire sprinkler work and prevention system to be completed in all phases. Applicant is ahead of schedule.	No active building permits. Encroachment permit to be pulled as needed.	n/a	Requirments of conditions of approval are in progress. After checking in, the applicants are working towards inspections. A final inspection for the fire alarm system has been scheduled for 3/6/19. The inspection took place on March 6, 2019 and it passed per the Fire Marshall. Progress is being made to meet the entire agreement (4/10/19)	Owner is working with his contractor to install heat and smoke detection systems.
5	Rancho Vista Subdivision	42 homes have received Occupancy and 3 applications are undergoing plan review. (4-9-2019)	Under Construction	42 completed homes and 3 applications being reviewed. (4-9-2019)	none	Construction on new homes has begun again with 3 new permit applications being reviewed. (4-9-2019)	To be Determined - Permit issuance has slowed down

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
6	Copperleaf Subdivision	20 permits issued as of 3/27/19. Several new permits have been reviewed and signed off by Planning as of 4/10/19.	Under Construction	Permits have been issued	n/a	Traffic and Park development fee held until approved agreement or Final Inspection on each project. Several new permit applications have been submitted to the City for review. Passed Planning Review (4/10/19)	To be Determined - Estimate of Winter 2019
7	Building Department activity.	Work continues on both subdivisions while smaller projects take place inside the city. Notable Projects include Midnight Express Warehouse undergoing plan check and Hillside Vista (D'Ambrosia) Phase 2 is being discussed. (4/10/19)	n/a	n/a	none	Code Enforcement is making regular rounds to check for work being done without permits and violations of the Municipal Code.	n/a
9	70 Muckelemi	Applicant wishes to either demolish or alter the Chalmers House onsite that is in bad condition. He wishes to develop the site with a mix of uses and housing units. Discussion is underway with the property owner and interest on the neighboring parcel has been noted. Both parties met with city staff and met eachother for the first time. Discussions continue. (4/10/19)	Staff has reviewed past documents onsite from 2006. It was determined the applicant should start with brand new documents because of the age and how the circumstances have changed.	no	No violations. There was a notice of nusiance because of the condition of the old chalmers house.	Property owner presented an informal project review to Planning Commission on 2/5/19. General response was positive and are looking forward to reviewing plans. Adjacent Parcel has interest. Parties met with city staff (4/10/19).	No-ETA yet, but discussion is continuing.
10	Brewery	Project is showing activity towards deed to perfect and continuation of project towards to completion. Staff met with them and provided a follow up letter to them in December 2018.	no applications yet, working with owner for submittal.	No permits issued	none	Staff is working with the property owner. Met with the property owner on 12/5/18. Staff followed up and as of 2/19/19, the applicatns are creating the plans and preparing for submittal. (3/27/19)	no-ETA yet
11	Building Department activity.	Larger Projects: D'Ambrosia Project has it's first 3 Models approved by the Building Plan Check. No permits issued for project. Rancho Vista Subdivision has been Issued multiple Occupancies since the Water Moratorium was lifted. Copperleaf has recied Temporary Occupancy on their Sales office. (2/12/19)	n/a	n/a	none	None at this time. (2/12/19)	n/a
12	Code Enforcement Activity	Code Enforcement is making regular rounds of the city, looking for work taking place without permits, parking violations, and other nuisances. (2/12/19)	n/a	n/a	none	None at this time. (2/12/19)	n/a
13	General Plan Timeline	General Plan was updated and adopted in 2/16. The housing element is being reviewed. We need to do so per State requirement. Past permit data has been gathered and the draft housing element has been submitted to the State for review. (4/10/19)	n/a	n/a	n/a	Staff is working on getting the Housing Element squared away for the State. Past permit data has been gathered and the draft housing element has been submitted to the State for review. (4/10/19)	end of 2019
	New Development						

	Project Name - Current City/Development Projects - Upgrades, Changes, Fixes	Issues/Notes/general info	Status	Permit Issuance	Violations	Comments/Complaints Questions	Likelihood of Completion (Red or Green)
1	Hillside Vistas	First Phase Approved for first 8 lots. Master set is under review for design. No construction has started. Phase 2 is anticipated. Higher density residential development may be done on phase 2. (4/10/19)	Phase 1 completed and anticipated to be built out. Phase 2 to come.	No permits have been issued.	none	Staff has followed up with them and met with them on 2/7/19. Plan revisions are taking place. Phase 2 may be redone with a higher density residential development. The applicant stated that in 3 months or so, applications will be turned in. (4/10/19)	The developer has met with staff. Eager to continue with the project
2	Loazza (957 First Street - 4 Parcel Minor Subdivision)	Review has started. Waiting for application payment. Staff met with the applicants on 3/22/19. Anticipated to get their complete application for 4 parcel minor subdivision during the week of 4/15/19 or so. (4/10/19)	CEQA review completed. Staff is starting review.	No permits issued	none	Awating the \$5,000 payment at this time. Roundabout adjacent to Rancho Vista was discussed. Anticipated to receive minor subdivision application after 3/22/19 meeting during the week of 4/15/19. (4/10/19)	unknown
3	Gas Station to be located along The Alameda and Hwy 156	Staff is working with the applicant to help move the project forward. Awaiting plan submittal. (4/10/19)	can move forward.	no permits have been issued	none	Applicant is revising plans. A decelartion lane would need to be installed along Hwy 156. Awaiting plan submittal. (4/10/19)	Court ruled in favor of the project
6	404 and 406 Third Street - Proposed Vietnamese Bistro and residential unit expansion	The property owners wish to open a new Bistro inside an existing building downtown. They also wish to relocate permanently to town and expand an existing residential unit in the rear of 406 third Street. Staff followed up with the applicant on the status. No response recieved. (4/10/19)	Minor Alteration approved by Commission	A health permit has been issued previously. Awaiting plan updates to accommodate fire and building requirments.	n/a	Fire requirments are currently being worked out between City Staff, applicants, and the fire marshall (4/10/19)	Case was approved by Planning Commission
7	Midnight Express	Approved by Commission Resolution. Plan set has been submitted for permit review. Applicant reduced the size of their project and would like to do it in phases.	Awaiting applicant response.	No permits have been issued.	n/a	Discussion about the development took place and phasing in parts of the development were discussed. They would like to reduce the intensity of the project scope by reducing the size of the building from 15,000 sqaure feet to 5,000 square feet and do the project in phases. They submitted a letter to City Staff making that formal request. City Staff signed that letter. A temporary project is taking place right now. Further review from City Staff is taking place. (4/10/19)	staff has issued first round of comments after review.
	Infrastructure						
	Traffic Circle	Roundabout is under review. Street classifications for the First Street Segment has been determined (4/10/19)	under review	n/a	n/a	Street classification for First Street has been determined. Further information is anticipated to follow (4/10/19).	progress can continue, but final product needs to be determined
	Signage	Monument signs have been discussed. There is an interest in putting in monument signs in gateway locations. More review and planning needs to be discussed. No further activity has taken place as of 4/10/19.	further consideration is needed	n/a	n/a	Staff and San Juan Committee Member met with a sign contractor to discuss possible signs and monument signs. Locations, designs, and logo will need to be reviewed with Planning Commission. No further activity has taken place as of 4/10/19.	No ETA at this time



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **CONFIRM APPOINTMENTS TO THE PLANNING COMMISSION**

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: Interim City Manager Tewes and City Attorney Mall

Recommendation: 1. Approve expanded minutes of December 18, 2018 meeting;

2. After identifying the written ballots completed by individual councilmembers, adopt a motion confirming the appointments to the Planning Commission;

3. Discuss the process for appointment to the Planning Commission and whether to change the City Code or adopt a policy by Resolution to clarify the process.

Background: The City Council recently revised City Code Section 2-3-110 so that the City Council, as a whole, interviews and appoints Planning Commissioners. Interviews and voting is required to be done at an open meeting, in accordance with the Brown Act. An Attorney General decision provides that voting can be done by written ballots and tallied at an open meeting, so long as the voter is identified on the ballot. On December 18, 2018, the Council publicly interviewed candidates for three positions on the Planning Commission and engaged in a series of votes to reach majority support for the candidates to be selected. Written ballots were used but there were no signatures or initials on the ballot. The process was chaotic and the City Attorney apologizes for not recognizing that each ballot had to contain an identifying mark, even though the process was done in public.

The Council has asked for the opportunity to review the written ballots and publicly announce each councilmember's vote on the series of votes. This procedure is intended to address concerns about the use of written ballots, without identifying marks on December 18. The minutes have been amended so that the votes in the preliminary rounds are identified.

The City Clerk has preserved the written ballots from the December meeting, and will make them available to the councilmembers so that they can identify their ballot, round by round. In this way, the error in not putting a name on each vote, can be rectified. This does not change the result.

At the meeting, the Clerk will announce the results of the first round of voting after the ballots have been identified and associated with each councilmember. The same procedure will be used for the two subsequent rounds of balloting. After the third round of balloting the Council was able to achieve a majority vote for the Commissioners to be selected.

The Planning Commissioners were initially appointed on December 18, and their appointments were confirmed by resolution on March 19, 2019. Following the canvas of written ballots it would be appropriate to confirm the appointments an additional time by motion.

The City Council should also discuss whether to revise the process for appointment of Planning Commissioners. The City Council can interview and appoint Planning Commissioners in open session and can adopt a Resolution with a procedure, which would include the form of the ballot (with a signature line) and what to do in the case of tie votes. The previous Council felt that the process should have complete transparency and wanted to interview candidates in public. However, many public agencies use a subcommittee to interview candidates and discuss personal information in private, and then make recommendations to the City Council. This would remedy concerns that private information was revealed at a public meeting and that feelings may be hurt by public commentary. If the City Council wants to change the process, it would be required to do that by revising the Ordinance.

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
DECEMBER 18, 2018
AMENDED MINUTES**

1. CALL TO ORDER – Mayor Pro Tem John Freeman called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Freeman led the pledge of allegiance.

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

Staff Present: City Manager LaForge, City Attorney Mall, Deputy City Clerk Paetz, Associate Planner Kennedy, Sheriff Capt. Taylor

A MOMENT OF SILENCE FOR JIM WEST – Mayor Pro Tem Freeman requested a moment of silence for Jim West.

2. CEREMONIAL ITEMS: Swearing In of Council Members

A. Approve Resolution 2018-64 Declaring Election Results

Motion made by Council Member Boch, seconded by Council Member Martorana. Item passed unanimously, 4-0.

B. Presentation of Plaques Honoring Outgoing City Council Members Martorana, Boch and West (posthumously).

Supervisor Anthony Botelho will deliver Jim West's plaque to his daughter in Reno, NV. Council Member DeVries and Mayor Pro Tem Freeman each spoke regarding Jim West.

C. Installation of New City Council Members César Flores, Leslie Jordan and Mary Edge and New City Clerk Laura Cent.

Supervisor Anthony Botelho conducted the swearing in of new council members Jordan, Edge and Flores and City Clerk Cent.

D. Selection of New Mayor

Nomination of Council Member Flores as Mayor by Council Member Jordan, seconded by Council Member Edge. Item passed 3-2 with Council Members DeVries and Freeman voting no.

E. Selection of New Vice Mayor

Nomination of Council Member Edge as Vice Mayor by Mayor Flores and seconded by Council Member Jordan. Council Member Freeman nominated Council Member

DeVries as Vice Mayor, seconded by Dan DeVries. City Attorney Mall pointed out a
City Council Meeting Minutes – December 18, 2018

motion was on the floor and needed to be completed. The motion to select Council Member Edge as Vice Mayor passed 3-2 with Council Members DeVries and Freeman voting no.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Tony Boch congratulated the new City Council Members and spoke in support of naming the new park in the Rancho Vista in memory of Jim West. Mirijana Tomas spoke regarding the selection of the new Mayor. Salvera Gonzales spoke regarding the Council, personal feelings and the town. Joline Cosio spoke in favor of the park in Rancho Vista being named in memory of Jim West. She also supported naming the undeveloped Lang Street Park after Jim West.

4. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Minutes for the October 16, 2018 Council Meeting

C. Approve Minutes for the November 20, 2018 Council Meeting

D. Adopt Ordinance 2018-08 Amending the City Purchasing Policies

E. Approve Resolution 2018-65 Amending the City Design Guidelines by Adding Guidelines for Streetscape Design

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

A motion was made by Council Member Jordan and seconded by Vice Mayor Edge to approve all items on the consent agenda. The motion passed unanimously, 5-0.

5. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Presentation of the Fiscal Year 2018 Audit – Ryan Jolley, CPA

This item was delayed to later in the meeting when Mr. Jolley arrived.

B. Monthly Financial Statements

No report as City Treasurer Geiger was absent.

C. City Manager's Report

City Manager LaForge reviewed her report for Council. Regarding the Fire Contract City Administrative Services Manager Paetz reviewed her staff report. Bill Avera, the Hollister City Manager, spoke regarding the contract and the City's insurance requirements. There was no other public comment.

D. Sheriff's Report – Captain E. Taylor

Captain Taylor gave a PowerPoint presentation about the staffing plan for San Juan Bautista patrols. There was no public comment.

E. Monthly Construction Report

City Manager LaForge reviewed the report for Council as City Engineer Dobbins was absent. There was no public comment.

F. City Engineer's Report

City Manager LaForge reviewed the report for Council as City Engineer Dobbins was

City Council Meeting Minutes – December 18, 2018

absent. There was no public comment.

G. Building and Planning Report

City Manager LaForge directed Council to the report in the packet. There was no public comment.

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

Council Members provided highlights from the meetings where they represent the City. There was no public comment.

I. Strategic Plan Committee Report

No report as the Committee did not meet in December. There were no public comments.

6. ACTION ITEMS

A. Consider Resolution 2018-66 Accepting the Fiscal Year 2018 Audit

City Manager LaForge presented her report. There was no public comment. A motion was made by Council Member Freeman and seconded by Vice Mayor Edge to approve Resolution 2018-66 accepting the San Juan Bautista Municipal Audit for Fiscal Year 2017-18. The motion passed unanimously, 5-0.

B. Consider Appointing Three New Members to the Historic Resources Board and Planning Commission

~~Five applicants were given opportunity to speak and answer questions from Council Members.~~ Associate Planner Kennedy and City Manager LaForge gave a report. There was discussion between Council members and staff. Council interviewed the five applicants for the three open seats on the Planning Commission. The applicants were Luis Matchain, Cherie Foletta, Darlene Boyd, Nicole Franco, Yolanda Delgado and David Medeiros. During public comment, Public comment was received from Cara Vonk who spoke on Historic Resources Board qualifications and in support of Luis Matchain, Darlene Boyd and David Medeiros. David Medeiros spoke in support of staff helping Planning Commission members with architectural drawings. Paper ballots were distributed to make their three selections.

~~The Council took a recess at 7:33 p.m.~~ A ten-minute recess was taken at 7:33 P.M. while City Clerk Cent and Deputy City Clerk Paetz counted the ballots.

~~The Council was called back to order at 7:44 p.m.~~

~~Luis Matchain and David Medeiros were appointed after the first ballot was counted, with a tie for the third opening. After two more tie-breaking ballots, Yolanda Delgado was appointed.~~ City Clerk Cent announced the results of the ballot count; four (4) X in favor of Luis Matchain, three (3) in favor of David Medeiros, two (2) in favor of Nicole Franco, two (2) in favor of Cherie Foletta, two (2) in favor of Yolanda Delgado and two (2) in favor of Darlene Boyd. Whereupon, Luis Matchain and David Medeiros were selected to two of the open seats on the Planning Commission, and a tie remained for the third open seat. Deputy City Clerk Paetz produced a second ballot with the four remaining

City Council Meeting Minutes – December 18, 2018

applicants listed for Councilmembers to record their one vote (Boyd, Delgado, Foletta and Franco). The second ballot count announced by City Clerk Cent resulted in a tie between Darlene Boyd and Yolanda Delgado. Deputy City Clerk Paetz distributed sheets of paper from a tablet for council members to make their selection and break the tie for the third seat on the Planning Commission. City Clerk Cent counted the ballots and announced the results: three votes for Yolanda Delgado and two votes for Darlene Boyd. City Clerk Cent announced the three new Planning Commissioners were Luis Matchain, David Medeiros and Yolanda Delgado.

Whereupon at this point in the meeting, Mr. Jolly arrived and gave highlights of the Fiscal Year 2018 Audit.

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

There was no public comment. Council Members volunteered to be City representatives.

D. Approve Resolution 2018-67 Changing Signature Responsibilities on City Bank Accounts

Administrative Services Manager Paetz reported the need for two new signers. Mayor Flores and Council Member Jordan volunteered. There was no public comment. Council Member Edge made a motion, second by Council Member Jordan, to approve Resolution 2018-67 Authorizing Changes to the Designated Signers on the City's Bank Accounts at Union Bank. The motion passed unanimously, 5-0.

E. Reconsider Casa Rosa Structural Changes

Associate Planner Kennedy handed out a revised staff report and reviewed it. There was discussion between members of the Council, City Attorney Mall and City Manager LaForge. Public comment had been received via email and was read by Mayor Flores: Cara Vonk wrote that changes to Casa Rosa needed Historic Resources Board review and Emily Renzel wrote in support of the repairs but thought the cost was excessive. No action was taken.

F. Adopt Ordinance 2018-09 Approving a City-Initiated Rezoning of Three Parcels Situated At 11 Franklin Street (APN 002-340-006 and 002-340-007), 17 Franklin (APN 002-340-003), from Public Facility (PF) District to Mixed-Use (MU) District

Associate Planner Kennedy reviewed his revised staff report. Public comment was received from the property owner, Robert Fernandez, explaining that merging of two of the three parcels was awaiting recording by the County. Vice Mayor Edge made a motion, second by Council Member Freeman, to adopt Ordinance 2018-09 Approving a City-Initiated Rezoning of Three Parcels Situated At 11 Franklin Street (APN 002-340-006 and 002-340-007), 17 Franklin (APN 002-340-003), from Public Facility (PF) District to Mixed-Use (MU) District. The motion passed unanimously, 5-0.

G. Consider an Ordinance Adding Chapter 5-32 "Cannabis Business Activities Tax Ordinance of the City of San Juan Bautista" to Title 5 "Public Health, Safety and Welfare" of the San Juan Bautista Municipal Code and Approval of an Exemption Under the California Environmental Quality Act

City Council Meeting Minutes – December 18, 2018

City Attorney Mall reviewed her staff report. Public comment was received from Darlene Boyd who spoke in support of a percentage of the cannabis tax revenues being used for programs for children and families. Council Member Jordan made a motion, second by Council Member Edge, to introduce an Ordinance Adding Chapter 5-32 "Cannabis Business Activities Tax to Title 5, Public Health, Safety and Welfare of the Municipal Code and Approval of an Exemption Under the California Environmental Quality Act. The motion passed unanimously, 5-0.

7. DISCUSSION ITEMS

A. Cannabis Business License and Planning Processes Set up

City Manager LaForge reviewed her staff report. During public comment, Rachel Ponce asked what recreational cannabis means.

B. Consider Service Contract for Completion of the Housing Element

City Manager LaForge reviewed the revised staff report. There was no public comment.

C. Contract with City of Hollister for Fire Protection Services

City Manager LaForge reviewed the staff report and referred to the information provided during her City Manager's Report earlier in the meeting. There was no public comment.

D. Gas Station Update on Hwy 156 and The Alameda

City Manager LaForge reviewed the staff report. There was no public comment.

E. Celebration of Life for Jim West in January 2019

City Manager LaForge reviewed her staff report regarding the event scheduled at the Library. Public comment was received from Heidi Balz that the Mission Run is the same date. Tony Boch spoke on the brass plaque and boulder, and was concerned if there was enough time before the event.

8. COMMENTS

A. City Council

Comments were made by Mayor Flores, Council Member Jordan and Council Member Edge.

B. City Manager

City Manager LaForge welcomed the new Council Members.

C. City Attorney

City Attorney Mall wished all Happy Holidays.

9. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Designate Muckelemi, 3rd and Polk Street Pavement Rehabilitation Project as the City's Priority Project under the State's Road Repair and Accountability Act of 2017 and Measure G.

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: Frank Lopez, City Engineer

RECOMMENDED ACTION: Designate Muckelemi, 3rd and Polk Street Pavement Rehabilitation Project as City's Priority Project under the State's Road Repair and Accountability Act of 2017 and San Benito County Measure G for Fiscal Year 2019/20.

BACKGROUND INFORMATION:

SB1 - The Road Repair and Accountability Act of 2017 (SB1 Bill) is a significant investment in California's roadway system of about \$5.2 billion per year. The Act increases per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration taxes, stabilizes the price-based fuel tax rates and provides for inflationary adjustments to rates in future years. This legislation more than doubles local streets and road funds allocated through the Highway Users Tax Account, allocating funds from new taxes through a new "Road Maintenance and Rehabilitation Account" (RMRA).

The RMRA receives funds from the following new taxes imposed by the state:

1. A 12 cent/gallon increase to the gasoline excise tax effective November 1, 2017.
2. A 20 cent/gallon increase to the diesel fuel excise tax effective November 1, 2017, half of which will be allocated to Trade Corridors Enhancement Account (TCEA) with the remaining half to the RMRA.
3. A new vehicle registration tax called the "transportation improvement fee," effective January 1, 2018, based on the market value of the vehicle.
4. An additional \$100 vehicle registration tax on zero emission vehicles model year 2020 and later effective July 1, 2020.
5. Annual rate increases to these taxes beginning July 1, 2020 (July 1, 2021 for the ZEV fee), and every July 1 thereafter for the change in the California Consumer Price Index. The first adjustment to be made on July 1, 2020 will cover CPI change for two years: November 1, 2017 through November 12, 2019.

The Road Repair and Accountability Act stipulates that, prior to receiving RMRA funds in any fiscal year, a city shall submit a project list pursuant to the agency's adopted budget to the California Transportation Commission (CTC).

Measure G – Approved in November 6, 2018 adopted a one percent (1%) transactions and use tax (commonly referred to as a “sales tax”) in San Benito County. The proceeds of this tax would be placed in a special fund to be used only for local roadway and transportation projects, including, among other things:

1. Repairing potholes;
2. Widening Highway 25 to relieve traffic and improve safety;
3. Improving and maintaining local roads;
4. Improving pedestrian and bicycle safety
5. Providing mobility, bus, and paratransit services for seniors, people with disabilities and youth; and
6. Qualifying for state and federal matching funds.
7. Pavement Management Program

The tax would be in addition to existing sales tax, and it would be levied on the sale or use of tangible personal property sold at retail. Retailers collect the tax at the time of sale and remit the funds to the State Board of Equalization, which administers the tax. Tax proceeds cannot be confiscated by the state.

An Oversight Committee will be established to review an independent audit of tax receipts and how they are spent each year and will advise the Council of San Benito County of Governments (COG) on how tax money should be spent. COG must discuss the audit results at a public meeting each year and post them on its website. The tax will remain in effect for thirty (30) years and is estimated to raise approximately \$16,000,000 annually over the thirty-year period.

City staff proposes to use FY2019/20 RMRA and Measure G funds on the Muckelemi, 3rd and Polk Street Pavement Rehabilitation Project.

FISCAL IMPACT: The City is expected to receive approximately \$46,800 from SB1 and \$200,000 from measure G funding for FY 2019/20.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
DESIGNATING MUCKELEMI, 3RD AND POLK STREET AS THE CITY'S PRIORITY
PROJECT UNDER THE STATE'S ROAD REPAIR AND ACCOUNTABILITY ACT OF
2017 (SB1) AND SAN BENITO COUNTY MEASURE G**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant statewide transportation funding shortfalls; and

WHEREAS, San Benito County voters approved Measure G on the November 6, 2018 ballot to support local roadway and transportation projects; and

WHEREAS, SB 1 and Measure G includes accountability and transparency provisions to ensure residents of the City of San Juan Bautista are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of San Juan Bautista will use SB 1 Road Maintenance and Rehabilitation Account (RMRA) and Measure G monies for the Muckelemi, 3rd and Polk Street Pavement Rehabilitation Project. This project is expected to be completed by December 2019 resulting in a new 20 to 25-year life of these important streets; and

WHEREAS, the City will receive an estimated \$46,800 in SB1 and \$200,000 in Measure G funding in Fiscal Year 2019/20; and

WHEREAS, maintaining and preserving local streets and roads in good condition will reduce drive times and traffic congestion, improve pedestrian and bicycle safety, which leads to reduced vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

NOW, THEREFORE IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista that the City budget for fiscal year 2018/19 is amended to incorporate the Muckelemi, 3rd and Polk Street Pavement Rehabilitation Project which will be partially funded with Road Maintenance and Rehabilitation Account (RMRA) and Measure G revenues.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **Approve Extension with Harris & Associates for Engineering Services through December 31, 2019**

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: City Manager

RECOMMENDED ACTION: Approve Contract Extension with Harris & Associates for Engineering Services through December 31, 2019 with a maximum not-to-exceed limit of \$700,000.

BACKGROUND INFORMATION: The City entered into a contract with Harris & Associates to provide City Engineer services at the November 7, 2017 Meeting. The selection process consisted of three firms submitting Statement of Qualifications and Harris & Associates was the top-ranked firm. The initial term of the contract was for \$200,000 and expired on June 30, 2018. City Council approved Amendment 1 to Harris' contract at the April 15, 2018 council meeting. That amendment increased the maximum not-to-exceed limit to \$500,000.

Harris & Associates is currently providing engineering services on development and CIP projects that will exceed the current contract term and budget limits. Harris & Associates' Scope of Services moving forward under this contract includes:

1. Development Coordination
 - a. Subdivision inspection and oversight
 - b. Single Lot development review
 - c. Mitigation and monitoring of compliance with development conditions
 - d. Improvement Plan and Map Review
2. Capital Improvement Project Development and Delivery
 - a. Street pavement rehabilitation projects
 - i. 3rd, Muckeleme and Post Street Rehabilitation Project
 - ii. Pavement Management Program
3. Meetings with City staff and Inter-Agency Coordination

Harris & Associates staff have provided very good and responsive service over the life of the contract. They have adjusted their staffing levels to respond to the city's needs and requests. Their staff live in the area and are based in their Salinas office.

The current contract has a termination date of June 30, 2019 per Amendment 1. Staff recommends extending their contract to December 31, 2019 with a maximum not-to-exceed limit of \$700,000.

FISCAL IMPACT: The costs for contract city engineering will be included in the FY2019/20 budget. Most of the services are funded by developer fees and deposits and programmed capital project funding (ie, water, sewer or roadway funds)

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING AN EXTENSION TO THE AGREEMENT BETWEEN THE CITY AND HARRIS AND ASSOCIATES FOR ENGINEERING SERVICES

RECITAL

- A. On November 7, 2017, the City Council of the City of San Juan Bautista approved an agreement with Harris and Associates for Engineering Services.
- B. 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.

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

SECTION 1. The Agreement is hereby extended until December 31, 2019 with a maximum not-to-exceed limit of \$700,000, and the City Manager is authorized to execute the Agreement on behalf of the City.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the City Council held on April 16, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Cesar E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk



Harris & Associates®

RATE SCHEDULE

Applicable to
"Contract City Engineering Services"
for the City of San Juan Bautista

Effective January 1, 2019 – December 31, 2019

Key Staff	Hourly Rate
Frank Lopez, Director	\$240
Armando Fernandez, Project Manager	\$175

ENGINEERING SERVICES

HOURLY RATE

Project Directors and Program Managers	\$190-280
Senior Project Managers	190-230
Project Managers	150-200
Project Engineers	135-185
Engineering Technicians	100-150
Administration	75-100
Interns	40-75

CONSTRUCTION MANAGEMENT

HOURLY RATE

Construction Managers	\$160-220
Assistant Construction Managers	135-180
Inspectors (prevailing wage rate)*	150-185
Inspectors (non-prevailing wage rate)	125-160
Schedulers	135-165
Administration	75-125

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).

*Inspectors are subject to the Prevailing Wage Rates established by the California Department of Industrial Relations while performing field duties on publicly funded projects.

Subconsultant and vendor charges are subject to a 10% markup.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Issuance of a Proposition 218 Notice for Proposed Maximum Allowable Solid Waste Collection Rates Adjustment

MEETING DATE: April 16, 2019

SUBMITTED BY: Kathleen Gallagher, San Benito County Integrated Waste Management

BRIEF DESCRIPTION: Staff recommends approval of the issuance of a Proposition 218 notice of the proposed rate increases effective July 1, 2019 and to hold a public hearing for the proposed rate increase 45 days or more after this notice is received by the affected rate payers. That hearing is scheduled for June 18, 2019.

STAFF RECOMMENDATION: Adopt Resolution 2019-XX that the City Council:

1. Approve issuance of a notice of the proposed rate increase that will be effective July 1, 2019 and then hold a hearing for the proposed rate increase 45 days or more after this notice is received by the affected rate payers.

DEPARTMENT SUMMARY

Current solid waste rates were established through a competitive procurement process for a new Franchise Agreement commencing November 1, 2018 that was awarded to Recology San Benito County. The new Franchise Agreement included several program improvements and significant changes to recycling and organics collection programs for residents and businesses to meet state mandates AB 939, AB 341, AB 1826 and SB 1383.

Per the new Franchise Agreement, solid waste rates are adjusted on annual basis using a prescribed index-based methodology. Year over year changes in a consumer price index and a fuel index are primarily used to adjust current solid waste rates to proposed new maximum solid waste rates. Actual changes in disposal and processing costs ("pass through costs") are also included in the annual rate adjustment process, though such changes aren't included in the annual rate adjustment process until calendar year 2020. The maximum allowed rate adjustment for non-disposal and processing costs is capped each year at 5% with any excess above the 5% carried over to the next rate year.

The proposed maximum allowable rate adjustment is 4.3% which was calculated using an index-based methodology summarized in the table on the next page. The components in the rate adjustment process include two operating components (labor and other non-fuel and fuel) and disposal and processing costs. The index calculations for the operating components totaled 5.6% and the disposal and processing costs were not adjusted this year per the Agreement. When you combine these component index adjustments (calculations not shown in table) you get an overall rate adjustment percentage of 4.3%.

<u>Index</u>	<u>% Change</u>	<u>Operating Component – labor and all other non-fuel expense (% of total expense)</u>	<u>Adjusted %</u>	<u>Disposal and Processing Cost Component (Changes in Tip Fees and Tons)</u>
CPI-U – All Urban Consumers (CUUSS49BSA0)	4%	94.7% ¹	$0.04 \times 0.947 = 0.038 = \mathbf{3.8\%}$	N/A
		Operating Component – fuel expense only <u>(% of total expense)</u>		
Producer Price Index for #2 Diesel Fuel	33.5%	5.3% ¹	$0.335 \times 0.053 = 0.018 = \mathbf{1.8\%}$	N/A
			Subtotal: 5.6% Cap = 5%	No change
¹ These percentages are fixed during the life of the Agreement and are derived from Recology's final approved cost forms.				

The proposed new rates will pay for the collection and disposal of garbage; collection and processing of all recyclable items, yard waste, and food scraps; seasonal recycling programs; and public education activities to meet state regulatory requirements. These services are available to San Juan Bautista residents and commercial businesses. The rates are established to increase recycling and composting to meet state mandates and divert materials from disposal in the landfill.

Proposition 218 Noticing Process

Upon City Council approval, a Proposition 218 notice (Attachment 1), will be sent to all San Juan Bautista property owners to inform them of the proposed maximum allowable solid waste collection rates effective July 1, 2019. A public hearing will be held at least 45 days after the notice is received by the affected rate payers with a

proposed hearing date of June 18, 2019. The Proposition 218 noticing process is intended to provide rate payers advance notice and an opportunity to file a formal

protest regarding the potential new solid waste rates. While the courts have not yet ruled that Proposition 218 applies to solid waste collection rates, in an abundance of caution, the City is following the "majority protest" proceedings set forth in Proposition 218. Statements of protest will be accepted through the public hearing on June 18, 2019. At the end of the public hearing, the Clerk will tally and report the qualifying written protests. The City Council will then certify that the written protests in opposition to the new solid waste collection rates meets or does not meet the 50 percent protest threshold. In accordance with Article XIID, Section 6, of the California Constitution, a "majority protest" exists if written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels". If a majority protest is not received, the City Council may then approve adoption of the solid waste collection rates. If a majority protest is received, the Council cannot increase the rates, and the rates will remain unchanged.

FINANCIAL IMPACT: Residential and commercial ratepayers will experience a 4.3% increase in solid waste rates.

(Attachment 1)



Notice of Public Hearing

Proposed Increase for Maximum Allowable Charge for Solid Waste/Recycling/Organics Collection for Rate Year 2019/2020

City of San Juan Bautista, City Council Chambers
City Hall, 311 Second Street, San Juan Bautista

June 18, 2019 6:30 P.M.

On June 18, 2019, at 6:30 p.m. or as soon thereafter as the matter may be heard, the City of San Juan Bautista will hold a Public Hearing to accept public input and testimony on a proposed increase on the maximum allowable charge for solid waste collection, to be effective July 1, 2019 and thru June 30, 2020. Any interested person may present verbal or written input to the City Council. Although the City Council will consider all input, State law provides that only the written protests of property owners may be counted to determine whether a majority protest to the proposed maximum exists. If, at the conclusion of the public hearing, a majority protest of property owners does not exist, the City Council will consider adoption of the proposed increase in the maximum allowable charges.

The current solid waste rates were established through a competitive procurement process for a new Franchise Agreement commencing November 1, 2018 that was awarded to Recology San Benito County. The new Franchise Agreement included several program improvements and significant changes to recycling and organics collection programs for residents and businesses to meet state mandates AB 939, AB 341, AB 1826 and SB 1383.

Per the new Franchise Agreement, solid waste rates are adjusted on annual basis using a legally defined index-based methodology. Year over year changes in a consumer price index and a fuel index are primarily used to adjust current solid waste rates to proposed new maximum solid waste rates. Actual changes in disposal and processing costs are also included in the annual rate adjustment process. The maximum allowed rate adjustment for non-disposal and processing costs is capped each year at 5%.

The proposed new rates will pay for the collection and disposal of garbage; collection and processing of all recyclable items, yard waste, and food scraps; seasonal recycling programs; and public education activities to meet state regulatory requirements. These services are available to City residents and commercial businesses. The rates are established to increase recycling and composting to meet state mandates and divert materials from disposal in the landfill.

If the City Council approves the proposed service provider's rates at its June 18, 2019 meeting, new rates will begin on July 1, 2019. The proposed schedule of maximum rates is attached. Please note that the listed rates are the maximum rates. Therefore, your monthly rate may ultimately be lower than what is listed on the schedule.

Tables provided show the monthly rate for the four offered residential services; and the most common service levels for commercial customers if the containers are serviced one time a week. The full rate schedule including all commercial services is available for review at City Hall at 311 Second Street, San Juan Bautista.

Recology will provide additional services upon request for a set fee that are not included in the maximum solid waste collection rate. These optional services will appear on the customer's Recology bill as a separate line item in addition to the standard cost of collection. Backyard or distance service, additional carts, and extra on call pickups of bulking items are a few of the services offered. A complete list of all the additional services and their 2019/20 rate is also available at City Hall.

(Attachment 1)

Residential Collection Rate including all San Juan Bautista City Fees
For weekly collection of garbage, recyclables and organics
Single family homes are billed bi-monthly

<u>Cart Size</u>	<u>Current Monthly Rate</u>	<u>Maximum Proposed 2019/20 Monthly Rate</u>	<u>Monthly Difference</u>
20-Gallon Cart	\$25.75	\$26.86	\$1.11
32-Gallon Cart	\$31.00	\$32.33	\$1.33
64-Gallon Cart	\$53.00	\$55.28	\$2.28
96-Gallon Cart	\$80.00	\$83.45	\$3.45

Commercial and Multi-Family Collection Rate including all San Juan Bautista City Fees
For the most common bin and cart sizes, collected weekly
Commercial customers are billed monthly

<u>Bin Size</u>	<u>Current Monthly Rate*</u>	<u>Maximum Proposed 2019/20 Monthly Rate*</u>	<u>Monthly Difference</u>
1-1 Yard	\$170.00	\$177.34	\$7.34
1-2 Yard	\$218.00	\$227.41	\$9.41
1-3 Yard	\$300.00	\$312.94	\$12.94
1-4 Yard	\$395.00	\$412.02	\$17.02
<u>Cart Size</u>	<u>Current Monthly Rate*</u>	<u>Maximum Proposed 2019/20 Monthly Rate*</u>	<u>Monthly Difference</u>
64-Gallon Cart	\$53.00	\$55.28	\$2.28
96-Gallon Cart	\$80.00	\$83.45	\$3.45
* Includes collection of recyclables at no additional charge. Separate charges apply for organics collection.			

Commercial and Multi-Family Organics Collection Rate including all San Juan Bautista City Fees
For available bin and cart sizes, collected weekly
Commercial customers are billed monthly

<u>Bin Size</u>	<u>Current Monthly Rate</u>	<u>Maximum Proposed 2019/20 Monthly Rate</u>	<u>Monthly Difference</u>
1-1 Yard	\$102.00	\$106.39	\$4.39
1-2 Yard	\$163.50	\$170.55	\$7.05
64-Gallon Cart	\$31.80	\$33.17	\$1.37
96-Gallon Cart	\$48.00	\$50.06	\$2.06

(Attachment 1)

If you wish to protest the proposed rate changes noted above, the City of San Juan Bautista City Clerk must receive your written protest along with the completed form, see below, (mailed or delivered) to:

**City of San Juan Bautista, City Clerk
City Hall
PO Box 1420, San Juan Bautista, California 95045**

no later than 5 p.m. on June 17, 2019. Protests that are incomplete or are not received by the deadline cannot be counted. No more than one protest per parcel may be submitted. A written protest may also be hand delivered to the City Clerk, at any time before the end of the public hearing.

If you have any questions, please call the City Manager's office at (831) 623-4661

(Please cut along the dotted line and include with your protest letter)

OFFICIAL PROTEST FROM:

Name: _____

Address: _____

City: _____ ZIP Code: _____

Assessor's parcel number (the nine-digit number that appears on your property tax statement):

Signature: _____ Date: _____

RESOLUTION 2019-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
APPROVING THE ISSUANCE OF A PROPOSITION 218 NOTICE FOR
PROPOSED MAXIMUM ALLOWABLE SOLID WASTE COLLECTION
RATES EFFECTIVE JULY 1, 2019**

WHEREAS, on November 1, 2018, a new Franchise Agreement with Recology San Benito County took effect and included specific provisions related to an annual index-based rate adjustment process; and

WHEREAS, the annual rate adjustment process requires Recology San Benito County to submit its application for a rate adjustment on or before April 1, 2019 and such an application was received on March 29, 2019; and

WHEREAS, staff reviewed the rate application and found it to be complete; and

WHEREAS, while not currently required by law, the City Council is following the noticing procedure set forth in Article XIID §6 of the California Constitution (Proposition 218) and in accordance with Proposition 218, the City Council authorized staff to proceed with noticing and protest proceedings for the proposed solid waste collection rates; and

BE IT RESOLVED, that the City Council of the City of San Juan Bautista hereby approves the issuance of a notice of the proposed rate increases that will be effective July 1, 2019 and then hold a hearing for the proposed rate increases 45 days or more after this notice is received by the affected rate payers.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 16th day of April 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

César Flores, Mayor

ATTEST:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **Support for Farmworker Housing Bill**

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: Trish Paetz, Administrative Services Manager

Staff received a request from Assemblymember Robert Rivas' staff, for a letter of support for AB 1783, Farmworker Housing Bill. The bill is sponsored by the United Farm Workers (UFW) and passed the Housing Committee with a vote of 7-0.

AB 1783 would continue to provide access to state resources and add a streamlined process to build dignified, quality housing for farmworkers and their families. By developing long-term, permanent housing on their own land, an agricultural company would have the opportunity to retain and develop a more knowledgeable workforce. Through its focus on family housing, this bill also seeks to address the children's homelessness crisis in our community and improve continuity of education.

As the bill moves on to the Local Government Committee, they are looking for additional support from local officials and governmental bodies.

Morgan Hill and Hollister have written letters of support, along with other cities further south in the District.

If the Council is comfortable with the bill, they would appreciate a letter demonstrating support, a draft of which is attached for your review and editing ease.

Here is a link to the

bill: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1783

(Please note that the public link may not always contain the most up to date version of the bill.)

April 16, 2019

The Honorable Cecilia Aguiar-Curry
Assembly Local Government Committee
Sacramento, CA 95814

RE: AB 1783 (R. Rivas) – SUPPORT

Dear Mr. Chair:

On behalf of the City Council for the City of San Juan Bautista, we are pleased to offer our support for AB 1783 (R. Rivas) also known as the Farm Worker Housing Act of 2019 which creates a streamlined process for farm owners and operators to develop quality employee housing on their agricultural lands, and phases out state support of the federal H-2A program. Together these two components push the state towards a future with more dignified, family friendly farmworker housing.

California's housing shortage isn't just an urban problem – the severe shortage of quality and affordable housing for farmworker families in rural agricultural areas cripples our ability to attract workers to California's farms. Many farms have surplus land that could be used to build safe and secure housing for farmworkers, but this type of development can be stifled by nimbyism and zoning laws.

This leads to farmworker housing stopgaps that are often substandard and unsafe. Without adequate housing, farmworkers and their families are left with no choice but to sleep in their vehicles, in illegally converted garages, and even outdoors— living conditions all can agree are not suitable under any circumstances.

It's important to note, the shortage of available farmworker housing impacts farmworkers' children as well. From the 2018 farmworker survey, 75% are married, often living in households with minor children. Moreover, in twelve schools in rural Monterey County, more than one out of every five students are homeless. In one school in particular, Sherwood Elementary, that number is nearly 40%. Although much focus has been on providing housing for temporary farmworkers, the data is clear that the most significant need is for permanent farmworker family housing.

Unfortunately, California's failure to provide decent and affordable housing hurts our ability to attract workers to local farms, while the federal H-2A program steers resources towards a temporary worker visa program that does not allow for family housing.

We are proud to support AB 1783 and commend Assemblymember Rivas for his leadership on this important issue.

Sincerely,

Cesar Flores
Mayor



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **Consider a Resolution Declaring the Condition of Certain Properties to Constitute a Public Nuisance and Ordering the Abatement of Weeds Thereon, and Noticing a Hearing for the Receipt of Objections to the Proposed Abatement**

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: Charlie Bedolla, Fire Marshal

BRIEF DESCRIPTION: This Resolution starts the legal process for the 2019 Weed Abatement Program declaring the condition of certain properties to constitute a public nuisance due to the existence of weeds and noticing a hearing for the receipt of objections by property owners to the proposed abatement by the City.

RECOMMENDED ACTION: Staff recommends City Council adopt a Resolution declaring the condition of certain properties to constitute a public nuisance, ordering the abatement of weeds thereon, and noticing a public hearing for the receipt of objections to the proposed abatement.

DEPARTMENT SUMMARY: All year the City has a weed abatement program to reduce the fire hazard and other noxious and dangerous aspects of weeds growing on public and private property. This Resolution declares certain properties to constitute a public nuisance, orders their abatement by May 17, 2019, and sets a public hearing for May 21, 2019 and orders notice of the hearing to be sent to affected property owners. Unless the owners prior to the City's deadline abate the weeds, the City will cause the work to be performed and charge the costs as liens filed against the property on which abatement is performed.

FINANCIAL IMPACT: Estimated costs \$10,000 (to be recovered from property owners).

CEQA: N/A

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DECLARING THE CONDITION OF CERTAIN PROPERTIES TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF WEEDS THEREON, AND NOTICING A HEARING FOR THE RECEIPT OF OBJECTIONS TO THE PROPOSED ABATEMENT

WHEREAS, Government Code Sections 39560 et seq. authorizes the City Council to declare properties in the City to be public nuisances and to abate said public nuisances by causing the removal of all noxious or dangerous weeds growing upon or in front of said properties; and

WHEREAS, the City of San Juan Bautista is authorized by state and local law to charge the costs of abatement to the property owner as a lien against the subjected property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Any properties within City limits found to be in neglect are hereby declared to be public nuisances by virtue of the existence of noxious and dangerous weeds and rubbish thereon, which constitute a fire hazard, and will continue to constitute, ongoing, seasonal and recurrent public nuisances.
2. All rubbish, refuse and dirt of a flammable nature on or adjacent to said properties, and all weeds, as the same are defined in Government Code Section 39561.5, on or adjacent to said properties, unless abated by the owners thereof on or by May 17, 2019, shall be removed and abated by the City in the manner provided for by Government Code Sections 39560, et seq., and the costs thereof shall be assessed as a lien against the property and made a personal obligation of the property owner.
3. The City Council shall hear any objections to the proposed abatement of said public nuisances at the Public Hearing on Monday, May 21, 2019 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers of the City of San Juan Bautista, City Hall, 311 Second Street, San Juan Bautista, California.
4. The City Clerk of the City of San Juan Bautista is hereby directed to cause the notice of the adoption of this Resolution and notice of the time and place when objections to the proposed abatement of said public nuisances will be heard, to be given in the manner and form provided for in Section 39567.0 of the Government Code of the State of California.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a Regular Meeting held this 16th day of April, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL STAFF REPORT

DATE: April 16, 2019

SUBJECT: General Plan Surcharge Fee

Description:

Discussion of the potential to raise current Development Impact Fees and Planning Application Fees by adding a percentage for a General Plan Surcharge.

Background:

On February 20, 2018, the City Council passed Resolution 2018-06 that adopted the current Development Impact Fees and Planning Application Fees. The necessary research was gathered by City Staff at the time and presented to City Council. In addition to these fee changes, a General Plan Surcharge should be implemented.

Analysis:

A General Plan Surcharge is a maintenance or a cost recovery fee to be used for future General Plan Updates or amendments. The current General Plan took effect in 2016 and covers city growth through 2035. By having this surcharge attached to our impact fees and application fees, it will generate revenue for the subsequent General Plan update.

The California Government Code sets forth requirements for adopting fee schedules and implementing General Plans. Several cities within the State have a General Plan surcharge included with their fee schedules that range anywhere from 3% to 9% based on staff research. At this time, the city is updating the Housing Element as required by State Law and will be included in the General Plan. By having a surcharge in place, updates and amendments such as the housing element will have funds reserved. The Housing Element will need to be updated again for the sixth cycle after 2023.

Recommendation:

Given that the Housing element is being updated using City General Funds, this fee surcharge is necessary and should be implemented. Staff is recommending that a 3% surcharge be attached to each one of the Planning Application Fees and Development Impact fees.

Attachment:

Exhibit A	Draft Resolution
Exhibit B	Proposed Fee Schedule
Exhibit C	Current City of San Juan Bautista Planning Application Fees
Exhibit D	Resolution 2018-06
Exhibit E	February 20, 2018 Staff Report
Exhibit F	December 19, 2017 Staff Report

RESOLUTION NO. 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA SETTING
GENERAL PLAN SURCHARGE FEES

WHEREAS, the City of San Juan Bautista passed a Resolution 2018-06 approving a fee schedule and has conducted a review and analysis of the costs associated with services for processing administrative and planning applications, and

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

WHEREAS, the City has adopted its current General Plan on February 16, 2016 to cover growth to 2035 and is currently updating the Housing Element to comply with 5th cycle standards and will cover housing needs until 2023 providing adoption, and

WHEREAS, the updated General Plan Surcharge Fee Schedule reflects the following increases:

- 3% to be added to each of the Planning and Development Impact Fees.

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

ADOPTED this 16th day of April 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 PLANNING APPLICATION FEES

February 20, 2018

Planning Application Fees	2018 Adopted Fees	2019 Proposed Fees
Conditional Use Permit (Major/Minor)	\$1,500/\$750	\$1,545/\$772.50
Conditional Use Permit (Amendment)	\$575	\$592.25
Site Plan and Design Review – Major	\$1,500	\$1,545
Site Plan and Design Review – Minor	\$575	\$592.25
Variance	\$1,500	\$1,545
Signs Permit – Banners and Flags	\$50	\$51.50
Sign Permit (New)	\$150	\$154.50
Sign Permit (Relocating/Changing existing)	\$50	\$51.50
Sign Program (Master sign)	\$500	\$515
Sign Permit – Portable Freestanding	\$100	\$103
Historic Design Review (Major)	\$1,500	\$1,545
Historic Design Review (Minor)	\$250	\$257.50
Informal Review (Planning-HRB)	\$0	\$0
Planned Unit Development Permit/Amendment	\$5,000	\$5,150
Tentative Map Major 5 lots or more	\$5,000	\$5,150
Tentative Map Minor 4 lots or less	\$2,500	\$2,575
Final Map	\$500	\$515
Lot Line Adjustment	\$500	\$515
Annexation	\$5,000	\$5,150
Pre-zoning	\$3,500	\$3,605
Rezoning	\$3,500	\$3,605
General Plan Amendment	\$3,500	\$3,605
Home Occupancy Permit/Appeal	\$350/ 50%	\$310.50/ 50%
Misc. Permit Amendments & Time Extension	30% of Application	30% of application
Specific Plan	\$5,000	\$5,150
Appeal to City Council	\$500	\$515
Tree Removal Permit	\$25 per Tree	\$25 per tree
Lighting Plan - Major	\$500	\$515
Lighting Plan - Minor	\$250	\$257.50
Urban Growth Boundary	\$5,000	\$5,150

Exhibit B

Environmental Review Fees	Current	Proposed
Initial Study	Consultant Cost + DF&W Fee	Consultant Cost + DF&W Fee
Environmental Impact Report	Consultant Cost + DF&W Fee	Consultant Cost + DF&W Fee
Notice of Exemption	\$250	\$257.50
Notice of Determination – County Clerk Fee	\$50	\$51.50

Staff / Consultant Rates

City Manager	\$175/Hour	\$175/hour
City Attorney	\$200/Hour	\$200/hour
City Engineer	\$150/Hour	\$150/hour
City Planner/Building Inspector/Code Enforcement	\$150/Hour	\$150/hour
City Clerical	\$40/Hour	\$40/hour
Public Work	\$40/Hour	\$40/hour
Consultants/Others	Consultant Costs + 15%	Consultant Costs + 15%

Miscellaneous Charges

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

**CITY OF SAN JUAN BAUTISTA
PLANNING APPILCATION FEES**

**Adopted February 20, 2018
City Council Resolution 2018-06**

Planning Application Fees

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

Exhibit C

Environmental Review Fees

Initial Study	Consultant Cost + DF&W Fee
Environmental Impact Report	Consultant Cost + DF&W Fee
Notice of Exemption	\$250
Notice of Determination – County Clerk Fee	\$50

Staff / Consultant Rates

City Manager	\$175/Hour
City Attorney	\$200/Hour
City Engineer	\$150/Hour
City Planner/Building Inspector/Code Enforcement	\$150/Hour
City Clerical	\$40/Hour
Public Work	\$40/Hour
Consultants/Others	Consultant Costs + 15%

Miscellaneous Charges

Copies - 8 x 11 and Color	\$0.30/\$1.00 /Page
Copies - 11 x 17 and Color	\$0.50/\$2.00 /Page
City Maps/Blueprints	Actual Cost + 15%
Postage	Actual Cost + 15%
Copy of General Plan/IS-MND/IS-ND	Actual Cost + 15%
Other	To be Determined by City Manager + 15%

RESOLUTION NO. 2018-06

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

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

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

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

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

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

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

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

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

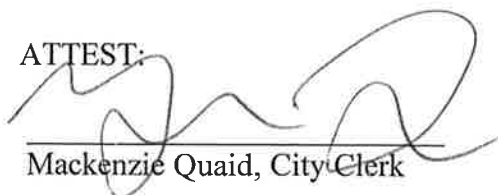
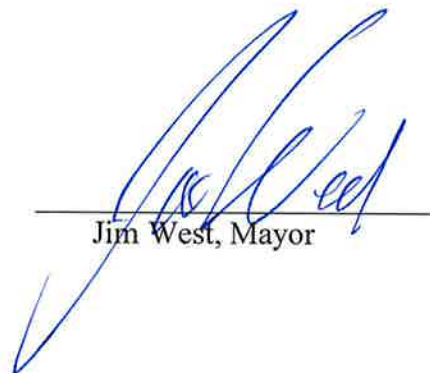
AYES: West, Martorana, Boch, Freeman, DeVries

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:


Mackenzie Quaid, City Clerk
Jim West, Mayor

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: February 20, 2018

SUBJECT: Development Impact and Planning Application Surcharge Fee for Future General Plan Updates

Description:

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

Background:

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

Analysis:

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

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

Planning Application Fees:

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

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

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

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

Minor - meaning they would only require administrative staff review and approval.

Modified fees are highlighted in yellow.

Recommendation:

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

Attachments:

Exhibit A Planning Application Fee Resolution 2018-XX

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL

STAFF REPORT

DATE: December 19, 2017

SUBJECT: Development Impact Fees

Description:

Discussion of the potential to raise current Development Impact Fees and what would be involved in doing so.

Background:

The City Council has requested to discuss raising the City's Development Impact Fees. This matter has been agendized as a discussion item so that Council can examine the challenges and costs involved in changing the current Impact Fees.

Analysis:

The California Government Code sets forth procedural requirements for adopting a program to collect capital facilities fees and exactions. It also requires a "nexus study" which establishes the relationship between the amount of any capital facilities fee and the use for which it is collected. The nexus study is required to focus on anticipated future growth and resulting facilities needs - these funds may not be used for current facilities deficiencies. In order to create nexus studies that are technically defensible, economically feasible, and have stakeholder support, most cities hire consulting firms to develop them. The cost range to develop a professionally updated comprehensive Development Impact Fee program is approximately \$30,000 to \$55,000, excluding Traffic Impact Fees. Proposals to prepare a Development Impact Fee program would be received and presented to the City Council for approval.

The Traffic Impact Fee would be assessed by a licensed traffic engineering firm in order to identify projects to increase the capacity or usability of the street system to accommodate additional traffic generated by new development. This analysis would be based on projected San Juan Bautista growth as identified in the 2035 General Plan and identified road and circulation

improvements needed or desired as a result of that growth. The County did not include a Traffic Impact Fee study since theirs' was recently updated.

Impact Fee revenue must be spent on new facilities or expansion of current facilities needed to serve new development. Impact Fee revenue can be spent on capital facilities to serve new development, including but not limited to: land acquisition, acquisition of vehicles or equipment, information technology, software licenses and equipment. The current Impact Fees were established by the City Council in 2013, which lowered the Impact Fees adopted in 2007. Current fees are represented in Exhibit A, as adjusted since 2013 based on the Engineering News Record - Construction Cost Index.

In comparing San Juan Bautista's current Development Impact Fees with those just adopted by the County of San Benito Board of Supervisors on November 13, 2017, Council can see that they are relatively comparable. The County program was developed by Wildan and Associates, an experienced firm in this area. The study would also require staff time and effort. The areas where the City's fees are noticeably less than the County fees include:

- Traffic Impact Fee
- Public Safety Impact Fee, and
- Park In-Lieu Fee

Recommendation:

Given that San Juan Bautista's Development Impact Fees are relatively in line with the County's just-updated program, staff does not see a comprehensive update as a high priority for now. Staff can prepare a Public Safety and Park In-Lieu Fee analysis as part of the mid-year budget review and user fee update. A new \$250 Technology Impact Fee could also be supported by staff analysis.

City Council is requested to provide direction regarding funding an evaluation of increased Traffic Impact Fees. While this is a more technical effort than a general comprehensive Impact Fee study, this focused study should be less expensive. The study would deliver a list of specific projects needed to accommodate new development, and an Impact Fee to recover the proportion of cost attributed to that new development. An appropriate time to review study proposals and costs would be at the FY 2018-2019 budget review.

As a separate matter, overall user fees could be adjusted to include surcharges for items like General Plan/Special Plan development and maintenance and administrative overhead. Staff will be bringing a separate report to Council at

mid-year budget review to make sure these user fees are recovering full staff-time costs.

Attachment:

Exhibit A Current City of San Juan Bautista and County of San Benito
Development Impact Fees



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: INVESTMENT IN LOCAL AGENCY INVESTMENT FUND (LAIF)

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: Interim City Manager Ed Tewes

Recommendation: Authorize a transfer of \$2.0 million from a demand deposit checking account at Union Bank to LAIF

Background:

The Investment Advisory Committee (comprised of the Mayor, City Treasurer and City Manager) has met to evaluate investment options for the city's cash. Each of the City's funds has a cash balance that is available in a pooled account that is available for investment.

In March 2019 the City transferred \$1.4 million to LAIF from a very low yield savings account at Union Bank.

In order to earn additional interest, the Investment Advisory Committee is recommending the transfer of an additional \$2.0 million to LAIF for a total investment of \$3.5 million. The City's cash reserve policy requires that we always have on hand \$1,675,000. With the recommended action the balance available in a Union Bank checking account (and small remainder in the savings account) will be \$1 million more than the minimum.

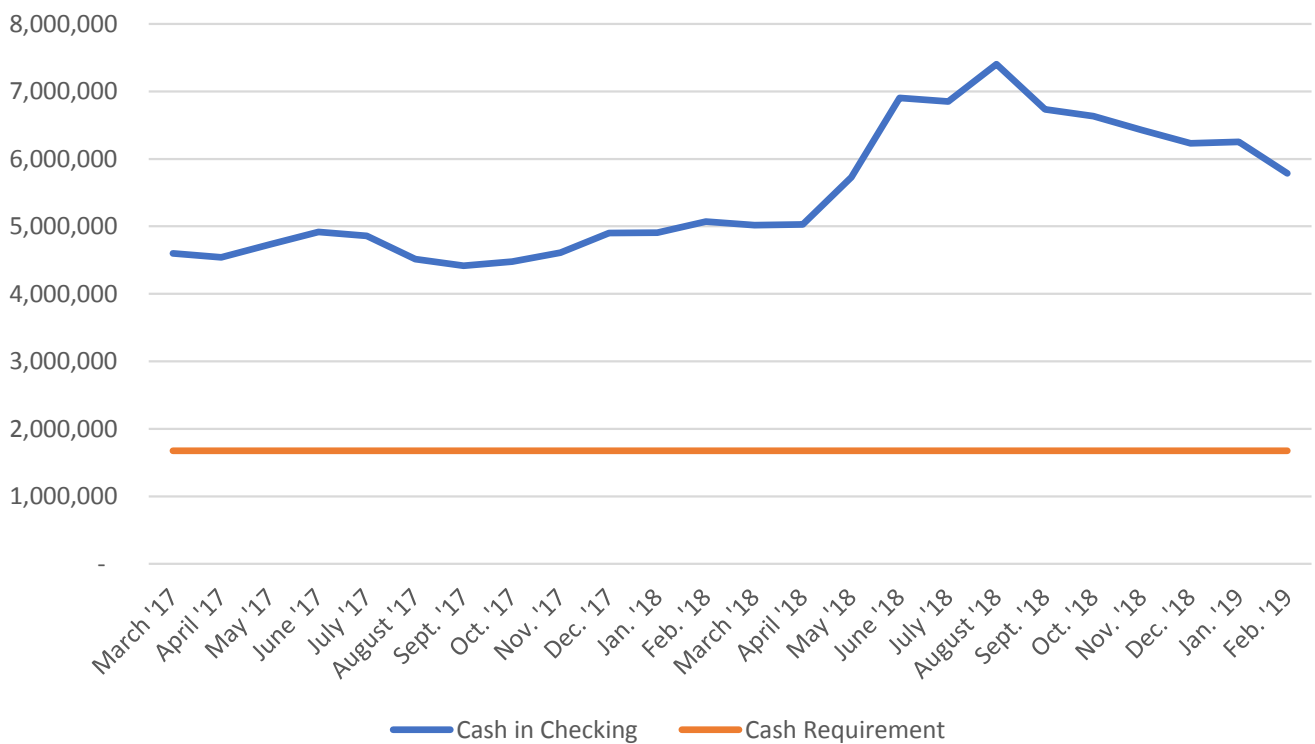
LAIF currently pays about 2.4% on deposits. Based on current rates, this additional investment should generate about \$48,000 per year in interest income. LAIF limits the number of transactions (deposits and withdrawals) to 15 per month and requires 24 hour advance notice for a wire transfer. Except in an unforeseen major emergency, it is not anticipated that there would be any withdrawals.

The Committee recommends two additional levels of control: First, the City Council should specifically approve any further investments in LAIF. Second, transfers from LAIF back to a commercial checking account in order to meet cash flow needs should require approvals by two public officials (City Manager, Treasurer and Councilmembers are public officials.)

In addition the Committee recommends that the City Manager and the City Accountant carefully monitor the cash flow demands in order to ensure that there is sufficient money in the commercial checking account to meet payroll, accounts payable, and large capital improvement expenditures. The Committee is mindful that even with the recommended additional investment in LAIF, there is sufficient money in the commercial checking account to pay bills and still meet the minimum cash reserves requirements established by the City Council. (See attachment).

Finally, the Committee recommends that the City Manager report to the Council at least quarterly on the City's cash and investments.

Cash on Hand Compared to 6 Month Cash Operating Reserve



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

To: The Honorable Mayor and Council Members

From: The City Attorney

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE CHAPTER 5-27, TO REVISE SECTION 5-27-110, SUBSECTION (A), TO PROHIBIT SMOKING IN EVERY RESTAURANT, INCLUDING ANY AREA WHICH IS LOCATED OUTDOOR; AND, TO REVISE SECTION 5-27-120, SUBSECTION (A), NUMBER (5) SO THAT SMOKING IS DISSALLOWED IN OUTDOOR WORKPLACE AREAS IN RESTAURANTS (EXEMPT FROM CEQA)

Date: April 16, 2019

REQUEST:

It is requested that the City Council:

1. Approve the environmental review; and
2. Approve via first reading tonight and second reading at the May meeting, the attached draft Ordinance.

BACKGROUND:

The San City Council heard a presentation by the San Benito Public Health Services at its meeting on March 19, 2019. Members of that organization advocated for smoke free outdoor dining. Comments by the public, including restaurant owners, supported smoke free outdoor dining in San Juan Bautista. The City Council indicated that it wanted to adopt the recommendation and directed the City Attorney to return with an Ordinance which prohibited smoking in outdoor areas of restaurants.

ENVIRONMENTAL REVIEW:

Prohibition on smoking in outdoor areas of restaurants is exempt under California Environmental Quality Act ("CEQA") Guidelines Section 15308, as an action taken to protect the environment. Alternatively, the approval of this ordinance is not subject to the 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, because it has no potential for resulting in physical change to the environment, directly or indirectly.

DISCUSSION:

State Law does not prohibit smoking in outdoor areas of restaurants but cities are free to adopt stricter regulations. Minor revisions were required to the City Code to accomplish the result desired by the City Council. Chapter 5-27 is set forth in entirety, below, with the minor changes tracked. Further, areas of the Ordinance are highlighted which allow business owners to designate areas as smoke-free by posting of the appropriate signage.

Chapter 5-27
REGULATION OF SMOKING
IN CERTAIN PLACES

Sections:

Article 1. Prohibitions

[5-27-100 Findings and purposes of chapter.](#)

[5-27-105 Definitions.](#)

[5-27-110 Smoking prohibited.](#)

[5-27-115 Regulation of smoking in the workplace.](#)

[5-27-120 Smoking permitted.](#)

[5-27-125 Posting of signs.](#)

[5-27-130 Unlawful acts.](#)

[5-27-135 Enforcement.](#)

[5-27-140 Violations.](#)

Article 1. Prohibitions

5-27-100 Findings and purposes of chapter.  SHARE

The City Council finds and determines that there is an overwhelming body of evidence indicating the adverse effects of tobacco smoke on the health and physical comfort of people. The purposes of this Chapter are to protect the public health and welfare by prohibiting or regulating smoking in certain places and to strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers to breathe smoke-free air, and to recognize that where the needs conflict, the need to breathe smoke-free air shall have priority.

5-27-105 Definitions.  SHARE

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them in this Section, unless the context or the provision clearly requires otherwise:

(A) “Bar” means an area or a room utilized primarily for the sale or serving of alcoholic beverages for immediate consumption by guests on the premises and in which the sale or serving of food is merely incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term “bar” shall not include the restaurant dining area.

(B) “Dining area” means an enclosed area containing tables or counters upon which meals are served for immediate consumption by guests on the premises.

(C) “Enclosed” means closed in by a roof and by walls on at least three (3) sides.

(D) "Open to the public" means an enclosed area which is available for use by or accessible to the general public during normal course of business conducted by either public or private entities.

(E) "Restaurant" means any establishment which gives, sells or offers for sale to the public any food for immediate consumption on the premises. The term includes, but is not limited to, any coffee shop, cafeteria, short-order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, public or private lunchroom or dining room. A tavern or cocktail lounge which constitutes a "bar," as defined in subsection (A) of this Section, shall not be considered a restaurant.

(F) "Retail tobacco store" means a retail establishment engaged primarily in the sale of tobacco products and tobacco accessories and the sale of other products is merely incidental.

(G) "Smoke" or "smoking" means inhaling, exhaling, burning or carrying any lighted tobacco product or other combustible weed, plant or substance.

(H) "Workplace" means an enclosed area of a structure or portion thereof which is utilized primarily for the conduct of a business or other enterprise.

5-27-110 Smoking prohibited.



It shall be unlawful to smoke in any of the following places within the City:

(A) Restaurants. Smoking is prohibited in every restaurant including any area which is located outdoors.

(B) Health Care Facilities. Smoking is prohibited in all areas open to the public, including lobbies, waiting rooms and hallways, within any public or private hospital, clinic, medical office, nursing or convalescent home or other health care facility; provided, however, such facility may designate separate, contained areas where smoking is permitted. If the facility contains a cafeteria or other form of restaurant, as defined in SJBMC [5-27-105\(A\)](#), such restaurant shall comply with the regulations set forth in subsection (A) of this Section.

(C) Public Meeting Rooms. Smoking is prohibited in meeting rooms, hearing rooms, conference rooms, chambers and other enclosed places of public assembly in which the business of the City is conducted by any elected or appointed official, council, commission, committee, or board which requires or permits direct participating or observation by the general public.

(D) Public Lobbies and Hallways. Smoking is prohibited in lobbies, hallways and other enclosed areas of City owned or controlled buildings which are open to the public.

(E) Theaters and Auditoriums. Smoking is prohibited within all parts of any building which is used primarily for exhibiting any motion picture, stage drama, performance or other similar performance, which parts are open to the public, and within any room, hall or auditorium that is occasionally used for exhibiting any motion picture, stage drama, dance, musical performance, or other similar performance during the time that said room, hall or auditorium is open to the public for such exhibition; provided, however, that smoking is permitted on a stage when such smoking is part of a stage production.

(F) Museums, Libraries and Galleries. Smoking is prohibited in all areas of museums, libraries, and galleries which are open to the public.

(G) Hotel and Motel Lobbies. Smoking is prohibited in the lobby and registration areas of hotels and motels open to the public.

(H) Public Restrooms. Smoking is prohibited in public restrooms.

(I) Business Establishments. Smoking is prohibited within all enclosed areas open to the public in business establishments providing goods or services to the general public and not otherwise mentioned in this Section, including, but not limited to, retail service establishments, personal service establishments, financial institutions and offices.

(J) Designated Nonsmoking Areas. Notwithstanding any other provision of this Section, any owner, operator, manager or other person who controls the use of any establishment described in this Section may declare that entire establishment as a non-smoking area. In addition, any owner, operator, manager or other person who controls the use of any public or private establishment which is not described in this Section may declare any portion of all of such establishment as a non-smoking area and upon the posting of appropriate signs, smoking shall be prohibited in such areas.

5-27-115 Regulation of smoking in the workplace. SHARE

Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, locker rooms, dressing areas, and all other enclosed facilities.

5-27-120 Smoking permitted. SHARE

(A) Smoking is not prohibited within any of the following places:

(1) Standalone bars, not connected to any other uses;

(2) Retail tobacco stores;

(3) An entire room or hall which is used for a private function which function is under the control of the sponsor of the function and not under the control of the owner or manager of the room or hall, but only while such room or hall is used for a private function. The fact that the owner or manager of the room or hall provides food or entertainment to the participants of a private function does not mean that said owner or manager has control of the function;

(4) Hotel and motel rooms rented to guests;

(5) Any portion of a workplace that is not enclosed, with the exception of outdoor dining areas in restaurants;

(6) Any property owned or leased by county, state or federal government entities;

(7) An enclosed place of employment that is not accessible to the public, which employs only the owner and no other employee, provided that the enclosed place of employment does not share a ventilation system with any other enclosed place of employment or public place.

(B) Notwithstanding the foregoing, any owner, operator, manager or other person who controls the use of any public or private establishment or place described in subsection (A) of this Section may voluntarily designate any portion or all of such establishment or place as a nonsmoking area.

5-27-125 Posting of signs. SHARE

(A) “Smoking” or “No Smoking” signs, whichever may be applicable, with letters of not less than two inches (2”) in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed by a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every room, building or other place where smoking is regulated by this Article. In addition, at every public entrance to a restaurant, a sign shall be posted indicating whether the dining area has been divided into smoking and nonsmoking sections or whether smoking has been prohibited or is permitted throughout the entire dining area.

(B) Any ashtray located in a non-smoking area must have a sign conspicuously posted within one foot (1’) of the ashtray with letters of not less than two inches (2”) in height stating “Smoking Prohibited – Extinguish Here,” or language with equivalent meaning.

(C) It shall be the responsibility of the owner, operator, manager or other person who controls the use of any place where smoking is regulated by this Chapter to post the signs required by this Section.

5-27-130 Unlawful acts. SHARE

(A) It shall be unlawful for any person to smoke in a place where smoking is prohibited pursuant to this Chapter.

(B) It shall be unlawful for any person who owns, operates, manages or controls the use of any place where smoking is prohibited or regulated under this Chapter to fail to properly set aside required “no smoking” areas; to properly post any signs required by SJPMC [5-27-125](#); to provide signs for the use of employees in designating their area; to adopt a smoking restriction policy, or to comply with any other requirements of this Chapter.

5-27-135 Enforcement. SHARE

The City Manager is authorized to enforce the provisions of this Chapter. Any owner, operator, manager, employee, guest or customer of any establishment regulated by this Chapter shall have the right to inform persons violating this Chapter of the appropriate provisions contained herein.

5-27-140 Violations. SHARE

The violation of any provision contained in this Chapter shall constitute an infraction and a public nuisance, subject to the penalties as set forth in SJPMC Title [13](#).

Legislative History: Ord. 94-11 (7/19/94).

ORDINANCE 2019-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE CHAPTER 5-27, TO
REVISE SECTION 5-27-110, SUBSECTION (A), TO PROHIBIT SMOKING IN EVERY
RESTAURANT, INCLUDING ANY AREA WHICH IS LOCATED OUTDOOR; AND,
TO REVISE SECTION 5-27-120, SUBSECTION (A), NUMBER (5) SO THAT SMOKING
IS DISSALLOWED IN OUTDOOR WORKPLACE AREAS IN RESTAURANTS
(EXEMPT FROM CEQA)**

WHEREAS, the San Juan Bautista City Council heard a presentation by the San Benito Public Health Services at its meeting on March 19, 2019 in which members advocated for smoke free outdoor dining; and

WHEREAS, the City Council accepted public comment in support of smoke free outdoor dining in the City, wished to adopt the recommendation and directed the City Attorney to return with an Ordinance which prohibited smoking in outdoor areas of restaurants, and

WHEREAS, a prohibition on smoking in outdoor areas of restaurants is exempt under CEQA guidelines Section 15308, as an action taken to protect the environment.

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

Section 5-27-110, Subsection (A) shall be revised as follows:

Section 5-27-110 Smoking Prohibited.

It shall be unlawful to smoke in any of the following places within the City:

(A) Restaurants. Smoking is prohibited in every restaurant, including any area which is located outdoors.

Section 5-27-120, Subsection (A), Number 5 shall be revised as follows:

5-27-120 Smoking permitted.

(A) Smoking is not prohibited within any of the following places:

(5) Any portion of a workplace that is not enclosed, with the exception of outdoor dining areas in restaurants;

The FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 16th day of April, 2019, and was adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 20159by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **Update the Regional Traffic Impact Mitigation Fee**

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: Interim City Manager Ed Tewes

Recommendation: Direct the preparation of a resolution updating the Regional Traffic Impact Mitigation Fee

Background: In 2013, the Council adopted a resolution substituting a **city** traffic impact fee with a **regional** traffic impact mitigation fee to collect funds for improvements to regional projects such as widening of Highway 156. In accordance with that resolution the fee has been increased each July 1 by the change in the Cost of Construction Index published by the Engineering News Record. The current fee is shown on Exhibit A.

The initial amount to be charged was based on a “nexus” study conducted for COG as required by Government Code Section 66000. The study established the linkage between changes in land use and the need for expanded capacity of the surface transportation system in San Benito County.

The City of Hollister and the County of San Benito have also adopted the regional traffic impact mitigation fee and are collecting money that is used for regional projects such as the local share of improvements to Highway 25 and Highway 156. The Study established different “zones” and different projects for each zone. San Juan Bautista is located in Zone 1.

The recommended fees for Zone 1 are shown on Exhibit B. If adopted they will be increased by the change in the Construction Cost Index. The new fees would be take effect 60 days following the adoption of the resolution.

With the passage of Measure G, COG now will collect revenue from a voter approved 1% sales tax, a portion of which will be allocated to the City of San Juan. For FY 20 this could be as much as \$200,000 for maintenance of local streets and roads.

However, a condition of receipt of the money are two actions that the City of San Juan will have to approve. First, it will be necessary to conduct and maintain a “pavement management program” to periodically analyze and report the condition of the city streets using a well established system used throughout California. The cost of the PMP is itself an eligible expense of the COG Measure G funds. The proposed FY 20 budget will include this project.

Second, to be eligible for the Measure B money, the City will have to update the regional traffic impact mitigation fee in accordance with the 2016 nexus study. Funds will be accounted for separately, held by the City, and subject to claims from COG when needed to contribute to the local share of regional transportation programs.

Staff is obtaining proposals for a comprehensive update of the local impact fees for consideration in the FY 20 budget. That nexus study should include consideration of re establishing a local traffic impact fee similar to the one eliminated in the 2013 update.

City of San Juan Bautista
Development Impact Fee Schedule

Impact Fee	adopted in 2013	ENR CCI adjustment ¹	Effective March 14th 2019
Water Connection			
Residential Unit	\$7,555.00	15.88%	\$8,754.73
Commercial Connection	\$10,418.00	15.88%	\$12,072.38
Sewer Connection			
Single Family Unit	\$5,240.00	15.88%	\$6,072.11
Multiple Family Unit	\$3,495.00	15.88%	\$4,050.01
Commercial, Standard Strength	\$6,812.00	15.88%	\$7,893.75
Commercial, Moderate Strength	\$8,175.00	15.88%	\$9,473.19
Commercial, High Strength	\$9,880.00	15.88%	\$11,448.94
Traffic Impact			
Single Family Unit	\$1,717.00	15.88%	\$1,989.66
Multiple Family Unit	\$1,058.00	15.88%	\$1,226.01
Commercial/1000 Sq. Ft.	\$2,456.00	15.88%	\$2,846.01
Public Safety Development Impact	\$1,543.00	15.88%	\$1,788.03
Park Development Impact ²	\$782.00	15.88%	\$906.18
Park In-Lieu ³	\$2,250.00	15.88%	\$2,607.30
Parking In-Lieu ⁴	\$6,500.00	15.88%	\$7,532.20
Storm Drain Development	\$1,554.00	15.88%	\$1,800.78
Library Development	\$1,995.00	15.88%	\$2,311.81
Public and Civic Facilities	\$1,483.00	15.88%	\$1,718.50

¹ Fees adjusted each July 1 based on ENR CCI.

March 2013 Index = 10368.09 June 2018 index = 12014.72 - 15.88% increase.

² Credit can be applied for on-site park development when constructed as part of the development. Credit will not exceed park development impact fee.

³ Fee required if no park facilities are provided by development.

⁴ Fee required if on-site parking spaces are not provided.

Table 4: Proposed Transportation Impact Mitigation Fee Schedule

	Cost per Trip, Road Improvements and Intersections	Cost per Trip, Bike Lanes	Cost per Trip, Bicycle and Pedestrian Master Plan	Sub-Total Cost per Trip	Trip Demand Factor	Subtotal	2% Admin. Fee	Proposed Fee
Zone 1								
<i>Residential, Fee per unit</i>								
Single Family	\$1,097.58	\$805.81	\$88.28	\$1,991.67	1.11	\$2,210.75	\$44.21	\$2,254.96
Multi-Family	\$1,097.60	\$805.81	\$88.28	\$1,991.69	0.69	\$1,374.27	\$27.49	\$1,401.75
<i>Nonresidential, fee per 1,000 sq. ft.</i>								
Office	\$1,060.18	\$805.81	\$88.28	\$1,954.27	1.82	\$3,556.77	\$71.14	\$3,627.90
Commercial/Retail	\$518.43	\$805.81	\$88.28	\$1,412.52	1.52	\$2,147.03	\$42.94	\$2,189.97
Industrial/Other	\$1,060.18	\$805.81	\$88.28	\$1,954.27	0.24	\$469.02	\$9.38	\$478.40
Zone 2								
<i>Residential, Fee per unit</i>								
Single Family	\$10,025.39	\$2,089.84	\$88.28	\$12,203.51	1.11	\$13,545.90	\$270.92	\$13,816.81
Multi-Family	\$10,025.39	\$2,089.84	\$88.28	\$12,203.51	0.69	\$8,420.42	\$168.41	\$8,588.83
<i>Nonresidential, fee per 1,000 sq. ft.</i>								
Office	\$9,837.54	\$2,089.84	\$88.28	\$12,015.66	1.82	\$21,868.50	\$437.37	\$22,305.87
Commercial/Retail	\$4,810.55	\$2,089.84	\$88.28	\$6,988.68	1.52	\$10,622.79	\$212.46	\$10,835.24
Industrial/Other	\$9,837.54	\$2,089.84	\$88.28	\$12,015.66	0.24	\$2,883.76	\$57.68	\$2,941.43
Zone 3								
<i>Residential, Fee per unit</i>								
Single Family	\$1,916.66	\$438.08	\$88.28	\$2,443.02	1.11	\$2,711.76	\$54.24	\$2,765.99
Multi-Family	\$1,916.66	\$438.08	\$88.28	\$2,443.02	0.69	\$1,685.69	\$33.71	\$1,719.40
<i>Nonresidential, fee per 1,000 sq. ft.</i>								
Office	\$1,916.66	\$438.08	\$88.28	\$2,443.02	1.82	\$4,446.30	\$88.93	\$4,535.23
Commercial/Retail*	\$958.33	\$438.08	\$88.28	\$1,484.69	1.52	\$2,256.73	\$45.13	\$2,301.87
Industrial/Other	\$1,916.66	\$438.08	\$88.28	\$2,443.02	0.24	\$586.33	\$11.73	\$598.05

The calculations for the costs per trip are shown in Appendix C.

*Since there is no commercial/retail cost shift to residential in Zone 3 (no residential development is projected in Zone 3), the commercial/retail cost per trip is reduced by 50 percent to put it on a similar basis with the commercial/retail in the other zones. This is a very small loss of revenue that depends on the actual amount of commercial/retail development, but will probably be less than \$10,000.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **DIG ONCE POLICY**

MEETING DATE: April 16, 2019

DEPARTMENT HEAD: Interim City Manager Ed Tewes

Recommendation: Discuss whether the Council wishes to establish a policy on installation of telecom infrastructure as part of any major road reconstruction projects.

Background: Councilmember Freeman has requested that the Council discuss whether to adopt a policy similar to that of other agencies. He has provided copies of policies in the City of San Francisco and the City of Gonzalez.

In order to avoid subsequent “utility cuts” that would compromise the road surface integrity of new street reconstruction, cities often advise all utilities of an upcoming project in order to let them know that the road will be “opened up” allowing for upgrading of existing or installation of new facilities such as underground electric and gas lines or telecommunications facilities.

Other cities have a policy that if a telecom company does not reply by proposing to install its own conduit for existing or future service, the City will install conduit at the city’s expense. The conduit can then be made available by lease to any private company that may later wish to deploy it for its customers.

The policy could increase the initial cost of road reconstruction while extending the useful life of a reconstructed roadway.

The current San Juan Bautista Capital Improvement Budget includes a project to resurface Muckelemi Street, and to reconstruct a short section of Third Street. A “Dig Once” policy would apply to the Third Street project and any future reconstruction (as distinct from “resurfacing” project).

ctc technology & energy

engineering & business consulting



Technical Guide to Dig Once Policies **April 2017**

Columbia Telecommunications Corporation

10613 Concord Street • Kensington, MD 20895 • Tel: 301-933-1488 • Fax: 301-933-3340 • www.ctcnet.us

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1 Executive Summary

During his campaign, President Trump vowed to rebuild the nation's infrastructure, with a plan to spend more than \$500 billion fixing the country's aging roads and highways. This type of investment could also provide an opportunity for local and state governments seeking to increase the deployment of broadband networks.

While internet service providers are often trying to reach new consumers, the process of installing fiber networks can be prohibitively expensive and time-consuming. Local and state governments can ease the process by adopting a "dig once" policy, which requires public and private excavators to coordinate with local government on the installation of extra fiber or conduit whenever ground will be broken in the public right-of-way (PROW).

"Dig once" policies were identified as a best practice for local governments by the Obama administration's Broadband Opportunity Council as a means of enhancing competition in the broadband market.¹ The Council noted an important truth: "While sound national policies and programs are important, most decisions on broadband investment are made by Local governments in partnership with the private sector, guided by State law."

Dig once policies have many benefits,² including:

- Protecting newly and recently paved roads and sidewalks
- Enhancing the uniformity of construction
- Ensuring efficient, non-duplicative placement of infrastructure in the PROW
- Reducing overall costs of all underground work in the PROW, both utility- and telecommunications-related, for public and private parties
- Facilitating private communications network deployment by reducing construction costs

¹ "Broadband Opportunity Council Report and Recommendations," U.S. Department of Commerce and U.S. Department of Agriculture, August 20, 2015, https://www.whitehouse.gov/sites/default/files/broadband_opportunity_council_report_final.pdf (accessed July 26, 2016). See also: "Executive Order on Accelerating Broadband Infrastructure Development," Federal Highway Administration, U.S. Department of Transportation, May 5, 2016, <http://www.fhwa.dot.gov/policy/otps/exeorder.cfm> (accessed July 26, 2016).

² We analyzed the benefits of dig once policies in "Gigabit Communities," an independent white paper commissioned by Google (<http://www.ctcnet.us/wp-content/uploads/2014/01/GigabitCommunities.pdf>).

- Leveraging construction by third-party entities for the deployment of a public communications network, or deployment of conduit that can be made available to other entities

While dig once policies are beneficial, they are not a one-size-fits-all policy prescriptive. To develop “best practices” guidance for local governments, we surveyed the approaches adopted or proposed by jurisdictions across the country. In the process, we interviewed representatives of cities and other government entities that have adopted such policies, and reviewed the treatment of costs in dig once scenarios.

Based on our survey and our own experience, we identified three general approaches:

1. Some communities require an excavator applying for a permit in the PROW to notify utilities and other relevant entities about the project and invite their participation.
2. Localities with a “shadow conduit” installation policy require the excavator to install excess conduit for future use; depending on the policy, the excavator or the jurisdiction may then lease that excess capacity.
3. Other localities undertake a longer-term process, coordinating multi-year plans with excavators.

We recommend that localities consider the following steps in developing an ordinance or policy:

- Prioritize projects suitable for additional construction, based on a scoring mechanism
- Develop a refined estimate of the incremental costs during the design stage
- Develop a standard engineering specification for dig-once conduit
- Develop a procedure to systematically track and manage the construction and to create a repository of existing infrastructure

2 The Case for Dig Once Policies

Constructing fiber optic communications cables is costly, complex, and time-consuming. The high cost of construction creates a barrier to entry for potential broadband communications providers.

While aerial construction methods, requiring attachments to utility poles, are usually less expensive than underground construction, aerial installation may have significant drawbacks—including a limit to the quantity of cables and attachments that can be placed on existing utility poles in more crowded areas, and greater exposure to outside conditions.

Underground construction, using protective conduit, generally provides scalable, flexible, and durable long-term communications infrastructure, but is also typically more expensive than aerial construction. Further, cutting roads and sidewalks substantially reduces the lifetime and performance of those surfaces. And each excavation diminishes the space available for future infrastructure.

Accordingly, encouraging or requiring simultaneous underground construction and co-location of broadband infrastructure in the PROW creates benefits for both the community and private sector communications providers.

Dig once policies reduce the long-term cost of building communications facilities by capitalizing on significant economies of scale through:

1. Coordination of fiber and conduit construction with utility construction and other disruptive activities in the PROW.
2. Construction of spare conduit capacity where multiple service providers or entities may require infrastructure.

These economies exist primarily because fiber optic cables and conduit are relatively inexpensive, often contributing to less than one-quarter of the total cost of new construction. While material costs typically fall well below \$40,000 per mile (even for large cables containing hundreds of fiber strands), the cost of labor, permitting, and engineering commonly drives the total fiber construction price toward \$200,000 per mile for standalone projects.

Another motivation for coordinating construction is to take the opportunity to build multiple conduit in a closely packed bank. Banks of conduit constructed simultaneously allow a single excavation to place several conduit in the physical space usually used by one or two. Conversely, multiple conduit installed at different times must be physically spaced, often by several feet, to prevent damage to one while installing the next. Once the PROW becomes crowded, the options

for future construction are reduced, leaving only less desirable methods and more-costly locations for construction of additional infrastructure.

The key benefits achieved through coordinated construction efforts include reduced costs for:

- Labor and material, through reduced crew mobilization expenses and larger bulk material purchases;
- Trenching or boring, when coordination enables lower-cost methods (e.g., trenching as opposed to boring) or allows multiple entities to share a common trench or bore for their independent purposes;
- Traffic control and safety personnel, particularly when constructing along roadways that require lane closures;
- Engineering and surveys associated with locating existing utilities and specifying the placement of new facilities;
- Engineering and surveys associated with environmental impact studies and approvals;
- Leasing access to private easements, such as those owned by electric utilities;
- Railroad crossing permits and engineering;
- Restoration to the PROW or roadway, particularly in conjunction with roadway improvements; and
- Bridge crossing permits and engineering.

3 Dig Once Conduit Installation

There are several possible standardized approaches to conduit installation. We describe below two potential dig once approaches that consider the placement of “shadow” communications conduit in coordination with trenching performed by an excavator. The two approaches are designed for two different scenarios. In the first, the added dig once infrastructure can share the same trench with no modifications; in the second, the additional conduit cannot share the standard trench (e.g., due to potential interference between the dig once conduit and the primary construction), thus requiring the two conduit to be offset in a wider trench.

These scenarios assume that the locality has identified a given corridor as suitable for conduit installation, and that it has justified the incremental cost and effort for installation—potentially based on a standard set of criteria such as those in Section 5.1.

Ideally, the dig once conduit is placed over the excavator utilities. This reduces or eliminates the need for additional trenching and would incur the lowest incremental cost. With the permission of the utility owner, it may be possible to place the dig once conduit directly over the utility conduit (see “Model A” in Figure 1 below). This is a potential approach when the utility is a communications utility. Reducing the clearance between the utility and the dig once conduit will reduce or eliminate any incremental excavation to accommodate the dig once conduit.

In some scenarios, the conduit may need to be offset horizontally from the utility Infrastructure. This may be the case where the infrastructure is a water pipe that should be offset for ease of maintenance, for example. Offsetting the dig once conduit may also reduce the risk of the conduit being damaged by a broken water pipe or by repair to that pipe. “Model B” in Figure 1 depicts a dig once scenario in an offset trench.

Figure 2 is a vertical profile for a typical vault installation. (A vault—also known as a manhole or handhole—is an underground enclosure for accessing or storing fiber cable.) There should be space for third-party vaults for use by third parties, adjacent to the main vaults. Third-party service providers will have access to the conduit at their vaults; all other vaults and conduit will only be accessible by the locality or by contractors managing the conduit for the locality.

Figure 1: Typical Configuration for Conduit in Dig Once Opportunity

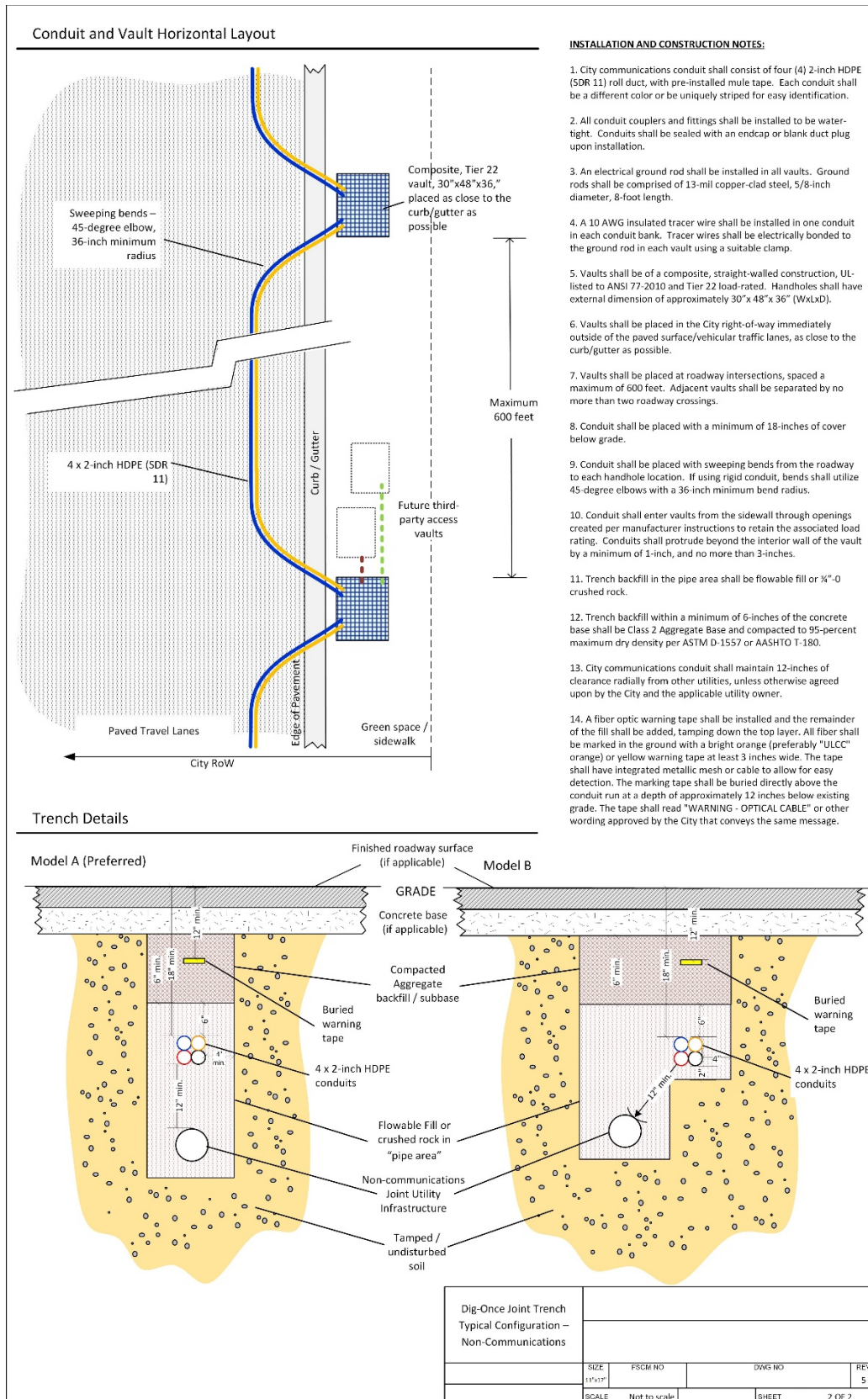
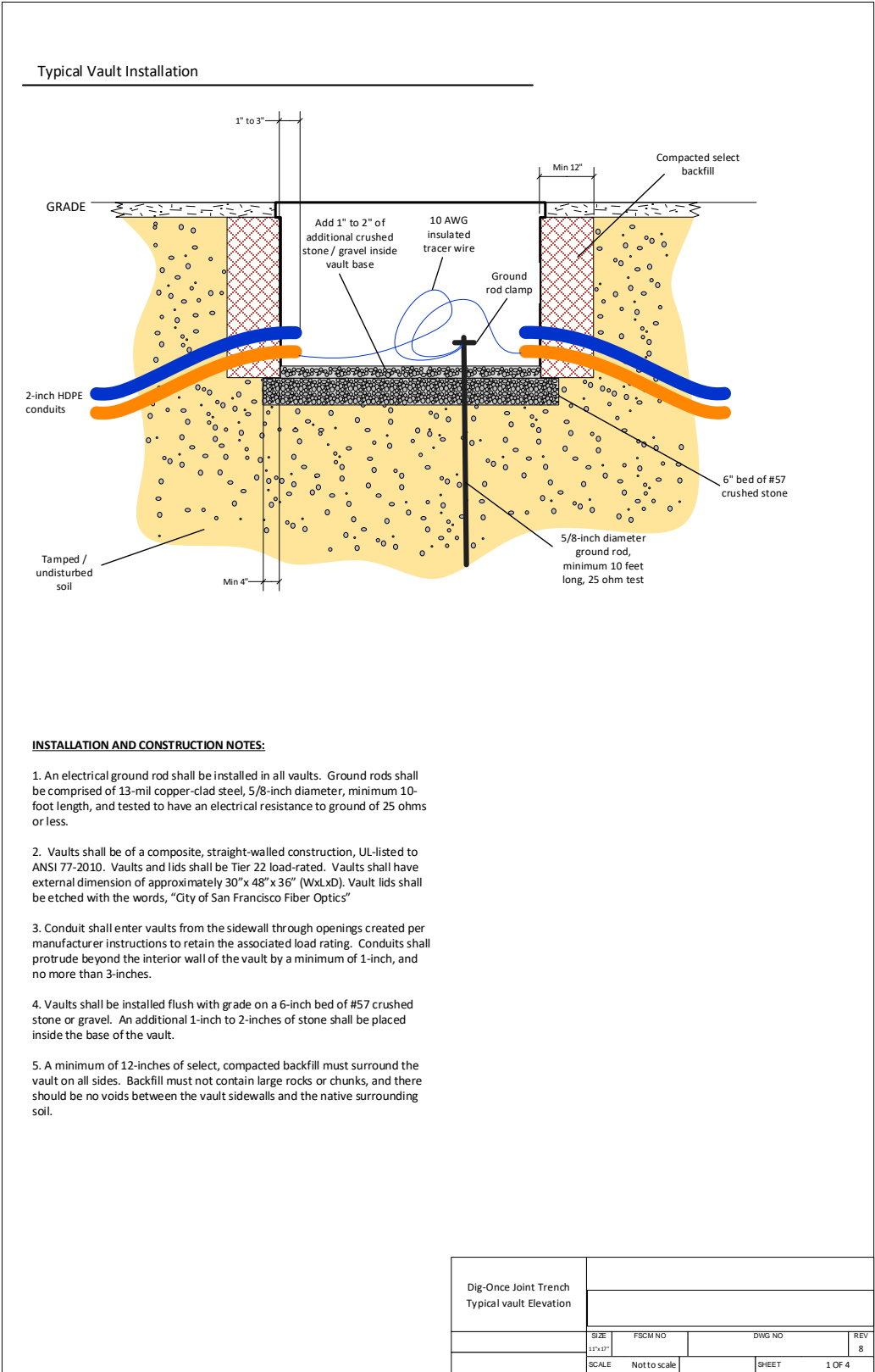


Figure 2: Vertical Profile for Typical Vault Installation



4 Dig Once Policies Across the Country

Cities and counties across the country have developed and implemented dig once policies. The primary motivation for municipalities has been to preserve the PROW and improve the telecommunications competition in the market.

The following are a range of policies we have seen. Table 1 summarizes the different examples.

- a. Boston was one of the first major cities in the country to implement a dig once policy, adopted in 1988. In the first few years of adoption, all excavators in the PROW were required to install a bank of four 1.5-inch conduit during construction. The cost to lease the conduit was a one-time fee of the inflation-adjusted value of the original construction cost of the conduit,³ plus an annual fee of \$5 per foot.

The quality of the conduit varied greatly across the system, however, and the service attracted few users. The costs associated with leasing were high, and there was no discount to reflect the decreased value of the conduit due to depreciation. Potential users of the conduit often chose to build on parallel streets. Thus, the extent to which this policy became successful depended on factors such as cost and demand for interconnectivity.

The City is now in the process of conducting a survey to assess the quality of the existing conduit. Over the past year, the policy was modified to require excavators to install 4-inch shadow conduit for the City and other future users. Future users will be required to lease space in the conduit from the shadow builder before being allowed to dig again in that corridor. The lease price is the initial value of construction for the right of entry (or equivalent)⁴ in addition to an annual fee of \$5 per foot. The City also has a five-year moratorium once construction in a particular PROW takes place (i.e., a new excavator in that location would have to conduct restoration from curb to curb).

- b. The City of Berkeley, California, does not have a dig once ordinance but it has municipal policies aimed at reducing the impact of construction in the PROW for telecommunications systems. These policies mandate that any excess capacity in existing or future duct, conduit, manholes, or handholes be made available by the excavator for use by third parties. Also, a prospective excavator would have to coordinate major construction efforts in the PROW with other utility companies through City-sponsored utility coordination meetings. In new developments, a provider would contact the

³ The user pays for the fraction of the bank used. If the user uses one of the four conduit, it pays one-fourth of the construction cost.

⁴ Based on e-mail correspondence with City staff. A review of the finalized lease agreement has been requested for confirmation of the lease pricing.

developer to determine whether any surplus conduit exists and whether any joint trenching or boring projects are feasible.

In a new installation that would require excavation, the provider shall install within existing infrastructure whenever sufficient excess capacity is available on reasonable financial terms. Also, the City does not allow a company to excavate if the street has been reconstructed in the preceding five-year period.

- c. The City of Bellevue, Washington, does not have a dig once requirement. However, the City conditions development projects on the excavator providing the City with conduit through the length of the frontage and also possible street lighting and/or signal upgrades. Every transportation project that constructs on the sidewalk is required to install conduit.
- d. The Central Coast Broadband Consortium (CCBC) is a group of local governments that aims to promote broadband availability, access, and adoption in Monterey, Santa Cruz, and San Benito counties in California. The CCBC has developed a model shadow conduit policy for the local governments that would allow for the installation of additional conduit in the PROW when a construction permit is requested by a telecommunications or utility service provider. The model policy would allow for the jurisdiction to open a 60-day window to notify all other known telecommunications and utility providers in order to coordinate with the placement of conduit in the PROW. The permit applicant would be the lead company and the other providers would piggyback on the installation. Under California law, the lead company has the ability to charge fees for the installation of communications conduit in the PROW. One of the goals of the CCBC through this policy is to increase competition by reducing the cost of entry for future service providers.
- e. The City of Gonzales, California, developed a dig once policy for public works projects, including construction and maintenance of transportation and utility infrastructure. Excavators in the PROW are required to install communications conduit. An exception is allowed if the City determines there is insufficient cost benefit. The City developed common standards related to the conduit, including:
 - Use of PVC Schedule 40 material (color orange)
 - Laid to a depth of not less than 18 inches below grade in concrete sidewalk areas, and not less than 30 inches below finished grade in all other areas when feasible, or the maximum feasible depth otherwise
 - A minimum 2-inch diameter

The costs associated with the installation of the conduit are covered by the public works budget, and the City owns the conduit.

- f. The City of Santa Cruz, California, implemented a dig once policy with the primary aim to foster telecommunications market competition and to create a provision for the installation or upgrade of telecommunications cable or conduit for City use. Staff notifies all excavators in the City of the opportunity to join the open trench and helps coordinate efforts for multiple parties to join the dig. City staff works with contractors to identify the most cost-effective approach consistent with City requirements to obtain upgrades in the PROW. The City also enacted a moratorium on standalone construction in the excavation area, in order to protect the PROW after the excavation.
- g. The City of San Francisco, California, developed a dig once ordinance that modifies the city's Public Works Code provisions governing utility excavation—specifically, the Code's requirements for coordination.⁵ The Department of Public Works (DPW) can only approve an application for an excavation permit if the applicant's plans include the installation of communications facilities (e.g., conduit) that meet the Department of Technology (DT) specifications, unless DT has opted out of the excavation project.

Excavators (both internal and external) are required to place conduit for the use of DT as well as conduit available for leasing. DT is responsible for the excavator's incremental costs. The city requires proposing the installation of four 1-inch conduit with manholes at regular intervals. The shadow conduit is required to be placed in a joint trench above the excavator's conduit.

The beginning phase of this ordinance was started in Fall 2014 and the Order was adopted in 2015. The City is now in process of prioritizing projects (based on a cost-benefit analysis) through a scoring mechanism, because the costs are higher with joint build construction. These high costs are typical of urban settings. The City is using its Accela right-of-way asset management system (formerly Envista), a map-based application, to document and analyze excavator plans, in some cases years ahead of construction, to identify, analyze, and coordinate projects.

- h. San Benito County, California, has incorporated a dig once policy as part of its multi-use streets policy by requiring County roadway construction projects involving more than surface pavement treatment to include underground utility conduit. The County is also a partner in a municipal fiber network and aims to use this policy to expand the network.

⁵ "Article 2.4: Excavation in the Public Right-of-Way," Public Works Code, available at: <http://tinyurl.com/kqggop5>

- i. In Arlington County, Virginia, a large electric utility project by Dominion Virginia Power, an investor-owned utility, required construction of underground conduit along many miles of congested urban PROW. As part of the utility permitting and coordination, the County entered into an agreement with the utility to construct fiber optics for the County's use in parallel conduit and manholes. The County, which pursued the project independently of any dig once ordinance, received cost estimates for each segment in the design phase and decided to proceed based on the estimates. As part of the agreement, the County provided the specifications for the conduit and the fiber. The specifications included:

- Two 4-inch conduit with tracer wire installed at a minimum of 24 inches from the top of the power line trench
- Splice boxes (24 x 36 x 36 inches) located approximately 600 feet apart
- Installation of one set of three 1.25-inch innerduct in each 4-inch conduit
- Installation of one 144-fiber cable in one innerduct of each 4-inch conduit, leaving a 50-foot coil in each

The acceptance of the installation was done only after the County had inspected and tested the conduit and fiber, and payment was made thereafter.

Table 1: Sample Dig Once Summaries

Locality/Network	Summary	Costs
(a) City of Boston, MA	<ul style="list-style-type: none"> • Shadow conduit installation • Conduit system not standardized • Expensive for potential users of conduit 	One-time cost: Value of construction + \$5/foot/year
(b) City of Berkeley, CA	<ul style="list-style-type: none"> • Excess capacity required to be made available for leasing 	Determined by lessor of excess capacity
(c) CCBC	<ul style="list-style-type: none"> • Consortium of local governments developed a model ordinance • Shadow conduit installation • 60-day notification window when permit application is received 	Not determined, possibly shared construction costs or charges by lead company

Locality/Network	Summary	Costs
(d) City of Bellevue, WA	<ul style="list-style-type: none"> • Additional conduit during some capital improvement and development projects • Transportation projects required to install conduit 	Funded from City budget
(e) City of Gonzales, CA	<ul style="list-style-type: none"> • Shadow conduit installation • Standards developed for conduit • Decision to install conduit only if the cost-benefit analysis is favorable 	Public Works budget
(f) City of Santa Cruz, CA	<ul style="list-style-type: none"> • Joint build based on costs • Optional bids for extra ducts 	Joint build costs and/or City budget
(g) City of San Francisco, CA	<ul style="list-style-type: none"> • Shadow conduit installation and conduit available for leasing • Project prioritization based on scoring mechanism 	Incremental costs paid by City, priced at \$20.07 per foot (shared trench) and \$29.14 per foot (offset trench)
(h) San Benito County, CA	<ul style="list-style-type: none"> • Conduit to be constructed as part of County road projects • Coordination with County fiber build 	County capital program funds
(i) Arlington County, VA	<ul style="list-style-type: none"> • Obtained conduit and fiber as part of an agreement for an electric grid upgrade project in the PROW by investor-owned electric utility • County developed specifications and inspected installation 	County funds, \$392,082 for 21,700 feet

5 Recommendations for Enacting a Dig-Once Policy

We recommend that a locality considering a “Dig Once Ordinance” or related policies consider the following processes:

5.1 Prioritize Projects for Building

The cost of installing conduit is drastically reduced when a trench is already dug. However, the cost is still significant, and a locality will need to prioritize projects that achieve the most value for the money spent, and maximize the likelihood of the conduit being used. Because of the cost of conduit installation, even in a dig once opportunity, it is necessary to prioritize construction to ensure that 1) priorities are identified when dig once opportunities emerge, and 2) resources are not wasted in building conduit that is unlikely to be used.

We observe that the following factors typically result in less useful conduit, based on our experience in a range of dig once settings:

- Ability to use utility poles along the same path with a reasonable cost of attachment;
- Excavation projects that extend only a short distance, such as for a few blocks;
- Excavation projects isolated from other projects and existing fiber and conduit infrastructure;
- Excavation projects in low- and medium-density residential areas, not in proximity to government facilities, community anchor institutions, or large developments; and
- Excavation projects that only affect the top layer of the street

We also note that the cost of conduit construction is approximately 50 percent higher in dig once opportunities where the excavator is not digging a trench,⁶ or where the trench cannot be shared or needs to be widened for placement of the dig once conduit.

To ensure that dig once projects are both financially feasible and consistent with a locality’s long-term goals, we recommend prioritization based on the following factors:

1. Ability to place conduit over long, continuous corridors
2. Proximity of the project to government and community anchor facilities requiring service
3. Lack of existing locality communications infrastructure in the vicinity

⁶ An excavator may use directional boring or microtrenching instead of trenching, typically resulting in higher incremental cost for dig once than a project where the excavator is digging a trench.

4. Potential interest in conduit from partners or customers (e.g., government departments, service providers, or developers)
5. Lack of cost-effective alternatives due to physical constraints in the vicinity (e.g., targets of opportunity such as bridges or freeway underpasses)
6. Lack of capacity on utility poles along the route
7. Low risk to dig once communications infrastructure (e.g., electrical and communications conduit in dig once construction is in closer proximity to the dig once conduit than other types of utilities, making the dig once conduit more visible to the excavator and therefore easier to avoid in the event the excavator's conduit needs to be repaired)
8. Limited delays to critical infrastructure (i.e., the incremental days for dig once coordination must not create a public safety risk)
9. Beneficial project cost (i.e., prioritizing projects with lower-than-average costs)
10. Synergies with opportunistic major projects, such as highway, mass transit, or bridge replacement
11. Plans for major right-of-way crossings, such as railroad, water, highway, or interstate, which often are difficult for private carriers to facilitate or justify
12. Conduit placement for building fiber into key sites, data centers, or facilities deemed potential targets for redevelopment

As opportunities emerge, or as existing opportunities are reviewed, we recommend they be evaluated, scored, and ranked based on the above criteria.

5.2 Estimate Incremental Costs

Localities need to understand the incremental costs associated with design and construction of the additional infrastructure in order to determine whether the project is a good opportunity for dig once. In many cases, the incremental costs of construction are borne by the jurisdiction. Many policies also provide exceptions or forego the excess conduit construction if the cost-benefit analysis is not reasonable.

For cost estimation purposes, the incremental cost is the cost of additional materials (conduit, vaults, location tape, building materials) and labor (incremental engineering, incremental design, placement and assembly of incremental conduit, placement of incremental vaults, interconnection, testing, and documentation).

The cost does not have to include roadway or sidewalk restoration or paving (which we assume to be part of the original project) beyond that which is specifically required for the placement of vaults for a locality's communications conduit within paved or concrete surfaces outside of the original project boundaries.

In a trenching project, where trenches are joint, the cost does not include trenching or backfilling. Where the dig once trench is separate from the original trench, the incremental cost includes trenching and backfill, but does not include repaving or restoring the road surface (again, assumed to be part of the original project).

Average costs may be derived based on multiple contractor pricing schedules. As a locality gains experience by participating in projects, it will develop a more accurate sense of cost.

5.3 Develop a Standard Specification

The challenge in developing a standard specification for a dig once project is to incorporate the requirements of known and unknown users, and to provide sufficient capacity and capability without excessive costs.

The following factors may be considered in developing a conduit specification:

1. Capacity—sufficient conduit needs to be installed, and that conduit needs to have sufficient internal diameter, to accommodate future users' cables and to be segmented to enable conduit to be shared or cables added at a future date
2. Segmentation—users need to have the appropriate level of separation from each other for commercial, security, or operational reasons
3. Access—vaults and handholes need to be placed to provide access to conduit and the ability to pull fiber. Vaults need to be spaced to minimize the cost of extending conduit to buildings and other facilities that may be served by fiber
4. Costs—materials beyond those that are likely to be needed will add cost, as will the incremental labor to construct them. Beyond a certain point, trenches need to be widened or deepened to accommodate conduit
5. Robustness—the materials, construction standards, and placement need to reasonably protect the users' fiber, and not unduly complicate maintenance and repairs
6. Architecture—sweeps, bend radius, and vault sizes need to be appropriate for all potential sizes of fiber

We recommend further discussions with private carriers to better develop a specification. It may be appropriate to have a different specification for different projects. Based on our knowledge

of a range of dig once efforts, we believe the following sample approach is suitable for major corridors and can be modified as discussion proceed with excavators in the PROW:

- One or more 2-inch conduit, minimum SDR 11 HDPE, each of a separate color or unique striping to simplify identification of conduits within vaults and between vaults, in the event conduit must be accessed or repaired at intermediate points
- Composite vaults sized for the likely number of cables, placed in the sidewalk or available green space within the PROW, as close to the curb or gutter as possible
- Vaults spaced at intervals of 600 feet or less, typically at intersections (in urban and suburban areas)
- Sweeping conduit bends with a minimum radius of 36 inches to allow cable to be pulled without exceeding pull-tension thresholds when placing high-count fiber cables (e.g., 864-count)
- Conduit placed in the same trench directly above the excavator's infrastructure or, where this is not possible, placed with minimum horizontal offset to minimize cost

It is important to note that the above approach is designed to create consistency and predictability in costs and deployment and, of necessity, is a compromise among the potential users. Some users might prefer larger conduit for consistency with earlier builds. Others might seek a larger count of smaller conduit, to provide more flexibility. If an excavation project has a long time horizon and sufficient budget, it is possible to customize the dig once build, potentially adding conduit or adding vaults at particular locations.

Two-inch conduit has become a standard size for a wide range of construction projects, and can support the widest range of use cases. A single 2-inch conduit can accommodate a range of multi-cable configurations while retaining recommended fill ratios, allowing a single user to serve its backbone and access cable requirements with a single, dedicated conduit.

Compared to placing fewer, larger conduit segmented with innerduct, this approach provides greater opportunity for individual conduit to be intercepted and routed for future vault installation by a particular user. Additionally, 2-inch conduit is substantially cheaper to install and physically more flexible than larger varieties, offering more options to route around existing utilities and other obstructions.

5.4 Develop a Procedure to Track and Manage Infrastructure

A locality needs to develop a system to track its planned, ongoing, and completed construction in a timely way (potentially using an asset management system) and prioritizing and selecting projects for locality participation. The locality also needs a way to quickly notify potentially

interested parties and to coordinate participation with excavators. The impact on the excavator can be minimized through the use of a well-thought-out process that minimizes delays.

We recommend, at a high level, the following type of procedure. First, the excavator should submit dig once plans and cost estimates to the locality; the plans would need to include conduit per the dig once specifications. The locality should review the plans and cost estimates for consistency with the dig once requirements. If the plans are compliant and the cost estimates reasonable according to local costs and industry standards, the project could proceed; otherwise, the applicant would need to resubmit compliant plans. If the locality and the applicant were to reach an agreement, the locality could issue an approval; if not, the locality could decline to participate in the project.

After the excavator installs the conduit, the locality should inspect the conduit for quality and compliance with the dig once requirements. If the conduit were compliant, the excavator would submit as-built information. If the conduit were not compliant, the excavator and the locality would negotiate a remedy, and the excavator would perform the negotiated remedy. The locality would then re-inspect the conduit; if the conduit were compliant, the excavator would submit the as-built information and request reimbursement.

The excavator's as-built information should include scale plans of the completed project, including:

1. Vertical and horizontal position of conduit and vaults;
2. GPS coordinates for manholes;
3. Edge-of-curb offset measurement every 50 feet; and
4. Colors, diameters, and materials of conduit

6 Conclusion

For state and local governments and the public, the advantages of dig once policies are significant and easily understood. But, while fiber and conduit materials are relatively inexpensive, dig once construction is still costly—so many factors should be taken into consideration to ensure dig once policies are implemented in a cost-effective and useful way. Communication between local government and the companies that would potentially use the conduit is critically important. Localities should also establish a system to track its planned, ongoing, and completed construction.

Attachment A

DATE: February 1, 2016

FROM: Gonzales City Council

SUBJECT: "Dig Once" Policy for Public Works Projects in Gonzales

1. Unless waived by the Public Works Director on the basis of undue burden, or an unfavorable cost-benefit analysis, or the consideration of other relevant factors, Gonzales will install or have installed communications conduit whenever the City undertakes or authorizes the following types of projects:
 - a) New street, road, sidewalk, bike path, or other transportation infrastructure construction.
 - b) Maintenance, repaving or other significant work on the above infrastructure.
 - c) Excavations for the purpose of installing utilities, including but not limited to communications, electrical, gas, water, waste water, storm drainage.
 - d) Other excavations, or work on public property on in the public right of way that provide a similar opportunity to install conduit for future use at a low additional cost.
2. The Public Works Director will work with other local agencies to establish common standards for the type, size, and number of conduits and associated fixtures to be installed. Until these standards are established, a single conduit will be installed with the following specifications, unless the Public Works Director or Project Manager determines otherwise:
 - a) A minimum inside diameter of 2-inches.
 - b) Made of PVC Schedule 40 material (color orange).
 - c) Laid to a depth of not less than 18 inches below grade in concrete sidewalk areas, and not less than 30 inches below finished grade in all other areas when feasible, or the maximum feasible depth otherwise.
 - d) When feasible, installed so fiber optic cable maintains a minimum bend ratio of 20-times the cable diameter.
 - e) When practicable, furnish with pull tape and an external locate wire no more than 3-inches above the conduit.
3. When determining if a particular specification is feasible or practicable, the Public Works Director or Project Manager will take into account the added cost, the length of the conduit installed (and therefore its potential future value), the impact on the overall project, and other relevant factors.
4. Because communications facilities are needed to monitor, manage, and provide security for Public Works specifically, and to support Public Safety and Economic Development in general, the cost of purchasing, installing, and documenting the

conduit may be included in the cost of the overall project. However, other sources of funds may also be used if available.

5. Conduit installed by or on behalf of the City, will be owned by the City.
6. A record of all City-owned conduits will be maintained, and transferred into a geographic information system (GIS) whenever feasible.

[Public Works Code - Installation of Communications Infrastructure in Excavation Projects]

Ordinance amending the Public Works Code to require the installation of City-owned communications infrastructure in excavation projects where the City has determined that it is both financially feasible and consistent with the City's long-term goals to develop the City's communications infrastructure.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Public Works Code is hereby amended by revising Section 2.4.4, to read as follows:

SEC. 2.4.4. DEFINITIONS.

For purposes of this Article, the following terms shall have the following meanings:

~~(a)~~—"Agent" shall mean a person or persons authorized to assist an owner in the permitting process or in the performance of an excavation.

~~(b)~~—"Applicant" shall mean an owner or duly authorized agent of such owner, who has submitted an application for a permit to excavate.

~~(c)~~—"Article" shall mean this Article 2.4 of the Public Works Code.

~~(d)~~—"Block" shall mean that part of the public right-of-way that includes the street area from the property line to the parallel property line in width and extending from the property line of an intersecting street to the nearest property line of the next intersecting street in length. For purposes of this definition, an intersection also shall be considered a "block."

1 (e)——"City" shall mean the City and County of San Francisco.

2 "City communications infrastructure" shall mean conduits, pull boxes, and other facilities that
3 are used by the City to provide communications services.

4 (f)——"Department" shall mean the Department of Public Works.

5 "Department of Technology" shall mean the Department of Technology or any successor City
6 agency that is responsible for managing City communications infrastructure.

7 "Department of Technology Requirements" shall mean the Department of Technology's
8 regulations implementing the Department of Technology's participation in excavation projects by
9 installing City communications infrastructure.

10 (g)——"Deposit" shall mean any bond, cash deposit, or other security provided by the
11 applicant in accordance with Section 2.4.40 of this Article.

12 (h)——"Director" shall mean the Director of the Department of Public Works or his or
13 her designee.

14 (i)——"Excavation" shall mean any work in the surface or subsurface of the public
15 right-of-way, including, but not limited to opening the public right-of-way; installing, servicing,
16 repairing or modifying any facility(ies) in or under the surface or subsurface of the public right-
17 of-way, and restoring the surface and subsurface of the public right-of-way.

18 (j)——"Facility" or "facilities" shall include, but not be limited to, any and all cables,
19 cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes,
20 pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other
21 appurtenances or tangible things owned, leased, operated, or licensed by an owner or person,
22 that are located or are proposed to be located in the public right-of-way.

23 "Incremental cost" shall mean the cost associated with adding City communications
24 infrastructure to an excavation project, including the cost of the materials needed by the City and any
25 additional labor costs.

1 ~~(k)~~—"Large excavation project" shall mean any excavation of more than 1000 square
2 feet.

3 ~~(l)~~—"Major work" shall mean any reasonably foreseeable excavation that will affect
4 the public right-of-way for more than 15 consecutive calendar days.

5 ~~(m)~~—"Medium excavation project" shall mean any excavation of more than 100 but no
6 greater than 1,000 square feet.

7 ~~(n)~~—"Moratorium street" shall mean any block that has been reconstructed, repaved,
8 or resurfaced by the Department or any other owner or person in the preceding five-year
9 period.

10 ~~(o)~~—"Municipal excavator" shall mean any agency, board, commission, department,
11 or subdivision of the City that owns, installs, or maintains a facility or facilities in the public
12 right-of-way.

13 ~~(p)~~—"Owner" shall mean any person, including the City, who owns any facility or
14 facilities that are or are proposed to be installed or maintained in the public right-of-way.

15 ~~(q)~~—"Permit" or "permit to excavate" shall mean a permit to perform an excavation as
16 it has been approved, amended, or renewed by the Department.

17 ~~(r)~~—"Permittee" shall mean the applicant to whom a permit to excavate has been
18 granted by the Department in accordance with this Article.

19 ~~(s)~~—"Person" shall mean any natural person, corporation, partnership, any municipal
20 excavator, or any governmental agency, including the State of California or United States of
21 America.

22 ~~(t)~~—"Public right-of-way" shall mean the area across, along, beneath, in, on, over,
23 under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads,
24 sidewalks, spaces, streets, and ways within the City, as they now exist or hereafter will exist
25 and which are or will be under the permitting jurisdiction of the Department of Public Works.

(u)—"Responsible party" shall mean the owner for each excavation involving the owner's facility or facilities. In addition, it shall mean any person who performs an excavation or has a duty or right to manage or participate in the management of an excavation and whom the Director designates as responsible, in whole or in part, for such excavation.

(v)—"Sidewalk" shall mean the area between the fronting property line and the back of the nearest curb.

(w)—"Small excavation project" shall mean any excavation of 100 square feet or less.

"Standard City communications infrastructure specifications" shall mean the type, size, and quantity of conduits, the size and frequency of pull boxes, and any other facilities that the Department of Technology determines are necessary to serve the City's communications needs.

(x)—"Utility excavator" shall mean any owner whose facility or facilities in the public right-of-way are used to provide electricity, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers regardless of whether such owner is deemed a public utility by the California Public Utilities Commission.

Section 2. The Public Works Code is hereby amended by revising Section 2.4.13, to read as follows:

SEC. 2.4.13. TRANSIT, PEDESTRIAN, BICYCLE, ~~AND STORMWATER~~, AND COMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS AS PART OF PLANNING, CONSTRUCTION, RECONSTRUCTION, AND REPAVING PROJECTS.

(a) Whenever the Department or other Municipal Excavator undertakes a project involving the planning, construction, reconstruction, or repaving of a public right-of-way, such project shall include, to the maximum extent practicable and feasible, the following transit, pedestrian, bicycle, and stormwater, and communications infrastructure improvements:

- (1) Street and pedestrian-scale sidewalk lighting;
- (2) Pedestrian and bicycle safety improvement measures, as established in any official City adopted bicycle or pedestrian safety plan or other City adopted planning documents;
- (3) Appropriate access in accordance with the Americans with Disabilities Act;
- (4) Public transit facilities accommodation, including, but not limited to designation of the right-of-way as a transit preferential street designation or bus rapid transit corridor;
- (5) Traffic calming devices;
- (6) Landscaping;
- (7) Low-impact design stormwater facilities consistent with the Stormwater Design Guidelines;
- (8) Other pedestrian and streetscape elements listed as appropriate to the relevant street type as identified and defined in the Better Streets Plan; *and*
- (9) Other street and sidewalk improvements consistent with the City's "Transit First" Policy" (Section ~~16.102~~ 8A.115 of the City Charter) and "Better Streets Policy" (~~Chapter~~ Section 98.1 of the ~~San Francisco~~ Administrative Code); ~~and~~
- (10) Communications infrastructure.

(b) The Director, in consultation with the Directors of the San Francisco Municipal Transportation Agency, Department of Public Health, Planning Department, Department ~~on~~ of the Environment, San Francisco Public Utilities Commission, Department of Technology, and Mayor's Office on Disability shall develop orders, regulations, or amendments to the Department's Standard Plans and Specifications that address the improvements set forth in Subsection (a).

1 (c) To the maximum extent practicable and feasible, the Director shall condition all
2 excavation and street improvement permits on the inclusion of the improvements set forth in
3 Subsection (a). If such conditions would exceed the Director's regulatory authority, the
4 Director shall coordinate with other City departments to provide, to the maximum extent
5 practicable and feasible, said improvements on behalf of the City. As part of the decision on
6 any permit or authorization pursuant to the Public Works Code, the Director shall take into
7 account the permit activity's positive and negative impacts on the integration, enhancement,
8 or preservation of the improvements set forth in Subsection (a).

9
10 Section 3. The Public Works Code is hereby amended by adding Section 2.4.14, to
11 read as follows:

12 **SEC. 2.4.14. COORDINATION WITH DEPARTMENT OF TECHNOLOGY.**

13 (a) "Dig Once." To facilitate the Department of Technology's efforts to develop City
14 communications infrastructure, and limit excavation in the public right-of-way, an applicant for a
15 permit under Section 2.4.10 for the installation of underground conduits shall comply with the
16 requirements of this Section 2.4.14.

17 (b) Notice Required.

18 (1) An applicant for a permit to install underground conduits shall notify the
19 Department of Technology of its application in the manner set forth in the Department of Technology
20 Requirements at least 14 days before submitting the application to the Department.

21 (2) Notice is only required when the minimum length of the proposed
22 excavation will be at least 900 linear feet, or such longer distance as the Department of
23 Technology may establish in the Department of Technology Requirements.

24 (c) Approval of Application.

1 (1) Where the Department of Technology Will Participate. The Department may
2 approve an application and issue a permit if the Department finds that all of the following have
3 occurred:

4 (A) The applicant has complied with the Department of Technology
5 Requirements for notice of its application;

6 (B) The Department of Technology has not notified the applicant and the
7 Department that the Department of Technology will not participate in the proposed excavation project;
8 and

9 (C) The applicant has submitted plans consistent with the standard City
10 communications infrastructure specifications.

11 (2) Where the Department of Technology Will Not Participate. The Department
12 may approve an application and issue a permit if the Department finds that both of the following have
13 occurred:

14 (A) The applicant has complied with the Department of Technology
15 Requirements for notice of its application; and

16 (B) The Department of Technology has notified the applicant and the
17 Department that the Department of Technology will not participate in the proposed excavation project.

18 (d) Denial of Application. The Department shall deny an application for a permit if the
19 Department determines that the applicant has failed to comply with the Department of Technology
20 Requirements.

21 (e) Applicant's Incremental Costs. The Department of Technology shall be responsible for
22 the applicant's incremental costs when the Department of Technology participates in an excavation
23 project by installing City communications infrastructure.

24 (f) Exception. The requirements of this Section 2.4.14 shall not apply to an application for
25 an emergency permit under Section 2.4.22.

1 Section 4. The Public Works Code is hereby amended by adding Subarticle IX,
2 Sections 2.4.95, and 2.4.96, and 2.4.97, to read as follows:

3 **SUBARTICLE IX**

4 **OBLIGATIONS OF THE DEPARTMENT OF TECHNOLOGY**

5 **SEC. 2.4.95. INSTALLATION OF CITY COMMUNICATIONS INFRASTRUCTURE.**

6 (a) Need for City Communications Infrastructure. The Department of Technology shall
7 consider adding City communications infrastructure to any permit issued for an excavation project
8 under this Article 2.4 to create more efficient delivery of communications services to the public and for
9 the City's needs.

10 (b) Response to Notice. Upon receipt of a notice issued pursuant to Section 2.4.14 that a
11 utility or municipal excavator intends to apply for an excavation permit to install underground conduit,
12 the Department of Technology shall review the application to determine whether it is both financially
13 feasible and consistent with the City's long-term goals to add City communications infrastructure to the
14 proposed excavation project.

15 (1) If the determination is affirmative, the Department of Technology does not need
16 to notify the applicant and the Department that the Department of Technology intends to
17 participate in the excavation project. The presumption will be that the Department of Technology
18 will participate in the excavation project by requiring the excavator to installing City
19 communications infrastructure.

20 (2) If the determination is negative, the Department of Technology shall notify the
21 applicant and the Department in the time required by within 7 days of issuance of the notice that
22 the Department of Technology does not intend to participate in the excavation project.

23 **SEC. 2.4.96. DEPARTMENT OF TECHNOLOGY REQUIREMENTS.**

24 (a) Adoption of Requirements. The Department of Technology, in consultation with the
25 Department, shall by order develop and implement the Department of Technology Requirements. The

1 Department of Technology shall use a process to adopt the Department of Technology Requirements
2 that ensures that municipal excavators, utility excavators, and the general public have a meaningful
3 opportunity to comment on the provisions to be contained therein before they are formally adopted by
4 the Department of Technology.

5 (b) Purpose of Requirements. The Department of Technology Requirements shall specify
6 the manner in which the Department of Technology will participate in excavation projects by installing
7 City communications infrastructure that meets the City's needs at a reasonable cost.

8 (c) Minimum Requirements. At a minimum, the Department of Technology Requirements
9 shall contain the following procedural and substantive requirements for the installation of City
10 communications infrastructure in excavation projects:

11 (1) The process for the Department of Technology to review planned excavation
12 projects in a timely manner to determine if City participation is feasible and to verify its participation
13 by informing the applicant and the Department within 7 days of receiving notice;

14 (2) The criteria to be used by the Department of Technology to decide whether to
15 decline to participate in excavation projects;

16 (3) The standard technical specifications for City communications infrastructure;

17 (4) The standard methodology for determining the incremental costs associated with
18 installing City communications infrastructure in excavation projects;

19 (5) The requirements and process for excavators to seek exemptions from using the
20 City's standard methodology for determining incremental costs when installing standard City
21 communications infrastructure in excavation projects; and

22 (6) Alternative methodologies for determining the City's incremental costs when
23 exemptions are granted.

24 **SEC. 2.4.97. REPORTING REQUIREMENTS.**
25

1 The Department of Technology shall file quarterly reports with the Board of Supervisors
2 and Mayor containing the following information: (a) the number of excavation permits issued
3 by the Department for projects meeting the criteria for Department of Technology participation
4 set forth in Section 2.4.14(b)(2); (b) the locations of the excavations identified in the
5 excavation projects; (c) the identities of the applicants for the excavation permits; (d) whether
6 the Department of Technology received any objections to its participation in the excavation
7 projects from the municipal or utility excavators submitting the applications; (e) whether the
8 Department of Technology opted to participate in the excavation projects by installing City
9 communications infrastructure; (f) the City's costs to participate in the excavation projects by
10 installing City communications infrastructure; and (g) the status of the installation of City
11 communications infrastructure in the excavation projects.

12
13 Section 5. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the "Note" that appears under
23 the official title of the ordinance.

1 Section 7. Department of Technology Implementation. The Department of Technology
2 shall adopt the order required by Section 2.4.96 of the Public Works Code within 90 days of
3 the effective date of this ordinance.
4

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7
8 By:


9 WILLIAM K. SANDERS
10 Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 130412

Date Passed: October 28, 2014

Ordinance amending the Public Works Code to require the installation of City-owned communications infrastructure in excavation projects where the City has determined that it is both financially feasible and consistent with the City's long-term goals to develop the City's communications infrastructure.

October 06, 2014 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 06, 2014 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

October 21, 2014 Board of Supervisors - PASSED, ON FIRST READING

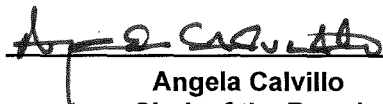
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

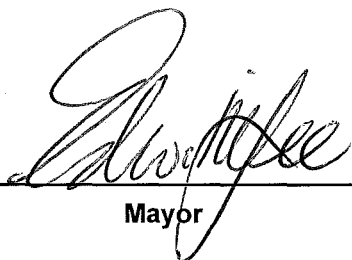
October 28, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130412

**I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
10/28/2014 by the Board of Supervisors of
the City and County of San Francisco.**


Angela Calvillo
Clerk of the Board


Mayor


Date Approved