



City of San Juan Bautista

The "City of History"

www.san-juan-bautista.ca.us

AGENDA **SPECIAL CITY COUNCIL MEETING**

TUESDAY ~ JUNE 29, 2021 ~ 6:00 P.M.

~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

Join Zoom Webinar <https://zoom.us/j/89462957308>

or call 1 (669) 900-6833

Webinar ID: 894 6295 7308

PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. DURING THE MEETING: TO PROVIDE VERBAL PUBLIC COMMENTS ON AN AGENDA ITEM DURING THIS MEETING CALL THE PHONE NUMBER LISTED ABOVE OR LOG INTO ZOOM AND ENTER THE MEETING ID NUMBER AS LISTED ABOVE.

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20

In order to minimize the spread of the COVID 19 virus the City Council is conducting this meeting by Zoom webinar and will be offering alternative options for public participation. You are encouraged to watch the meeting live on Zoom or Facebook. *Please follow the Governor's Shelter in Place Order and the CDC Guidelines regarding preventative measures and do your part to help flatten the curve and prevent further spread of COVID-19.*

When the Mayor announces public comment is open for the item which you wish to speak, press *9 on your telephone keypad or if joining by Zoom, use the raise your hand icon. When called to speak, please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for all other speakers for the particular agenda item. Comments from other platforms will not be considered during the meeting. If you would like to participate you MUST log in to Zoom.

Written comments may be mailed to the Deputy City Clerk at 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., July 1, 2021, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, and Governor's Order N-29-20, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Deputy City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9 (d)(2) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to all items on this agenda are available in the agenda packet on the City website www.san-juan-bautista.ca.us subject to Staff's ability to post the documents before the meeting, or by emailing deputycityclerk@san-juan-bautista.ca.us or calling the Deputy Clerk (831) 623-4661 during normal business hours.

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

- 2. Action Items**
 - A. Approve Affidavit of Posting Agenda**

 - B. Approve a Resolution of the City Council of the City of San Juan Bautista Delegating Administrative Citation Abilities to the Private Security Company, Adopting an Illegal Fireworks Enforcement Bail Schedule, and Fireworks Enforcement Budget**

- 3. Comments**
 - A. City Council Members**
 - B. City Manager**
 - C. City Attorney**

- 4. Adjournment**

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 25th DAY OF JUNE 2021, 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 25th DAY OF JUNE 2021.



TRISH PAETZ, DEPUTY CITY CLERK



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: FIREWORKS ENFORCEMENT JULY 2-5, 2021
MEETING DATE: JUNE 29, 2021
DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTIONS:

It is recommended that the City Council adopt the attached resolution that:

1. Approves the delegation to write administrative citations to its private security provider to enforce the prohibition of fireworks, as provided in Municipal Code 5-16-100 in the City during this time of extreme heat, dry weather and extreme fire danger.
2. Establishes a bail schedule for citations pertaining to the enforcement of Municipal Code 5-16-100 as follows:
 - a. 1st offense- \$1,000
 - b. 2nd offense- \$2,500
 - c. 3rd offense and all offenses thereafter, \$5,000.
3. Authorize the City Manager to budget \$6,000 to pay for the enforcement strategies described herein, between July 2-July 5, 2021.

BACKGROUND INFORMATION:

At its Special Meeting held July 14, 2020, Chief Martin Del Campo presented to the City Council the aftermath of the fireworks in the City, following the 4th of July. It was described as “chaotic.” The City did deploy a camera trailer, but with little strategy or forethought. It did not write any citations. The Council directed the Chief to return with an Ordinance to consider banning fireworks.

In early June 2021, the County considered an urgency ordinance related to the drought and the potential extreme danger that igniting fireworks pose in these hazardous conditions.

Attached is City Municipal Code 5-16-100 adopted January 9th, 2012. This law is separate from the City’s adoption of 5-1-165 the State Fire Code that also reference fireworks. 5-16-100 has one article titled “Prohibited.” This week the City Attorney confirmed that this law bans fireworks.

But the City Attorney recognizes that every year the City adopts a resolution allowing the sale of “safe and sane” fireworks. Resolution 2021-25 adopted June 15, 2021 does exactly this.

DISCUSSION:

After researching City codes, meeting with the public safety team this past week, the City Attorney this afternoon, and following the adoption of the attached Urgency Ordinance by the County BOS, it is proposed that the City hold a special meeting Tuesday June 29th 2021, to do three things;

1. announce enforcement of the attached Muni Code 5-16-100 – “Fireworks; Prohibited;”
2. adopt a resolution adopting a special bail schedule for this enforcement effort equal to the County’s of \$1,000, \$2,500 and \$5,000 per person per offense, and
3. approve the City Manager’s delegation for enforcement by administrative citation to include the City’s private security contractor, if approved by Risk Management (PARSAC).

The Urgency Ordinance established by the County applies specifically to their extension of the codes to include rural areas in their jurisdiction, as it relates to drought, fire hazard, dry conditions, and a direct link to protecting public safety. The attached City codes prohibiting fireworks already exist. But as such, the prohibition only applies to persons igniting/launching them within the City, so the City’s enforcement team will have to cite individuals, not property owners. Compared to Hollister’s fireworks definition, it specifically allows “safe and sane” fireworks, and San Juan Bautista’s does not. However, the City has passed a resolution allowing the sale of “safe and sane fireworks.”

The City having already adopted a prohibition against fireworks, is in a different position than both the County and the City of Hollister. Making these same findings of urgency is a stretch in San Juan Bautista, and it could be found that “no urgency” exists. But the City enforcement efforts can be enhanced. But time is required to straighten out the two City Codes, and consider the inclusion or exclusion of “safe and sane” fireworks specifically.

It is proposed that private security be increased by adding three additional security officers after sunset Friday night until late Sunday night (technically Monday morning). It is proposed that City Code Enforcement work 5 PM to 12 AM each of these three nights. Three security officers will cost approximately \$675 per night (+/- \$2,000-\$2,500). Funds are budgeted for additional services such as this. It is proposed that the City rent four camera trailers to be placed throughout the City to film persons igniting fireworks. These will cost approximately \$2,800. The balance of \$700 will help cover contingencies.

FISCAL IMPACT:

The attached resolution requests a budget of \$6,000 to cover these costs with a contingency of \$700.

STRATEGIC PLAN:

This proposal to better enforce the igniting of fireworks in the City will improve the City’s quality of life, Strategic Plan Strategy #5, in Resolution 2021-15.

ATTACHMENTS: City Code 5-16-100 and 5-1-165; Fireworks Enforcement Resolution

Chapter 5-16 FIREWORKS

Sections:

Article 1. Prohibited

5-16-100 Setting off prohibited.

Article 1. Prohibited

5-16-100 Setting off prohibited.

It shall be unlawful for any person to ignite, fire off, cause to be exploded or explode any fire cracker, squib, bomb, rocket, Roman Candle, or other fireworks within the City, except at such times and places as the City Council may by order designate and permit.

Legislative History: Ords. 2 (no date), 27a (1/9/12).

[Home](#)

<

>

The San Juan Bautista Municipal Code is current through Ordinance 2020-04, passed December 18, 2020.

Disclaimer: The city clerk's office has the official version of the San Juan Bautista Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.san-juan-bautista.ca.us>

City Telephone: (831) 623-4661

[Code Publishing Company](#)

**Chapter 5-1
CALIFORNIA FIRE CODE, 2001 EDITION**

5-1-165 Fireworks. 

Section 7802 is amended as follows:

Section 7802.1 General. The sale, use and handling of fireworks permitted for public use by the California State Fire Marshal for use by the general public, may be permitted by the chief from noon June 30th to midnight, July 4th.

Section 7802.1.1 Sales. The chief shall require a permit for the sale of approved fireworks. The chief may only issue one permit, approved by the City Council, per year. The Chief may revoke the permit at any time after posting a public notice of extreme fire conditions.

Section 7802.1.2 Possession. It shall be unlawful for any person under the age of eighteen to possess any fireworks when not accompanied by a parent or legal guardian.

Section 7802.1.3 Furnishing. It shall be unlawful for any person to furnish, sell, give or provide any firework to any person under the age of eighteen, unless that person is the parent or legal guardian of the person under age eighteen.

Section 7802.1.4 Safety. No open flame, flammable device, or other source of ignition shall be permitted within seventy-five feet of any place where fireworks are sold or stored.

Section 7802.1.5 Packaging. Individual fireworks shall not be sold. Only factory-packaged assortments as listed by the California State Fire Marshal shall be permitted for sale. Fireworks which spin on the ground commonly known as "spinners," "ground bloom" or any similar fireworks as determined by the chief are unlawful to possess, sell or use and shall not be included in any assortments sold when permitted by this code.

5-1-170 Special regulations. 

Section L10000 is amended as follows:

Section L10000.0 Street Fairs

Section L10000.1 Permits. All street fairs shall obtain a permit from the Chief. The sponsor of the street fair shall submit an application for permit at least sixty days prior to the date of the street fair. The application shall include, but not be limited to the following:

1. Factual diagram of the event, showing the location of all booths and emergency vehicle access.

2. Set up and take down routes.
3. Set up and take down schedules.
4. Estimated number of vendors and booths.
5. Location and twenty-four hour emergency contact information for the person responsible for the event on the day of the event.
6. Emergency evacuation plan.
7. Event staffing.
8. Estimated attendance, and
9. Traffic plan.

Section L10000.1.1 Fire Department Access

(a) All Fire Department access lanes shall be maintained at all times during street fairs.

(b) All sidewalks shall be considered fire department access lanes.

(1) No person shall place, store, or display any items on sidewalk during a street fair.

(2) All corners where sidewalks intersect shall be kept clear six feet from the intersecting curb lines.

(c) There shall be a twenty-foot wide fire access lane maintained on all streets during street fairs. No booths, bales, trailers, waste receptacles or other portable inanimate objects shall be placed in the fire department access lanes.

Section L10000.2 Fire watch. When required by the Chief (any event expected to draw in excess of 750 persons pe day) the sponsor of the street fair shall pay for standby and inspection personnel and fire equipment.

Section L10000.3 Tents, Canopies and Enclosures. Tents, canopies and food cooking booths shall be made of fire resistive material. For the purpose of this section wood walls of at least one-quarter inch thickness may be considered fire resistive.

Section L10000.3.1 Propane and compressed gas cylinders. Propane and compressed gas cylinders shall be stored outside of food booths. All cylinders shall be secured in a manner approved by the Chief to prevent catastrophic failure.

Section L10000.3.2 Cooking Appliances. Cooking appliances with perforated or grid design cooking surfaces which allow the food to come into direct contact with the flame shall not be located inside any booths, unless prior approval from the Chief.

Section L10000.3.3 Permits. A cooking booth permit shall be obtained from the Fire Department at least ten days prior to any event. A non-refundable application fee shall be assessed to each applicant.

Section L10000.3.4 Portable Generators. Portable generators shall be kept a minimum of five feet from any booth in an area not accessible to the public. Generators may not be refueled while hot or while running.

Section L10000.4 Cooking and heating appliances.

Section L10000.4.1 Compressed or liquefied gas fueled appliances shall be equipped with two shutoff valves. One located on the tank and one on the appliance.

Section L10000.4.2 Pressure regulator. A pressure regulator shall be installed on the fuel supply line between the tank and the appliance.

Section L10000.4.3 Fuel Storage. Only United States Department of Transportation approved cylinders or tanks shall be used.

Section L10000.4.4 Fuel Tank Capacity. Liquid fuel tanks shall not exceed eight U.S. gallons. Compressed gas cylinders shall not exceed twenty U.S. gallons.

Section L10000.4.5 Number of Cylinders at food booths. No more than two cylinders may be in use at any time. If cylinders are stored elsewhere within the incorporated limits of the City of San Juan Bautista a storage permit shall be obtained from the Chief.

Section L10000.4.6 Housekeeping

(a) A leak test shall be performed on compressed gas connections, valves and hoses prior to using and at any time a cylinder is changed, when a leak is suspected, or at any time when ordered by a peace officer, designee of the Chief or health inspector.

(b) The vendor shall keep a written record of the time and results of the tests.

(c) Any leaks shall be immediately reported to the Fire Department by calling 911. All cylinders connected to any equipment where a leak is detected shall be immediately shut off. Any person who fails to notify the department of a leak or continues to use any appliance after a leak is detected shall be guilty of a misdemeanor.

RESOLUTION NO. 2021- XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA DELEGATING ADMINISTRATIVE CITATION ABILITIES TO THE
PRIVATE SECURITY COMPANY, ADOPTING AN ILLEGAL FIREWORKS
ENFORCEMENT BAIL SCHEDULE, AND FIREWORKS ENFORCEMENT BUDGET**

WHEREAS, on July 14, 2020, the Fire Department provided the City Council with a report following the 4th of July, and recommended the City increase and improve its policies around illegal fireworks; and

WHEREAS, on March 23rd, 2021, the City Council adopted Resolution 2021-15, and its Strategic Plan and upholding the “Quality of Life” is the 5th Strategy; and

WHEREAS, law enforcement is critical for this 5th Strategy, the City established a Public Safety Initiative, and funded it with \$100,000 for the new fiscal year beginning July 1, 2021; and

WHEREAS; the City’s current law enforcement “public safety team” consists of the Sheriff, private security and support from the Code Enforcement Officer; and

WHEREAS, after the County of San Benito adopted an urgency ordinance based on extreme heat, dry weather and high fire danger, they acted to strengthen their policies around fireworks and sent a one-page flyer to all residents announcing the enforcement of these laws will occur; and

WHEREAS, the Public Safety Team, after reviewing City laws, has confirmed that all fireworks are illegal in the City of San Juan Bautista, in Article 5, Section 16-section 100 “5.16.100- Fireworks Prohibited;” and

WHEREAS, the City passes a resolution each May or June, for one not-for-profit organization to sell “safe and sane” Fireworks in the City, and on June 15, 2021, passed resolution 2021-25 for this same purpose this year; and

WHEREAS, with these two conflicting policies, allowing the sale of fireworks while having a law that prohibits igniting them, the City has work to do to straighten out its fireworks polices; and

WHEREAS, this year, the City would like to step up enforcement in light of the high-risk of fire in the City and surrounding areas, and proposes approving the City Manager’s ability to delegate the enforcement of the City’s fireworks laws to private security so they can write administrative citations on the City’s behalf; and

WHEREAS, establish a bail schedule for citations written 5-16-100 of \$1,000 for the first offense, \$2,500 for the second offense and \$5,000 for the third and each offense thereafter; and

WHEREAS, approve a \$6,000 budget consisting of approximately \$2,500 for additional enforcement hours, a \$700 contingency, and \$2,800 for the deployment of four portable cameras on trailers to film persons violating the law so administrative citations can be written from July 2 to July 5, 2021.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees that the Strategic Plan and the "Quality of Life" in the City will be well supported by increasing its enforcement of Municipal Code 5-16-100 that prohibits the igniting of Fireworks in the City.
3. Approve the delegation to write administrative citations to its private security provider during this time of extreme heat, dry weather and extreme fire danger.
4. Establish a bail schedule for citations pertaining to the enforcement of Municipal Code 5-16-100 as follows:
 - a. 1st offense- \$1,000
 - b. 2nd offense- \$2,500
 - c. 3rd offense and all offenses thereafter, \$5,000.
5. Authorize the City Manager to budget \$6,000 for the uses described herein, for special enforcement between July 2-July 5, 2021.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 29th day of June 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Shawna Freels, City Clerk