



City of San Juan Bautista

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AGENDA

REGULAR CITY COUNCIL MEETING

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

TUESDAY – SEPTEMBER 15, 2020

~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

DO NOT ATTEND THIS MEETING IN PERSON*

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**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., September 15, 2020, and will be read into the record during public comment on the item.

1. Call to Order
Pledge of Allegiance
Roll Call

6:00 PM

2. Public Comment

3. Consent Items

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

- A. Approve Affidavit of Posting Agenda
- B. Approve Minutes of Regular Meeting of August 18, 2020
- C. Approve Minutes of Special Meeting of August 25, 2020

- D. Approve Resolution 2020-XX Authorizing a Continuation Budget Appropriation for the Period September 15, 2020 through October 20, 2020
 - E. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title
4. Presentations, Informational Items and Reports
- A. Proclamations Declaring September as Childhood Cancer Awareness Month
 - B. Presentation by Clay Kempf, Executive Director of Area Agency on Aging for Santa Cruz and San Benito Counties
 - C. Monthly Financial Statements
 - D. City Manager's Report
 - E. Reports from City Council Appointees to Regional Organizations and Committees
5. Action Items
- A. Review the Draft Water and Wastewater Master Plans and Consider a Resolution to Accept the Plans
 - B. Consider a Contract Agreement with Harris and Associates, not to exceed \$22,500, to Conduct a Sphere of Influence Study and Authorize the City Manager to Sign the Contract
 - C. Approve a Resolution Enforcing San Juan Bautista Ordinance 2020-02, that added Section 28 to Title 5: Banning the Use of Certain Plastics and Establishing a Sustainable Food Service Ware and Retail Bags Ordinance
6. Discussion Items
- A. COVID-19 Update
 - B. November 3, 2020 Election: Write-in Period Open Until October 20, 2020
– City Clerk
7. Comments
- A. City Council
 - B. City Manager
 - C. City Attorney
8. 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.

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 SEPTEMBER 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 SEPTEMBER 2020.



TRISH PAETZ, DEPUTY CITY CLERK

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBER, SAN JUAN BAUTISTA CITY HALL
AND INTERNET VIDEO/AUDIO CONFERENCE SERVICE
AUGUST 18, 2020
DRAFT MINUTES**

Before the call to order, City Attorney Mall reported out of the Closed Session Special Meeting held before the Regular Meeting: The Closed Session adjourned at 5:40 P.M. with direction to the City Attorney and no reportable action taken.

1. CALL TO ORDER – Mayor Edge called the meeting to order at 6:05 P.M.

PLEDGE OF ALLEGIANCE – Mayor Edge 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, City Clerk Cent and Deputy City Clerk Paetz. City Attorney Mall, Public Information Officer Eagen, Community Liaison Turner and Public Works Supervisor Bryan were present via internet video/audio conference service.

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mayor Edge asked those joining via internet video/audio conference service for public comment. Jackie Morris-Lopez requested that the Council come out in opposition to the Strada Verde project. Yolanda Delgado supported the City's stand on unlicensed trailers and cars parks in the City, was concerned about kids staying at home and having nothing to do, and low water pressure.

3. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Adopt Ordinance 2020-03 Deleting the Current Section 2-3-110, in its Entirety and Adding a New Section 2-3-110 to the SJB Municipal Code Revising the "Qualifications-Appointment-Term" of Planning Commissioners (Second Reading)

C. Approve Resolution 2020-39 Accepting a Grant of \$188,596 to Develop an "Active Transportation and Community Connectivity Plan" and Authorize the City Manager to Execute a Contract with the State Department of Transportation to Implement the Plan

D. Approve Resolution 2020-40 Proclaiming and Reaffirming the Existence of a Local Emergency

E. Approve Resolution 2020-41 Confirming Executive Order 01-2020 Issued July 14, 2020, Making the State's Guidance for the Use of Face Coverings to be Enforceable by Administrative Citation During this State of Emergency

F. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title
Council Member Freeman requested that Item 3.E. be pulled from the Consent Items for discussion. Vice Mayor Jordan made a motion to approve all items in Item 3. Consent Items except Item 3.E. Second by Council Member Freeman. A roll call vote was taken: The motion passed 5-0.

3.E. Approve Resolution 2020-41 Confirming Executive Order 01-2020 Issued July 14, 2020, Making the State's Guidance for the Use of Face Coverings to be Enforceable by Administrative Citation During this State of Emergency

Council Member Freeman commented he supports face masks and social distancing to help decrease the rate, as to be removed from the State's watch list. During public comment, Jackie Morris-Lopez spoke in support of the Resolution due to the upcoming flu season and tourists coming from areas with higher infection rates. Council Member Freeman made a motion to approve Resolution 2020-41 Confirming Executive Order 01-2020 Issued July 14, 2020, Making the State's Guidance for the Use of Face Coverings to be Enforceable by Administrative Citation During this State of Emergency. Second by Council Member Flores. A roll call vote was taken: The motion passed 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamations

i. National Health Center Week

Mayor Edge read the proclamation. San Benito Health Foundation Executive Director Rosa Vivian Fernandez thanked the Council for its support.

ii. Agricultural Worker Health Day

Mayor Edge read the proclamation. San Benito Health Foundation Executive Director Rosa Vivian Fernandez commented the Foundation was founded as a farmworker clinic. There was no other public comment.

B. Public Safety Power Shutoff (PSPS) Program Update Presentation by PG&E

City Manager Reynolds introduced Jeana Arnold and Stewart Ross of Pacific Gas & Electric Company. Ms. Arnold and Mr. Ross provided a Power Point presentation, and a question and answer period followed. During public comment, Cara Vonk spoke in support of moving electric utilities underground.

C. Monthly Financial Statements

City Manager Reynolds reviewed for the Fiscal Year ended June 30, 2020. Council members made comments. There was no public comment.

D. City Manager's Report

City Manager Reynolds provided an update, stating work on the budget for Fiscal Year 2020-2021 is moving along, and he is working to bring on a part-time Community Development position. Mr. Reynolds responded to questions from the Council. There was no public comment.

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

Council Member DeVries reported the Urban Growth Boundary Ad Hoc Committee met

last night and the item would be later in tonight's meeting. Council Member Freeman reported on AMBAG and MBCP Governmental Committee, including MBCP's name change to Central Coast Community Power as of September 4, 2020. Council Member Flores reported on LAFCo meeting with a committee from the coast. Vice Mayor Jordan reported on the Water Resources Association including two businesses in the City passing the water portion of the Green Business program. Mayor Edge reported on a special meeting for COG regarding the cost analysis report for Highways 25 and 156.

5. ACTION ITEMS

A. Review Applications and Select Resident to Serve on Urban Growth Boundary Subcommittee

City Manager Reynolds reported there were no new applications and Ms. Vonk had withdrawn her application. Council Member DeVries reported on the first UGB subcommittee meeting. Senior Planner Mack and City Manager Reynolds will meet and report back to the subcommittee and then the subcommittee will bring their ideas to the public. City Manager Reynolds reported the request for applications for a member of the public to be on the subcommittee has been posted at City Hall, the Post Office and the Library, and on the City's social media accounts. There was no public comment.

B. Approve Resolution 2020-XX Authorizing the City Manager to Execute a Professional Services Agreement with Applied Survey Research (ASR) to Conduct a Household Income Survey

City Manager Reynolds presented his report and requested this item be on the agenda for the Special City Council meeting on August 25, 2020. During public comment, Cara Vonk asked how median income would be assessed. Mr. Reynolds responded, a company would be hired to survey residents regarding household incomes. Vice Mayor Jordan made a motion to table this item until more information was received. Second by Council Member DeVries. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded in the conference service chat area as he was experiencing internet connection problems.

C. Approve Resolution 2020-42 Agreeing to the Terms and Conditions Set Forth in the Administrative Order on Consent from the Environmental Protection Agency

City Manager Reynolds presented his report including a history of the situation. He also reported a master plan compliance project needs to be chosen by October 15, 2020 and full compliance met by December 31, 2023. There was no public comment. Vice Mayor Jordan made a motion to approve Resolution 2020-42 Agreeing to the Terms and Conditions Set Forth in the Administrative Order on Consent from the Environmental Protection Agency. Second by Council Member Freeman. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded in the conference service chat area as he was experiencing internet connection problems.

D. Tenant and Utility Assistance Funding with Federal CDBG CARES Act Funds

i. Approve Resolution 2020-43 Agreeing to the Terms and Conditions Set Forth in the Memorandum of Understanding with the City of Hollister and San Benito County to Administer a Federally Funded Tenant and Utility

Assistance Program for Its Low-Income Residents

ii. Approve Resolution 2020-44 Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the 2020 Community Development Block Grant Program - Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020

City Manager Reynolds presented his report on both Resolutions. Council Members made comments supporting the work done on this item. There was no public comment. Vice Mayor Jordan made a motion to approve Resolution 2020-43 Agreeing to the Terms and Conditions Set Forth in the Memorandum of Understanding with the City of Hollister and San Benito County to Administer a Federally Funded Tenant and Utility Assistance Program for Its Low-Income Residents. Second by Council Member Flores. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded from the conference service video of him nodding his head "yes" due to internet connection problems.

Council Member Flores made a motion, though the conference service chat area as he was having internet connection problems, to approve Resolution 2020-44 Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the 2020 Community Development Block Grant Program - Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020. Second by Vice Mayor Jordan. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded from the conference service video of him nodding his head "yes" due to internet connection problems.

E. Approve an Agreement with Joni L. Janecki & Associates to Prepare Plans and Specifications for Franklin Circle Park

City Manager Reynolds presented a report, which included the history of the land for the park. Council members made comments. During public comment, Yolanda Delgado commented the family of Glenny Farney donated money through Rotary for the project which will help to reduce costs, and the community is helping as well. Vice Mayor Jordan made a motion to approve an agreement with Joni L. Janecki & Associates to Prepare Plans and Specifications for Franklin Circle Park. Second by Council Member Freeman. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded in the conference service chat area as he was experiencing internet connection problems.

6. DISCUSSION ITEMS

A. COVID-19

i. Update

ii. Enforcement Order

City Manager Reynolds presented a report and stated the positivity rate is above the State's standards, and CARES business grant award notifications would be on August 26, 2020. Council members made comments. There was no public comment.

B. November 3, 2020 Election: Update of Candidates Running for Office in the City of San Juan Bautista – City Clerk

City Clerk Cent reported four candidates qualified to run for the two City Council seats on the November 3, 2020 ballot. No nomination papers were filed for the offices of City Clerk or City Treasurer by the deadline. Ms. Cent described the process for write-in candidates; the write-in filing dates are from September 8 to October 20, 2020. There was no public comment.

7. COMMENTS

A. City Council

Council Member Freeman commented the City Clerk and the City Treasurer positions receive a stipend. No other comments were received.

B. City Manager

City Manager Reynolds announced a special City Council meeting will be held on August 25 with the water issue on the agenda, and at this time there are no items for the next Planning Commission meeting.

C. City Attorney

City Attorney Mall gave best wishes to the fire fighters working the River Road Fire.

8. ADJOURNMENT

Vice Mayor Jordan made a motion to adjourn. Mayor Edge adjourned the meeting at 8:49 P.M.

Mary Vasquez Edge, Mayor

ATTEST:

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
AUGUST 25, 2020
DRAFT MINUTES**

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

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

ROLL CALL Present: Mayor Edge. Vice Mayor Jordan, Council Members Flores and Freeman were present via internet video/audio conference service. Council Member DeVries logged into the meeting at 6:05 P.M.

Staff Present: City Manager Reynolds and City Clerk Cent. Community Liaison Turner, Public Works Supervisor Bryan and Public Information Officer Eagen were present via internet video/audio conference service.

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

Mayor Edge asked those joining by internet video/audio conference service for public comment. There was no public comment.

3. DISCUSSION ITEMS

A. COVID-19 Update and Third Street Transformation

City Manager Reynolds gave a report with a shared screen presentation. Community Liaison Turner reported that 27 businesses from San Juan Bautista applied for grants. During public comment Nicole Franco asked about the monitoring of COVID regulations within businesses in town. City Manager Reynolds responded that businesses self-certify they are complying and that their employees know the regulations. Alcohol Beverage Control and CalOSHA are doing enforcement and Code Enforcement Officer Brown is working on getting compliance from the Post Office.

B. Water System Status – Update

City Manager Reynolds reported the City will do an income survey to confirm disadvantaged status, the State Water Board has a compliance order ready, and a study needs to be conducted regarding permits for the pretreating of wastewater from industrial sewer customers. During public comment Zoom co-host Lizz Turner read a message posted in the conference service chat area from Jackie Morris-Lopez regarding sewer fees received from the Copperleaf and Rancho Vista developers during noncompliance. City Manager Reynolds responded a fee was paid for each house and fees were collected through the development agreements.

4. ACTION ITEMS

A. Consider Job Description for a Project Manager for Community Development, and Authorize Salary

City Manager Reynolds gave a report. Mr. Reynolds introduced the candidate, Marti Brown. Council Member DeVries asked if this was a Council interview, and then asked questions of Ms. Brown. There was no public comment. Council Member DeVries made a motion to accept the hiring of Marti Brown. Second by Vice Mayor Jordan. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded from the conference service video as a "thumb up" due to internet connection problems.

B. Approve Resolution 2020-45 Authorizing the City Manager to Execute a Professional Services Agreement with Applied Survey Research (ASR) to Conduct a Household Income Survey

City Manager Reynolds gave a report with a shared screen presentation. Council members provided comments. There was no public comment. Vice Mayor Jordan made a motion to Approve Resolution 2020-45 Authorizing the City Manager to Execute a Professional Services Agreement with Applied Survey Research (ASR) to Conduct a Household Income Survey. Second by Council Member Flores via the conference service video due to internet connection problems. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded from the conference service video as a "thumb up" due to internet connection problems.

C. Review Application and Select Resident to Serve on Urban Growth Boundary Subcommittee

City Manager Reynolds gave a report including the possibility of members of the committee being elected to the City Council in the November 3 election. Jackie Morris-Lopez had submitted an application to serve on the Urban Growth Boundary ad hoc committee. Council Member DeVries made a motion to continue this item until after the November 3 election to the Council meeting following the election. There was discussion among the Council members. The motion died due to the lack of a second. There was no public comment. Council Member Flores made a motion, through the conference service video due to internet connection problems, to appoint resident Jackie Morris-Lopez to serve on the Urban Growth Boundary Subcommittee. Second by Council Member Freeman. A roll call vote was taken: The motion passed 4-1, with Council Member Flores' vote recorded from the conference service video as a "thumb up" due to internet connection problems, and with Council Member DeVries voting no.

D. Approve Affidavit of Posting Agenda

Council Member Freeman made a motion to approve the affidavit of posting the agenda. Second by Vice Mayor Jordan. A roll call vote was taken: The motion passed 5-0, with Council Member Flores' vote recorded from the conference service video as a "thumb up" due to internet connection problems.

At this point in the meeting Mayor Edge asked for comments from members of the Council. Vice Mayor Jordan asked City Manager Reynolds to provide budget information on employment positions and contracts. Council Member DeVries asked

City Manager Reynolds to report on where the City was with its single-use plastics ban, and Mayor Edge requested an update on Casa Rosa.

5. ADJOURNMENT

Council Member DeVries made a motion to adjourn. Second by Vice Mayor Jordan. Mayor Edge adjourned the meeting at 7:21 P.M.

ATTEST:

Mary Vasquez Edge, Mayor

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

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

DATE: September 15, 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 from September 15th until October 20th 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 six months. This has all but shut down tourism in the City. Businesses are re-opening at 25% of capacity. Determining the impact of this shut-down on the City's General fund has been troubling.

At its June 16th Council meeting, the Council adopted a Resolution 2020-30 continuing the FY 19/20 Budget into the new fiscal year until September 15, 2020. This would allow the sales tax and transit occupation tax revenues to be determined and projected for the new year. Together they comprise half of the City's General Fund. In late August the State reconciled the City's sales tax revenues through June 30, 2020. Things are better than first predicted. But there has not been sufficient time for staff to complete its draft budget.

DISCUSSION

At its September 8, 2020 City Council meeting, staff presented several updates regarding the status of the new Budget. Staffing and other adjustments were presented conceptually for the Council's consideration. Since that time, staff has been busy putting the final pieces together. By the end of September, the Budget will be ready for public review. This would provide ample time for community review before the newly scheduled adoption date of October 20, 2020.

FISCAL IMPACT

There are no negative impacts from the continuation of the current budget for one month.

ATTACHMENT: Resolution

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AUTHORIZING A CONTINUATION BUDGET APPROPRIATION FROM
SEPTEMBER 15, 2020 UNTIL OCTOBER 20, 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, the Governor 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 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 Virus. 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 COVID-19 Virus; and

WHEREAS, the City Council at its meeting March 17, declared a State of Emergency in San Juan Bautista and has since remained 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, and because the exact amount and duration of the loss remains undefined; and

WHEREAS, beginning on March 31st, 2020, the City Manager began regular 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 2020-30 at its June 16, 2020 Regular Meeting, with a budget presentation July 14, 2020;

WHEREAS, set forth below for the Council's before the Council herein set forth below, with updated dates for completion, as that September 15, 2020 date is not obtainable due to rapidly changing priorities and programs related to the COVID 19 response; and

WHEREAS, in order to provide continuing funding for City services and programs, it is necessary to adopt a continuation budget appropriation for an additional month from September 15 to October 20, 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 September 15, 2020 to October 20, 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 15th day of September 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary V. 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



CITY OF SAN JUAN BAUTISTA STAFF REPORT

AGENDA TITLE: PROJECT MANAGER JOB DESCRIPTIONS; PUBLIC WORKS AND COMMUNITY DEVELOPMENT

MEETING DATE: August 25, 2020

SUBMITTED BY: Don Reynolds, City Manager

RECOMMENDED ACTION:

That the City Council approve the attached job description for Project Manager; one for public works and a second for community development.

BACKGROUND:

Last October the City hired retired Public Works Director Karl Bjarke, as a part-time temporary Project Manager. He reports directly to the City Manager, works no more than 20-hours a week, and when the projects are completed, he can be re-assigned (or retires again!). Karl set the bar for professionalism and experience that the City needed to write its Water and Waste Water Master Plans, help with compliance orders issued by the EPA and Water Boards, help with water and waste water rate study, and prepare the five-year public works Capital Improvement Project ("CIP") budget. This report will describe the need for a similar position in Community Development – focused on Advanced Planning.

In general, community development services can be defined in two ways – advanced planning and current planning. Processing development permits and providing environmental reviews is considered current planning. This discipline has its own set of laws and regulations that include the Permit Streamlining Act, CEQA and Subdivision Map Act. The City is very happy with the work provided by David Mack, contract planner from Harris and Associates.

Advance Planning efforts like the Housing Element fell directly to the City Manager and the previous Associate Planner. Having completed this task last year, there are several new opportunities and legal policies that the City needs to consider to stay on top of its future development. If there is to be growth, it has to be controlled growth. The City cherishes its small, historic village, but is vulnerable on its borders to growth. The Council has taken several actions to address this concern.

In 2019, the City was successful in adopting two Housing Elements, and came into compliance with the State Department of Housing and Community Development ("HCD") for the first time in several years. The State's incentive for this effort was making grant funds available to help

projects combined will shape the future of the City for many years. Meanwhile David will continue to support our current planning and CEQA needs, and remain as the project manager for the Urban Growth Boundary project.

Staff is seeking the City Council's approval of the two attached job descriptions, confirming the Public Works Project Manager duties and bringing a Community Development Project Manager on board.

FISCAL IMPACT:

This position does not receive benefits beyond compensation, and serves as an "at-will" employee. This position will reduce to some extent the City's contract with Harris and Associates from \$150,000 to \$100,000, using the \$50,000 to expand and support this broader perspective. This position will cost the City less than \$50,000 (estimated to not exceed \$35,000 through June 30, 2021).

ATTACHMENTS:

1. Public Works Project Manager
2. Community Development Project Manager
3. Resume

**HONORING JACOB'S HEART CHILDREN'S CANCER SUPPORT SERVICES AND
DECLARING SEPTEMBER 2020 AS CHILDHOOD CANCER AWARENESS MONTH IN
SAN JUAN BAUTISTA**

WHEREAS, the character of our community is revealed in how we treat our most vulnerable; and

WHEREAS, each year, one in every 285 children in our community will be diagnosed with cancer; and

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

WHEREAS, during the COVID-19 crisis Jacob's Heart has been keeping medically fragile children and families housed, fed and emotionally supported by steadfastly adhering to the following commitments: 1) Parents of children with cancer and other serious illnesses will be relieved of financial fears and be able to focus attention to their children; 2) No child undergoing intensive treatment in our community will be homeless; 3) Families of seriously ill children will not experience food insecurity during and after the pandemic; and 4) No seriously ill child in our community will ever miss a medical appointment because of lack of transportation; and

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

WHEREAS, the oncology department at Lucile Packard Children's Hospital at Stanford has worked closely with Jacob's Heart for the past 22 years as a trusted community partner in providing family-centered care that addresses the emotional, practical and financial struggles of families of children with cancer in the City of San Juan Bautista; and

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

NOW, THEREFORE, I, Mary Edge, Mayor of the City of San Juan Bautista, hereby declare September 2020, as Childhood Cancer Awareness Month in San Juan Bautista, honor Jacob's Heart Children's Cancer Support Services for outstanding support to our community and acknowledge the organization's contributions to Childhood Cancer Awareness Month.

September 15, 2020



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: CITY MANAGER'S MONTHLY REPORT

DATE: SEPTEMBER 15, 2020

FROM: DON REYNOLDS, CITY MANAGER

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

DISCUSSION: A summary of August and September activities follows:

Administration – On Tuesday September 8, I provided the City Council with a staffing budget update. It reflects an accurate description of how the City functions currently, on a day-to-day basis. Our Lead Library Tech works thirty hours a week now, helping Library patrons by appointment, helping with accounts payable, IT, monitoring social media and the website updates. Code Enforcement began working 30-hours per week in response to the State of Emergency, but as things settle down, this effort is shifting to more a public safety role, with 20-hours per week on Code Enforcement and 10-hours per week on other general police related matters including abandoned vehicles, and coordinating investigations, commercial vehicle enforcement, and other needs.

Our Community Liaison remains very busy working closely with the business owners. We are still processing applications for “parklets.” She coordinates the local Business Forum meetings every week. She spent more than 20-hours reviewing business grant applications with the County. All but one local business that applied is receiving a grant. I asked that we keep this economic development effort moving forward through June 30, 2021. We are applying for a federal EDA grant to support it.

We brought on a provisional temporary employee, Marti Brown, a former City Manager, to help coordinate some of the grant funded planning projects (more than \$600,000) in the City. She has “hit the ground running.”

Budget/Finance – When I last wrote, I was hoping to present a draft budget in July, but this effort was sidetracked by water related priorities and delays from the State in receiving revenue reports. The Operations and Maintenance Budgets are ready for review, but creating the 5-year Capital Improvement Program from scratch has been a struggle. I hope to have draft budget for the City Council by next Friday, September 18. I am asking for a second extension until October 20, 2020.

Planning – With the changes made to staffing and contractual services between April and June, the systems seem to be working quite efficiently now. With data entered into the IWorqs software, status reports can be easily accessed for public information. We presented the first report for the

City Council in August and will generate a second one for September. This program will also generate code enforcement status reports for public consumption.

The Urban Growth Boundary Ad-Hoc Committee has met twice, and is making progress. It was decided to move forward first with the Sphere of Influence, then consider the UGB. This scope of work is on this agenda.

The owner of Casa Rosa has submitted plans for his development last week. It will be in plan check process for 60-90 days, after which time a building permit will be issued.

Meritage Homes is 60% complete with the roundabout design for First Street. This work is being coordinated with Loayza's development to the east. Their sewer line has to be in place before the roundabout is completed. Meritage is optimistic that it will break ground on the roundabout this fall.

Public Works – Third Street is near completion with asphalt in place this week. This project has made some exceptional changes in design to accommodate the historical nature of the street, that include different sidewalks, crosswalks and trees. We are making a lot of progress on the industrial properties on San Juan Road. We are bidding a new sewer line and upgrades to the sewer lift station, all required for Coke Farms and to accommodate the flushing of the filtration system at Well 6.

Public Works Crew – The crew has been busy working on broken water lines and repairing our systems during the recent heat wave. We responded to issues related to Well 5 last weekend that required immediate attention. Our systems are stronger as a result.

Parks Update – Franklin Park is being designed as we speak. The Master Plan for Luck Park is being drafted for additional community feedback. After receiving a bid to design the restroom at Verutti Park (\$43K), we are looking into pre-fabricated designs instead (\$60k). We will bring the prefabricated options back to the Planning Commission to check on the design but, otherwise, we have the capital to build the pre-fabricated design, so I hope that we can move forward in this manner.

Code Enforcement – Due to COVID and the hot weather, things were a bit slow over Labor Day. We are re-signing the downtown for Mask Enforcement. Listening to the cities of Monterey and Santa Cruz recently, all cities are struggling with this issue. This is not a local thing, it is a State requirement. Hopefully with better messaging, we can improve compliance, combined with weekend shifts for code enforcement.

Water – Close to 80% of the City Manager's time is dedicated to Water issues right now, with a September 15 deadline for the Master Plans, and an October 15 deadline for the selection of Compliance Projects. A summary of the schedule is provided in another report on this agenda. We hope to send out the survey next week, and it will also announce the Town Hall meeting planned for September 29th.

COVID 19 – The County's Emergency Operations Center held a briefing today. Hollister is moving forward with their mask enforcement. We have had four consecutive days without a new case!



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **ACCEPTING THE FINAL DRAFT WATER AND WASTE
WATER MASTER PLANS**

DATE: September 15, 2020

DEPARTMENT HEAD: Don Reynolds, City Manager

Recommendation:

It is recommended that the City Council adopt a resolution accepting the final draft of the Water and Waste Water Master Plans.

Background:

Since October, the City has been working with Project Manager Karl Bjarke and Akel Engineering Group to complete its first Water and Waste Water Master Plans. In February the EPA and Regional Water Quality Control Boards took interest in these reports as they both have regulatory concerns related to the quality of the City's effluent water discharged from its Waste Water Treatment Plant. Following an update of this work on April 21, 2020, the City Council assigned Councilmember Freeman and Vice Mayor Jordon to participate in bi-weekly discussions with the EPA and Water Board tracking the progress of the two Plans. A change order was processed to the Akel consulting agreement adding a third study analyzing the City's best options for improving the water quality discharged into the creek from the Waste Water Treatment Plant. This study is referred to as the "Preliminary Engineer's Report", or "PER." The PER is an exhibit to the Master Plans.

Satisfied that the City was now heading in the right direction to address the EPA's concerns, an agreement was proposed that allows the City until December 31, 2023 to bring its waste water systems into compliance. This agreement is called the Administrative Order on Consent ("AOC"). The City Council adopted Resolution 2020-42, approving this Agreement August 18, 2020. The AOC sets forth a number of tasks to be completed between August 18, 2020 and December 31, 2023

The AOC requires the City to provide the EPA with a copy of the Water and Waste Water Master Plans by September 15, 2023. By October 15, 2020, the City has to select a "compliance project" from the PER. Once completed, this project (or projects) will bring the City back into compliance with the EPA standards.

Discussion

The draft Master Plans were introduced to the City Council at a special meeting September 8, 2020. These Plans provide an in-depth assessment of the water and waste water systems, and project capital needs to address the system's aging infrastructure, and to make certain the system grows as fast as the City's demands. It provides GIS mapping of the systems, and a Capital Improvement Program for financial planning between now and until the end of the current General Plan- 2036.

The draft Master Plans were discussed with the EPA and Water Board Wednesday, September 9, 2020. A strategy was agreed upon at this meeting, and shared with the City Council the evening of September 9th.

On September 15th, the City Council will be asked to accept the final draft of the two Plans, and send them to the EPA as required. The PER will continue to be in draft form, as it will be reviewed and discussed by the whole community at a Town Hall meeting September 29, 2020. Following this "Town Hall" discussion of the PER, the Council will then deliberate October 13, 2020, and select the best compliance project(s) for the City to complete and to come into compliance with the EPA. The selection of these projects will mark the end of the PER in "draft" form. It will be integrated into the Master Plans and they will be completed. The City's project selection will be shared with the EPA by the AOC deadline of October 15, 2020.

The EPA then has the right to review the compliance projects and approve or disapprove them. If the compliance projects are agreed upon, then the City begins its research into the fiscal feasibility, and preliminary project design.

The purpose of the PER is two-fold. First it guides the City's decision process described above. But it is also presented in the same format required by the USDA Grant and Loan application process. The City has been working closely with the USDA through-out this process. It is hopeful that they will help the City with a grant of up to 45% of the cost, and a long-term loan for 55% of the balance of the capital costs. Other resources are being explored.

Meanwhile the City is implementing a pre-treatment permitting program for its industrial users. The City needs to better control the quality of waste water it receives from its three industrial customers. Taking this action is critical and required in the PER.

The City will be launching a survey of its residents within the next week. This agreement was approved August 18, 2020. Each resident will be asked to share their household income, in an effort to show that more than half the City earns less than the County median income. If the Disadvantaged Community status can be confirmed, this will also help the City pay for its compliance project. Any grants the City can collect to off-set the cost of the compliance project, will reduce the need to raise the water subscriber rates.

Fiscal Impact

Accepting the final draft Water and Waste Water Plans is budgeted in the CIP as projects 20-18 and 20-4 for the work of Akel Engineering.

Attachments: Proposed Resolution (Master Plans provided under separate cover)

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ACCEPTING THE DRAFT WATER AND WASTE WATER MASTER PLANS**

WHEREAS, on October 15, 2020 the City agreed to work with Akel Consulting and complete a Water and Waste Water Master Plan; and

WHEREAS, on February 25, 2020, the Environmental Protection Agency (“EPA”) and Regional Water Quality Control Board (Water Board) met with the City and agreed that the Master Plans are the best step forward for the City its efforts to bring its water system back into compliance with the permit requirements; and

WHEREAS, on August 18, 2020, the City and EPA entered into an Administrative Order on Consent, agreeing that the City will bring its water systems into compliance by December 31, 2023, and as part of that process, the City will deliver the Master Plans to them by September 15, 2020; and

WHEREAS, the first draft of the Master Plans were introduced to the City Council September 8, 2020, shared with the EPA and Water Board Wednesday September 9, 2020, and are now ready for presentation to the City Council for acceptance.

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

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

SECTION 2. The City Council of the City of San Juan Bautista, hereby accepts the final drafts of the Water and Waste Water Master Plans.

SECTION 3. The City Council directs the City Manager to provide the Water and Waste Water Master Plans to the EPA and Water Board as soon as possible.

SECTION 4. The City Council further directs the City Manager to fully integrate the Preliminary Engineer’s Report into the two Final Draft Plans when completed, no later than October 15, 2020.

PASSED, APPROVED AND ADOPTED this 15th day of September, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, Mayor

ATTESTED:

Laura Cent, City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRIS & ASSOCIATES IN THE AMOUNT OF \$22,500 TO CONDUCT A SPHERE OF INFLUENCE STUDY**

DATE: September 15, 2020

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDATION

Adopt the attached Resolution authorizing the City Manager to execute a contract with Harris & Associates in an amount not to exceed \$22,500 to conduct a Sphere of Influence (SOI) Study under the guidance and direction of the Urban Growth Boundary (UGB)/Sphere of Influence (SOI) Ad Hoc Committee.

BACKGROUND

On May 26, 2020, the City Council established an Urban Growth Boundary/Sphere of Influence Ad Hoc Committee consisting of two Councilmembers, two Planning Commissioners and one at-large community member. Since then, the Ad Hoc Committee has held two meetings on August 17 and August 31, 2020, respectively. At the August 31, 2020 meeting, the Ad Hoc Committee discussed moving forward with a scope of work to establish a SOI and UGB, as well as the need for a Local Agency Formation Commission (LAFCo) approved SOI and Municipal Service Review (MSR). Details of the August 31 Ad Hoc Committee meeting are included in the minutes provided in Attachment 2.

DISCUSSION

Based on the Ad Hoc Committee's August 31 discussion and meeting, staff recommends to only move forward with the SOI scope of work at this time in an effort to revise the City's current SOI as reflected in the General Plan. The new SOI will become the basis for the City to conduct a MSR (which is required by LAFCo) to establish the City's capacity for current and future service delivery (e.g., utilities, water, sewage) to its residential and commercial communities. Then, a new Council adopted SOI and MSR would be submitted to LAFCo for approval and adoption.

Concurrently, City staff will conduct further research and investigation on best practices and methods for establishing an UGB and/or another strategy for establishing both internal and external limits to growth and development (e.g., within the City limits, within the unincorporated County). Those findings will be presented to the UGB/SOI Ad Hoc Committee at a future meeting. At that time, staff will seek further direction from the Committee.

FISCAL IMPACT

Staff proposes a Capital Improvement Project paid by the General Fund Reserve for the Ad-Hoc Committee's work of \$50,000, a portion of which (\$22,500) will be allocated for this work. There will still be \$27,500 remaining in the CIP Fund for additional work as needed.

Staff is reconsidering the SB2 grant and the "Specific Plan" study along The Alameda considered for this project. The decision to fund this study was made last October before the Ad Hoc Committee was considered. The City is requesting a revised Scope of Work to the State's Housing and Community Development Department for its SB2 Grant Application, to include the SOI project. Should HCD approve the revised Scope of Work, General Fund monies would no longer be needed for this project.

ATTACHMENT:

Attachments:

1. Proposed Resolution
2. Urban Growth Boundary/Sphere of Influence Ad-Hoc Committee Meeting Minutes, August 31, 2020

RESOLUTION CC-2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA AUTHORIZING THE CITY MANAGER
TO EXECUTE A CONTRACT AGREEMENT WITH HARRIS &
ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$22,500 TO
CONDUCT A SPHERE OF INFLUENCE STUDY**

WHEREAS, on May 26, 2020 the City Council approved establishing a Urban Growth Boundary (UGB) /Sphere of Influence (SOI) Ad Hoc Committee; and

WHEREAS, the Ad Hoc Committee held meetings on August 17 and August 31 to discuss the City's current Sphere of Influence and the potential establishment of an Urban Growth Boundary; and

WHEREAS, as a result of the August 31, 2020 meeting discussion, staff recommends using the services of Harris & Associates in an amount not to exceed \$22,500 to conduct a Sphere of Influence Study, as further described in the attached scope of work, under the guidance and direction of the UGB/SOI Ad Hoc Committee; and

WHEREAS, staff also recommends continuing to conduct staff level research on the best approach to an UGB and/or some other method for limiting both internal and external development and growth within the City limits and the surrounding unincorporated County; and

WHEREAS, upon concluding further research on a UGB, as well as other methods for limiting growth and development, present the finding to the Ad Hoc Committee and seek additional direction; and

WHEREAS, staff will also seek the State's Housing and Community Development (HCD) Department's approval for a revised Scope of Work for its SB2 Grant Application to include the SOI Study, which would result in using grant monies instead of the City's General Fund dollars to fund the Study.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby authorizes the City Manager to approve the attached scope of work and execute a contract agreement with Harris & Associates for professional services in an amount not to exceed \$22,500 to conduct a SOI Study.

THE FOREGOING RESOLUTION was adopted by the City Council of the City of San Juan Bautista at its regular meeting held on the 15th day of September, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Mary V. Edge

ATTEST:

Laura Cent, City Clerk

Attached- Harris Scope of Work



Harris & Associates.

August 24, 2020

Don Reynolds
City Manager
San Juan Bautista, CA 95045

Proposal to Conduct a Preliminary Feasibility Study for the Development of a Sphere of Influence for the City of San Juan Bautista - REVISED

Dear Mr. Reynolds:

Harris & Associates (Harris) appreciates the opportunity to support the City of San Juan Bautista (City) in preparing a feasibility study for the development of a Sphere of Influence (SOI) for the City. This proposal includes our understanding of the project and requested services, scope of work, and cost estimate. This proposal has been revised, following the direction and desire of the Urban Growth Boundary Ad Hoc Committee, as discussed and requested during the August 17, 2020 meeting.

PROJECT UNDERSTANDING AND BACKGROUND

The following understanding of the proposed project and requested services is based on numerous emails and personal discussions between Don Reynolds and David Mack, Planning Commission, City Council, and Ad Hoc committee workshops regarding the status of both an Urban Growth Boundary (UGB) and SOI for San Juan Bautista.

Prior to the adoption of the 2035 San Juan Bautista General Plan on November 1, 2015, the City had a UGB surrounding it, as well as an existing SOI. The adopted 2035 General Plan includes a SOI discussion and map (Map 4.2), but it does not include a UGB. Therefore, a UGB is not in place at this time.

An SOI is intended to encourage cooperation between governing bodies/jurisdictions, even though one governing body/jurisdiction has no formal governing power. A city's SOI is adopted by the respective Local Agency Formation Commission (LAFCO) and is "a plan for the probable physical boundaries and service area of a local government agency as determined by the commission".

The City of San Juan Bautista first had a "sphere" boundary established by San Benito County LAFCO in 1985, with approximately 3.7 square miles of unincorporated land outside of the city limits. The original "sphere" was bounded by Lucy Brown Road (to the east), San Justo Road (to the north), Prescott Road (to the northwest), the hills of the Gabilan Range (to the west), and San Juan Canyon Road (to the south).

Since the adoption of the original "sphere", it has been amended and most recently includes a larger stretch of land to the north along San Juan Highway and to the west along SR-156.

In this particular case, the SOI would encourage San Benito County to consult with the City for all development projects and/or activities proposed within the “sphere”. The SOI does not provide the City with any governing powers, as the land remains under the jurisdiction of San Benito County for all permits (land use) and legislative actions.

Unfortunately, although the SOI is shown in Map 4.2 in the 2035 General Plan, it was never formally adopted, approved, and/or recorded with LAFCO, so it is unclear if the “sphere” is adequately and formally accepted by all jurisdictional parties (San Juan Bautista, LAFCO, and San Benito County).

Consequently, the City’s current SOI boundary reverts back to the most recent LAFCO adopted/certified map, which was completed in 1998 (estimated). Until such time that the 2035 General Plan SOI is processed through LAFCO, or a new SOI is identified and processed and approved, the prior SOI will remain on record and in effect.

The overall intent of the SOI is to identify areas outside of the City boundaries that would be prime for annexation in the future. With that in mind, it needs to be noted that the City should be prepared to provide public services (water, sewer, fire, police, road maintenance, etc.) to all areas identified in past and future SOI.

The City desires to re-design and re-adopt a SOI, which requires substantial coordination with the County, LAFCO, and affected private property owners (where the boundaries would be placed). Upon identification of the desired placement of the boundary, a General Plan Amendment (to include the SOI within the General Plan) would be required. The adoption of a SOI is a “project” under CEQA; therefore, preparation of an appropriate CEQA environmental document (EIR or IS/MND) would be required.

This proposal outlines a scope of work to support the City in development of a SOI that meets its needs now and into the future.

Process for Re-Adoption/Re-Establishment of an Urban Growth Boundary

Amending and/or re-implementing a SOI will require coordination between the City, San Benito County LAFCO, and San Benito County, as well as cooperation with affected land owners. This process also frames the scope of work to support the City in development of a new UGB.

Application to re-institute (or change) a SOI is part of a series of tools the City can use to plan for future annexations and determine where development will occur. LAFCO would oversee all jurisdictional boundary changes.

Implementation (and/or future amendments) of a SOI requires a series of actions:

- 1) Identification of where the boundary(ies) shall be placed
- 2) Coordination with San Benito County
- 3) Coordination with San Benito County LAFCO
- 4) General Plan Amendment(s) (potentially multiple sections)
- 5) Re-zoning of applicable properties (if required)
- 6) California Environmental Quality Act (CEQA) compliance
 - a. Initial Study/Mitigated Negative Declaration (IS/MND), or
 - b. Environmental Impact Report (EIR)
 - i. Subsequent or Supplemental EIR or
 - ii. Addendum to prior EIR

The level of environmental review and CEQA documentation will need to be determined at a later date and will depend on the content of the 2035 General Plan EIR and where the proposed SOI is located.

SCOPE OF WORK

Harris will identify and coordinate with various stakeholders and responsible agencies (LAFCO, San Benito County), prepare a Feasibility Study to determine the process for implementation, determine the appropriate level of CEQA review, and identify the process for adoption of a draft Sphere of Influence (SOI) as follows.

Task 1. Project Initiation, Coordination and Management

This task includes a meeting with City staff to review the project and confirm the scope, and it includes ongoing budget and schedule management. David Mack will manage the project with support from Kate Giberson. Michael McCormick will periodically be involved to support the project coordination and management as a Senior Advisor.

Deliverables: Monthly project status report emails in coordination with invoices

Time allocated: 10 hours

Task 2. Facilitation of Ad Hoc Committee and Public Workshop

This task includes supporting the ad hoc committee on development of the SOI strategy by facilitating between 3-5 new ad hoc committee meetings. Harris staff will prepare the meeting agendas, develop the presentations, and work with the ad hoc committee to refine the approach to the SOI. We will also develop materials and facilitate one public workshop, either in person or online, to share initial recommendations of the ad hoc committee. The workshop will be used to inform a recommendation carried forward through the remainder of the process. This task assumes multiple meetings totaling no more than 24 hours, including preparation time.

Deliverables: Agendas and PowerPoint presentations for between 3-5 new ad hoc committee meetings and one public workshop.

Time allocated: 24 hours

Task 3. Coordination with LAFCO, County, Special District Staff

This task includes assisting the City in coordination with LAFCO, County, and special district staff to prepare a literature review, review municipal service reviews, interview staff, and hold monthly coordination meetings to ensure active engagement by County, LAFCO, and special district staff. This task also includes preparing a map with a modified boundary line using appropriate GIS based layers provided by the County and LAFCO. Custom layer development beyond one preliminary and one final SOI layer is not included in this scope.

Deliverables: GIS data layers for UGB and SOI (preliminary and final), agendas, and minutes from monthly calls for up to six meetings

Time allocated: 18 hours

Task 4. CEQA Preliminary Assessment

Harris will assess the various options for CEQA review and documentation, and prepare a memo that identifies the pros/cons and general cost ranges for the different types of documentation. Based on preliminary conversations, as well as our general understanding of the parcels and range of development/SOI options being considered, this project may require either a supplemental General Plan EIR or IS/MND, which is not included in this scope of work. The memo will outline a preliminary scope of work for the preparation of an adequate level of environmental review for the project.

Deliverables: Memo identifying CEQA document options and preliminary scope of work

Time allocated: 20 hours

Task 5. Development of Policies and Staff Reports

Harris will work with the City to develop content for updated policies and general plan language, zoning code, and rezoning of applicable properties. We will prepare an administrative draft, public review draft, and final report with the content and recommendation to the ad hoc committee, Planning Commission, City Council, and LAFCO to support a preferred approach to the SOI. Recent publications by the California Association of Local Agency Formation Commission (CALAFCO) and the Strategic Growth Council will support integration of case study examples and practices found to be successful in other jurisdictions. This task also includes coordination with the County on updates to their GIS layers using the City generated SOI boundaries. Draft and final materials will require coordination with the development of the CEQA document, and timing of delivery is dependent upon the completion and circulation of the CEQA document that is outside this scope of work.

Deliverables: Administrative draft, public draft, and final content to inform the general plan, zoning code, and GIS

Time allocated: 30 hours

Task 6. Project Representation at Meetings

Harris will represent this project at up to six meetings with the City Planning Commission, City Council, and LAFCO. This task includes development of staff reports, presentations, and in person (or virtual) attendance to represent the project. This task also includes one phone call with City staff prior to each meeting to review the staff report, as well as a follow-up call after each meeting.

Deliverables: Calls, staff reports, presentations, and attendance at up to nine meetings

Time allocated: 18 hours

HARRIS STAFF AND COST ESTIMATE

Harris proposes a dedicated team of professionals to implement this project as follows.

Kate Giberson, Project Director, CEQA Advisor and QA/QC (\$240/hr)

David Mack, Project Manager (\$185/hr)

Michael McCormick, Senior Advisor (\$265/hr)

Randy Deodat, GIS Specialist (\$175/hr)

Lindsey Messner, Publications Specialist (\$145/hr)

Other staff as needed (\$140/hr)

The cost estimate for the scope of work described above is \$22,200, based on the estimated 120 hours to complete the tasks at a blended billing rate of \$185/hr.

Please do not hesitate to contact me with questions.

Sincerely,

Harris & Associates, Inc.

A handwritten signature in blue ink, appearing to read "D J R Mack", is positioned above the printed name.

David J. R. Mack, AICP
Project Manager/Senior Planner
Environmental Planning & Compliance
(831) 320-0413
David.Mack@WeAreHarris.com



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **ENFORCING ORDINANCE 2020-02, THAT ADDED SECTION 28 TO ARTICLE 5, BANNING THE USE OF CERTAIN PLASTICS AND ESTABLISHING A SUSTAINABLE FOOD SERVICE WARE AND RETAIL BAGS ORDINANCE**

DATE: September 15, 2020

DEPARTMENT HEAD: Don Reynolds, City Manager

Recommendation:

It is recommended that the City Council adopt a resolution setting the date of December 31, 2020, to initiate enforcement of Ordinance 2020-02, **banning the use of certain plastics and establishing a sustainable food service ware and retail bags.**

Background:

In May 2019, City Councilmember DeVries made a request of staff to explore the establishment of a ban on single use plastics and in July 2019, a presentation and video was received on this topic. In September 2019, the City agreed to work with CSUMB students and San Benito County Integrated Waste Management team to bring a proposed ordinance forward. A draft report from the students was shared with the City Council January 21, 2020, and a draft Ordinance was approved and first read by the City Council February 18, 2020. Ordinance 2020-02 was approved at the March 17, 2020 Council meeting and went into effect 30-days later on April 16, 2020. But the Council agreed to implement the new policies concerning single use plastics only after several weeks of continued outreach to the local businesses. This would happen by a second semester of students through May 16, 2020, at which time the City would initiate enforcement of the plastic ban policies. The final report from CSUMB, received August 31, 2020, is attached to this report under a separate title.

Ordinance 2020-02, “bans certain plastics, and establishes a sustainable food service ware and retail bags” policy for the City. More specifically, the use of Styrofoam is banned, plastic straws, and “retail” businesses are banned from the use of single use plastic bags. Food service businesses are not considered “retail.” “Dine-in” is defined as the traditional restaurant experience eating within the establishment, and “dine-out” is defined as take-out order eaten off-premises. This distinction is necessary, as single use plastics and single use plastic bags are allowed for the “dine-out” experience of a “non-retail” food service provider.

The Corona Virus and the current State of Emergency limited the City's ability to continue its outreach. CSUMB students could not return to the City in April and May as planned. The "shelter in place" policies also placed a significant financial burden on the City's food service industries which currently can only serve food as "dine out" or in limited outdoor spaces for "dine in." One restaurant established a hybrid "dine out" experience on the premises of their establishment. An enforcement policy specifically for Ordinance 2020-02 was to be brought forward to the City Council for consideration, and that did not happen either.

One very positive outcome of the current State of Emergency is the hiring of the "Disaster Service Works-Community Liaison." The Community Liaison has been successful in connecting the policies, programs, relief efforts of the government, with the business owners. From this effort, the emergence of the San Juan Business Forum occurred; this forum meets virtually once a week to discuss policy changes, and share new ideas to help owners cope with the harsh fiscal impact of the shelter in place policies that have greatly interrupted their "normal" business plans.

Discussion

Following the request of the City Council September 1, 2020, to revisit the implementation of the sustainable food service ware Ordinance 2020-02, staff re-introduced the policy at the September 2, 2020 Business Forum. At the September 9, 2020 Business Forum meeting, a presentation was received from representatives of the County Integrated Waste Management team and Recology, the City's franchise waste hauler. The slides were shared with the City Council after that presentation, and include an excellent update on the "state of the effort" to reduce society's reliance on single use plastics.

COVID Impacts – Single-Use Plastics

Single-use plastics have increased between 250-300%
[The Economist](#)

30% increase in waste production from 2019 due to
personal protection equipment, packaging, and
single-use items for food delivery and distribution
[Prata et al., 2020](#)

It was reported that there is no strict policy regarding the safety of re-usable food ware compared to disposable wares. The CDC has confirmed no cases from surface contact, and does not suggest that disposable items are safer than reusables. Nonetheless, the State suspended its plastic bag ban during the State of Emergency, and it expired June 22. Now each supermarket seems to follow a different practice concerning their patrons and the use of re-usable bags. Cal-OSHA advises not to touch or place groceries in customer brought bags, that they leave their own bags in the cart, and

bag their own groceries. With this understanding, it is time to restart the City implementation of Ordinance 2020-02, and follow through with its ban of certain plastics, and encourage the use of re-usable food ware.

Initially the City provided a 60-day grace period for businesses to reduce their inventories and adjust their business plans. In light of the COVID climate, it is recommended that an implementation deadline of December 31, 2020, be considered. This is an additional 107-day grace period. On January 1, enforcement would begin, consistent with the existing provisions of the Municipal Code in Section 7 of Article 2. Ultimately, per Section 7, Article 2, sub-section 150, a business owner could be subject to fines starting at \$50, and ranging up to \$500.

A quick survey of Pacific Grove, Carmel, Monterey and the Communities for a Sustainable Monterey County (“CSMC”) indicates an enforcement model that emphasizes compliance first, leaving punitive actions as a last resort. Pacific Grove changed its policy from a structured enforcement program, by reducing violations to a “public nuisance” instead. CSMC elaborates that “plastic service-ware bans are only as effective as their compliance by impacted businesses.” They engaged 40-volunteers that visited 250 restaurants in Monterey encouraging them to comply with their Ordinance, and encourages more citizens to continue the “information blitz.”

The proposed Resolution relies on the current codes, is draft in its nature and allows the City Council to modify it as deemed appropriate. Ultimately, the Code Enforcement Officer will be supporting the Community Liaison in the policy’s implementation.

The City will re-start its “information blitz” using the attached “FAQ’s” developed by the County and CSUMB team earlier this year. The Community Liaison can assist with the publicity effort. If necessary, each business situation can be considered on its own merits and if this policy creates a hardship, the City Manager can grant an exemption for up to one year.

Fiscal Impact

There is no direct City cost or revenue anticipated from the implementation of Ordinance 2020-02.

Attachments:

1. Proposed Resolution
2. Final Report from CSUMB
3. FAQs

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ENFORCING ORDINANCE 2020-02, THAT ADDED SECTION 28 TO TITLE 5: BANNING THE USE OF CERTAIN PLASTICS AND ESTABLISHING A SUSTAINABLE FOOD SERVICE WARE AND RETAIL BAGS ORDINANCE

WHEREAS, on February 18, 2020, the City Council received its first reading of Ordinance 2020-02, adding Section 28, to Title 5 of the municipal code, banning the use of certain plastics and establishing a sustainable food service ware and retail bag policy, and on March 17, 2020, the second reading was received and the Ordinance became effective April 16, 2020; and

WHEREAS, during its deliberation, the Council agreed that limiting the use of plastics by local businesses will require a transformation of some business practices, and thus established a 60-day grace period to allow this transformation to occur before compliance would be required, and this grace period ended May 16, 2020; and

WHEREAS, also occurring at the February 18, 2020 Council meeting was a re-assurance from staff that an enforcement policy would be brought before the City Council before the end of the May 16, 2020 grace period, for consideration and approval, without specifying the details of this policy; and

WHEREAS, during the current Corona Virus State of Emergency, the City has not taken action to adopt an enforcement policy for Ordinance 2020-02; and

WHEREAS, at its August 18, 2020, City Council meeting, some members of the City Council expressed a need to re-visit this policy and reconsider enforcing it; and

WHEREAS, in response to the current State of Emergency, the City established a Business Forum that meets on Wednesday mornings, and a presentation was made to the business owners Wednesday September 9, 2020, that updated the community about the status of local and regional efforts to reduce the community's reliance on single use plastics, sharing statistics that since the Emergency declaration, waste production has increased 30%, and reliance on single use plastics increased between 250-300%, but recently, the Center for Disease Control has recognized that the virus is not typically spread by touching surfaces, and the re-usable food ware is preferred if sanitized correctly; and

WHEREAS, based upon the facts outlined by in these recitals as stated above, recognizing that prioritizing health and safety doesn't need to come at a cost to the environment, it is time for the City to consider an enforcement policy and implement Ordinance 2020-02.

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

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

SECTION 2. The City Council of the City of San Juan Bautista, hereby confirms the need to implement Ordinance 2020-02, that bans the use of Styrofoam, plastic straws, the retail industry's reliance on single use plastic bags, encouraging the use of sustainable food service ware, and hereby establishes a compliance deadline of December 31, 2020, for local businesses and special event participants to comply with Ordinance 2020-02.

SECTION 3. Starting January 1, 2020, failure of a business owner to follow the provisions set forth in Ordinance 2020-02 will result in the issuance of a compliance order (2-7.115), that may ultimately result in the issuance of an Administrative Citation (2-7.120) and be subject to a fine (2-7-150).

PASSED, APPROVED AND ADOPTED this 15th day of September, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, Mayor

ATTESTED:

Laura Cent, City Clerk

ENSTU 471: Projects for Sustainable City Year

San Juan Bautista Plastic Ban Ordinance Capstone

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Abstract

The purpose of this research is to support the city of San Juan Bautista with their plastic ban ordinance that will be voted on by City Council in 2020. This research consisted of making businesses aware of the ban, identifying questions and concerns about the ban, and helping businesses by recommending alternatives for single-use plastics that are cost efficient. Our group

utilized mixed methods such as semi-formal interviews, phone interviews, and surveys. The survey allowed us to collect information on what type of single-use plastics restaurants in San Juan Bautista are using and if any businesses have begun to phase out the use of single-use plastics. We hope that our data provides useful information for businesses to comply with the upcoming ordinance that will restrict the use of certain plastics. Our group worked to gather resources and materials that will support business compliance for the ban by finding cost-efficient plastic alternatives.

Introduction

Our capstone group assisted the City of San Juan Bautista with an ordinance entitled “Banning the use of Certain Plastics and Establishing a Sustainable Food Service Ware and Retail Bag Ordinance.” The ordinance is set to be reviewed by San Juan Bautista’s City Council in January of 2020 by the time the work of our group is completed.

Plastics have revolutionized utility across the world, however, since this revolution, plastic has polluted waterways, impacted landfills and recycling centers, and caused significant health issues in humans. Plastic pollution has become a major problem worldwide because plastic is not biodegradable so it remains in the natural environment for long periods of time. Aside from the polluting aspect of plastics, the manufacturing of plastic also contributes to climate change because it requires extracting fossil fuels from the Earth.

The state of California has been a leader toward reducing their plastic consumption by passing state and local legislation to reduce the use of single-use plastics. The purpose of our partnership with the city of San Juan Bautista was to help the city gather data from local business on their plastic usage, knowledge of the plastic ban ordinance, and willingness and concerns about transitions to more sustainable alternatives to plastic. We also reviewed the city’s drafted ordinance, provided revisions, and educated businesses on plastic alternatives and informed them about the ordinance.

Background

Recology

Recology is a nationwide waste management company that provides collection services to all of San Benito County, including the city of San Juan Bautista. In San Benito County, Recology provides garbage, recyclables, and green waste services, including food waste, to all residents and businesses. This is significant because many other nearby cities and counties do not provide curbside collection for food waste and other compostable materials, which means these materials end up in landfills where they release methane, a greenhouse gas that is 20 times more potent than carbon dioxide in terms of warming potential. The vision at Recology is to create a world with less waste by developing and discovering sustainable resources, and recovery practices that can be implemented around the world. Recology aims to attain their vision by building exceptional Resource Ecosystems – ones that both protect the environment while sustaining the local community. This would be a ‘closed loop’ ecosystem that makes it possible for the communities that Recology serves to achieve high landfill diversion and meet sustainability goals. San Benito County’s green waste are delivered to Recology’s open air composting facility, South Valley Organics, located in Gilroy where it is transformed into nutrient dense compost.

Evolution of Plastics

Around 1970, plastic waste was recognized and recorded in the ocean, yet, political involvement against plastic pollution did not start until the 1980’s (Lemons, 2018). After the recognition of plastic pollution in the ocean, recycling facilities began to focus less on reduction and reuse and more on how to limit pollution (Lemons, 2018). As recycling centers strengthened and developed, plastics became more apparent with the establishment of plastic bags in the United States in 1979 (Lemons, 2018). Shortly after the introduction of plastic bags, they began to replace paper bags in grocery stores because they were cheaper (Lemons, 2018). By 1978, plastic bottles began to materialize worldwide (Kiener, 2010). After plastic bags and plastic bottles, single-use plastics became more apparent and versatile, increasing global production (Kiener, 2010).

San Francisco, CA was the first city to enact a plastic ban in April 2007. San Francisco banned plastic bags from grocery stores and pharmacies. This plastic bag ban was extended in 2011 to include retail stores and restaurants in 2013. San Francisco also implemented a ban on polystyrene (Styrofoam), including toys, packaging, and cups in 2017 (Reilly, 2016). After the implementation of the Expanded Polystyrene Foam (EPS) ban, San Francisco recorded a 36% decrease in EPS pollution (Clean Water Action, 2011). San Francisco's ordinance on banning large grocery stores and pharmacies from giving customers plastic bags opened up market up for more alternatives to plastics.

The reason plastics have become a larger pollution problem than other materials such as paper and wood is because plastics do not naturally decay; this is because they do not have a chemical reaction with many other substances. Recycling provides a method of reuse, although plastics can only be recycled a limited amount of times. Alternatives to plastic that can completely biodegrade are much better for the environment (Freudenrich, 2007). Between 22% and 43% of plastic all around the globe ends up in landfills. Recyclable plastics are sent to a sorting facility to be sorted, then cleaned and processed into materials that may be used in a variety of ways. Plastic that is sent to be recycled after it is sorted at recycling facilities are often shipped out to other countries with lenient recycling policies (Gourmelon, 2015). Recyclable products are bought and sold just like any other raw material.

Plastics are categorized by numbers one to seven depending on their manufacturing process. Plastic #1 is PETE/ 01 PET, which stands for polyethylene terephthalate, #2 is HDPE, high density polyethylene/02 PE-HE, #3 is V/03 PVC, poly(vinyl chloride), #4 is LDPE, low density polyethylene/04 PE-LD, #5 is PP/05 PP, polypropylene, #6 is PS/06 PS, polystyrene, and #7 is OTHER/07 O for other resins (EPA, 2019). Monterey Regional Waste Management District, the material recovery facility that processes recyclables for the city of San Juan Bautista, is currently accepting plastics #1, #2, and #5. Materials accepted at different material recovery facilities are based on the type of equipment they have to sort and process, as well as the domestic and international markets for each type of material.

Biodegradables vs Compostables

Biodegradable plastics can fully decompose into carbon dioxide, methane, water, biomass and inorganic compounds. This happens during aerobic or anaerobic conditions, along with the help of living organisms (Krzan, 2012). Biodegradable plastics are usually manufactured from renewable and nonrenewable sources (Krzan, 2012). Compostable plastics also have capacity to biodegrade. The word compostable indicates that a material can be fully broken down in a certain environment, meaning they will biodegrade specifically under the right composting conditions. For a biodegradable item to be considered compostable, it must break down in a single composting cycle. When restaurants are choosing alternatives to plastics, they should ensure plastics are certified compostable. Alternatives to traditional plastics are often labeled as “biodegradable”, however this term is not regulated and does not indicate under what conditions the material will biodegrade.

Food Service Plastics and Film

The 3 main types of plastics most commonly found in the food service industry are compostable plastics, bio-based plastic (bio-plastics), and lastly thermoplastics. The most commonly found and preferred environmentally-friendly plastic is certified compostable plastic which can undergo degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds and biomass at a rate consistent with naturally occurring compostable materials which leaves no visible, distinguishable or toxic residue (ASTM, 2004). In the last decade, the push towards environmentally friendly plastics has led to bio-based plastic, more commonly known as bioplastics. Bioplastics are made primarily from a bio-based material, such as corn, sugar, or starch as opposed to a fossil-based carbon. However some bio-based products have both plant-based and oil-based materials (ASTM, 2004). The scientific progression in bioplastics has led to the invention of thermoplastics, which are a mix of complex starches and composite plastics that are derived from blending starch from plant-based products with other plastics (bio-based and/or oil-based) (ASTM, 2004).” However some of the end products of thermoplastics are biodegradable and some are not within a single composting cycle.

These 3 types of environmentally friendly plastics have pros and cons when it comes to different uses like holding hot or cold food. Thus plastic companies are developing new technologies and

techniques that are more environmentally friendly and cost effective. When it comes to compostable style plastics, companies use a waxy substance liner that is added to protect the material from getting wet and leaking through. These waxing substances include, but are not limited to, paraffin wax (petroleum or vegetable based), low density polyethylene (LDPE), and soybean wax. These waxes, which are the most commonly used, are not environmentally friendly because they are either petroleum based or some type of oil based which are known to be hard for microbes to digest within commercial composting sites. In the case of Low-Density Polyethylene (LDPE), it has been scientifically shown to not biodegrade at all, but instead it fragments into smaller micro sized pieces.

Composting Process

The process of compost can be broken down into five main parts, which according to the Environmental Protection Agency, are feedstock and nutrient balance, particle size, moisture content, oxygen flow, and temperature. Feedstock and nutrient balance is about having the proper balance of what is considered green and brown organics. Green organics are any organic material that holds a large amount of nitrogen like food scraps or grass clippings. Brown organics are comprised of large amounts of carbon but have little to no nitrogen. Examples of brown organics are dry leaves and wood chips. Particle size plays a huge role in the process of composting because raw material is shredded to increase the surface area of the material on which microorganisms can feed. The reason why you want to have small-sized pieces is to produce a more homogeneous compost mixture and improve insulation to help regulate temperature and air flow. Moisture content is important because the microorganisms that live in the compost pile need water to circulate nutrient substances to the microbes. Oxygen flow is enhanced when compost is turned and bulking agents like wood chips or shredded newspaper are added to help aerate the decomposition of the pile. However, turning the piles too much will dry out quickly and eventually kill the microorganisms and stop the composting process. Temperature control might be the most important part of the compost process because microorganisms living within the compost pile must live in a temperature range of 120 °F to 140 °F to survive. The microbial activity depends on the temperature of the pile which controls the process of composting.

4 Stages of Compost at South Valley Organics:



Image 1 Fresh stage



Image 2 Partially decomposed



Image 3 Maturity Stage



Image 4 Mineralization Phase

Policy Context

As previously stated, San Francisco was the first city in California to implement policies on single use plastics. It was the first major city in the nation to ban plastic bags in 2007. This would be the start of future policies all over the nation in favor of banning single use plastic bags (Steinmetz, 2014).

Policy SB 270 went into effect in 2014 and was implemented in July 2015. It states that recyclable paper and compostable bags will be no less than \$0.10 for sale at check out. In July 2016, establishments that sell food and drinks could charge for bags, and other stores have the option of doing the same (SB 270, 2014).

Policy SB 228 went into effect in 2010. By the beginning of July 2011, it required that manufacturers of compostable products meeting a specific set of standards. These standards are to make the bag “readily and easily identifiable.” The bags need to be labeled with a certified label for compostable plastics. Additionally, the bags need to be of a certain color to tell them apart from regular plastic bags (SB 228, 2010).

Policy SB 2449 requires businesses to have an in-store recycling program for clean plastic bags. A bin for these bags would be needed in all stores that would be participating in this policy. The plastic bags that would be distributed from businesses would have to have specific language on them so customers know that they can bring them back to the business and have them recycled (SB 2449, 2006).

These policies helped us to see what other areas were doing to combat plastics. It also gave us ideas for the revision and editing process of San Juan Bautista’s ordinance. During the revision process of their ordinance we suggested that they make it more clear and concise as to what is being implemented and asked of the businesses in the city. Our group suggested an enforcement section and a clear list of what will and will not be acceptable with the ordinance.

Year	Policy	Effect
2014	SB 270	As of July 1, 2015, certain large stores are prohibited from providing a single-use plastic carryout bag to a customer, unless the retailer makes that bag available for \$0.10 and certain conditions are met.
2011	SB 228	Requires manufacturers of compostable plastic bags to ensure that the bag is readily and easily identifiable from other bags. Prohibits a compostable plastic bag sold in the state from displaying a chasing arrow resin identification code or recycling symbol in any form.
2006	AB 2449	Retail stores must adopt an at-store recycling program. Plastic bags used at retailers must have clearly printed “Please Return to a Participating Store for Recycling” on the bag.

[the link with table information](#)

Stakeholder Perspectives

The stakeholders that are involved with the plastic ban ordinance are the 48 businesses, community members, the city council members, and Recology. The 48 businesses will all be affected in different capacities. Stores such as antique and retail shops will have to begin phasing out single-use plastic bags. Food businesses will be impacted by the ordinance because they will need to change much of their takeout ware and utensils. Community members will also be affected because they will either have to bring their own bags or pay a fee to purchase a reusable one. Recology will be affected because with businesses changing to plastic alternatives, they need to make sure businesses are purchasing products that can compost in their facility within the 90- to 120-day cycle. Otherwise it will be adding extra work to their facility.

Methods

Our group conducted structured interviews which consisted of a small survey and verbal communication. The interviews were conducted in person and over the phone. We asked a series of questions with the goal of understanding each business's knowledge of sustainable business practices. Photovoice was used to capture the characteristics of what businesses are already doing to reduce to plastic use. We used google form to collect our survey, and a pen and notebook to write down any additional information. We also mapped out the businesses using GPS points and GIS ArcMap program in order to create a map of San Juan Bautista and the businesses we visited.

We developed the survey with the assistance of Environmental Studies Professor, Dr. Victoria Derr.

Survey

Business Name *

Business Phone Number *

How long have you been in business for?

0-1 years, 2-5 years, 6-10 years, 11-more years

Which of the following do you currently use in your business?

Plastic straws, Plastic take-out boxes, Plant fiber take-out boxes, Cardboard take-out boxes, Styrofoam take-out boxes, Plastic Cups, Paper cups, Plastic Lids, Plant-Based Plastics, Plastic utensils, Plastic Bags, Styrofoam Cups, Other

Do you feel single-use plastics are essential to your business?

Do not use/ Essential to my business

Have you thought of transitioning to reusables or BPI Certified compostable items?

Yes, No, I already have transitioned

Have you considered becoming a Certified California Green Business?

Yes, No, I do not know what that is/ what it takes to become a Green Business

I am already a Certified California Green Business

Is there a distributor you are currently using for alternatives to plastic? If yes, what distributor?

If yes, are the alternatives:

Costing significantly less money/Costing significantly more money

Are there any concerns you have regarding switching away from single-use plastics?

Do you know if other businesses in your area transitioned to plastic alternatives?

Yes, No

If yes, which businesses?

How would you rate your knowledge of compostable products?

No knowledge, Ample knowledge

How would you rate your knowledge of Single-Use Plastics?

Limited knowledge of alternative sources/ Ample knowledge of alternative sources

Are you aware of the Plastic Ban Ordinance that is going into effect in the January 2020?

Yes, No, I have limited knowledge on the ordinance

To what extent would you like to know about the Plastic Ban Ordinance?

What alternatives I can use, What materials I can no longer use, How will this affect my business

How would like to receive information regarding the 2020 Plastic Ban Ordinance?

Paper flyers, Paper via Mail, via Email, via Website, Table tents (informational tabling), I do not want to receive information on the ordinance

What would you like to know about the distributors that have eco-friendly alternatives to plastics?

How much money I can save, The longevity of the products in storage, Are there any hazards with their products

Would you like to receive recommendations of distributors that provide cost-efficient and eco-friendly alternatives to plastics?

Yes, No

How would you like to receive information about the different distributors?

Paper flyers, Paper via Mail, via Email, I do not want to receive information about other distributors

Figure : GIS ArcMap: The buildings are the businesses that were surveyed.



Results

We had two weeks to survey the businesses, the first week was during Thanksgiving break (when a majority of the businesses were closed) and the following week. Out of the 48 businesses in San Juan Bautista, we decided to contact 20 businesses. Of those 20 businesses, 16 completed the survey.

We found that 13 out of the 16 business that we surveyed have thought of transitioning to reusable or BPI Certified compostable items. We found that nearly 7 out of the 16 businesses we surveyed were aware of the plastic ban ordinance. We found that 15 out of the 16 businesses we surveyed would like to receive recommendations of distributors that provide cost-effective and eco-friendly alternative to plastics.

Have you thought of transitioning to reusables or BPI Certified compostable items?

16 responses

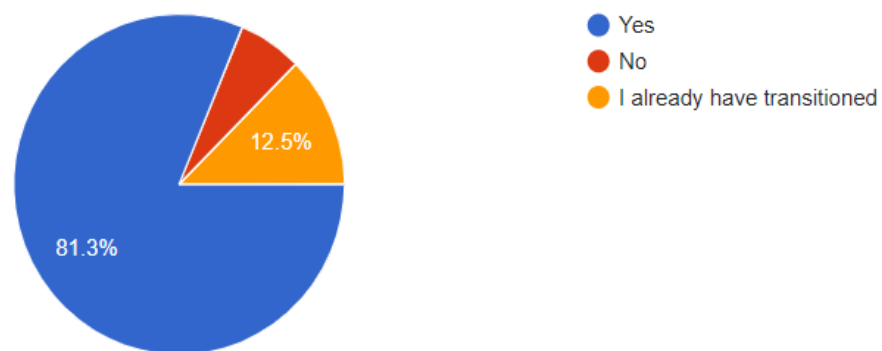


Figure 1: Transitioning to plastic alternatives.

Are you aware of the Plastic Ban Ordinance that is going into effect in the January 2020?

16 responses

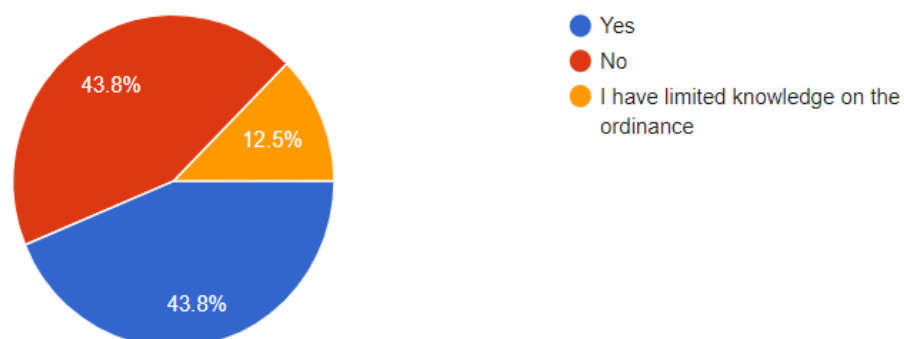


Figure 2: Awareness of plastic ban ordinance

Would you like to receive recommendations of distributors that provide cost-efficient and eco-friendly alternatives to plastics?

16 responses

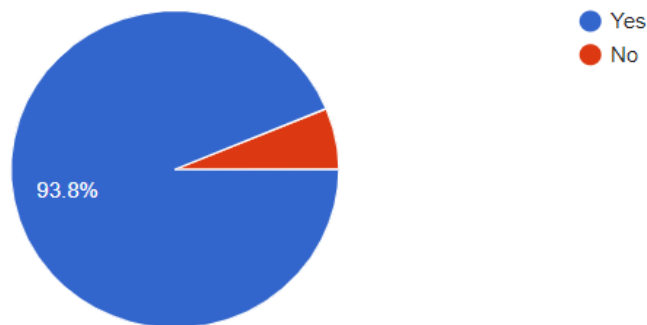


Figure 3: Receiving information of plastic alternative distributors

For the photovoice method we wanted to capture the characteristics of Recology's compost facility, as well as highlight the positive things the businesses and the city of San Juan Bautista are doing to reduce their plastic usage.



Margo's Ice Cream Parlor providing glasses for water instead of plastic cups.

Alternatives for Businesses

There are many single-use plastics that are still being used by businesses in California. Some



have considered switching to single-use plastic alternatives. The most common alternatives are compostable goods, such as cups, utensils, straws and different sizes of to-go containers. These goods are made of paper, birch wood, bamboo, wheat straw pulp, wheat, polylactic acid (PLA), PLA with plant plastic, biopolymer, recycled paper with PLA lining, and palm leaf. During our visit to South Valley Organics, we learned that the facility has difficulties breaking down the BPI-certified plant plastics made from PLA or biopolymer in the food ware products in a single compost cycle. Because of this problem, our group recommended fiber-based to-go ware because there is a higher probability of these to break down in time at the compost facility. Acceptable compostable service wear that we recommend are Birchware, Eco-Products, Leafware Dinnerware and Good

Packaging. Birchware products manufactures from 100 percent birch trees, they contain no dyes, bleches, or glazes. Eco Products are manufactured by 100 percent renewable and reclaimed resources like bamboo and recycled plastics. Leafware products are manufactured by fallen leaves that are carefully harvested, hygienically cleaned and pressed into various shapes. Good Packaging products are manufactured by renewable plant fibers such as wheat straw and plant starch.

Recommendation

Recommended Ordinance Edits

For San Juan Bautista’s Environmentally Acceptable Food Service Ware and Retail Bag ordinance we recommend that the title be simplified to “Sustainable food ware and retail bags.” We recommend findings and an objective be included in this ordinance to help businesses and the rest of the community understand why this ordinance is important. A goals section should also be included to clearly define what the town wants to see from the businesses and overall environmental benefits. We suggest that there should be a clear timeline included for businesses to implement changes.

We recommend that BPI be clearly defined in the definitions. The term “businesses” is not defined which could be misinterpreted as to whether the ordinance will include grocery stores, retail business, etc. “Compostable plastics” and “plant plastics” should be distinguished from the term “plastic”. When defining “recyclable”, we recommend specifying “our local recycling program” because that is how we determine what materials will be accepted. We also recommend adding a section on per- and polyfluoroalkyl substances (PFAS) chemicals because they are not going to be allowed in BPI certificated compostable products in 2020. PFAS are the hydrophobic film in paper box and straws that make cardboard and paper waterproof. It is a chemical that accumulates in the body and can cause health effects.

In section 5-28.2 Prohibited Disposable Food Service Ware, section A1, we suggest adding polystyrene foam products commonly referred by the name “styrofoam” to avoid any confusion. In part B3 sugar cane is mentioned, however sugar cane will need to be removed from this because of contamination by per- and polyfluoroalkyl substances (PFAS chemicals) that will not allow BPI certification in the future. In part 4A, we recommend removing the language stating that individuals “self identifying or having to “self identify” because we believe this would compromise Americans with Disabilities Accommodations.

In section 5-28.3 part A, we suggest adding an incentive for businesses to switch to BPI certified and compostable materials over plastics. In part B, we highly recommend creating some form of enforcement section. The section currently states “All persons are encouraged...” but without enforcement, why would businesses choose to change to BPI certified and compostable ware?

In section 5-28.4, part A, we recommend adding “upon request”. For example, “A reusable bag or a recycled bag may be provided to the consumer upon request.” Also, we noticed that the ordinance reads “single use carryout bag”, but there is no specification as to what type of bag whether it is plant based, paper, plastic, etc. In part A1, we recommend potentially lowering the percentage to 80%, because we do not have findings about revenue for all businesses and whomever would be enforcing this ordinance would have to know the financials of each business. In part B, we recommend changing the bag fee to a minimum of \$0.25 as it is more substantial and provides more of an incentive to bring in their own bags.

After our capstone project is over, Recology could follow up with a similar survey for all the businesses in San Juan Bautista to check if they all made the switch to compostable food-ware. Recology can also host environmental events for all the businesses in San Juan Bautista in order to inform them which compostable food ware is allowed and the specifics of the ordinance.

Conclusion

With the growing demand to reduce the usage of plastic, it was important for our group to assist the city of San Juan Bautista in order to gather data on their businesses' thoughts on eliminating the use of plastic. We suggest that Recology follow up with a similar survey for all the businesses in San Juan Bautista to ensure that they all made the switch to compostable food ware. Recology can also host an event for all the businesses in San Juan Bautista in order to inform them of updates for compostable food-ware and ordinance. With the majority of the businesses wanting to change and reduce how much plastic they use, the city can potentially become a model for other surrounding cities and encourage similar reductions in plastics use elsewhere.

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CITY OF SAN JUAN BAUTISTA

REQUIREMENTS FOR FOOD SERVICE WARE

REQUIREMENTS FOR FOOD PROVIDERS AND SPECIAL EVENT PARTICIPANTS BEGINNING **MARCH 17, 2020**

60 day grace period for compliance

Allowed

- **Dine-In Services**

- Compostable straws only upon request
Plastic straws may be made available upon special request

- **Dine-Out Services**

- Compostable food service ware and accessories
(must be BPI Certified- bpiworld.org)
- Plastic food service ware #1-#5



Prohibited

- Compostable Straws without request
- Disposable food service ware when providing dine-in services
- Polystyrene (styrofoam) for prepared foods
- Food service ware that is not recyclable or compostable

Encouraged

- Persons and establishments not mentioned are encouraged to use and distribute reusable food service ware OR compostable/recyclable food ware
- Discontinue the use of styrofoam in non-prepared foods and other items



For more questions and information contact (831) 623-4661

This flyer was created by San Benito County's Integrated Waste Management Regional Agency.

FAQs

What is the purpose of this ordinance?

To require and encourage food service ware that eliminates the distribution of single-use plastics in order to reduce litter, improve public health, and prevent pollution.

Who do these regulations apply to?

All persons operating within, at, or upon any City Facility, as well as food providers and special event participants operating within city limits.

What is considered food service ware?

Food service ware are products used for consuming, packaging, serving, and transporting ready-to-consume food and beverages. This includes but is not limited to utensils, straws, stirrers, plates, bowls, cups, lids, trays, boxes, and containers.

How do I know what is recyclable?

Email Recology at sbcwz@recology.com or reference recology.com/recology-san-benito-county/what-bin

Where can I find BPI Certified Compostable food service ware?

The best way to search for compostable products is through BPI's search engine at bpiworld.org.

What happens if I don't comply?

TO BE DETERMINED

May I request an exemption?

A written request for a one year exemption may be made to the City Manager.



For more questions and information contact (831) 623-4661

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CITY OF SAN JUAN BAUTISTA

NEW RETAIL BAG REQUIREMENTS

REQUIREMENTS FOR RETAIL ESTABLISHMENTS

BEGINNING MARCH 17 , 2020

60 day grace period for compliance

Retail Bag Regulations

- NO single use plastic bag distribution
- Retail establishments must charge 25 cents for a recycled paper bag or a reusable bag
- Retail establishments must show bag charges on customer receipts



What is allowed?

- Reusable bags
- Recycled paper bags
 - Containing no old growth fiber and a minimum of 40% post-consumer recycled content
 - 100% Recyclable
 - Clearly labeled "reusable", "recyclable" and with percentage of post-consumer recycled content



- The charge **does NOT apply** to EBT, WIC, CalFresh, or other government-subsidized purchase programs.
- Retail bag requirements **do NOT apply to** food providers, restaurants, and special event participants.



For more questions and information contact (831) 623-4661

This flyer was created by San Benito County's Integrated Waste Management Regional Agency.

FAQs

What is considered a retail establishment?

Retail Establishment or Retail Store means all sales, outlets, stores, shops, vehicles, non-profits, resale businesses or other places of businesses located within the City that operate primarily to sell or convey goods directly to the ultimate consumer.

What is considered a reusable bag?

A reusable bag is defined as cloth or other machine washable fabric that has handles, or a durable plastic bag with handles at least 2.25 mil thick and specifically designed and manufactured for reuse.

What do I do with my current inventory?

Use up plastic inventory during grace period leading up to May 15, 2020. After which you can consider returning bags to the manufacturer for recycling.

Where can I find compliant bags?

Ask your supplier if they supply bags that meet new requirements.

Are there other exemptions?

The ordinance does not apply to produce/meat, newspaper, dry cleaning, take-out, and small paper bags.

What happens if I don't comply?

TO BE DETERMINED

May I request an exemption?

A written request for a one year exemption may be made to the City Manager.



For more questions and information contact (831) 623-4661

This flyer was created by San Benito County's Integrated Waste Management Regional Agency.

NOTICE

WRITE-IN CANDIDACY FOR THE NOVEMBER 3, 2020 ELECTION IN THE CITY OF SAN JUAN BAUTISTA

On November 3, 2020, a General Municipal Election will be conducted at which time voters will have an opportunity to elect two members of the City Council, a City Clerk and a City Treasurer. Although the nomination period has closed, there still remains the opportunity to run as a write-in candidate.

WRITE – IN CANDIDATES

FILING DATES: SEPTEMBER 8 THROUGH OCTOBER 20, 2020

Candidates who desire to be a write-in candidate and have his or her name written on the ballot of the General Municipal Election on November 3, 2020 can do so by fulfilling the requirements of the Elections Code.

Write-In Candidacy Procedure

Persons who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot may run for office as a write-in candidate. Write-in votes will be counted and certified in the Statement of Vote only for **qualified write-in candidates** who file the required forms with the San Benito County Elections Office no later than 14 days prior to Election Day.

To qualify as a write-in candidate, a person must file with the County Elections Office the following documents:

- A **"Statement of Write-in Candidacy"** containing the candidate's name, address, a declaration stating that he or she is a write-in candidate, and the title of the office for which he or she is running.
- A **"Nomination Petition"** with the requisite number of sponsor signatures required for the office sought.

Signers of nomination petition for write-in candidates shall be voters in the City of San Juan Bautista. No filing fee or charge shall be required of a write-in candidate.

Write-in candidates are subject to the same requirements as other candidates with regard to disclosure of economic interest and campaign disclosure.

The County Elections Office will provide polling places with a list of qualified write-in candidates.

If interested in becoming a write-in candidate in the November 3, 2020 General Municipal Election, **please contact the City Clerk's Office** to make an appointment to receive nomination documents. **(831) 623-4661, extension 13.**