



City of San Juan Bautista

The "City of History"

www.san-juan-bautista.ca.us

AGENDA

REGULAR CITY COUNCIL MEETING

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

TUESDAY – JUNE 16, 2020

~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

DO NOT ATTEND THIS MEETING IN PERSON*

Join Zoom Meeting at <https://zoom.us/j/88426327112>

Meeting ID# 884 2632 7112

NO PASSWORD

Dial by your location +1 669 900 6833 US (San Jose)

ZOOM TUTORIAL - <https://www.youtube.com/watch?v=fMUxzrgZvZQ>

MEETING LIVE STREAMED AT CMAPT.V.ORG, CHANNEL 17

**All residents to follow the Governor's Shelter in Place Order and the CDC Guidelines regarding preventative measures. We can all do our part to flatten the curve and prevent further spread of COVID-19.*

Written comments may be mailed to City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to deputycityclerk@san-juan-bautista.ca.us not later than 5:00 p.m., June 16, 2020, and will be read into the record during public comment on the item.

1. Call to Order

Pledge of Allegiance

Roll Call

Moment of Silence for George Floyd

6:00 PM

2. Public Comment

3. Consent Items

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

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notices

- C. Approve Minutes of the Regular City Council Meeting of May 19, 2020**
- D. Approve Minutes of the Special City Council Meeting of May 5, 2020**
- E. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**
- F. Approve Resolution 2020-XX Conflict of Interest Code, Biennial Notice**

4. Presentations, Informational Items and Reports

- A. Planning Commission Presentation of Certificates of Recognition for National Preservation Month to Dennis Riphenburg for his Residence, and Inaka Japanese Restaurant Business Owners, the Io Family**
- B. Observational Organization and Financial Review Presentation by Citygate**
- C. Understanding the City's New Pavement Management Program presented by Capital Assets and Pavement Inc. (CAPS)**
- D. Monthly Financial Statements**
- E. City Manager's Report**
- F. Reports from City Council Appointees to Regional Organizations and Committees**

5. Public Hearings

- A. Valle Vista Landscape and Lighting Maintenance Assessment District No. 1**
 - i. Adopt a Resolution Confirming a Diagram and Assessment for Fiscal Year 2020-21**
 - ii. Adopt a Resolution Certifying Compliance With State Law With Respect to the Levying of General and Special Taxes, Assessments, and Property Related Fees and Charges**
- B. Approve Solid Waste Collection Rates Effective July 1, 2020 to June 30, 2021**
- C. Consider an Ordinance Revising the Appointment Process for Planning Commissioners**

6. Action Items

- A. Consider a Resolution Designating the Third Street Reconstruction Project as the City's Priority Project under the State's Road Repair and Accountability Act of 2017**
- B. Approve Resolution 2020-XX Extending the Fiscal Year 2020 Budget**
- C. Award Consulting Services Agreement to Bartle Wells Associates for Water and Wastewater Cost of Service Rate Study**
- D. Consider a Resolution to Extend Sewer Service to 105 San Juan Hollister Road. Applicant: Joyce Ottoboni.**

7. Discussion Items

- A. COVID-19 Update**
 - i. Enforcement Tools**
 - ii. CARES Act Funding**
 - iii. Draft Traffic Plan for Third Street Transformation**
- B. Water Status Report**

8. Comments

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

9. Adjournment

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.

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 - D. Approve Minutes of the Special City Council Meeting of May 5, 2020
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 - F. Approve Resolution 2020-XX Conflict of Interest Code, Biennial Notice
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- B. City Manager**
- C. City Attorney**

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AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 11th DAY OF JUNE 2020, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 11th DAY OF JUNE 2020.



TRISH PAETZ, DEPUTY CITY CLERK

AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I, TRISH PAETZ, DO NOW DECLARE UNDER THE PENALTIES OF PERJURY, THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL PUBLIC HEARING NOTICES. I FURTHER DECLARE THAT I POSTED SAID NOTICES ON THE 5th DAY OF JUNE 2020, 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 JUNE 2020.



TRISH PAETZ, DEPUTY CITY CLERK

RESOLUTION NO. 2020-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA DECLARING ITS
INTENTION TO LEVY AND COLLECT ASSESSMENTS
WITHIN VALLE VISTA LANDSCAPE AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2020-21 AND SETTING
THE TIME AND PLACE FOR A HEARING ON SAID ASSESSMENT

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, by prior resolution, this Council ordered preparation of an Assessment Report ("Report") with respect to the assessment proposed to be levied in connection with the District for Fiscal Year 2020-21, and

WHEREAS, by prior resolution, this Council approved the Report as filed; and

WHEREAS, a copy of the approved Report is on file in the Office of the City Clerk, available for public inspection at said Office, and incorporated herein by reference; and

WHEREAS, the City Council desires to declare its intention to levy the proposed assessment for Fiscal Year 2020-21.

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

1. The Council hereby declares its intention to levy and collect assessments in connection with the District for Fiscal Year 2020-21, as set forth in the Report.
2. The District is designated by the following distinctive name: "Valle Vista Landscaping and Lighting Maintenance Assessment District No. 1." The District is generally described as a district including the parcels on both sides of Ahwahnee Street and Donner Street, bounded by San Juan Highway and Third Street. Reference is made to the Report for a more complete and exact definition of the territory included in the District.
3. The improvements to be maintained, operated and serviced in connection with the District are generally described as: street lighting and street landscaping within the District; as well as lighting and landscaping associated with the detention basin, sanitary sewer pump station, and a public park located within the District.
4. Reference is hereby made to the Report for a full and detailed description of the public improvements, the boundaries of the District, and the proposed Fiscal Year 2020-21 assessments upon assessable lots and parcels of land within the district.

5. The amount of the assessment for Fiscal Year 2020-21 is not proposed to increase from the rate effective for Fiscal Year 2019-20, adjusted for inflation according to the methodology submitted to property owners as part of a mail ballot protest proceeding in 2008.

6. It is ordered that on June 16, 2020, at the hour of 6:00 o'clock p.m., in the regular meeting place of this Council, the Council Chambers, City Hall, 311 Second Street, San Juan Bautista, California, is the time and place where this Council will hold a public hearing on the proposed assessment. At the Hearing, all interested persons will be permitted to present written and/or oral testimony regarding the proposed assessment. The City Clerk is directed to give notice of the Hearing by one publication of a copy of this Resolution in the local newspaper published and circulated in the City, pursuant to Section 6061 of the California Government Code, said publication to be had and completed at least ten (10) days before the date herein set for the Hearing.

7. The City Council designates Don Reynolds, City Manager, who may be contacted by telephone at (831) 623-4661, as the person whom interested parties may contact for additional information regarding the District or the proposed assessment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 19th day of May, 2020, by the following vote:

Ayes: Edge, Flores, Jordan, DeVries, Freeman

Noes: None

Absent: None

Abstain: None


Mary V. Edge, Mayor

ATTEST:



Trish Paetz, Deputy City Clerk

NOTICE OF PUBLIC HEARING CITY OF SAN JUAN BAUTISTA

Pursuant to Government Code Section 65090, the City Council of the City of San Juan Bautista gives notice of a public hearing on **June 16, 2020** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. During the public hearing, the following items will be discussed:

- Consider an Ordinance deleting the current Section 2-3-110, in its entirety and adding a new Section 2-3-110 to the Municipal Code revising the "Qualifications - Appointment - Term" of Planning Commissioners

Staff reports and the full text of all items to be discussed will be available for public review at City Hall on **June 12, 2020**. All members of the public are encouraged to attend the meeting and may address the City Council on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or e-mailed to citymanager@san-juan-bautista.ca.us, not later than **5:00 p.m., June 16, 2020**.

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

Posted: June 5, 2020

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBER, SAN JUAN BAUTISTA CITY HALL
AND INTERNET VIDEO/AUDIO CONFERENCE SERVICE
MAY 19, 2020
DRAFT MINUTES**

1. CALL TO ORDER – Mayor Edge called the meeting to order at 6:02 P.M.

PLEDGE OF ALLEGIANCE –Vice Mayor Jordan led the Pledge of Allegiance.

ROLL CALL Present: Mayor Edge, Vice Mayor Jordan.
Council Members DeVries, Flores and Freeman present
via internet video/audio conference service.

Staff Present: City Manager Reynolds and City Clerk Cent.
City Attorney Mall, Code Enforcement Officer Brown,
Public Information Officer Eagen, Fire Chief Del Campo,
Community Liaison Turner and Fire Marshal Bedolla were
present via internet video/audio conference service.

Mayor Edge announced Item 7B COVID-19 would be included in Item 4B City Manager's Report. There were no objections.

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

3. CONSENT ITEMS

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavit of Posting Public Hearing Notice**
- C. Approve Resolution 2020-19 Approving the Report Prepared In Connection with the Fiscal Year 2020-21 Levy of Assessments in Connection with Valle Vista Landscape and Lighting Maintenance Assessment District No. 1**
- D. Approve Resolution 2020-20 Declaring Its Intention to Levy and Collect Assessments within Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal year 2020-21 and Setting the Time and Place for a Hearing on Said Assessment**
- E. Approve Minutes of the Regular City Council Meeting of April 21, 2020**
- F. Approve Minutes of the Special City Council Meeting of April 7, 2020**
- G. Reaffirm a State of Emergency and Approve Resolution 2020-21 Proclaiming the Existence of an Emergency**
- H. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**
- I. Approve Resolution 2020-22 Calling a General Municipal Election To Be Held On November 3, 2020, Requesting that County of San Benito Agree to Consolidation of Said Election With the Statewide General Election to be Held**

on Said Date, and Requesting the County to Render Services in Connection With Said Consolidated Election

Council Member Flores made a motion to approve all items in Item 3 Consent Items. Second by Vice Mayor Jordan. A roll call vote was taken: The motion passed 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Monthly Financial Statements

City Manager Reynolds reported that expenses were at 75 percent, revenues were being reviewed, and there was nothing unusual to note. He offered to respond to questions. There was no public comment.

B. City Manager's Report

City Manager Reynolds reviewed his report and included his COVID report. The report included planning services from contractors in the future, the Citygate report and Cleargov software for the budget process and posting financial information. Mr. Reynolds also reported on the Urban Growth Boundary project proposal including the formation of an ad hoc committee; Code Enforcement working full-time due to COVID-19; and following up on the plastics ban in July. Regarding the COVID-19, Mr. Reynolds reaffirmed the state of emergency as required every 21 days, and reported COVID-19 testing will be moving to the Anzar High School gymnasium. Mr. Reynolds reported City Hall will reopen June 1 and Code Enforcement Officer Brown contacted the Post Office about the new lobby hours. City Manager Reynolds reported on the work being done by Community Liaison Turner. There was discussion between council members and staff regarding what businesses and park locations were allowed to be open, what steps to be taken and food sales. Monica Ramirez, co-owner of 18th Barrel, expressed confusion regarding relief programs and what was allowed in regards to processing food orders from outside the business. Anthony Ramirez, co-owner of 18th Barrel, also provided comment but it was not audible through the internet audio/video conference service. Jackie Morris-Lopez supported not rushing to reopen bars and being cautious.

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

Council Member Flores reported on the LAFCo meeting. Council Member Freeman reported on AMBAG, Super COG, and MBCP meetings. Mayor Edge reported on Area Agency on Aging. There was no public comment.

5. PUBLIC HEARING

A. Property Abatement – Fire Marshal Charlie Bedolla

Mayor Edge opened the Public Hearing. Fire Marshal Bedolla reported being at the 30-day period and can start abating weeds. He and the Department are working with others to become compliant in the current situation and the community is taking care of weeds, and being proactive in getting ahead of the weed issues. Fire Marshal Bedolla reported action is not needed now but will next month. There was no public comment.

6. ACTION ITEMS

A. Consider Resolution 2020-23 Adopting a Pavement Management Plan

City Manager Reynolds presented the Pavement Management Plan as required by Measure G, which included a study and assessment of all City streets. During public comment, Cara Vonk commented the street in front of the Rancho Vista development is in very bad condition and would like to see it addressed. Jackie Morris-Lopez commented Fifth Street is bad and asked how much money was from Measure G. City Manager Reynolds responded \$125,000 from Measure G and \$175,000 from SB1. Council Member Flores made a motion to approve Resolution 2020-23 Adopting a Pavement Management Plan. Second by Council Member Freeman. A roll call vote was taken: The motion passed 5-0.

B. Consider Resolution 2020-24 Re-opening the Historic Downtown

City Manager Reynolds reported, together with the Fire Department, measurements were taken on Third Street for the amount of room needed for fire vehicles to respond. Mr. Reynolds gave details on encroachment permits, a new speed limit, parking, a six-month trial period, speed tables, striping, planters, design standards, and the use of general fund reserves money. There was discussion between Mr. Reynolds and council members. City Attorney Mall advised a traffic study would be needed should a driver fight a citation in court for violating the five miles per hour speed limit. During public comment, Cara Vonk spoke in support of the plan but felt the design should be brought to the Historic Resources Board as it is in the Historic District. From the chat area it was reported Mrs. Bains supports the plan and would like to know the cost for businesses to participate. City Manager Reynolds responded it will be free but businesses would be responsible for their tables, chairs, fencing and umbrellas. Public Information Officer Eagan reported Georgana Gularte suggested there be a sponsorship for the planters. Fran Fitzharris of Brewery 25 commented that curb appeal and consistency are important. Council Member Flores made a motion to approve Resolution 2020-24 Re-opening the Historic Downtown. Second by Vice Mayor Jordan. A roll call vote was taken: The motion passed 5-0.

7. DISCUSSION ITEMS

A. Citygate and Citizen Survey Summary

City Manager Reynolds presented a summary of the Citygate process and their report, and the Citizen Survey results. There was no public comment.

B. COVID-19

This item was included in Item 4B, City Manager's Report, earlier in the meeting.

8. COMMENTS

A. City Council

Council Member DeVries said he was excited about the Third Street plan. Vice Mayor Jordan expressed restaurants and other hospitality business open safely and appreciated their patience.

B. City Manager

No comments received.

C. City Attorney

No comments received.

9. ADJOURNMENT

Council Member Flores made a motion to adjourn. Second by Vice Mayor Jordan. The meeting was adjourned at 7:52 P.M.

ATTEST:

Mary Vasquez Edge, Mayor

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL SPECIAL MEETING
COUNCIL CHAMBER, SAN JUAN BAUTISTA CITY HALL
AND VIA INTERNET VIDEO/AUDIO CONFERENCE SERVICE
MAY 5, 2020
DRAFT MINUTES**

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

PLEDGE OF ALLEGIANCE – Vice Mayor Jordan led the Pledge of Allegiance.

ROLL CALL Present: Mayor Edge, Vice Mayor Jordan, Council Members DeVries, Flores and Freeman were present via internet video/audio conference service.

Staff Present: City Manager Reynolds, City Clerk Cent, and Code Enforcement Officer Brown.
Deputy City Clerk Paetz, Associate Planner Kennedy, City Accountant Cumming, Public Information Officer Eagan, Community Liaison Turner and Fire Marshal Bedolla were present via internet video/audio conference service.

2. PUBLIC COMMENT (ONLY ON ITEMS ON THE AGENDA)

Cara Vonk had concerns about the lack of an Urban Growth Boundary. Jackie Morris-Lopez commented on the Taylor Farms positive COVID case. Shirley Trevino was concerned about the Taylor Farms workers' health in regards to COVID. Elia Salinas was concerned about two new cases at Taylor Farms. Lizz Turner expressed concern for the workers at Taylor Farms regarding COVID.

3. DISCUSSION ITEMS

A. COVID-19 Update

City Manager Reynolds reported the County's Health Order had expired and the County was following the State Health Order. There is a testing site at the Veterans Memorial Building in Hollister and in 60 days there will be a testing site in the Anzar High School gymnasium. Community Liaison Turner is helping local businesses to apply for aid. City Hall remains closed. Council members made comments on the situation at Taylor Farms. There was no public comment.

B. Wellness Plan Update

Public Information Officer Eagan reported working with Code Enforcement Officer Brown, Associate Planner Kennedy and local residents to distribute masks. Code Enforcement Officer Brown reported on the Community Wellness Card Program. Seventy-five percent of residents had received the 'okay' yellow and red cards to place in their window. Mr. Brown emphasized the red card was for non-emergency assistance. The program would expand to unincorporated areas, the website would have updates, and banners would be used to promote the site. Ms. Eagan reported about 20 people

had signed up for the Mighty Networks site, and postcards were mailed to all residents last week with information. There was no public comment.

C. Business Recovery Plan Update

City Manager Reynolds reported a part-time Community Liaison, Lizz Turner was hired. There is a message relay system to communicate with the business community. Some local businesses have received aid. The City's website has been updated to include a COVID business section with information for businesses. The City will host a business town hall meeting. There was discussion between staff and council members regarding the waiving of business license fees. Council members requested more information. City Manager Reynolds reported rental of the Community Hall has been canceled through September and there will not be any festivals for the rest of the year. There was no public comment.

D. Fiscal Year 2019-2020 Budget - Confirmation

City Manager Reynolds reported the City was keeping the budget in balance and moving forward. There would be savings from not filling the Accounts Payable Clerk position and laying off the Associate Planner. City Accountant Cumming reported there is naturally occurring savings from not filling the vacant position, she is monitoring revenue projections and will have them for the next meeting. Sales tax revenue will have the most direct hit but property tax revenue should not be as bad.

4. ACTION ITEMS

A. Approve Affidavit of Posting Agenda

There was no public comment. Vice Mayor Jordan made a motion to approve the affidavit of posting the agenda. Second by Council Member Flores. A roll call vote was taken: The motion passed 5-0.

5. ADJOURNMENT

Vice Mayor Jordan made a motion to adjourn. The meeting was adjourned at 7:15 P.M.

ATTEST:

Mary Vasquez Edge, Mayor

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. 2020-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA AFFIRMING THE CITY'S
CONFLICT OF INTEREST CODE PURSUANT TO
REQUIRED BIENNIAL REVIEW**

WHEREAS, in 1991 the City adopted a Conflict of Interest Code ("Code") pursuant to the Political Reform Act ("Act"); and

WHEREAS, the Act requires the City to update its Code biennially, during which update in 2020 the City Council determined, based on current employee and consultant structure, that no changes are required to the list of designated positions; and

WHEREAS, as a result, Appendix B of the Code does not require revision.

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

Attached Appendix B currently in place in the Code is affirmed. All other appendices and the balance of the Code shall remain unchanged.

PASSED AND ADOPTED this 16th day of June, 2020, at a regular meeting of the San Juan Bautista City Council, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary V. Edge, Mayor

ATTEST:

Laura Cent, City Clerk

APPENDIX B

Designated Positions
Form 700

CATEGORY

POSITION

Planning and Building

1
4, 5

City Planner
Building Official

Public Works

1
3,4
4

Public Works Supervisor
Water Pollution Control Superintendent
Industrial Waste Inspectors

City Clerk

1
1

City Clerk
Deputy City Clerk

City Engineer

1

City Engineer

Finance

1

City Accountant

Fire Department

1

Fire Chief



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: RECOGNITION FOR PRESERVATION MONTH

MEETING DATE: June 16, 2020

DEPARTMENT HEAD: Planning Commission Secretary Trish Paetz

In 2016, the Planning Commission implemented a program to recognize property owners and businesses that have made significant improvements to their properties, that enhance and maintain the overall area and help attract visitors to the City. Their guidelines are the Secretary of the Interior Standards for the Treatment of Historic Properties, which "are intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources." The Historic Resources Board made the recommendation to the Planning Commission; the Commission desires to recognize the recipients at the City Council Meeting.

At the June 2, 2020 meeting, the Planning Commission, with the assistance of the San Juan Bautista Historical Society, selected the owners of Inaka Japanese Restaurant, and the Riphenburg family to recognize this year. A member of the Planning Commission will be present to award Certificates of Recognition and plaques to Dennis and Minnie Riphenburg, and members of the Io family for the Inaka Japanese Restaurant.

CITY OF SAN JUAN BAUTISTA, CALIFORNIA

CERTIFICATE OF RECOGNITION

WHEREAS, the month of May is National Preservation Month, and historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability, and

WHEREAS, the City of San Juan Bautista supports the Secretary of the Interior's Standards for the Treatment of Historic Properties, "intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources," and

WHEREAS, the function of the Planning Commission is to guide the orderly development of the City in accordance with the General Plan and other policy documents, and

WHEREAS, the Planning Commission wishes to recognize a property owner whose rehabilitation of a private building reflects the City's goals to maintain its historical ambiance by preserving and restoring the structure at 709 Third Street:

- Repainting the white with black trim to a fresh, soft green
- Restoring the landscaping to an authentic, old-fashioned garden
- Replacing the modern solid plank fencing with open, rustic grape stake fencing
- Creating curb appeal for visitors and attracting birds and bees as well
- Maintaining architectural features and making the house much more visible
- Maintaining a welcoming and inviting appearance to one of the gateways to historic San Juan Bautista
- Extending the economic life of the building
- Modeling responsible stewardship of an historic building, owned and occupied by the same family (Twitchell/Riphenburg) since its construction in 1912.

NOW, THEREFORE, BE IT RESOLVED at its meeting on June 2, 2020, the Planning Commission of the City of San Juan Bautista, on behalf of its citizens, acted to recognize the efforts of Dennis Riphenburg in renewing an existing resource at 709 Third Street and energizing the local economy, and thanks them for being involved citizens.

Scott Freels, Chairman
San Juan Bautista
Planning Commission

CITY OF SAN JUAN BAUTISTA, CALIFORNIA

CERTIFICATE OF RECOGNITION

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WHEREAS, the City of San Juan Bautista supports the Secretary of the Interior's Standards for the Treatment of Historic Properties, "intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources," and

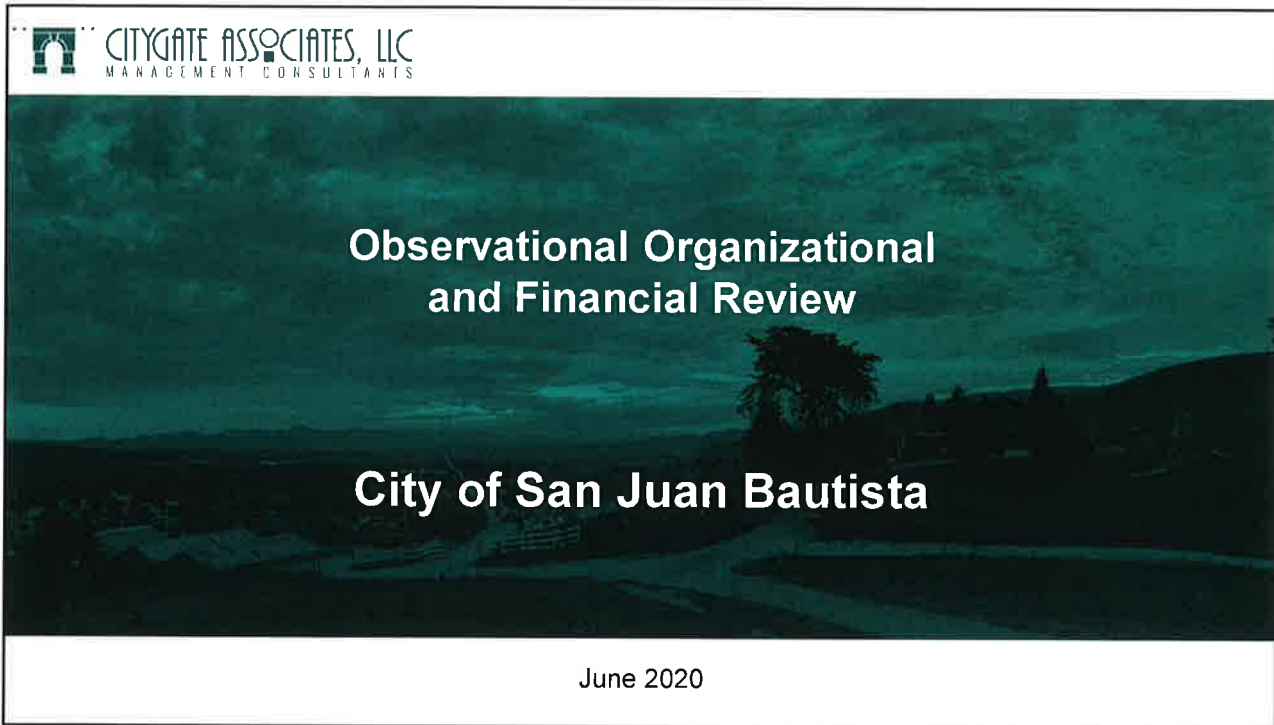
WHEREAS, the function of the Planning Commission is to guide the orderly development of the City in accordance with the General Plan and other policy documents, and

WHEREAS, the Planning Commission wishes to recognize a business whose rehabilitation of a public building reflects the City's goals to maintain its historical ambiance by preserving and restoring the first floor of the A. Taix Block structure at 313-315 Third Street;

- Using a tri-color paint palette to enhance architectural details
- Installing attractive new awnings
- Restoring the infrastructure
- Creating curb appeal for visitors with exterior planters and outdoor benches
- Enhancing the economic vitality of the nationally-registered San Juan Bautista Third Street Historic District
- Extending the economic life of the building
- Modeling responsible stewardship of an historic building,

NOW, THEREFORE, BE IT RESOLVED at its meeting on June 2, 2020, the Planning Commission of the City of San Juan Bautista, on behalf of its citizens, acted to recognize the efforts of Janet & Chief Sakaguchi, Rodney & Barbara Io, Steve & Rhonda Io, and Dave & Zooey Io in renewing an existing resource at 313-315 Third Street and energizing the local economy, and thanks them for being involved citizens.

Scott Freels, Chairman
San Juan Bautista
Planning Commission



City's Smart Steps in 2020

- February 2020 – Strategic Planning Study Session
- March 2020 – City Conducts Citizen Survey
- May 2020 – City Council receives Citygate and Citizen Survey Summary
- June 2020 – Adopt New Budget and Plan

2

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Results

- Created Strategic Goals Reflective of Community
 - Alignment of Broad Objectives and Citizen Survey Responses
- New (And Very Timely) Tools
- Findings – Baseline Finances and Organization
- Recommendations for Action Steps

3

CITYGATE ASSOCIATES, LLC

Two Part Presentation

- Andy Green –
Financial Review
- Jane Chambers –
Organizational
Review
- Time for Questions
and Comments



4

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Financial Review

5

CITYGATE ASSOCIATES, LLC

Financial Review

- 15 findings and 13 recommendations related to fiscal matters based on review in early March 2020
- Financial findings/recommendations highlights
 - The General Fund is fiscally healthy (excluding potential COVID-19 impacts).
 - A Citywide fee review is needed, including a development fee deposit structure to ensure City costs are being covered.
 - The City should adopt the five-year financial forecasting plan and capital improvement plan (CIP) models presented by Citygate to maintain a long-term focus on financial planning.
 - Water and sewer operations are under-capitalized and current infrastructure is inadequate.

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Financial Review (cont.)

- Financial findings/recommendations highlights (cont.)
 - Sewer operations are in a weak financial position.
 - The City should explore water/sewer rate increases and other revenue options to better position itself to address future capital needs. This exploration should include evaluation of the water/sewer infrastructure to determine condition. There is no formal capital improvement planning process.
 - Performance measures should be developed to help ensure achievement and monitoring of City operational goals.
- Long-term financial strategic planning not only a best practice but is especially relevant during the current COVID-19 crisis

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Financial Tools Provided by Citygate

- Five-year financial forecasting model
 - Provides a formal plan to assist in the development and focus of long-term revenues and expenditures to identify potential issues early to allow time for the City to develop effective measures to address applicable issues and minimize “knee-jerk” reactions
 - Model is interactive
 - Models provided for General Fund, Water Funds, and Sewer Funds
- Five-year capital improvement plan model
 - Provides a formal plan process and documents to identify true long-term capital needs and benefits, potential funding sources, and funding shortfalls to help identify capital infrastructure priorities and address shortfalls

8

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Long-Term Financial Forecasting Model

• Model structure

- Revenue and expenditure line-item detail for current budget year, prior three fiscal years, and projected next five fiscal years
- Assumptions list for revenue and expenditure line items
- Assumption development support worksheets
- Summary of actual financial activity and forecasted financial activity by major category and operating results
- Actual and projected cash and reserves
- Graphical presentation of actual and projected financial activity, operational results, cash balances, and reserve balances
- When assumptions are updated, all revenue and expenditure detail, summary with operating results, cash and reserve amounts, and graphs are automatically updated

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How the Model Works

Development
of Assumptions

- Use model to develop assumptions for line-item revenue/expenditures based on trend analysis and research of expected fiscal impacts for next five years
- Insert assumptions as a percentage for each line item into model under the assumptions tab of the model

Financial
Information
Update

- Once assumption percentages are updated, model will automatically update line-item revenue/expenditure numbers

Summary
Document and
Graphs

- Based on the automatically updated revenue/expenditure numbers, the summary document will be updated
- Based on the updated summary document, graphs will be automatically updated

10

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Sample Model Summary Page

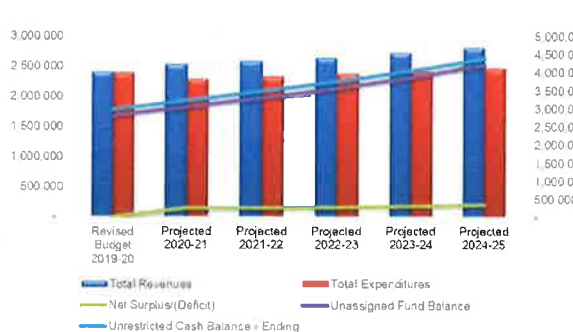
	Prior 3-year Average	Projected 2019-20	Projected 2020-21	Projected 2021-22	Projected 2022-23	Projected 2023-24	Projected 2024-25
Total Revenues	2,026,940	2,039,520	2,168,336	2,212,122	2,265,852	2,344,638	2,427,960
% Inc./Dec. over Prior Year		2%	6%	2%	2%	3%	4%
Total Expenditures	1,743,410	2,176,233	2,068,264	2,109,523	2,151,607	2,194,530	2,238,312
% Inc./Dec. over Prior Year		-9%	-5%	2%	2%	2%	2%
Excess/(Deficiency) of Rev. vs Exp.	283,530	(136,713)	100,072	102,599	114,246	150,108	189,648
Total Other Fin. Sources	92,052	149,971	150,267	150,565	150,867	151,171	151,479
% Inc./Dec. over Prior Year		-32.7%	0.2%	0.2%	0.2%	0.2%	0.2%
Net Surplus/(Deficit)	375,582	13,258	250,338	253,164	265,112	301,279	341,127
End Fund Balance	3,439,932	4,815,619	5,065,957	5,319,121	5,584,234	5,885,513	6,226,640
Fund Bal. Reservations	1,895,043	2,018,276	2,018,276	2,018,276	2,018,276	2,018,276	2,018,276
Unassigned Fund Bal.	1,923,898	2,797,343	3,047,681	3,300,845	3,565,958	3,867,237	4,208,364
Unassigned FB %age of GF Exp.		117%	133%	142%	150%	160%	171%
End Unrestricted Cash	2,477,163	2,980,827	3,231,165	3,484,329	3,749,442	4,050,721	4,391,848

11

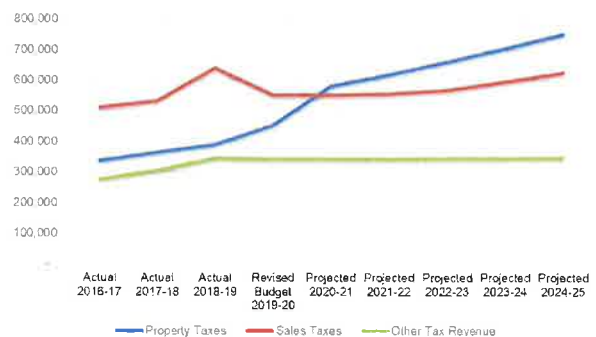
CITYGATE ASSOCIATES, LLC

Sample Model Graphs

City of San Juan Bautista
General Fund Projected Revenues,
Expenditures, Unassigned Fund Balance and
Unrestricted Ending Cash



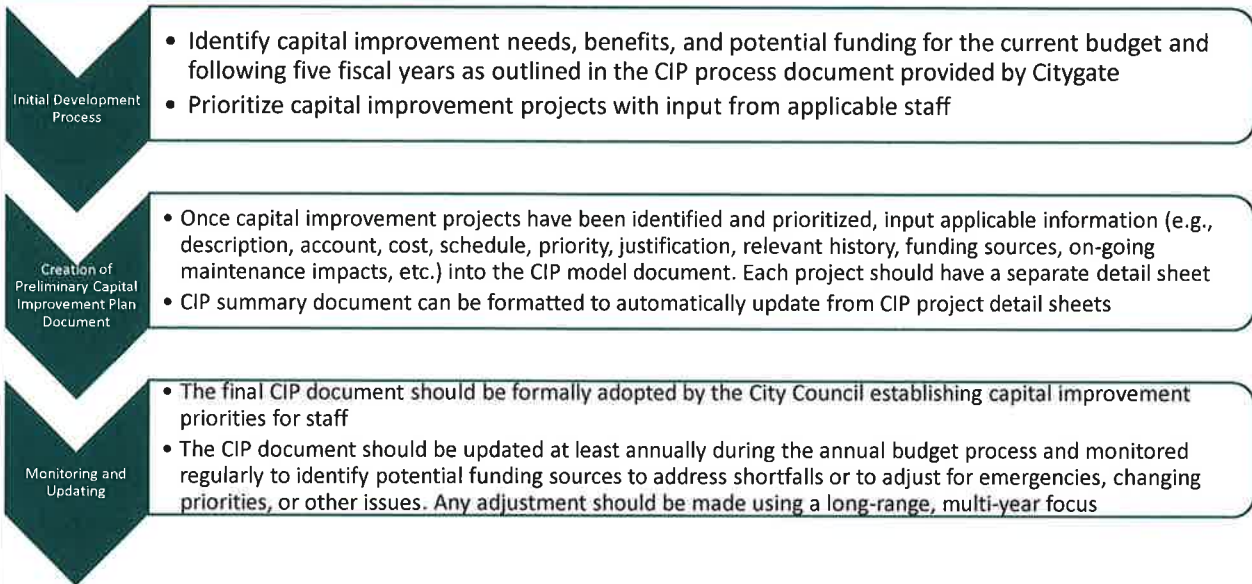
City of San Juan Bautista
General Fund Tax Revenues
9-year Comparison



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Five-Year Capital Improvement Plan Model



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Sample CIP Summary Page

Project #	Priority #	Responsible Function/Department	Account #	Project Description	Total Estimated Cost/Funding	Total Identified Funding	Unidentified Funding Needs	Anticipated Fiscal Year to Begin	Anticipated Fiscal Year to Complete
1234-5	1	Water	xxx-xxxx-xxxx-xxxx	Water line upgrades	187,500	187,500	-	2018-19	2022-23
Total All Capital Improvement Projects					187,500	187,500	-		

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Organizational Review

15

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Four Current Issues

- Building on Strategic Planning Priorities
- Building on Staffing Expertise and Skills
- Designing a Path for Infrastructure Renewal and Upkeep
- Developing an Enhanced Role for Community Planning and Development

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Building on Strategic Planning Priorities

- Community wants to work together, both inside and outside City Hall. The community shares a lot of agreement on what needs to be addressed.
- Make decisions around Strategic Objectives, both as budgets are developed and adopted, and in everyday project delivery.

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Building on Staffing Expertise and Skills

- Determine when to outsource tasks
- Examine procurement processes for efficiency
- Examine where routine staff reports can be standardized



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Infrastructure Renewal and Upkeep

- Design a path forward for infrastructure renewal and upkeep



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Enhanced Role for Community Planning and Development

- Work effectively through both current and long-range planning efforts

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Questions?

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Ten Month Period Ended April 30, 2020

Item #4D
City Council Meeting
June 16, 2020

REVENUES	FY19	FY20	Annual		YTD	
Fund	Actuals	Actuals	Budget	Difference	83%	Notes
General Fund	1,308,847	1,264,991	1,854,841	(589,850)	68%	A
Special Revenue Funds:						
Capital Projects Fund	-	576,005	1,722,000	(1,145,995)	33%	C
Community Development	149,136	307,204	553,058	(245,854)	56%	B
COPS	133,325	118,652	100,000	18,652	119%	
Parking & Restroom Fd	20,579	19,305	32,200	(12,895)	60%	
Gas Tax Fund	62,731	77,031	53,851	23,180	143%	
Affordable Housing Fund	32,000	80,000	-	80,000		D
Valle Vista LLD	16,037	18,098	21,717	(3,620)	83%	
Rancho Vista CFD	-	77,287	92,744	(15,457)	83%	
Copperleaf CFD	-	28,658	34,390	(5,732)	83%	
Development Impact Fee Funds:						
Public/Civic Facility	33,596	85,536	25,000	60,536	342%	B
Library	45,195	115,067	33,000	82,067	349%	B
Storm Drain	69,421	2,602	80,000	(77,398)	3%	B
Park In-Lieu	10,465	1,309	10,000	(8,691)	13%	B
Public Safety	34,955	88,997	15,000	73,997	593%	B
Traffic	124,455	6,316	10,000	(3,684)	63%	B
Zone 1 TIMF	-	-	30,000	(30,000)	0%	B
Internal Service Funds:						
Blg Rehab. & Replace	46,250	31,667	38,000	(6,333)	83%	
Vehicle Replacement	50,000	50,000	60,000	(10,000)	83%	
Enterprise Funds:						
Water						
Operations	748,941	838,484	979,000	(140,516)	86%	
Capital	817,106	3,646	100,000	(96,354)	4%	C
Sewer						
Operations	795,153	872,143	1,010,600	(138,457)	86%	
Capital	254,123	433,773	600,000	(166,227)	72%	C
TOTAL Funds	3,443,468	3,831,779	7,455,401	3,623,622	51%	

A ~ Decrease in revenue over prior year is largely due to a decrease in transient occupancy and sales taxes.

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

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

D ~ At the time of budget this revenue was not anticipated.

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual

City Council Meeting
June 16, 2020

For the Ten Month Period Ended April 30, 2020

EXPENDITURES	FY19	FY20	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>83%</u>	<u>Note</u>
General Fund	1,213,110	1,318,297	1,740,248	(421,951)	76%	
Special Revenue Funds:						
Capital Projects Fund	348,872	59,082	1,763,000	(1,703,918)	3%	A
Community Development	474,474	553,300	553,058	242	100%	
COPS	83,333	83,333	100,000	(16,667)	83%	
Parking & Restroom Fd	9,326	5,623	15,000	(9,377)	37%	
Gas Tax Fund	14,839	44,876	53,851	(8,975)	83%	
Affordable Housing Fund	29,762	96,796	18,877	77,919	513%	B
Valle Vista LLD	14,606	19,230	26,717	(7,487)	72%	
Rancho Vista CFD	2,809	1,473	40,904	(39,431)	4%	D
Copperleaf CFD	2,809	1,473	21,523	(20,050)	7%	D
Development Impact Fee Funds						
Public/Civic Facility	-	27,500	33,000	(5,500)	83%	
Library	-	20,000	24,000	(4,000)	83%	
Storm Drain	3,000	163,333	196,000	(32,667)	83%	
Park In-Lieu	15,000	95,833	115,000	(19,167)	83%	
Public Safety	-	20,833	25,000	(4,167)	83%	
Traffic	18,000	90,833	109,000	(18,167)	83%	
Internal Service Funds:						
Blg Rehab. & Replace		16,667	20,000	(3,333)	83%	
Vehicle Replacement		9,908	11,890	(1,982)	83%	
Enterprise Funds:						
Water:						
Operations	465,209	551,520	738,921	187,401	75%	
Capital	788,082	320,733	349,979	29,246	92%	A
Sewer						
Operations	543,355	994,973	1,608,450	613,477	62%	C
Capital	589,365	36,694	638,979	602,285	6%	A
TOTAL Funds	3,402,841	3,214,015	8,203,397	4,989,383	39%	

Footnotes:

A ~ Capital costs occur sporadically during the year, and do not always align with the to date percentages, or prior year amounts.

B ~ Current year to date costs, which over budget, are offset from prior period impact funds received.

C ~ Costs are higher than prior year due to Sludge removal costs in the current year.

D ~ CFD costs anticipated at time of budget have yet to be incurred, but are expected by year end.

City of San Juan Bautista
Warrant Listing
As of May 31, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
101.000 - Union Bank			
101.001 - Operating Acct. 1948			
05/04/2020	213678	Aurelio Villarreal.	0.00
05/04/2020	213677	Bernice Jimenez.	0.00
05/04/2020	213679	Aurelio Villarreal.	0.00
05/04/2020	213680	Bernice Jimenez.	-500.00
05/04/2020	213681	Aurelio Villarreal.	-500.00
05/04/2020	213682	ACWA Health Benefits Authority	-8,481.05
05/04/2020	213683	Graniterock	-657.24
05/12/2020	213684	Bartle Wells Associates	-300.00
05/12/2020	213685	Citygate Associates, LLC	-8,097.36
05/12/2020	213686	Data Ticket Inc.	-400.00
05/12/2020	213687	Fastenal Company	-140.62
05/12/2020	213688	Graniterock	-721.31
05/12/2020	213689	Lizzette Turner.	-139.16
05/12/2020	213690	San Juan Home & School Club	-150.00
05/12/2020	213691	US Bank	-1,677.78
05/12/2020	213692	Wright Bros. Industrial Supply	-21.69
05/18/2020	213693	San Benito County Chamber of Commerce	-500.00
05/18/2020	213694	3T Equipment Company Inc.	-175.34
05/18/2020	213695	4Leaf, Inc.	-5,707.50
05/18/2020	213696	AFLAC	-290.69
05/18/2020	213697	All Clear Water Services	-4,100.00
05/18/2020	213698	at&t	0.00
05/18/2020	213699	AVAYA	-250.66
05/18/2020	213700	B&H Photo-Video	0.00
05/18/2020	213701	Brigantino Irrigation, Inc.	-78.85
05/18/2020	213702	ByWater Solutions	-1,000.00
05/18/2020	213703	Clark Pest Control	-95.00
05/18/2020	213704	CMAP	-615.00
05/18/2020	213705	CSG Consultants, Inc.	-79,119.48
05/18/2020	213706	Cypress Water Services	-16,069.47
05/18/2020	213707	Eleanor Saavedra.	-64.78
05/18/2020	213708	Harris & Associates	-14,892.50
05/18/2020	213709	Hollister Auto Parts, Inc.	-271.11
05/18/2020	213710	Home Depot Credit Services	-594.58
05/18/2020	213711	Jardines, Inc.	-150.00
05/18/2020	213712	Jeanette Horley.	-88.85
05/18/2020	213713	Julian Adam Dominguez.	-62.56
05/18/2020	213714	KBA Docusys	-248.92
05/18/2020	213715	Laura Cent.	-87.50
05/18/2020	213716	Level 1 Private Security.	-4,320.00
05/18/2020	213717	Mc Kinnon Lumber Co., Inc.	-136.70
05/18/2020	213718	Monterey Bay Analytical Services	-1,212.30
05/18/2020	213719	Monterey County Health Department	-1,158.00

City of San Juan Bautista
Warrant Listing
As of May 31, 2020

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
05/18/2020	213720	P G & E	-8,842.74
05/18/2020	213721	R & B Company	-963.01
05/18/2020	213722	Ready Refresh	-119.35
05/18/2020	213723	Rossi's Tire & Auto Service	-290.78
05/18/2020	213724	Rx-Tek	-1,538.17
05/18/2020	213725	San Benito County Sheriff	-39,513.60
05/18/2020	213726	Schipper Design	-4,793.09
05/18/2020	213727	Sprint	-112.97
05/18/2020	213728	The Rotary Club of San Juan Bautista	-150.00
05/18/2020	213729	True Value Hardware	-38.78
05/18/2020	213730	Univar Solutions	-717.73
05/18/2020	213731	Water Resources Association	-8,720.00
05/18/2020	213732	Wellington Law Offices	-3,072.00
05/18/2020	213734	ACWA Health Benefits Authority	-8,481.05
05/18/2020	213735	at&t	-70.08
05/18/2020	213736	B&H Photo-Video	0.00
05/18/2020	213737	San Juan Bautista Committee	-5,000.00
05/18/2020	213738	at&t	-78.40
05/18/2020	213739	Charter Communications	-571.80
05/21/2020	213565	P G & E	-147.50
Total 101.001 · Operating Acct. 1948			-236,297.05
Total 101.000 · Union Bank			-236,297.05
TOTAL			-236,297.05



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: CITY MANAGER'S MONTHLY REPORT

DATE: JUNE 16, 2020

FROM: DON REYNOLDS, CITY MANAGER

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

DISCUSSION: June 16th is my 350th day as San Juan Bautista's City Manager! A summary of May and June activities follows:

Administration – We continue to operate in the FEMA approved Incident Command Center mode. The ICS Operations Manager Rich Brown has helped out with coverage on weekends, while I maintain regular business hours. Rochelle Eagan has successfully transitioned from Library Technician to PIO, and has been terrific in support of our social media and wellness and business forum support. Nicholas Bryan and his team have been terrific always willing to help with food drives, graduation processions and anything else COVID 19 demands from the City. The Disaster Relief Services Community Liaison Lizz Turner has been instrumental in rebuilding confidence in our economy. Trish Paetz has worked tirelessly behind the scenes in support of 14 consecutive Council/HRB/PC meetings. (That's a whole year's worth of meetings in three months!) So grateful to have this team's support. The City is very fortunate to have this dedicated team supporting it in these remarkable times.

Per the recommendation of the Operations Manager, we did not re-open City Hall June 1, but the community is encouraged to call or write and schedule meetings with us. We are happy to meet by appointment in the Council Chambers with proper spacing. Wear a mask please! (We have extras if you need one.)

We are upgrading and streamlining our permitting system with Minnie Arredondo coming on board from 4-Leaf.

Minnie Arredondo, Permit Center Manager

City of San Juan Bautista- Building Department

Phone: (831) 623-4661 Ext 11. Email: Building@San-Juan-Bautista.ca.us

The new Permit Center Manager takes in all types of permit applications, including encroachment permits, building permits, and land use applications. We are encouraging electronic filing and improving all of our on-line permit forms to make sure everything is consistent. Every application begins with entry into the permit tracking software (this was not happening before). The software is cloud-based and our contract service providers know how to use it. So it easily tracks to the

city's engineering, building and planning service providers. She is available for meetings at City Hall Monday and Wednesday 8-5.

Budget/Finance – We stand to lose 50% of our General Fund revenues between March 2020 and March 2021. We have spent \$63,000 to date between March 1 and May 31st. We are projecting we will spend \$200,000 between March 1, 2020 and March 1, 2021. This is a million dollar hit to a city with \$1.8 million general fund. These expenses are FEMA eligible if the funds are approved in the HEROES Act that was approved by the House of Representatives, and is currently in the Senate. We are also watching the potential for help from the original CARES Act.

It is recommended that the budget be continued at status quo until some of the unpredictable questions are answered in the next three months. We need to consider the over-due water bills that are growing rapidly since the late fees were put on hold. We need to verify the sales tax and hotel tax impacts (major components of the General Fund). We are optimistic that federal help is on its way. We need to resolve pressing issues related to water and this will happen by mid-September. Meanwhile, we are functioning at an austere staffing level, and spending at a fiscally sustainable pace.

Planning – We put together an Ad-Hoc Committee for the Urban Growth work in our future. Mayor Mary Vazquez Edge, Council Member Dan DeVries, and Planning Commissioners Scott Freels (Chair) and Luis Matchain (also Chair of the Historic Resources Board). This week we began advertising for a fifth member from the general public. We have received a proposal from David Mack of Harris and Associates who is uniquely qualified to complete this work for the City due to his understanding of the history and details that brought the City's General Plan forward to its current state.

Public Works – Pavement Management Plan has been completed and the consultant will help us understand it by presenting on this agenda. The Third Street construction project is underway. We are working on a water and sewer rate study.

Public Works Crew – The crew is constantly being kept busy repairing our infrastructure and maintaining our water and waste water systems. It is amazing how much we get done with four FTE's. They are working on purchasing a back-up generator for City Hall and the Fire Department; clearing brush to prevent fires on City properties has also been a high priority.

Code Enforcement – Although it seems easy and is frequently criticized, the role of code enforcement is a very tough job. But in light of recent proposed changes to reduce the role of police forces in our country, community code enforcement will be stepping up even higher. As one Council member puts it, "We are ahead of our time!"

Water – We are "in between" right now, resolving issues and negotiating terms with the water Board and EPA. Two critical negotiating letters were sent as confidential matters in the past two weeks, and we await their reply later this month. These negotiations have to remain confidential at this time, but we are making progress and will report out under a separate Discussion item on this agenda.

The Water and Waste Water Master Plans are at 75% completion mode. I have been sending monthly status reports to the Council in this regard. They are driving the solutions to the City's water issues. They will be completed by the end of July.

COVID 19 – On a separate item on this agenda, we will discuss several moving parts. Here is a recent article from the Sacramento Bee dated June 11, 2020:

Did stay-at-home orders stop coronavirus? What study found in tiny California town

BY CATHIE ANDERSON

JUNE 11, 2020 04:39 PM, UPDATED 23 MINUTES AGO

In the isolated Northern California town of Bolinas, no more than [three out of every 1,000 residents had antibodies indicating they previously had a case of COVID-19](#), according to researchers at the University of California, San Francisco.

The research team [found in earlier diagnostic testing](#) that Bolinas residents were negative for active infections with the new coronavirus. More formally known as SARS-CoV-2, it causes COVID-19, and researchers were interested to learn how it spread in a small Marin County town.

“Our goal with this study was to understand how widely the novel coronavirus had spread in a relatively isolated community like Bolinas before or soon after the stay-home orders went into effect,” said study leader Dr. Bryan Greenhouse, an associate professor in the [UCSF Division of HIV, Infectious Disease and Global Medicine](#). “These antibody results, along with the previously reported PCR data, suggest that few if any people in Bolinas had ever been infected by the virus as of the end of April.”

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA CONFIRMING A DIAGRAM AND
ASSESSMENT IN CONNECTION WITH VALLE VISTA
LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT
DISTRICT NO. 1 FOR FISCAL YEAR 2020-21

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, by prior resolution, this Council declared its intention to levy the assessment in connection with the District for Fiscal Year 2020-21; and

WHEREAS, on June 16, 2020, this Council held a full and fair public hearing with respect to the proposed assessment at which all interested persons were permitted to give oral testimony and written protests; and

WHEREAS, notice of the hearing was published in accordance with applicable law; and

WHEREAS, the City Council desires to proceed with the levy of the assessment in connection with the District for Fiscal Year 2020-21.

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

1. The foregoing recitals are all true and correct.
2. The City Council overrules all objections and protests.
3. The Diagram and Assessment contained in the Report entitled “Assessment Report, Valle Vista Lighting and Landscape Maintenance Assessment District No. 1, Fiscal Year 2020-21” and dated May 19, 2020 (the “Report”), which Report is on file in the Office of the City Clerk and incorporated herein by reference is hereby approved.
4. The adoption of this Resolution constitutes the levy of the assessment within the District for Fiscal Year 2020-21.
5. Due to efficient operations, the assessments for Fiscal Year 2020-21 will be less than anticipated in 2008 when property owners approved the assessment with a provision for increases based on the increases in the Consumer Price Index (CPI). The City Council desires to return these savings to property owners by maintaining the assessment rate, and has done so by adopting this Resolution. Consequently, the assessment applied by this Resolution is less than

the full assessment that the City is authorized to impose. For reference, the full authorized rate for assessment per unit for Fiscal Year 2019-20 is \$603.26. It is the intent of the Council that, for purposes of Article XIID of the California Constitution, as well as applicable state law, no action taken in years subsequent to Fiscal Year 2019-20 will constitute an "increase" of the assessment rate if that action would not have constituted an "increase" if the assessment for Fiscal Year 2020-21 were levied at the full authorized rate. The Council declares that it would not have temporarily reduced the assessment rate for Fiscal Year 2020-21 if restoring the full authorized rate in subsequent years would constitute an "increase." Instead, the Council would have imposed the assessment for Fiscal Year 2019-20 at the full authorized rate in order to build additional operational reserves into the assessment district program.

6. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

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 June, 2020, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Mary Vazquez Edge, Mayor

ATTEST:

Laura Cent, City Clerk

RESOLUTION NO. 2020-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
CERTIFYING COMPLIANCE WITH STATE LAW WITH RESPECT TO
THE LEVYING OF GENERAL AND SPECIAL TAXES, ASSESSMENTS,
AND PROPERTY RELATED FEES AND CHARGES**

**THE COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES RESOLVE AS
FOLLOWS:**

SECTION 1. The City of San Juan Bautista requests that the San Benito County Auditor-Controller enter those general or special taxes, assessments, or property related fees or charges identified in Exhibit A, attached hereto and incorporated herein by this reference, on the tax roll for collection and distribution by the San Benito County Treasurer-Tax Collector commencing with the property tax bill for fiscal year 2020-2021.

SECTION 2. The City of San Juan Bautista hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying of an imposition of the general or special taxes, assessments, or property related fees or charges identified in Exhibit A, regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in the Statutes of the State of California, or in the applicable decisional law of the State of California.

SECTION 3. The City of San Juan Bautista further certifies that, except for the sole negligence or misconduct of the County of San Benito, its officers, employees, and agents, the City of San Juan Bautista shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit, or other proceeding brought against the County of San Benito, its officers, employees, and agents for every claim, demand, or challenge to the levying or imposition of the general or special taxes, assessments, or property related fees or charges identified in Exhibit A and that it will pay or satisfy any judgment rendered against the County of San Benito, its officers, employees, and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees and court costs and administrative expenses of the County of San Benito to correct the tax rolls.

PASSED AND ADOPTED this 16th day of June, 2020, at a regular meeting of the San Juan Bautista City Council, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, Mayor

ATTEST:

Laura Cent, City Clerk

EXHIBIT A

PART B VALLE VISTA
LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT No.1

Formula to determine Assessment per General Rule #5

$$\text{Assessment Rate} = \frac{\text{Proposed Operation and Maintenance Budget of the Current Fiscal Year}}{\text{Number of Units to be Assessed}}$$

Single Family Home = \$603.26

Single Family Home with Granny Unit = \$754.06

PART C VALLE VISTA
LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT No. 1
Assessment 2020-2021

ASSESSMENT NO.	OWNER	ASSESSOR'S PARCEL NO.	ASSESSMENT Per UNIT	ASSESSMENT UNITS	FISCAL YEAR 2020-2021 ASSESSMENT TOTAL
1	Adriana Martin	002-600-019-0	\$ 603.26	1	\$ 603.26
2	Zooey Diggory & David M. Lo	002-600-018-0	\$ 754.06	1.25	\$ 754.06
3	Germain R & Wanda M. Guibert	002-600-017-0	\$ 754.06	1.25	\$ 754.06
4	Steve F & Mary M Woodill	002-600-016-0	\$ 754.06	1.25	\$ 754.06
5	Stephen T Sesody	002-600-015-0	\$ 754.06	1.25	\$ 754.06
6	Joanne Neubauer	002-600-014-0	\$ 603.26	1	\$ 603.26
7	Linda Thomas	002-600-013-0	\$ 603.26	1	\$ 603.26
8	Don & Sharon Gerber	002-600-012-0	\$ 603.26	1	\$ 603.26
9	William M & Rosemary Y Hernandez	002-600-011-0	\$ 603.26	1	\$ 603.26
10	Michael Humphrey & Joan Rodgers	002-600-035-0	\$ 603.26	1	\$ 603.26
11	Nathalie Godoy & Augustine Rojas	002-600-010-0	\$ 603.26	1	\$ 603.26
12	Isaias & Claudia Lona	002-600-034-0	\$ 603.26	1	\$ 603.26
13	Phillip Esparza & Yolanda Lopez	002-600-009-0	\$ 603.26	1	\$ 603.26
14	Guillermo E & Georges Gomez	002-600-033-0	\$ 603.26	1	\$ 603.26
15	Hernandez Family Trust	002-600-008-0	\$ 603.26	1	\$ 603.26
16	Steven T lo	002-600-032-0	\$ 603.26	1	\$ 603.26
17	John V & Cynthia J Alnas	002-600-007-0	\$ 603.26	1	\$ 603.26
18	Kent Penning	002-600-031-0	\$ 603.26	1	\$ 603.26
19	Randal R. Phelps	002-600-006-0	\$ 603.26	1	\$ 603.26
20	Alex & Marta Gorelik	002-600-030-0	\$ 603.26	1	\$ 603.26
21	David & Julie Koesel	002-600-005-0	\$ 603.26	1	\$ 603.26
22	Diana Robbins & Aaron Bettencourt	002-600-029-0	\$ 603.26	1	\$ 603.26
23	Kristy Jensen	002-600-004-0	\$ 603.26	1	\$ 603.26
24	Darlene R. Anger Living Trust	002-600-003-0	\$ 603.26	1	\$ 603.26
25	Juan J Briano	002-600-002-0	\$ 603.26	1	\$ 603.26
26	Michael G Tate	002-600-001-0	\$ 603.26	1	\$ 603.26
27	Kenneth J Houle	002-600-028-0	\$ 603.26	1	\$ 603.26
28	Keith & Diane Martinet	002-600-027-0	\$ 603.26	1	\$ 603.26
29	Michael Urbani & Lindsey Pengelly	002-600-026-0	\$ 603.26	1	\$ 603.26
30	Kathy M Dutra	002-600-025-0	\$ 603.26	1	\$ 603.26
31	Douglas & Leanna Brothers	002-600-024-0	\$ 603.26	1	\$ 603.26
32	Harold Gomes	002-600-023-0	\$ 603.26	1	\$ 603.26
33	Manuel Solis	002-600-022-0	\$ 603.26	1	\$ 603.26
34	James & Iraidia Pisano	002-600-021-0	\$ 603.26	1	\$ 603.26
35	Eleanor Saavedra	002-600-020-0	\$ 603.26	1	\$ 603.26
			\$ 21,717.30	36	\$ 21,717.30



CITY OF SAN JUAN BAUTISTA STAFF REPORT

AGENDA TITLE: Approve Solid Waste Collection Rates Effective July 1, 2020 to June 30, 2021

MEETING DATE: June 16, 2020

SUBMITTED BY: Kathleen Gallagher

SUBJECT:

Adopt Resolution approving solid waste collection rates effective July 1, 2020 to June 30, 2021.

AGENDA SECTION:

Public Hearing

BACKGROUND/SUMMARY:

Current solid waste rates were established through a competitive procurement process for a new Franchise Agreement that was awarded to Recology San Benito County. On November 1, 2018, the new Franchise Agreement commenced and 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. 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 for the July 1, 2020 through June 30, 2021 is 4.5% which was calculated using the index-based methodology included in the franchise agreement; the components in the rate adjustment process include two operating components (labor and other non-fuel and fuel) and disposal and processing costs. The attached Public Notice hearing notice includes the new rates and the prior rates.

Proposition 218 Noticing Process

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 are accepted through the public hearing date on June 16, 2020. At the end of the public hearing, the City 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 Council would 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.

On April 21, 2020 the San Juan Bautista City Council adopted a resolution authorizing and directing staff to send a Proposition 218 notice of the proposed maximum allowable solid waste collection rates and the opportunity to submit written protests to affected rate payers and such a notice was mailed by Recology San Benito County to property owners and rate payers within San Juan Bautista on April 29, 2020.

The Council will hold the public hearing on June 16, 2020 to consider the proposed rates and receive any protests received. At the public hearing, the Council will hear and receive all oral and written protests. At the conclusion of public testimony, the Council will close the public hearing and hear the protest count from the City Clerk and determine if there is a majority protest, which is 50% plus one. If there is not a majority protest, the Council would approve the maximum allowable Solid Waste Rates set forth in the Public Hearing Notice, rates are effective July 1, 2020 to June 30, 2021.

STAFF RECOMMENDATION

Adopt Resolution approving solid waste collection rates effective July 1, 2020 to June 30, 2021.

ATTACHMENTS:

Prop 218 Notice of Public Hearing with solid waste collection rates
Resolution approving solid waste collection rates

Notice of Public Hearing

Increase for Solid Waste/Recycling/Organics Collection Rates for Rate Year 2020/2021

City of San Juan Bautista City Hall

June 16, 2020

On June 16, 2020 at 6:00 a.m., the San Juan Bautista City Council will hold a Public Hearing to accept public input and testimony on the maximum allowable charge for solid waste collection to be effective July 1, 2020 thru June 30, 2021. Any interested person may present verbal or written input to the Council. Although the Council will consider all input, State law provides that only written protests of property owners may be counted to determine whether a majority protest to the maximum rates exists. If, at the conclusion of the public hearing, a majority protest of property owners does not exist, the Council will adopt the maximum allowable charges as approved per the franchise agreement.

The approved franchise agreement includes programs to meet state mandates AB 939, AB 341, AB 1826 and SB 1383 and includes an annual rate adjustment calculation. The rates pay for collection/disposal of garbage; collection/processing of recycling, yard waste, organics, seasonal recycling programs and public education activities to meet state regulatory requirements. The new rates will be effective July 1, 2020. The schedule of maximum rates is included in this notice. Note the listed rates are the maximum rates and the rate may actually be lower.

The tables below provide the most common residential and commercial rates; all rates are available and provided at the Integrated Waste Management Division at RMA at 2301 Technology Parkway, Hollister.

Residential rates include fees for weekly garbage, recyclables, organics collection

Single family homes are billed bi-monthly

Cart Size	Prior Monthly Rate	Maximum 2020/21 Monthly Rate	Monthly Difference
20-Gallon Cart	\$26.86	\$28.07	\$1.21
32-Gallon Cart	\$32.33	\$33.78	\$1.45
64-Gallon Cart	\$55.28	\$57.76	\$2.48

Commercial /Multi-Family Collection Rate include fees weekly garbage and recycling collection

Commercial customers are billed monthly

Bin Size	Prior Monthly Rate	Maximum 2020/21 Monthly Rate	Monthly Difference
64-Gallon Cart	\$55.28	\$57.76	\$2.48
96 Gallon Cart	\$83.45	\$87.19	\$3.74
1-2 Yard	\$227.41	\$237.61	\$10.20

Commercial/Multi-Family Organics Collection Rate including fees, bin and cart sizes collected weekly

Commercial customers are billed monthly

Bin Size	Prior Monthly Rate	Maximum 2020/21 Monthly Rate	Monthly Difference
64-Gallon Cart	\$33.17	\$34.67	\$1.50
96 Gallon Cart	\$50.06	\$52.31	\$2.25
1-1 Yard	\$106.39	\$111.18	\$4.79

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: _____

Protest Procedure: A property owner may file a written protest as provided above. All protests must be received prior to the end of the public hearing. The written protest must contain the property owner's name, property address and property owner's signature. Only one protest per parcel may be counted. A majority protest exists if written protests are received by the City with respect to 50% plus one of the parcels affected by the rate change.

The Clerk must receive any written protest via this form (mailed or delivered) to:

**City of San Juan Bautista, City Clerk
311 Second St., P.O. Box 1420, San Juan Bautista, CA 95045
no later than 5 p.m. on June 15, 2020**

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 Clerk, at any time before the end of the public hearing.

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE MAXIMUM ALLOWABLE SOLID WASTE COLLECTION RATES EFFECTIVE JULY 1, 2020 TO JUNE 30, 2021

WHEREAS, on November 1, 2018, a new Franchise Agreement with Recology San Benito County as the collection hauler within the City of San Juan Bautista took effect, which includes specific provisions related to an annual index-based rate adjustment process; and

WHEREAS, the annual rate adjustment process required Recology San Benito County to submit its application for a rate adjustment on or before April 1 of each year and it was received on March 30, 2020, and staff reviewed the rate adjustment application and found it to be complete; and

WHEREAS, the Integrated Waste Management Regional Agency staff received Recology San Benito County's application for a rate adjustment on March 30, 2020 for the maximum allowable rate adjustment of 4.5%; and the proposed Solid Waste Rates are attached hereto and incorporated herein by reference in the Public Hearing Notice; and

WHEREAS, while not currently required by law, the 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 Council authorized staff to proceed with noticing and protest proceedings for the proposed solid waste collection rate adjustments; and

WHEREAS, on April 21, 2020 the Council adopted a resolution authorizing and directing staff to send a Proposition 218 notice of the proposed maximum allowable solid waste collection rates and their opportunity to submit written protests to affected rate payers and such a notice was mailed to property owners and rate payers within San Juan Bautista on April 29, 2020; and

WHEREAS, the City Council held a public hearing on June 16, 2020 to consider the proposed Solid Waste Rates and to receive and consider any protests received; and

WHEREAS, at the public hearing, the City Council heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the hearing were given ample opportunity to hear and be heard with respect to any matter related to the Solid Waste Rates; and

WHEREAS, at the conclusion of public testimony, the City Council closed the public hearing, determined that there was not a majority protest, and deliberated and considered the merits of the proposed Solid Waste Rates.

NOW, THEREFORE, BE IT RESOLVED, by the City Council hereby finds and determines as follows:

1. In accordance with Article XIID §6 of the California Constitution:
 - a. The revenues derived from the Solid Waste Rates will not exceed the funds required to provide solid waste collection service;
 - b. The revenues derived from the Solid Waste Rates will not be used for any

- purpose other than solid waste collection;
- c. The Solid Waste Rate charged will not exceed the cost of solid waste collection per parcel;
 - d. Any surplus monies collected from the Solid Waste Rates will be used to offset revenue requirements;
 - e. The Solid Waste Rate is only charged for solid waste collection service that is currently available; and
 - f. The Solid Waste Rate is not charged for general governmental services.

BE IT FURTHER RESOLVED that the City Council hereby approves the maximum allowable Solid Waste Rates set forth in the Public Hearing Notice, effective July 1, 2020 to June 30, 2021.

PASSED AND ADOPTED, by the City Council of the City of San Juan Bautista at a regular meeting held this 16th day of June 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mary Vazquez Edge, Mayor

ATTEST:

Laura Cent, City Clerk

CITY OF SAN JUAN BAUTISTA
CITY COUNCIL STAFF REPORT

To: The Honorable Mayor and Council Members
From: The City Attorney
RE: **FIRST READING OF AN ORDINANCE REVISING THE APPOINTMENT PROCESS FOR PLANNING COMMISSIONERS**
Date: June 16, 2020

REQUEST:

It is requested that the City Council:

1. Give first reading to Ordinance No. 2020-XX, to be read by title only, replacing the current Section 2-3-110, with a new Section 2-3-110, which revises the appointment process for Planning Commissioners.

BACKGROUND

In spring of 2018, the City Council revised the Municipal Code to allow the City Council, as a whole, to interview and appoint Planning Commissioners. Prior to that, the Municipal Code contained a complicated process by which each member of the City Council appointed one member to the Planning Commission. The current City Council attempted to implement the Planning Commissioner selection process at a Public Meeting. It was cumbersome to try and interview and vote on multiple candidates at a Public Meeting and resulted in allegations that the process was not fair.

The City Attorney advised that many city councils appointed members of commissions or committees through an ad hoc subcommittee, to be appointed annually by the city council to review resumes and applications and conduct interviews without having to adhere to Brown Act restraints of public meetings. That is applications, interviews and personal opinions of candidates would not have to be made public. The City Council directed the City Attorney to come back with an ordinance which revised the process so that a subcommittee could make a recommendation to the City Council for Planning Commission appointments.

The Ordinance with the desired revision is attached as Exhibit "A." Some of the language remains the same, some was renumbered to improve the flow and the new language is principally in sub-paragraphs (D) and (E).

ENVIRONMENTAL REVIEW

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

CONCLUSION:

Staff recommends that the City introduce and give first reading to Ordinance 2020-XX to be read by title only, which revises and simplifies the appointment process for Planning Commissioners. The ordinance will become effective thirty (30) days after the second reading.

EXHIBIT "A"

ORDINANCE NO. 2020-____

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA DELETING THE CURRENT SECTION 2-3-110, IN ITS
ENTIRETY AND ADDING A NEW SECTION 2-3-110 TO THE SAN JUAN BAUTISTA
MUNICIPAL CODE REVISING THE "QUALIFICATIONS-APPOINTMENT- TERM" OF
PLANNING COMMISSIONERS**

-o0o-

WHEREAS, the City Council asked the City Attorney to provide the City Council with an Ordinance to change the process for appointment of members to the Planning Commission so that an ad hoc subcommittee reviewed applications and resumes, interviewed candidates and made a recommendation to the City Council for Planning Commission members.

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

SECTION 1. Section 2-3-110 is deleted in its entirety and is replaced with a new Section 2-3 -110, which is hereby added to the San Juan Bautista Municipal Code, to read as follows:

2-3-110 Qualifications – Appointment- Term.

(A) Members of the Planning Commission shall be residents and registered voters of the City of San Juan Bautista and shall not be officers or management-level employees of the City at the time of their appointment and continuously during their terms of office. A Commissioner who has moved residence from the City shall be considered to have resigned from the Commission office.

(B) Planning Commission member's terms shall be four (4) years, which terms shall be staggered.

(C) Any vacancy in the Planning Commission from whatever cause arising, including expiration of term, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

(D) When there is a vacancy to be filled on the Planning Commission, except for a successful reappointment of a Planning Commission member for a successive, consecutive term as defined in Paragraph (E), the City Council shall appoint an ad hoc subcommittee of two members to receive applications and/or resumes, select qualified candidates for interviews, conduct interviews and make a brief report with a recommendation to the City Council. The City Council shall consider and vote on the recommendation and shall appoint the applicant who receives a majority of votes, to the Planning Commission. If an applicant does not receive a majority of votes, the ad hoc subcommittee shall select a new candidate and present that candidate to the City Council at the following meeting.

(E) The City Council may, upon expiration of the Planning Commission member's term, reappoint a Planning Commission member for a successive, consecutive term, without requiring an ad hoc subcommittee to conduct interviews and make a recommendation. If the Planning

Commissioner, whose term has expired, is not reappointed, the Council may direct the ad hoc subcommittee to review credentials and interview that Planning Commissioner, or to also consider other candidates for appointment to the City Council, as set forth in Paragraph (B).

SECTION 2. Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

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

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

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 16th day of June, 2020, and was adopted at a regular meeting of the San Juan Bautista City Council on the ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, 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: **Designate Third Street Reconstruction Project from Tualami Street to Muckelemy Street as the City's Priority Project under the State's Road Repair and Accountability Act of 2017**

MEETING DATE: June 16, 2020

SUBMITTED BY: Julie Behzad, City Engineer

RECOMMENDED ACTION: Designate Third Street Reconstruction Project from Tualami Street to Muckelemy Street as City's Priority Project under the State's Road Repair and Accountability Act of 2017 for Fiscal Year 2020/21.

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). City staff proposes to use FY2020/21 RMRA funds on the Third Street Reconstruction Project from Tualalami Street to Muckelemi Street.

FISCAL IMPACT: The City is expected to receive approximately \$ 35,765 from SB1 funding for FY 2020/21.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2020-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
DESIGNATING THE THIRD STREET RECONSTRUCTION PROJECT
FROM TAHUALAMI STREET TO MUCKELEMI STREET AS THE
CITY'S PRIORITY PROJECT UNDER THE STATE'S ROAD
REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB1)**

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, SB 1 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) funds for the Third Street Reconstruction Project from Tahualami Street to Muckelemi Street. This project is expected to be completed by December 2020 resulting in a new 20 to 25-year life of this important street; and

WHEREAS, the City will receive an estimated \$35,765 in SB1 funding in Fiscal Year 2020/21; 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.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista to request City Staff to incorporate into the Fiscal Year 2020/21 the Third Street Reconstruction Project from Tahualami Street to Muckelemi Street which is partially funded with Road Maintenance and Rehabilitation Account (RMRA).

PASSED AND ADOPTED at a regular meeting of the San Juan Bautista City Council duly held on June 16, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, Mayor

ATTEST:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: CONTINUATION OF THE FY 19/20 BUDGET UNTIL
SEPTEMBER 15, 2020

DATE: June 16, 2020

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDATION

It is recommended that the City adopt the attached Resolution and approve the continuation of the City's budget until September 15th 2020.

BACKGROUND

Due to the pandemic and spread of the COVID-19 virus, the State declared a State of Emergency March 4, 2020, and on March 6, 2020, the County did the same. On March 17, 2020, the City declared a state of emergency. The City has been placed in a mandatory "Shelter In Place" or "SIP," situation now for three months. This has all but shut down tourism in the City. Only now are businesses beginning to re-open, and only at 25% of capacity.

The League of California Cities shared with the Governor that between March 1 and June 1 cities lost approximately \$7 billion in sales and transit occupancy tax revenues. As a result, 90% of the cities in the state have had to reduce services and reduce staffing. It has been forecast by the California Municipal Treasurer's Association that the loss of revenue could impact cities for 18 months or more.

The City Manager and the City's CPA have been briefing the City Council on the status of the budget impacts since March 31st. At the April 21st City Council meeting it was agreed that, due to a 50% reduction in the City's General Fund (\$700,000), the City would have to freeze the Accounts Payable position, and lay-off the Associate Planner, a part-time library aide, and a part time maintenance worker position. The City would also reduce contract services to reach the goal of \$700,000 annually.

As of May 31st, 2020, the City has spent \$63,000 to fight this pandemic. It has also seen a severe jump in delinquent accounts receivables since we started waiving late fees for utility bills. Thirty percent of the current AR is past due water bills nearing \$60,000, and growing.

These revenue reductions are estimates and there is a lot of uncertainty heading into July. This in part is related to the methods used by the State to distribute sales tax. The Board of Equalization

operates on a quarterly system of three-month intervals. It sends cities sales tax payments every month, and “true-up” the estimated taxes for the first two months when it issues the third month payment. The City may not fully understand the impact of its businesses being closed and then partially re-opened until the August payments are received. Part of the City’s capital improvement plan relies on revenues provided from the San Benito COG, and the State. But “SB1” and Measure “G” revenues are also derived from Sales Tax. The COG estimates a 27% reduction. The federal government has considered helping cities, but only large cities with a population of more than 400,000. The State’s budget has not been adopted yet, but may offer some help to small cities that would cover COVID-19 expenses, but not lost revenues.

DISCUSSION

In the past, during the last recession the City adopted a resolution that extended the 2005/06 Budget into 2006/07 until the uncertainties during that fiscal crisis could be better identified. Attached is a proposed resolution to accomplish the same goal. It includes parameters that postpone new capital improvement projects from beginning until the budget is approved. Monthly reports will be provided to the City Council at each regular meeting until the budget is adopted. It seeks an extension until the regular meeting of September 15, 2020 but, if possible, we will work to get it adopted sooner.

Two very important Capital Improvement Projects (CIP) projects will not be hampered by this delay. This includes initiating the Urban Growth Boundary community conversations, and completing the Third Street reconstruction project. By carrying the current budget forward, there will be sufficient funds budgeted in the Planning Department’s contractual services line item to carry the UGB costs for three months. If additional funds are needed to complete the Third Street project, these non-general fund revenues will be available for use after the first of the year (MG and SB1). I also expect a large Water and Sewer CIP budget, but we can limp along until September.

FISCAL IMPACT

A year ago, the City Council approved a \$5.3 million budget. Of that amount, the portion impacted by the State of Emergency is mostly General Fund, or \$1.8 million. We estimated in April that the impact to the \$1.8 million could be as high as \$700,000. To account for this loss, tough decisions were made in April to reduce staffing and contractual services. No new reductions are needed or anticipated at this time.

2019/20	General Fund	All Funds
Annual	\$ 1,805,943	\$ 5,303,927
Monthly	\$ 150,495	\$ 441,994
One Quarter	\$ 451,486	\$ 1,325,982

ATTACHMENTS:

- Resolution

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AUTHORIZING A CONTINUATION BUDGET APPROPRIATION FOR THE PERIOD
OF JULY 1, 2020 THROUGH SEPTEMBER 19, 2020**

WHEREAS, Municipal Code 2-2-115, “City Manager Duties” Section G specifies that the City Manager is responsible for preparation and submittal to the Council an annual budget and capital program for each ensuing fiscal year, based upon estimates of financial needs and resources; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency for the State of California as a result of the COVID-19 pandemic and since that time, cities across the State have reported losses in revenue of more than \$7 billion, and 90% have had to reduce services and staff levels; and

WHEREAS, the County of San Benito declared a State of Emergency on March 6, 2020, regarding the COVID-19 pandemic. Included in the County’s declaration is an aggressive order by the County Public Health Official to all residents ordering them to shelter in place (“SIP”) to reduce the spread of the coronavirus; and

WHEREAS, the City Council at its meeting March 17, declared a State of Emergency in San Juan Bautista and remains in this State of Emergency; and

WHEREAS, since March 1, the SIP caused all non-essential businesses to close down, including almost every restaurant and hotel in the City, ending tourism as we know it; and

WHEREAS, as a result of this drastic change, the City in March estimated it was losing 50% of its General Fund every month the SIP and State of Emergency existed, with drastic losses occurring in the Sales Tax and Transit Occupancy Tax revenues; and

WHEREAS, the loss of revenue has caused great uncertainty, may take as long as 18-months of recovery, because the exact amount and duration of the loss remains undefined; and

WHEREAS, beginning on March 31st, 2020, the City Manager began regularly reporting to the City Council the anticipated impacts of the drastic revenue reductions caused by the SIP order during the State of Emergency to be as high as \$700,000 (April 21st Special Meeting), and the Council agreed to reduce staff by two full-time positions and two part-time positions to help protect its General Fund reserve; and

WHEREAS, the City Manager provided a revised budget calendar to the City Council at its Special Meeting May 26th, seeking consensus to extend the budget process into July by Resolution at its June 16, 2020 Regular Meeting, with a budget presentation July 14, 2020;

WHEREAS, as set forth below for the Council's review, are updated dates for completion, as that July date is not obtainable due to rapidly changing priorities and programs related to the COVID-19 response; and

WHEREAS, the Operating, Capital, and Debt Service Budgets for fiscal year 2020/21 will not be adopted by July 1, 2020; and

WHEREAS, in order to provide continuing funding for City services and programs, it is necessary to adopt a continuation budget appropriation for the period ending September 15, 2020.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS FOLLOWS:

1. A continuation budget appropriation for the period of July 1, to September 15, 2020 is hereby established and approved. Ordinary and usual costs for personnel, services, supplies and continuing contracts and obligations shall be paid so long as the City Manager and/or City Accountant determine the expenditures do not exceed available or anticipated revenues.
2. No purchases of new equipment from the General Fund shall occur during the continuation budget period.
3. The continuation appropriations operating budget and debt service budget shall include the General Fund, all Enterprise Funds, capital improvements paid by the General Fund, debt service funds, trust funds and special revenue funds necessary for the on-going operations of the City.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 16th day of June 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary V. Edge, Mayor

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **Award Consulting Services Agreement to Bartle Wells Associates for Water and Wastewater Cost of Service Rate Study**

MEETING DATE: June 16, 2020

DEPARTMENT HEAD: City Manager

RECOMMENDED ACTION: Adopt resolution authorizing the City Manager to execute a consulting services agreement with Bartle Wells Associates for a not to exceed amount of \$19,870 for the preparation of a Water and Wastewater Cost of Service Rate Study.

BACKGROUND INFORMATION: The City of San Juan Bautista owns, operates and maintains the water and wastewater (sewer) systems that serve its residential, commercial, and industrial constituents. Operating and maintaining this critical infrastructure is handled by the City's in-house public works team and by specialty contractors. This is budgeted through the water and wastewater enterprise funds in the City's annual operating budget. In addition, there are larger capital improvement projects necessary to replace aging or damaged infrastructure that serve the community. The City's water and wastewater customers are charged accordingly to pay for these services.

It is important that the City regularly re-visit the rates it charges its customers to ensure it is properly capturing the costs necessary to meet the community's needs. It is equally important that rates are based on the findings of a comprehensive and up-to-date evaluation of these O&M needs. By law the City can only seek revenues through the rate-setting process that match the funds required to provide the necessary services. The purpose of this proposed Water and Wastewater Cost of Service Study is to accomplish that objective.

The City last adopted a water and wastewater rate study in 2015 through which water and sewer rates were set for a five-year period. The last of the rate

adjustments recommended in that study will take affect July 1, 2020. This proposed study will establish a rate structure for the next five years.

To solicit fee proposals from qualified firms to prepare the new study, staff prepared a Request for Proposals (RFP) and sent it out to four firms. One firm declined the opportunity to provide a proposal and one firm did not respond to the RFP. Two proposals were received: Bartle Wells Associates and NBS. Both firms were found to be highly qualified and were proposing similar services. Bartle Wells' fee proposal is \$19,780 and NBS's fee proposal is \$42,370.

The study will include the following tasks:

- Compile all operation and maintenance costs
- Compile capital improvement needs for existing infrastructure
- Evaluate financing alternatives and a recommendation for debt structure and timing, if necessary
- Recommend prudent minimum fund reserves for the City's budgeting consideration
- Prepare a 10-year financial plan, including projected expenditures and revenues
- Recommend alternative rate structures to meet the City's needs
- Facilitate a workshop for the public to explain processes and methodology
- Prepare Proposition 218 Notice and attend public hearing

Staff recommends awarding a contract to Bartle Wells to provide the Water and Wastewater Cost of Service Rate Study for the City. If awarded at this time, Bartle Wells will complete the study, including the formal Proposition 218 public hearing process, in December 2020.

FISCAL IMPACT: The City has sufficient funds budgeted in the FY 2019/20 budget for this effort.

ATTACHMENTS:

1. Resolution authorizing City Manager to execute agreement
2. May 28, 2020 proposal from Bartle Wells Associates

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING AN AGREEMENT BETWEEN THE CITY AND BARTLE WELLS ASSOCIATES FOR WATER AND WASTE WATER RATE STUDY

RECITAL

A. On June 16, 2020, the City Council of the City of San Juan Bautista approved a consulting services agreement with Bartle Wells Associates for water and waste water cost of service rate study.

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

SECTION 1. 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 June 16, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mary V. Edge, Mayor

ATTEST:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **EXTEND SEWER SERVICES TO 105 SAN JUAN
HOLLISTER ROAD**

DATE: June 16, 2020

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDATION

It is recommended that the City adopt the attached Resolution and approve the extension of sewer service to 105 San Juan Hollister Road.

BACKGROUND

Section 5-9-315 of the Municipal Code makes it clear that the property owner has to pay for the cost of connecting to the City's sewer main. Section 5-9-600 allows property owners outside of the City's incorporated boundaries if approved by the City Council, and Section 5-9-605 sets the fees for this connection.

105 San Juan Road is a small residential home, that was built well before the City started treating waste water. Apparently, it was connected to a sewer line crossing other properties owned by the same owner, to a sewer main on The Alameda. That old line became obsolete when the Copperleaf development was built. But the new line did not connect 105 San Juan Hollister Road. Apparently, it instead continued to send its waste to an abandoned pipe. This bad situation revealed itself recently, and a solution is being sought.

The Waste Water Treatment Plant is functioning better than it has in many years. It processes .18 million gallons minute, and has a capacity of .27 million gallons per minute. But having said that, it continues to discharge effluent water into a stream and this is a violation of the Clean Water Act. In the fall of 2019, a Wastewater and Water Master Plan was approved to be drafted. It should be completed by the end of July, and it will recommend solutions for fixing the ongoing effluent discharge issue.

DISCUSSION

The City's code does not necessarily favor adding waste water customers outside of its boundaries, and the status of the waste water treatment plant is also suspect. The Master Plans may suggest a policy that limits new sewer laterals until the effluent discharge is improved. This policy would prioritize new sewer connections to include infill projects, approved housing development (there

is only one on north Third Street), other new development within the City's boundaries and lastly, to property owners outside the boundaries if they agree to a "Utility Extension Agreement" that addresses future uses and possible annexation, as described in Exhibit A to the Resolution.

This case is coming forward to the City Council because of its unique circumstances, and because the owner is willing to pay the costs to remedy this property's discharge of sewer water into an abandoned sewer line. By agreeing to add this property to the City's sewer system, we eliminate this discharge issue which is consistent with the principals of the Clean Water Act. Because of its history, this could be considered a "reconnection" but no records could be found to verify this.

FISCAL IMPACT

Adding a new customer helps the Sewer Fund. The owner is willing to pay the City's connection fees and other permitting and inspections costs estimated to be roughly \$10,000. No expenses to make this connection will be borne by the City.

ATTACHMENTS:

- Resolution

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AUTHORIZING THE CONNECTION OF 105 SAN JUAN HOLLISTER ROAD
TO THE CITY'S SEWER SYSTEM**

WHEREAS, the single-family home was built sometime between 1900 and 1910, at 105 San Juan Hollister Road, and was known at that time as Tremaine Park, and was originally connected to a now abandoned sewer line on The Alameda; and

WHEREAS, 105 San Juan Road is located outside of, but adjacent to, the City limits and is consistent with the land use designation for that parcel in the City's General Plan; and

WHEREAS, Municipal Code 5-9-600 "Outside the City- Approval Required" clearly states that, "Except when authorized by resolution of the City Council, which resolution shall contain such terms and conditions and fix such fees as the City Council shall deem appropriate, no sewer connection permit shall be issued, nor shall any sewer connection be made to serve, any premises or property located outside the corporate limits of the City;" and

WHEREAS, the history of this property, preserving it, and connecting it properly to the City's sewer line could have occurred when the City abandoned the sewer line on The Alameda and replacing it with the new force main, but that did not occur; and

WHEREAS, the Owner has requested to be connected to the city's sewer line, and has agreed to pay the City's fees estimated to be \$10,000, and has further agreed to execute a Utility Extension Users Agreement before receiving building permits; and

WHEREAS, the City Council can determine that these special circumstances make this request for connecting the property to the City's sewer worthy of consideration.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS FOLLOWS:

1. The City Council finds in considerations of the unique history of the property at 105 San Juan Road (as summarized in the recitals of this Resolution), justifies an exception to the San Juan Bautista Municipal Code Section 5-9-600, that prohibits sewer connections to properties outside the City boundaries unless approved by resolution of the City Council.
2. The City Council adopts this Resolution in agreement with four conditions placed upon the owner;

- a. That the current and future use of the property remain consistent with the General Plan's land use designation, unless otherwise approved for a variance; and
- b. That the owner will adhere to the City's Uniform Waste Water regulations, as stated in Municipal Code 5-9 (et al) and any subsequent amendments to them, at all times before, during and after this sewer connection is completed.
- c. Costs of Design, Engineering and Construction of Extension. The owner shall agree to pay all costs of design, permits, fees, inspections costs, engineering and construction of the extension, which shall be accomplished to City standards and conform to plans approved by the City Engineer, or his/her designee. Costs of plan review and construction inspection shall also be paid by the owner.
- d. That before the issuance of building and/or encroachment permits, the owner will execute and record on title with the City a Utility Extension Agreement, with terms similar to those provided in Exhibit "A."

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 16th day of June 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary V. Edge, Mayor

Laura Cent, City Clerk

Exhibit A- example of conditions for a Utility Extension Agreement

EXHIBIT A-

PROPOSED TERMS OF A UTILITY EXTENSION AGREEMENT

(A) Agreement to Run with the Property. The agreement shall be recorded against the property in the San Benito County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.

(B) Warranty of Title. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.

(C) Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the city, upon the completion of construction, approval and acceptance by the city.

(D) Agreement Not to Protest Annexation. The owner shall provide the city with an irrevocable power of attorney to allow a city representative to sign a petition for annexation on behalf of the property owner or the property owner shall agree to sign a petition(s) for annexation of his/her property when requested to do so by the city.

(E) Waiver of Right to Protest the formation of an assessment district that directly benefits the property. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an assessment district for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such special district.

(F) Development of Property to Conform to City Code – Exceptions. The owner shall agree to comply with all requirements of the city's land use plan, zoning, fire codes and those portions of the city building code which are referenced by the fire code, and the city public works standards when developing or redeveloping the property subject to the agreement. The city council may grant exceptions to the requirements contained in this subsection only under the following conditions:

(1) The applicant must demonstrate that the proposed departure from the city's land use standards, zoning code, or public works standards would result in a development which meets the intent of the applicable provisions of the comprehensive plan, zoning code or public works standards, based upon compliance with all of the following criteria:

(a) That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;

(b) That the site for the proposed use relates to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;

(c) That the proposed use will have no significant adverse effect on existing uses or permitted uses;

(d) That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

(G) Termination for Noncompliance. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.