



# City of San Juan Bautista

*The "City of History"*

[www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us)

## AGENDA

### CITY COUNCIL SPECIAL MEETING

TUESDAY ~ JUNE 14, 2022 ~ 6:00 P.M.

### **~PUBLIC PARTICIPATION BY ZOOM ONLY~**

Join Zoom Webinar <https://zoom.us/j/83334795385>

or call 1 (669) 900-6833

Webinar ID: 83334795385

#### **THIS MEETING WILL BE CONDUCTED PURSUANT TO GOVT. CODE §54953(e)(1)(A).**

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.

**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.

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 during the meeting you **MUST** use Zoom.

If you are unable to join the meeting, 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](mailto:deputycityclerk@san-juan-bautista.ca.us) not later than 5:00 p.m. on June 14, 2022, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, 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 §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](http://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](mailto: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**

**Public Comment - Only on items on the Agenda**

**2. 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 the Affidavit of Posting Agenda**

**B. Approve the Affidavit of Posting Public Hearing Notice**

**C. Approve the Minutes for the May 5, 2022 Special Meeting**

**D. Approve the Minutes for the May 17, 2022 Regular Meeting**

**E. Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of a Local Emergency in the City**

**F. Adopt a Resolution of the City Council of the City of San Juan Bautista Making Certain Findings and Determinations in Compliance with Section XIIB of the California Constitution (GANN Initiative) Setting the Appropriation Limit for Fiscal Year 2022-2023**

**G. Adopt a Resolution of the City Council of the City of San Juan Bautista Adopting a City Holiday Schedule for Fiscal Year 2022-2023**

**H. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Closure of Streets to Enable Early Days California, a California State Parks Special Event**

**I. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**

**3. Public Hearing Items**

**A. Valle Vista Landscape and Lighting Maintenance Assessment District No. 1**

**i. Adopt a Resolution of the City Council of the City of San Juan Bautista Confirming a Diagram and Assessment for Fiscal Year 2022-2023**

**ii. Adopt a Resolution of the City Council of the City of San Juan Bautista Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments, and Property Related Fees and Charges**

**4. Action Items**

**A. Adopt a Resolution of the City Council of the City of San Juan Bautista Adopting the Fiscal Year 2022-2023 Budget and Capital Improvement Plan**

**B. Adopt a Resolution of the City Council of San Juan Bautista Approving Essential Worker Hazard Pay**

**C. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the City Manager to Execute a License Agreement with South Valley Internet Inc. to Place Communication Equipment on the City's Water Tank for the Transmission of Communication Signals Providing a New Source of Internet Access for the Community in Consideration for Free Internet at Seven City Facilities**

**D. Adopt a Resolution of the City Council of the City of San Juan Bautista Amending the Memorandum of Understanding with the Hollister Little League for the Junior Giants Baseball Program whereby the City Would Fully Fund the Maintenance of Abbe Park Ball Field, and Pay for Electricity for the Field Lights**

- E. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the Mayor to Execute a Joint Use Agreement Between the Aromas-San Juan Unified School District and City of San Juan Bautista**
  - F. Adopt a Resolution of the City Council of the City of San Juan Bautista Designating Rehabilitating 11 Streets as Follows: Franklin St., North St., Second St., Monterey St., The Alameda, Polk St., Fourth St., Fifth St., Sixth St., Seventh St., and Church Street, as the City's Priority Project Under the State's Road Repair and Accountability Act of 2017 (SB1)**
  - G. Discuss Whether the Office of City Treasurer and/or City Clerk will be on the Ballot to be made Appointive Rather than Elective; and Adopt a Resolution of the City Council of the City of San Juan Bautista Calling a General Municipal Election to be Held on November 8, 2022, Requesting That the County of San Benito Agree to Consolidation of Said Election with the Statewide General Election to be Held on Said Date, and Requesting the County to Render Services in Connection with Said Consolidated Election**
  - H. Select Ad Hoc Committee to Recruit for Planning Commissioner**
- 5. Discussion Items**
- A. Proposed Water Rates – City Manager Reynolds**
  - B. Future Ban on the Sale and Use of all Fireworks – City Attorney Rathie**
  - C. Moratorium on Future Developments – Council Member Edge**
- 6. Presentations, Proclamations, Informational Items and Reports**
- A. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia**
  - B. City Manager's Report**
  - C. Reports from City Council Representatives to Regional Organizations and Committees**
- 7. Adjournment**

**AFFIDAVIT OF POSTING**

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE ACTING ADMINISTRATIVE SERVICES MANAGER 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 10<sup>th</sup> DAY OF JUNE 2022, 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 10<sup>th</sup> DAY OF JUNE 2022.

  
\_\_\_\_\_  
TRISH PAETZ  
ACTING ADMINISTRATIVE SERVICES MANAGER

**AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE**

I, VERONICA MUNOZ NORIEGA, DO NOW DECLARE UNDER THE PENALTIES OF PERJURY, THAT I AM THE OFFICE ASSISTANT FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL PUBLIC HEARING NOTICES. I FURTHER DECLARE THAT I POSTED SAID NOTICES ON THE 3<sup>rd</sup> DAY OF JUNE 2022, 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 7<sup>th</sup> DAY OF JUNE 2022.

  
VERONICA MUNOZ NORIEGA, OFFICE ASSISTANT

**NOTICE OF PUBLIC HEARING  
CITY OF SAN JUAN BAUTISTA**

Pursuant to Government Code Section 65090, the City Council of the City of San Juan Bautista gives notice of a public hearing on **June 14, 2022** at 6:00 p.m.

**In order to protect public health, the meeting will be held via teleconference and accessible electronically. There will be NO physical location of the meeting for members of the public or the Commission. Members of the public and the Commission may participate virtually. Members of the public are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Mayor.**

During the public hearing, the following items will be discussed:

- **The City of San Juan Bautista has declared its intention to levy and collect assessments within the Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal Year 2022-23. There will be a public hearing on said assessment on June 14, 2022 at 6:00 p.m. At the hearing, all interested persons will be permitted to present written and/or oral testimony regarding the proposed assessment.**

Staff reports and the full text of all items to be discussed will be available for public review at City Hall and on the City website on **June 10, 2022**. All members of the public are encouraged to attend the meeting remotely via Zoom and may address the City Council on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) not later than **5:00 p.m., June 14, 2022**.

The meeting (webinar) will be virtual via Zoom. You can access the webinar at <https://us02web.zoom.us/j/83334795385>. An agenda will be posted on the City website and distributed not later than June 10.

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

Posted: June 3, 2022

**CITY OF SAN JUAN BAUTISTA  
SPECIAL CITY COUNCIL MEETING  
MAY 5, 2022, at 6:00 P.M.**

**DRAFT MINUTES**

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

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

**ROLL CALL**

**Present:** Mayor Jordan, Vice Mayor Flores (arrived at 7:00 p.m.),  
Council Member Freels and Council Member Freeman  
**Absent:** Council Member Edge (excused)

**Staff Present:** City Manager Reynolds, City Attorney Rathie, and  
Assistant City Manager Foucht

On call of the roll, Vice Mayor Flores was noted not present and to arrive late. A quorum of the City Council was present.

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

Council Member Freeman made a motion to approve the Affidavit of Posting agenda. The motion was seconded by Council Member Freels. The motion passed on a 3 Yes/0 No/2 Absent (Edge/Flores) roll call vote.

3. **Discussion Items**
  - A. **San Juan Bautista Community Plan: Staff will clarify the work program and present initial discussion points from the community meetings held May 3-4. This is an opportunity for Council to provide input into the Community Plan development process.**

City Manager Reynolds, Assistant City Manager Foucht, and Blue Zones Consultant Dan Burden presented the San Juan Bautista Community Plan and fielded questions from the City Council and public.

Vice Mayor Flores entered the meeting at 7:00 p.m.

4. **Adjournment**

Mayor Jordan adjourned the meeting at 7:02 p.m.

Respectfully submitted,

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Don Reynolds, Acting Deputy City Clerk

**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
MAY 17, 2022, at 6:00 P.M.**

**DRAFT MINUTES**

- 1. CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was performed.

**ROLL CALL**

**Present:** Mayor Jordan, Vice Mayor Flores, Council Members Edge, Freels and Freeman

**Absent:** None

**Staff Present:** City Manager Reynolds, City Attorney Rathie, Assistant City Manager Foucht, City Treasurer Michelle Sabathia, City Accountant Wendy Cumming

**2. PUBLIC COMMENT**

Maria Orozco testified she received a red tag violation from the city and is still awaiting the requested accompanying documents from the City. She inquired when the documents were going to be received.

Nancy Carlile testified to the difficulty some citizens have with technology, so the meetings should be in person and to flag etiquette.

Sandy Patterson testified to flag etiquette.

Two dial-in speakers were not able to unmute themselves to speak after several attempts.

**3. CONSENT ITEMS**

- A. Approve Affidavit of Posting the Agenda**
- B. Adopt the Minutes of April 19, 2022 Meeting**
- C. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving the Report Prepared in Connection with the Fiscal Year 2022-23 Levy of Assessments in Connection with Valle Vista Landscape and Lighting Maintenance Assessment District No. 1**
- D. Adopt a Resolution of the City Council of the City Declaring Its Intention to Levy and Collect Assessments Within Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal Year 2022-23 and Setting the Time and Place for a Hearing on Said Assessment**
- E. Adopt a Resolution of the City Council of the City of San Juan Bautista Calling a General Municipal Election to be Held on November 8, 2022,**

**Requesting that County of San Benito Agree to Consolidation of Said Election With the Statewide General Election to be Held on Said Date, and Requesting the County to Render Services in Connection With Said Consolidated Election**

- F. Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of a Local Emergency in the City**
- G. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**

A motion was made by Council Member Edge to approve the Consent Items. The motion was seconded by Council Member Flores. The motion passed on a roll call vote of 5-0.

#### **4. PRESENTATIONS, PROCLAMATIONS, INFORMATIONAL ITEMS AND REPORTS**

##### **A. City Council and Staff Announcements**

Council Member Freeman announced it was Bike to Work Month and encouraged citizens to bike to work.

Council Member Freels requested the organizers of the BBQ event be diligent about cleaning up the streets and sidewalks after the event.

##### **B. Proclamation Recognizing Historic Preservation Month, May 2022**

Mayor Jordan read the proclamation.

##### **C. Planning Commission Presentation of Certificates of Recognition for National Preservation Month to Michael and Vina Statua for the Residence at 607 Third Street, and Mary Lopez for 307, 309 and 313-315 Third Street**

Mayor Jordan read the certificates of recognition.

Eduardo Lopez spoke on behalf of the Lopez family expressing gratitude for the recognition and appreciation of the community.

##### **D. Balanced Access San Juan Bautista – Aromas Project presented by President Elise Brentnall**

Elise Brentnall provided a presentation on the Balanced Access project and requested City Council's support.

Margot Tankersley and Edie Lopez spoke in favor of the project and organization.

City Council requested a resolution be prepared for the June meeting supporting the project.

**E. San Juan Committee Annual Report**

Jill Pagarán and Fran Fitzharris provided a verbal report and fielded questions from the City Council.

**F. Pet Friends Annual Report**

Eric and Marina Gordan provided a verbal report and fielded questions from the City Council.

**G. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia**

City Accountant Wendy Cumming summarized the staff report and fielded questions from the City Council. No public comments were received.

**H. City Manager's Report**

City Manager Reynolds provided a staff report accompanied by a PowerPoint presentation.

Jacqueline Morris-Lopez and David Medeiros spoke to the subjects presented.

**I. Reports from City Council Representatives to Regional Organizations and Committees**

Council Members reported on meetings they attended. No public comments were received.

**5. PUBLIC HEARING ITEMS**

**A. Conduct a Public Hearing and Adopt a Resolution of the City Council of the City of San Juan Bautista Declaring the Condition of Certain Properties to Constitute a Public Nuisance and Ordering the Abatement of Weeds Thereon, and Conducting a Hearing for the Receipt of Objection to the Proposed Abatement**

Mayor Jordan opened the public hearing and called for the staff report. Fire Marshall Charlie Bedolla presented the staff report, fielded questions from City Council, and recommended adoption of a resolution.

Mayor Jordan called for public comment.

Rosa Vivian Fernandez spoke in favor.

Jaqueline Morris-Lopez spoke in favor.

David Medeiros spoke in favor.

Hearing no one further, Mayor Jordan closed the public comments.

Hearing no further comments or questions from the City Council, Mayor Jordan closed the public hearing and called for a motion.

A motion was made by Vice Mayor Flores to adopt a resolution of the City Council of the City of San Juan Bautista declaring the condition of certain properties to constitute a public nuisance and ordering the abatement of weeds, thereon, and conducting a hearing for the receipt of objection to the proposed abatement. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5-0.

**6. ACTION ITEMS**

**A. LGBTQ Pride Month: Approve a Proclamation and Authorize the Flying of the Pride Flag for the Month of June 2022 Consistent with City Council Resolution 2021-40**

City Attorney Rathie provided the staff report.

Council Member Freels stated he supports the proclamation, but did not support flying the flag on the City Hall flagpole. He wished for another flagpole to be identified to fly commemorative flags.

No public comments were received.

A motion was made by Vice Mayor Flores to approve a proclamation and authorize the flying of the Pride Flag for the month of June 2022. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes-1 No (Freels).

**B. Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting the Proposed Water Rate Study and Setting Six Actions into Motion:**

- 1. Accept the Bartell Wells and Associates (BWA) Water Rate Study.**
- 2. Propose that the water rates set forth in the BWA Study and the Rate Table be the increase in rates proposed by this action.**
- 3. Set a public hearing for July 12, 2022 in City Council Chambers at 311 Second Street in San Juan Bautista and virtually by web conference.**
- 4. At the Public Hearing the City Council will hear testimony from all interested persons regarding the proposed water rates.**
- 5. Direct staff to mail notice of the Public Hearing to water customers in the manner set forth in Section 53755(a)(1) of the California Gov. Code.**
- 6. Direct staff to accept written protests.**

Direction was given by City Council to continue this item to the May 24 Council Meeting.

**C. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the County, as Lead Agency for the Members of the San Benito Integrated Waste Management Regional Agency, to Conduct**

**Activities Needed on Behalf of the City to Comply with Senate Bill 1383, the Short-lived Climate Pollutant Act and Declaring the Purpose and Need for a Rural Exemption**

City Manager Reynolds provided the staff report and fielded questions from the City Council.

Council Member Freeman noted the exemption date needed corrected prior to finalizing.

No public comments were received.

A motion was made by Council Member Freeman to adopt the presented resolution with the noted change of the exemption date. The motion was seconded by Vice Mayor Flores. The motion passed on a roll call vote of 5-0.

**D. Adopt a Resolution of the City Council of the City of San Juan Bautista Determining a Specific Time and Place Authorizing the Non-Profit Organization Anzar High School Booster Club consistent with Municipal Codes 5-1-166 and 5-16-100 to Sell TNT Safe and Sane Fireworks for the July 4th Holiday**

Direction was given by City Council to continue this item to the May 24 Council Meeting.

**E. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving the Transmittal of an "Open Letter From the City Council To The Planning Commission"**

City Attorney Rathie provided the staff report.

Planning Commissioner Jacqueline Morris Lopez spoke to the matter and requested by-laws be established for the Planning Commission.

A motion was made by Council Member Freels to adopt the resolution. The motion was seconded by Vice Mayor Flores. The motion passed on a roll call vote of 5-0.

**F. Appoint a City Clerk for the Period Ending December 2022**

No applications were received.

**7. DISCUSSION**

**A. Receive the Draft City Budget for Fiscal Year 2022/23, and Set May 24<sup>th</sup> as the first Budget Workshop**

City Manager Reynolds presented the draft FY 2022/23 Budget accompanied by a PowerPoint presentation. He fielded questions from the City Council.

Rosa Vivian Fernandez, San Benito Health Foundation, inquired when the budget was going to be approved and when payments would be made to agencies approved for outside funding requests.

Jacqueline Morris-Lopez spoke to budgeting of a part-time community development director.

**B. COVID-19 Update**

City Manager Reynolds presented the update accompanied by a PowerPoint presentation. He fielded questions from the City Council.

Rosa Vivian Fernandez, San Benito Health Foundation, spoke to the increase of COVID cases.

**C. Water and Wastewater Update**

City Manager Reynolds presented the update accompanied by a PowerPoint presentation. He fielded questions from the City Council.

No public comments were received.

**8. FUTURE AGENDA ITEMS**

- A. Loayza Subdivision Agreement for May 24<sup>th</sup>**
- B. Water Board Settlement Agreement**

City Manager Reynolds noted future agenda items.

**9. COMMENTS**

**A. City Council**

Council Member Freels requested no presentations from outside organizations be scheduled for the June meeting and presentations be kept to no more than 10 minutes. Mayor Johnson and Council Member Edge supported the time limit on presentations.

Council Member Edge announced the upcoming Senior Potluck to be held on June 4 at 1:00 p.m. at the Mission Olive Grove.

**B. City Manager** – no comments.

**C. City Attorney** – no comments.

**10. ADJOURNMENT**

Mayor Jordan adjourned the meeting at 10:20 p.m.

Respectfully submitted,

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Don Reynolds, Acting Deputy City Clerk

**RESOLUTION 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA,  
COUNTY OF SAN BENITO, STATE OF CALIFORNIA, PROCLAIMING AND REAFFIRMING  
THE EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, the San Juan Bautista Municipal Code Section 5-33-040 empowers the City Council to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days; and

**WHEREAS**, the San Juan Bautista City Council has been requested by the Director of Emergency Services (City Manager) of the City of San Juan Bautista to proclaim and reaffirm the existence of a local emergency therein; and

**WHEREAS**, conditions of disaster or extreme peril to the safety of persons and property have arisen within the City caused by a pandemic commencing on or about 8:00 a.m. on the 13<sup>th</sup> day of March, 2020, at which time the City Council of the City of San Juan Bautista was not in session; and

**WHEREAS**, said City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that a local emergency now exists throughout the City of San Juan Bautista on the 13<sup>th</sup> day of March, 2020; and

**IT IS FURTHER PROCLAIMED, REAFFIRMED AND ORDERED** that during the existence of said local emergency, organization of this City shall be prescribed by law, by Ordinances and Resolutions of the City, and approved by the City Council; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of San Juan Bautista, State of California.

Dated this 14<sup>TH</sup> day of June 2022 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Leslie Q. Jordan, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Don Reynolds, Acting Deputy City Clerk**



**RESOLUTION 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA MAKING CERTAIN FINDINGS AND DETERMINATIONS IN  
COMPLIANCE WITH SECTION XIIB OF THE CALIFORNIA CONSTITUTION  
(GANN INITIATIVE)**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA** that in compliance with Section XIIB of the Constitution of the State of  
California, the following is hereby found and determined:

1. That the appropriation subject to limitation for the current fiscal year 2022-23 was  
found to be \$1,354,836;
2. That during the fiscal year 2022-23 the California per capita income increased  
1.0755%; and the population of San Juan Bautista increased 1.06%;
3. That the appropriation subject to limitation for fiscal year 2022-2023 is  
\$1,438,621.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on this  
14<sup>th</sup> day of June 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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Leslie Q. Jordan, Mayor

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Don Reynolds, Acting Deputy City Clerk

**RESOLUTION 2022-XX**  
**A RESOLUTION OF THE CITY COUNCIL OF THE**  
**CITY OF SAN JUAN BAUTISTA**  
**ADOPTING A HOLIDAY SCHEDULE FOR**  
**THE FISCAL YEAR 2022-2023**

**WHEREAS**, there are holidays to commemorate and celebrate events and lives of people who have made significant contributions to our City, County, State and Country, and

**WHEREAS**, the City of San Juan Bautista wishes to participate in said celebrations, and

**WHEREAS**, the adoption of a holiday schedule is part of the preparation of an annual municipal budget,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Juan Bautista adopts the following holiday schedule for the Fiscal Year 2022-2023:

Monday, July 4, 2022	Independence Day
Monday, September 5, 2022	Labor Day
Friday, November 11, 2022	Veterans Day
Thursday & Friday, November 24 & 25, 2022	Thanksgiving Day and the Day After
Friday & Monday, December 23 & 26, 2022	Christmas Eve and Christmas Day
Monday, January 2, 2023	New Year's Day
Monday, January 16, 2023	Martin Luther King Jr. Day
Monday, February 20, 2023	Presidents Day
Monday, May 31, 2023	Memorial Day
<i>Two (2) Floating Holidays</i>	<i>City Manager Approved</i>

**PASSED AND ADOPTED** this 15th day of June, 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Leslie Q. Jordan, Mayor**

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**Don Reynolds, Acting Deputy City Clerk**

**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA AUTHORIZING CLOSURE OF STREETS TO ENABLE  
EARLY DAYS CALIFORNIA  
A CALIFORNIA STATE PARKS SPECIAL EVENT**

**BE IT RESOLVED** that the City Council does hereby authorizes the following entities to close the following streets on the day(s) and time as follows:

**California State Parks** is authorized to close the following streets on June 18, and 19, 2022 from 10 AM to 4 PM each day, to enable an Early Days Special Event:

**Second Street between Mariposa and Washington Streets**

\*A fire lane to the satisfaction of the Fire Marshall shall be maintained on any closed street so designated by the Fire Marshall.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of June 2022 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Leslie Q. Jordan, Mayor**

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**Don Reynolds, Acting Deputy City Clerk**

## **WAIVER OF READING OF ORDINANCES**

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

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

GC36934

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA CONFIRMING A DIAGRAM AND  
ASSESSMENT IN CONNECTION WITH VALLE VISTA  
LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT  
DISTRICT NO. 1 FOR FISCAL YEAR 2022-23

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

WHEREAS, by prior resolution, this Council declared its intention to levy the assessment in connection with the District for Fiscal Year 2022-23; and

WHEREAS, on June 14, 2022, this Council held a full and fair public hearing with respect to the proposed assessment at which all interested persons were permitted to give oral testimony and written protests; and

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

WHEREAS, the City Council desires to proceed with the levy of the assessment in connection with the District for Fiscal Year 2022-23.

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

1. The foregoing recitals are all true and correct.
2. The City Council overrules all objections and protests.
3. The Diagram and Assessment contained in the Report entitled “Assessment Report, Valle Vista Lighting and Landscape Maintenance Assessment District No. 1, Fiscal Year 2022-23” and dated May 17, 2022 (the “Report”), which Report is on file in the Office of the City Clerk and incorporated herein by reference is hereby approved.
4. The adoption of this Resolution constitutes the levy of the assessment within the District for Fiscal Year 2022-23.
5. Due to efficient operations, the assessments for Fiscal Year 2022-23 will be less than anticipated in 2008 when property owners approved the assessment with a provision for increases based on the increases in the Consumer Price Index (CPI). The City Council desires to return these savings to property owners by maintaining the assessment rate, and has done so by adopting this Resolution. Consequently, the assessment applied by this Resolution is less than



the full assessment that the City is authorized to impose. For reference, the full authorized rate for assessment per unit for Fiscal Year 2022-23 is \$699.32. It is the intent of the Council that, for purposes of Article XIII D of the California Constitution, as well as applicable state law, no action taken in years subsequent to Fiscal Year 2021-22 will constitute an “increase” of the assessment rate if that action would not have constituted an “increase” if the assessment for Fiscal Year 2022-23 were levied at the full authorized rate. The Council declares that it would not have temporarily reduced the assessment rate for Fiscal Year 2022-23 if restoring the full authorized rate in subsequent years would constitute an “increase.” Instead, the Council would have imposed the assessment for Fiscal Year 2022-23 at the full authorized rate in order to build additional operational reserves into the assessment district program.

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

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 14<sup>th</sup> day of June, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Leslie Q. Jordan, Mayor

ATTEST:

---

Don Reynolds, Acting Deputy City Clerk



RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA APPROVING THE REPORT PREPARED IN CONNECTION  
WITH THE FISCAL YEAR 2022-23 LEVY OF ASSESSMENTS IN CONNECTION  
WITH VALLE VISTA LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT  
DISTRICT NO. 1

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

WHEREAS, by prior resolution, this Council ordered preparation of an Assessment Report (“Report”) with respect to the Fiscal Year 2022-23 assessment to be levied in connection with the District; and

WHEREAS, the City Manager has prepared the Report and has filed a copy of the Report with the City Clerk, which Report is hereby incorporated herein by reference; and

WHEREAS, the City Council desires to approve the Report, as filed.

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

1. The Council finds that the Report contains all information required by the Act.
2. The City Council hereby approves the Report as filed.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 14<sup>th</sup> day of June, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

---

Leslie Q. Jordan, Mayor

ATTEST:

---

Don Reynolds, City Manager  
and Acting Deputy City Clerk

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA CONFIRMING A DIAGRAM AND  
ASSESSMENT IN CONNECTION WITH VALLE VISTA  
LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT  
DISTRICT NO. 1 FOR FISCAL YEAR 2022-23

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Leslie Q. Jordan, Mayor

ATTEST:

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Don Reynolds, Acting Deputy City Clerk

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA APPROVING THE REPORT PREPARED IN CONNECTION  
WITH THE FISCAL YEAR 2022-23 LEVY OF ASSESSMENTS IN CONNECTION  
WITH VALLE VISTA LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT  
DISTRICT NO. 1

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Abstain:

ATTEST:

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Leslie Q. Jordan, Mayor

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Don Reynolds, City Manager  
and Acting Deputy City Clerk





## CITY OF SAN JUAN BAUTISTA

**AGENDA TITLE:** CITY MANAGER BUDGET MESSAGE FOR  
FISCAL YEAR 2022/23

**MEETING DATE:** June 14, 2022

**DEPARTMENT HEAD:** Don Reynolds, City Manager

### SUMMARY

Last year, the City adopted a budget of “recovery.” Financially, the City has recovered. What was treated as a one-time general fund surplus of \$300,000 last year, has evolved into sustainable growth and a sustainable operational surplus moving forward. That \$300,000 was committed to three critical initiatives that are summarized in the budget narrative titled “Priorities and Issues for Fiscal Year 22/33.” The status of the City’s various revenue sources (or “funds”) is described in the narrative titled “Fund Summaries.”

### GENERAL FUND STATUS

A. General Fund Revenue	\$ 2,737,935
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B. General Fund Operational Expenses	\$ 2,425,349
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C. New GF Capital Improvement Expenses	\$ 197,500
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SUBTOTAL	\$ 2,622,849
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D. Available for GF Reserve	\$ 115,086
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After accounting for inflation in the City's operational costs of between 6% (salaries and benefits) and 10% increases (major contracts- public safety, water and wastewater), the City's General Fund still has room to grow. The City successfully changed its law enforcement service methodology last year, reestablishing a dedicated Deputy. The City can afford two dedicated officers working 80 hours per week. This budget recommends the addition of a second dedicated Sheriff Deputy at an annual cost of \$150,000 per year. Private security can be reduced in patrol, but increased to support parking enforcement and writing administrative citations.

A part-time community services coordinator position is in the budget as well. This position will help the City more fully utilize its assets and the newly formed joint-use of San Juan school facilities. This new position and all changes to the personnel budgets are described in detail in the "Personnel Changes" narrative in the Budget. These ideas are described in more detail in the attached "Priorities and Issues" narrative.

The capital Improvement budget has been drafted and is presented in its own Section of this Budget Book. It includes \$18 million waste-water force-mail compliance project and \$1 million budget for street and sidewalk improvements. Added to the CIP are 3-studies: 1) to look at forming a Fire District, 2) Housing Element, and 3) to complete the inclusionary housing ordinance update.

The City is able to maintain a General Fund Reserve of more than \$2 million. This year it is anticipated that it will be able to add at least another \$115,086 to the existing reserve. The City's Reserve Policy requires 3- months of operational expenses, and this is equal to 9-months.

#### **RECOMMENDED ACTION(S):**

It is recommended that the City Council receive this draft Budget for Fiscal Year 2022/23, staff's summary and narratives of the policies behind it, and take public comment and concerns, and schedule a public workshop May 24, May 31<sup>st</sup>, with adoption June 14, 2022.

#### **BACKGROUND INFORMATION:**

Municipal Code Chapter 2, Section 2-115 describes the duties of the City Manager, and subsection "G" states this position will provide an "Annual Budget and Capital Program for each ensuing fiscal year, based upon estimates of the financial needs and resources of the City."

The Budget cadence continues on schedule. The Audit was approved as presented without cause for concern in December 2021. In January the Mid-Year budget reported a strong positive balance with an influx of federal assistance for COVID relief. The City allocated \$250,000 of the American Rescue Plan funds for business and non-profit relief efforts, homeless, COVID tests, and one large project that will open the school playground to the public during off-hours; while the Aromas-San Juan Bautista Unified School District prepares a joint use agreement. the City explored the possibility of buying fencing to protect school buildings while providing access to the public to the recreational assets. Of the \$175,000 budgeted only \$100,000 will be needed to install 1,000 linear feet of fencing and 6 gates to make this happen.

In February, the City considered its third Strategic Plan, updating the original approved in 2020. Quality of life was again an important piece of the five strategies. To that end, a lot of progress has been made by the newly hired Assistant City Manager, moving the sphere of influence and “urban growth committee” forward. The City is invested in the preservation of its historic, small-town environment. A lot of work has been done by the Public Safety Ad-Hoc Committee. The recommendation to hire a dedicated Deputy, research camera security systems, and strengthening the relationship between the various safety agencies are examples. Most recently, the City’s Economic Development Citizen’s Advisory Committee started moving forward with its discussion of the future of Third Street. The attached “Priorities and Issues” document describes all of these efforts in detail.

The City’s capital improvements suffered a bit this year with a turn-over in the City Engineer position. In the fall, the City Engineer took an extended leave, returned in December to retire in March. The City was able to start the Community Park at Franklin Circle, and the Verutti Park restrooms this year. And although it is not a City project, completing the round-about at First and Lavagnino was a huge accomplishment. The money for street projects remains in the bank, and these projects will be top on this list in July. The City held a Town Hall meeting about the Budget May 31<sup>st</sup> 2022.

## **DISCUSSION:**

## **REVENUES**

At the April 19, 2022 City Council meeting, staff presented a preview of the

City's Budget to the Council. Since then, the second installment of property taxes was received – and this is very good news. In budget narrative titled "Fund Summaries" the City's General Fund is analyzed in detail.

### **GENERAL FUND REVENUE**

The heart of the City's \$2.7 million General Fund is Property Tax, Sales Tax and Transient Occupancy Tax (TOT). Sales tax is half of the General Fund. It is projected to be 10% higher this next year than it was before the pandemic. The City was able to recover a large debt owed to its TOT last fall. Property values increased in FY 21/22, helping this revenue source to grow. In 2021, the General Fund had grown 13%, and this year it is estimated in the General Fund to grow 20%. All of the details are in the attached "Fund Summaries" narrative.

### **GENERAL FUND STATUS**

A. General Fund Revenue	\$ 2,737,935
B. General Fund Operational Expenses	\$ 2,425,349
C. New GF Capital Improvement Expenses	\$ 197,500
<b>SUBTOTAL</b>	<b>\$ 2,622,849</b>
D. Available for GF Reserve	\$ 115,086

### **WATER AND SEWER ENTERPRISE FUNDS**

The Water Enterprise Fund revenues are budgeted at \$1.24 million this year. Expenses are being held in check at \$911,660. The difference helps reduce the need to raise rates by 25%. Sewer Revenues are up following the rate increase in February and are budgeted at \$1.185 million. Operational costs next year are estimated to be \$575,00. This surplus is paying down the cost of the Hollister Force Main design, which is nearly 100% complete.

### **EXPENDITURES**

#### **GENERAL FUND**

As previously shared with the City Council, the 2023 expenditure budget accounts for inflation. The salaries and health care benefits have been increased by 6% after the "Engineering News Record" statistics for calendar year 2021 showed a 5.2%



increase with an 8% inflation increase in March 2022. The City's major contracts for Sheriff, Private Security, Water and Wastewater were all increased by 10%. The Fire Department contract is limited to a 3% increase through 2027. (An analysis of the public safety contracts and costs was shared with the Public Safety Ad Hoc Committee April 26<sup>th</sup> and copied to the City Council.) These tables do not include the additional \$150,000 proposed for a second dedicated Sheriff Deputy.

#### PUBLIC SAFETY CONTRACTS

Major Safety Contracts	FY 22 Budget	FY 22 Projected		FY 23 Budget	
		Year End			
Fire Dept	\$ 245,500	\$ 227,628.00	\$ 234,456.84	7-YR TERM (2019)	
County 911	\$ 65,000	\$ 65,000.00	\$ 65,000.00	Year to Year	
Sheriff	\$ 150,000	\$ 158,052.00	\$ 165,000.00	Up for Renewal	
Private Security	\$ 102,500	\$ 128,252.00	\$ 112,750.00	Up for Renewal	
Animal Control	\$ 10,000	\$ 10,000.00	\$ 10,000.00	No Change	
	\$ 573,000	\$ 588,932	\$ 587,207		

Most cities spend approximately 65% of their budget on public safety. It is time to strengthen the Sheriff contract and move our safety programs forward. Adding a second Deputy increases the percentage from 20% to 33%.

#### PUBLIC SAFETY EXPENSES

Department	Dept #	Actual FY 20	Actual FY 21	Budget FY 22	Budget FY 23	FY22- FY23 % Change
Fire and EMS	20	\$ 280,626	\$ 309,709	\$ 286,000	\$ 310,550	8.6%
Code Enf	25	\$ 6,698	\$ 76,424	\$ 69,690	\$ 76,470	9.70%
Law Enf	30	\$ 307,725	\$ 342,305	\$ 311,230	\$ 337,813	8.5%
Animal Contr	36	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	0%
		\$ 605,049	\$ 738,438	\$ 676,920	\$ 734,833	
% General Fund		30%	39%	32%	20%	

#### HAZARD PAY

Payroll during COVID became an equity issue for many cities as emergency responders and front-line employees were not allowed to work "remotely." Many cities in the State answered that concern with COVID "hazard pay," and one-time payment to employees that worked on-site between March 2020 and June 2021. The Salinas Human Resources Director shared with me that "hazard pay ranged from \$400 to \$10,000 per employee among the dozen or so cities she surveyed. On April 22, 2022, Salinas agreed to pay \$2,000 per employee, more than \$1 million total.

The City has ten such employees and, if offered \$2,000 per employee, the total cost is \$22,950. Staff is recommending this cost be added to the budget.

## ARP BUDGET

Described in the attached "Priorities and Issues" attachment are the details of the budget request and changes recommended for the use of the \$500,000 American Rescue Plan budget FY 22/23. Two requests have been received to assist with funding for the school track, and to help with historic resources and landscaping at the Jim Jack Cabin in Luck Park. Some of the \$75,000 savings from the Mid-Year allocation for the joint-use school project is recommended for these projects.

AMERICAN RESCUE PLAN BUDGET		FY 21/22	Spent by 6.30.22	Balance
<b>MID YEAR BUDGET FY 21/22</b>				
COVID Tests	\$	5,000	\$ -	\$ 5,000
Business Grants	\$	25,000	\$ 25,000	\$ -
New start-up Businesses	\$	20,000	\$ 20,000	\$ -
Homeless programs	\$	10,000	\$ -	\$ 10,000
Non-Profits Grants	\$	15,000	\$ 15,000	\$ -
School/Facility Joint Use Program	\$	175,000	\$ 100,000	\$ 75,000
	\$	250,000	\$ 160,000	\$ 90,000

	FY 21/22	FY 22/23	Total
<b>BUDGET FOR FY 22/23</b>			
COVID Tests	\$ -	\$ -	\$ -
Business Grants	\$ 25,000	\$ 25,000	\$ 50,000
New start-up Businesses	\$ 20,000	\$ 15,000	\$ 35,000
Homeless programs	\$ 10,000	\$ -	\$ 10,000
Non-Profit Grants	\$ 15,000	\$ 10,000	\$ 25,000
School/Facility Joint Use Program	\$ 175,000	\$ (75,000)	\$ 100,000
Third Street Transformation	\$ -	\$ 115,000	\$ 115,000
Public Safety Initiative	\$ -	\$ 100,000	\$ 100,000
Track and Field Contribution	\$ -	\$ 50,000	\$ 50,000
Luck Park Historic Improvements	\$ -	\$ 15,000	\$ 15,000
	\$ 245,000	\$ 255,000	\$ 500,000

## CAPITAL IMPROVEMENTS

New Capital Improvements being considered include:

- Force Main to Hollister Construction (\$18 million)
- New park tables and benches (\$20,000)

- \$200,000 for sidewalk repairs
- Telemetric monitoring system for the wells and lift stations known as "SCADA"
- \$1 million - Adding five additional streets to this list from the CIP 21-22 in FY 21/22.
- 2-New Studies- Fire Services Assessment and Housing Element (plus completing a new Inclusive Housing Ordinance).
- Last year the City budgeted \$200,000 for street repairs to 8 streets, and this year, the City is proposing to spend more than \$1 million. Attached is the new list of streets, which includes 15 different streets to be improved.

The City Engineer is looking at sewer and water pipe video before recommending any superficial improvements to the streets.

The 21/22 CIP is compared to the proposed Fiscal Year 22/23 CIP on the next page. The projects to be carried forward remain in the Budget. This list has been updated to include wastewater treatment plant improvements and the School Joint Use project approved at Mid-Year.

A more detailed description is provided in the Capital Improvement Budget Narrative.

JUNE 6, 2022 CIP

## CAPITAL IMPROVEMENT BUDGET FY 2223

05.31.2022	Projects (draft)		Project #	21/22	Balance	Additional Funds	Budget	GF	ARPA*	Other Funds
Street Projects										
	Hwy 156 RTL		20.03	5,955	590,643		590,643			590,643
\$	PMP - Slurry Seal Overlay		21.22	2,310	270,160	830,000	1,100,160			1,100,160
	Landscape for Third Street Improvements		22.06		40,500		40,500			40,500
NEW	Sidewalk Repairs		23.01			200,000	200,000			200,000
Utility Projects										
	Rancho Vista Lift Station		20.05		125,000		125,000			125,000
	Transfer Switches for Wells 1 – 5		21.07	1,650	4,350		4,350			4,350
	Design Force Main to Hollister		21.20	584,276	334,343		334,343			334,343
NEW	Construct Force Main to Hollister		23.02			18,000,000	18,000,000			18,000,000
\$	Dias Lift Station Pump Upgrades		22.03	7,425	(40,428)	115,000	74,572			74,572
\$	Telemetry		22.04	-	50,000	100,000	150,000			150,000
	Lift Station Pump-Emergency Repl		22.05	8,220	6,780	10,000	16,780			16,780
	Emergency Generators		21.23	-	170,000		170,000			170,000
MY	Waste Water Treatment Plant - Mid Year		22.06	30,000	3,000	20,000	23,000			23,000
Parks Projects										
MY	Joint Use of School		22.07		175,000	(75,000)	100,000		100,000	
NEW	Track and Field Contribution		23.04			50,000	50,000		50,000	
NEW	Parks Tables and Benches		23.05			20,000	20,000			20,000
NEW	Luck Park Historical Imps		23.03			15,000	15,000		15,000	
	Trail Plan (A TP)		21-02	44,542	205,458		205,458	25,000		180,458
Community Facilities Projects										
\$	Community Hall Acoustics		21.24		45,000	5,000	50,000			50,000
\$	Fire Station Aparatus Bay		21.23		50,000	20,000	70,000			70,000
Equipment										
	Pipe Threader		21.18		2,500		2,500			2,500
\$	Steel Trench Plates		21.25		2,500	2,500	5,000			5,000
Studies										
\$	Water/Sewer Rate Study (Prop 218)		21.09	37,247	(38,007)	70,000	31,993			31,993
	Impact Fee Nexus Study		21.10		35,000		35,000			35,000
	SB 2 Grant HCD		21.12		159,087		159,087			159,087
\$	LEAP Grant HCD		21.13	53,618	1,834	35,000	36,834	35,000		1,834
	REAP Grant HCD		21.14	20,839	2,611		2,611			2,611
NEW	Fire District Study		23.06				12,500	12,500		
NEW	Housing Element (half this FY half next FY)		23.07				150,000	150,000		
Special Initiatives										
	Urban Growth/Sphere of Infl		21.11	416	103,203		103,203	103,203		
\$	Third Street Master Plan		22.01		100,000	115,000	215,000	100,000	115,000	
\$	Public Safety Committee Initiative		22.02		100,000	100,000	200,000	100,000	100,000	
Subtotal Force-Main to Hollister				1,092,283	2,762,242	19,632,500	22,293,534	525,703	380,000	21,387,831
						(18,000,000)	(18,000,000)			(18,000,000)
						1,632,500	4,293,534	525,703	380,000	3,387,831

NEW GENERAL FUND CIP MONIES (BALANCED IS CARRIED FORWARD FROM THE PRIOR YEAR)

\* ARPA funds have \$500,000 budgeted, and \$120,000 are in the operational budget, \$380,000 are budgeted in the CIP

**PMP – Original Pavement Rehabilitation - City of SJB (03/01/2022)**

Street Name	Beg Loc	End Loc	Surface Area sq. ft. (approx.)	Current PCI	Treatment	Approximate Cost (\$) (PMP- CAPS 2020)
a) Franklin	6 <sup>th</sup> St.	4 <sup>th</sup> St.	615'X26'= 15,990	65	Edge Grind & Thin Overlay	\$38,376
b) Franklin	4 <sup>th</sup> St.	3 <sup>rd</sup> St.	377'X28'= 10,556	39	Edge Grind & 2" Overlay	\$39,644
North St	3 <sup>rd</sup> St.	1 <sup>st</sup> St.	492'X36'=17,712	60	Edge Grind & Thin Overlay	\$42,509
Second St.	Monterey St.	San Jose St.	677'X36'=24,372	66	Edge Grind & Thin Overlay	\$58,493
a) Monterey St.	Church St.	4 <sup>th</sup> St.	558'X34'=18,972	59	Slurry Seal	\$11,549
b) Monterey St.	Church St.	Cemetery Ent	353'X26'=9,178	-	Edge Grind & Thin Overlay	\$22,030 (Est.)
The Alameda	Pearce St.	Hwy. 156	688'X35'=24,000	82	Crack Sealing & Min. Slurry Seal	\$1,000 (Est.)
Polk St.	4 <sup>th</sup> St.	2 <sup>nd</sup> St.	550'X35'=19,000	52	Edge Grind & 2" Overlay	\$71,356 (Est.)
			139,780 sq. ft.			\$284,957 (YR 2020 Est.)
						+30% Cost Escalation:
						<b>\$370,500 (YR 2022 Est.)</b>



**PMP – Additional Pavement Rehabilitation - City of SJB (06/01/2022)**

Street Name	Beg Loc	End Loc	Surface Area, sq. ft. (approx.)	Current PCI	Treatment	Approximate Cost (\$) (PMP- CAPS 2020)
Fifth St	Muckelemi St.	Polk St.	495'X36'= 17,820	42	Edge Grind & 2" Overlay	\$68,932
Seventh St.	San Antonio	Polk St.	616'X36'=22,176	45	Edge Grind & 2" Overlay	\$85,782
a) Church St.	Cemetery Entrance	3 <sup>rd</sup> St.	609'X28'=17,052	47	Edge Grind & 2" Overlay	\$67,940
b) Church St	3 <sup>rd</sup> St.	2 <sup>nd</sup> St.	219'X35'=7,665	49	Edge Grind & 2" Overlay	\$30,540
Fourth St.	Monterey	The Alameda	2,600'X35'= 91,000	86	Slurry Seal	\$2,000 (Est.)
Sixth St.	Washington St.	Franklin Circle	228'X36'= 8,208	69	Slurry Seal	\$4,600
Seventh St.	Polk St.	Washington St.	629'X36'=22,644	50	Edge Grind & 2" Overlay	\$92,927
			<b>186,565 sq. ft.</b>			<b>\$352,750 (YR 2020)</b>
						+ 30% Cost Escalation:
						<b>=\$458,600</b>

Original + Additional Pavement Rehab-



## RESOLUTION 2022- XX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADOPTING THE SAN JUAN BAUTISTA OPERATIONS AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEAR 2022-2023

**WHEREAS**, the City of San Juan Bautista is required to adopt a balanced municipal budget under the laws of the State of California; and

**WHEREAS**, pursuant to the Municipal Code Article 2, Chapter 115, Section 2-115(G), it is the duty of the City Manager to present a recommended Operation and Capital Improvement Budgets for FY 2022-2023 to the City Council; and

**WHEREAS**, the City Council received the City Manager's draft Budgets and reviewed them at a regular meeting on May 17, 2022, and at a special Townhall meeting focused on the Budgets held on May 31<sup>st</sup>, 2022, to discuss and change if requested the draft expenditure plan for various departments, utilities, capital improvements and service budgets of the City; and

**WHEREAS**, a few changes were presented to the City Council at the Townhall meeting, and a final draft of the FY 22-23 Budgets were prepared for adoption and presented in this final draft format at its regular meeting June 14, 2022.

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

**Section 1.** The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

**Section 2.** The City Council finds that the presentation of the final draft budget is consistent with the changes approved in prior meetings, with General Fund Projected Revenues and Expenses as follows:

#### GENERAL FUND STATUS

A. General Fund Revenue	\$ 2,737,935
-------------------------	--------------

B. General Fund Operational Expenses	\$ 2,425,349
--------------------------------------	--------------

C. New GF Capital Improvement Expenses	\$ 197,500
--	------------

SUBTOTAL	\$ 2,622,849
----------	--------------

D. Available for GF Reserve	\$ 115,086
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**Section 3.**, The City Council hereby adopts its new Operational and Capital Improvement Budgets for Fiscal Year 22/23.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a meeting held on the 14th day of June, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Leslie Q. Jordan, Mayor

**ATTEST:**

---

Don Reynolds, Acting Deputy City Clerk

Updated City Manager Budget Message

Capital Improvement Budget for Fiscal Year 22/23

Operations Budget (Binder and Clear.gov = <https://city-san-juan-bautista-ca-budget-book.cleargov.com/5627/introduction/transmittal-letter> )



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** ESSENTIAL WORKER HAZARD PAY

**MEETING DATE:** June 14, 2022

**DEPARTMENT HEAD:** Don Reynolds, City Manager

---

### **RECOMMENDED ACTION(S):**

It is recommended that the City Council adopt the attached Resolution approving the payment of a one-time stipend to full-time employees, the part-time Code Enforcement Officer and Lead Library Technician that all performed essential hazardous duties between March 2020 and June 15, 2021 during the State of Emergency caused by the COVID-19 pandemic.

### **BACKGROUND INFORMATION:**

When guidelines for responding to the State of Emergency evolved in March 2020, the word "essential" became popular and widespread. Those workers not considered "essential" were advised to work from home, or not work at all. The City adopted Resolution 2020-10 on March 17, 202 and declared a State of Emergency, closed its City Hall, and Library, and Community Hall. But all of the City's employees remained fully employed and became essential to the operations of City Incident Command Center, as well as sustaining reliable water and sewer services.

By June 15, 2021, the State removed many of the restrictions, but to this day continues to work under a State of Emergency. So, when the Federal American Rescue Plan (ARPA) as was approved in early 2021, the federal government established an assistance program for local governments that would be simple and efficient to implement. A draft "Final Rule" was publishing in July 2021, shortly after the first installment was received. The City will receive its second installment this month and for a total of \$500,000.

The City is able to use these funds to repay itself for lost revenue in its General Fund. Like many cities, it then proceeded to budget the additional General Funds in response to COVID related service deficits. The City's main use of the funds is to create new recreational opportunities for its youth, that suffered the most from the shelter in place orders. This is coming forward as joint-use agreement with the School District to open their school playground during non-school hours. The City also put some general fund monies aside to help business owners, non-profits, and homeless services.



The July 2021 Final rule suggested cities consider “hazard pay” for essential workers. It defines them as follow:

## **5. Eligible Uses – Premium Pay**

### **5.1. What criteria should recipients use in identifying essential workers to receive premium pay?**

Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.

AS OF JULY 14, 2021

Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Interim Final Rule. Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.

To use federal funds for this purpose is far more complicated than taking the funds from the General Fund. Research indicates that those cities that considered essential hazard pay for their employees (most did this in March and April), also proceeded in this direction.

On April 12, 2020, the City of Salinas approved a \$2,000 Essential Worker Hazard pay for its employees. In discussion with the HR Director, they compared 8-other jurisdictions that offered the same stipend but the price varied from between \$800 to \$10,000 per employee. The ASJBUSD Superintendent shared with staff that most every school district has approved a hazard pay stipend. Most received below \$2,000. In Hollister’s April 8, 2022 staff report, they compared their consideration for Hazard pay to the County. The County paid out a one-time flat rate of \$3,000. They offered \$2,500 rate to full-time employees and \$1,250 for temporary employees.

### **DISCUSSION:**

At the May 31<sup>st</sup> Budget Town-Hall meeting the matter of offering a stipend to employees who worked during the COVID-19 pandemic. One Council Member did not support the program, another offered a two-tier payment like Hollister. Others supported the City employees as well as one public speaker that supports the program.

Staff is presenting a separate Resolution for the Council so this discussion can occur aside from Budget adoption.

### **FISCAL IMPACT:**

The total cost of the proposed \$2,000 stipend is \$22,900, spread among the different City funds in the same manner as the payroll distribution.

### **ATTACHMENT:** Resolution



## **RESOLUTION NO. 2022- XX**

### **A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA APPROVING ESSENTIAL WORKER HAZARD PAY**

**WHEREAS**, the City adopted Resolution 2020-10 on March 17, 202, and declared a state of emergency due to the COVID-19 Pandemic; and

**WHEREAS**, City staff was re-organized into the Incident Command System, to respond to the emergency, establishing the Director of Emergency Operations as the City Manager, Operations Manager as the Code Enforcement Officer, Public Information Officer as the Lead Library Technician; and

**WHEREAS**, although the City offices and Library were closed, all employees continued to work in response to the critical needs of the community during the height of the pandemic; and

**WHEREAS**; American Rescue Plan (“ARPA”) funds were made available to the City starting in July 2021, when the eligible uses for these federal relief funds was first defined in an Interim Rule that including Essential Worker Hazard pay; and

**WHEREAS**, the City chose to use 100% of these funds to repay itself for lost General Fund Revenue in the form of lost property, sales and transit occupancy tax revenues; and

**WHEREAS**, it then established a budget for the General Fund to address certain pandemic related expenses including additional grants to impacted business, and special attention to seniors and teens impacted by the shelter in place orders; and

**WHEREAS**, many cities, counties and school districts also budgeted general fund money made available after the ARPA funds were distributed for essential workers that worked between March 2020 and June 15, 2021, and remain employed in 2022, in the interest of retention and recognition for their dedication to the City services during this state of emergency; and

**WHEREAS**, the City of San Juan Bautista appreciates and will recognize its employees for their dedication and services to the City during the height of the State of Emergency.

**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 employees working during the State of Emergency that remain employed by the City as of the date of this Resolution, shall be compensated above and beyond their normal salary for the essential hazardous duties performed helping the citizens of the City during the pandemic, between the months of March 2020 and June 2021.
3. Authorize the City Manager to issue a one-time \$2,000 stipend for all full-time employees, the part-time Code Enforcement Officer, and Lead Library Technician,

that are still employed by the City in recognition of their dedication and services for the citizens of San Juan Bautista in a total amount not to exceed \$30,000.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 17<sup>th</sup> day of June 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Leslie Q. Jordan, Mayor

**ATTEST:**

---

Don Reynolds. Acting Deputy City Clerk



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:**                   **LICENSE AGREEMENT WITH SOUTH VALLEY  
INTERENT INCORPORATED TO PLACE  
COMMUNICATION EQUIPMENT ON THE CITY'S  
WATER TOWER PROPERTY PROVIDING A NEW  
SOURCE OF INTERNET ACCESS FOR THE  
COMMUNITY IN CONSIDERATION FOR FREE  
INTERNET SERVICE AT CITY FACILITIES**

**MEETING DATE:**               June 14, 2022

**DEPARTMENT HEAD:**       Don Reynolds, City Manager

---

### **RECOMMENDED ACTION(S):**

It is recommended that the City Council adopt the attached Resolution and authorize the Mayor to sign a license agreement with South Valley Internet Inc., in exchange for them to place communications equipment at the City's Water Tank Property to in exchange for free access to high-speed internet at City facilities, and provide low pricing to the residents and businesses of San Juan and, through the non-profit Balanced provide free service to the families of students in the K-12 system who are currently under and unserved in the surrounding area .

### **BACKGROUND INFORMATION:**

One year ago, the City agreed to a license agreement for space on the City's Water Tank to Etheric, a new ISP provider, for the installation of high-speed internet equipment. In exchange, the City will receive 100 Megabits per second of internet service at its facilities and free wi-fi downtown for visitors and merchants. That equipment is finally being installed, and should be operational in the next 30-days.

At its May 17, 2022 City Council meeting, the City Council received a presentation from another internet services provider South Valley Internet, introducing their concept along with a local non-profit organization "Balanced Access." In the materials provided to the City, the "Aromas-San Juan Project" is defined and attached to the prosed License Agreement.

The Board of Balanced Access includes a local resident currently working with Rotary to help provide internet access to students. In a discussion with the Aromas San Juan Bautista Unified School District Superintendent, they strongly support this project. The proposal is to provide



internet access at speeds of up to 100megabits per second. The "Project:" is summarized in the attached proposal:

Balanced Access will help eliminate the Digital Divide for students in the Aromas San Juan Unified School District by providing reliable internet access. The Aromas – San Juan Project will provide broadband to students in need who live under the The Aromas-San Juan Unified School District purview. The Aromas – San Juan Project will serve students from the cities of San Juan Bautista and Aromas as well as unincorporated land areas within the Tri-County area of West San Benito, North Monterey and East Santa Cruz Counties. The project will serve approximately 1,060 students who are unserved at this time over a 140 mile area with challenging terrain. The solution is a hybrid Fiber/Wireless network and Balanced Access will build it.

Balanced Access has partnered with South Valley Internet to get the students the broadband they need. The total cost of the project is \$1,270,035.63. Funding will pay for construction, equipment and service for the next 5 years.

Each family enrolled in the Balanced Access Aromas – San Juan program will have all of the benefits of being a South Valley Internet customer. Benefits include free 24x7 technical support 365 days per year, four @garlic.com email addresses and much more.

The Project as described in the attached Proposal includes the technical specifications for the equipment to be installed, the desired location in front of the City's Water Tank, and the schedule. The total cost of the project has decreased to \$690,684.

### **DISCUSSION:**

The attached Resolution includes the proposed License Agreement in the manner very similar to the last internet provider. The specifications in the Proposal for the Project provide the details and specifications.

There is direct and indirect benefit to the Citizens of San Juan Bautista allowing South Valley Internet to locate at its Water Tank to broadcast its signal. The direct benefit is their offer to provide faster internet services to seven end users at six different City facilities. These include the Fire Department and City Hall, the Community Hall, Public Works, Sheriff offices and Library.

Indirect benefits include the mission of Balanced Access to serve school children and low-income residents who currently cannot afford the cost of internet. It will eventually be expanded to send its internet signal to the rural canyons and students surrounding the City. At this time, school children in the City that don't have access to internet is due more to the high the cost of the service, than the availability of the service. The services offered are faster than the other two competitors.

It will provide a third choice for an ISP in town at higher speeds of services, that will help keep prices and quality competitive.

These benefits are used to justify the consideration to license the City property at the Water Tank Property in exchange for services rather than license fees. The proposed term is 5-years.

**FISCAL IMPACT:**

The value in revenue to the City is considering in exchange for free internet access is estimated to be between \$1,500 to \$2,000 per month.

**ATTACHMENTS:**

Proposed Resolution, with License Agreement and May 17, 2022 Proposal



POWERED BY SOUTH VALLEY INTERNET

GARLIC  
COM

San Juan  
Bautista  
CALIFORNIA



Aromas  
CALIFORNIA





## San Juan Bautista-Aromas Project Table of Contents

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## WHO WE ARE

[Click here to visit garlic.com >](https://garlic.com)

POWERED BY SOUTH VALLEY INTERNET



GARLIC.COM powered by South Valley Internet is a telecommunications company specializing in voice and data services. SVI is one of the few remaining locally owned and operated service providers in the nation and has been recognized as a leader in the industry by its peers throughout the country. Founded in 1994 as a traditional Internet Service Provider (ISP) by Bob Brentnall and Roy Engehausen, garlic.com initially provided Dial Up, Web Hosting and E-mail to both residential and business customers. As communication technology advanced, so did garlic.com's service offering moving quickly to deploy Point to Multipoint Wireless and DSL. In 2006 Roy retired and South Valley Internet focused on becoming a more robust communications company by adding Voice over IP (VoIP) to its available services. In 2012, Bob and his daughter Elise founded LCB Communications LLC a CLEC (Competitive Local Exchange Carrier) that enabled garlic.com much needed access to the Morgan Hill and Gilroy Central Offices. In 2014 garlic.com went live in Morgan Hill and in 2015 in Gilroy with their Catalyst (VDSL) and EoCu (Ethernet over Copper) solutions providing up to 150Mbps to customers over copper loops and end to end control over the circuits. In 2017 South Valley Internet and LCB Communications were awarded a grant from the state of California's Advanced Services Fund that provided garlic.com with just over \$1,000,000.00 in funding to help with the build out of a new 2,100,000.00 Fiber To The Home Network in Paradise Valley, just west of Morgan Hill. The paradise Valley Project was completed in early 2021 with over 90% of the homes passed choosing to take garlic.com's new gigabit service. Since then, South Valley Internet has continued to place fiber in the ground and provide multi-gigabit service to both corporations and residents alike via Copper, Wireless and Fiber.



### **Robert Brentnall** | CEO and Co-founder

Bob Brentnall established South Valley Internet in 1994 and has been the organization's leader and guardian since its inception. With more than 27 years of experience in telecommunications and data delivery services, Mr. Brentnall successfully transitioned the company from a traditional ISP to a technology-focused, IP-based communications company.

Prior to founding South Valley Internet Bob had a successful career as an Airline Pilot for Northwest Airlines from which he retired in 2001 as an Instructor Pilot and Captain on the Boeing 747. Brentnall also holds the rank of Colonel (Retired) in the United States Air Force and is a graduate of the University of Oregon where he received a Bachelor of Science degree.



### **Elise Brentnall** | COO

Elise is the President and Chief Operations Officer at South Valley Internet Incorporated. Elise has over 20 years of experience in the technology sector and over 18 years specializing in Telecom. Elise joined SVI in 2002. Prior to joining the company Ms. Brentnall honed her business skills at various technology companies including Sun Microsystems. She was also a founding member and part of the Executive team at Eclectic Search Inc. Elise is a member of the Morgan Hill Rotary Club, a graduate of Leadership Morgan Hill, Class of 2004 and is currently on the board of the California ISP Association where she holds the title of Treasurer. Elise has also been elected to her second, 2-year term as a Board Member and Secretary for FISPA, the only nationwide ISP Industry Association. Elise received her Bachelor of Science degree in Business Management from Slippery Rock University in Pennsylvania where she swam and played Water Polo. Elise's knowledge of ISP's, her industry and vendor contacts and expertise in the deployment of Copper, Fiber and Wireless Networks as well as her passion for community service make her an invaluable part of the garlic.com team.





### **Claudia Nugent** | Operations Director

Since June of 2017 Claudia has been focused in delivering the best service experience to all of Garlic.com customers. The success of SVI is based on quality services and outstanding customer service. Claudia and her awesome team of engineers make sure that every SVI customer is treated respectfully and receives exceptional support.

Claudia has been recognized throughout her 20+ year career in corporations such as Hewlett-Packard, Amgen and Deloitte for being a Customer Service Expert. Mrs. Nugent leverages her in-depth knowledge of business, the marketplace and corporate landscape to significantly increase operational efficiency and provide outstanding support. Claudia's genuine concern for her customers makes for a rewarding experience. When Claudia is not at the office, she's most likely around her family and friends cooking Argentinean dishes from her childhood.



### **Joel** | Director Of Technology

Joel is our lead Engineer and his journey with South Valley Internet began over 8 years ago. Joel works long hours educating himself and others about new innovative technology and how Garlic.com can best utilize them. Joel's problem solving and intuition regarding technology are second to none. Joel is responsible for maintaining and growing our existing network as well as Engineering new elements of the Garlic.com infrastructure. Joel frequently works round-the-clock to provide quality customer service to our clients.

When the Pandemic hit in 2020, like many other providers, the team at Garlic.com was focused on our own network and ensuring that our customers were receiving the speeds they needed to succeed from home. As the pandemic moved into its second year it became clear to Elise and the rest of the garlic team that a solution to the ever growing Digital Divide in South Santa Clara Counties was needed. The school districts were providing the necessary computers for students but many of the students lacked reliable bandwidth as hot spots the school districts were paying for were not working.

Elise Brentnall Garlic.com's Chief Operations Officer believed that South Valley Internet had the solution, but the millions of dollars it would take to accomplish the elimination of the Digital Divide would be too great for Garlic.com to take on alone. Elise pulled together the initial Balanced Access Board and the rest as they say is history. Today Balanced Access is a Non-Profit 501c3 with its own board and two projects on the books. The First is the Aromas San Juan Project which will provide 1,060 students living within the Aromas-San Juan Unified School Districts Service area with reliable broadband. The second will provide 190 students living in the San Martin area with the same.

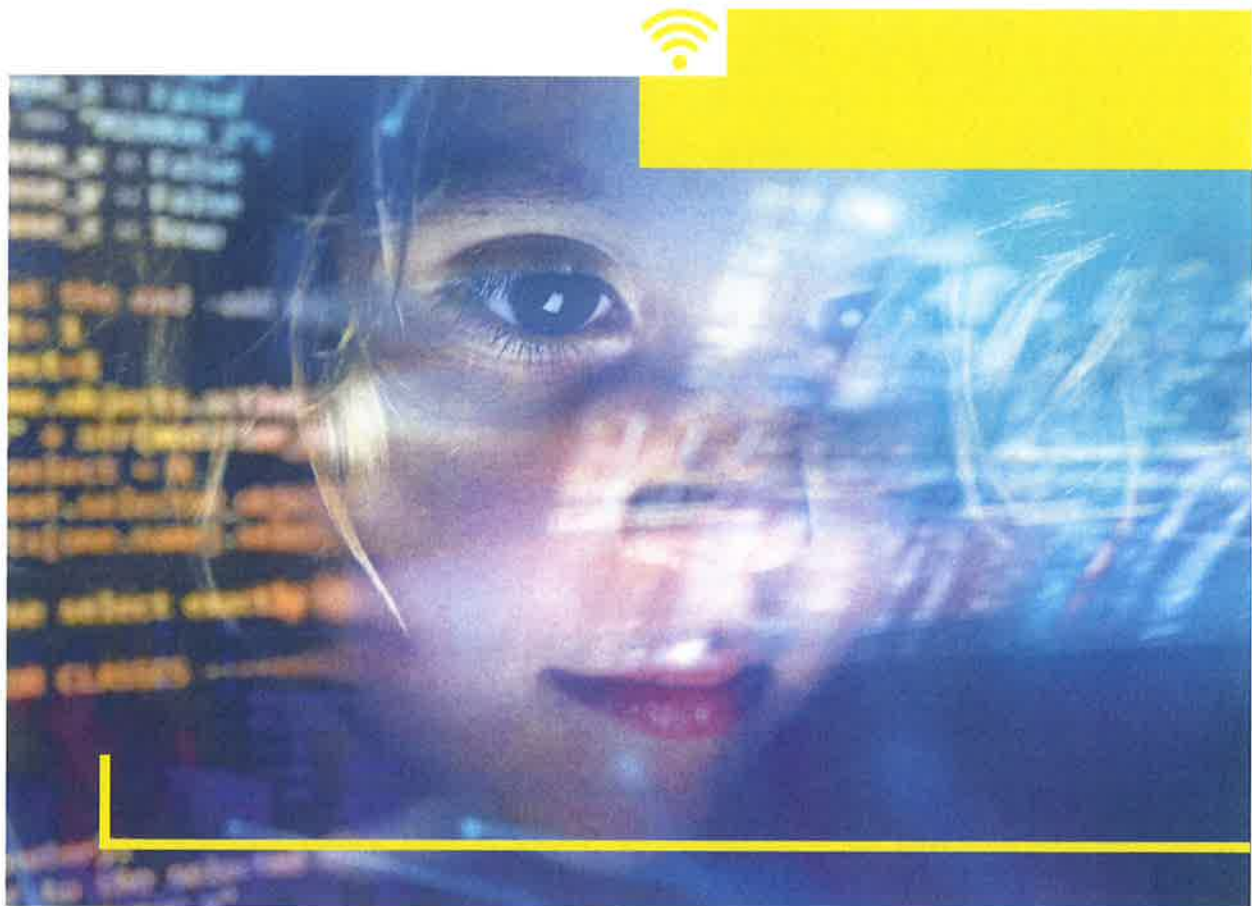


## Balanced Access

[Click here to visit balancedaccess.org >](http://balancedaccess.org)



Balanced Access is a 501c3 non-profit organization created to help eliminate the Digital Divide by providing fast, reliable internet to students currently in the public school system in South Santa Clara and San Benito Counties. The Balanced Access team will bring dependable fast broadband to every underserved student in our community, regardless of their family's financial situation.



# Balanced Access Board



## **Marsha Berlinski** PRESIDENT

Marsha is the Vice President of Real Estate lending at KeyPoint Credit Union in Santa Clara. Marsha's community service includes serving as Chairman of the Board of Directors for the San Martin Chamber of Commerce, as well as donating her time to educate the general public at monthly financial seminars. Marsha was also been very active within the Rotary Club of Milpitas.

## **Marilyn Librers** VICE PRESIDENT

Marilyn resides in Morgan Hill and has a long history of community service including over 8 years as a City of Morgan Hill Council Member. Ms. Librers was the Executive Director of the Alphonse J. Pauchon Research Foundation for over 9 years and is currently the President of China Silicon Valley Association. Marilyn is a member of the Rotary Club of Morgan Hill and serves on the board of directors for two local nonprofits. She is also an appointed Santa Clara County Commissioner for District 1 which includes all of South Santa Clara County.

## **Elise Brentnall** FOUNDER & DIRECTOR

Elise is the Founder of Balanced Access and is the President and Chief Operations Officer at South Valley Internet Incorporated. Elise has over 27 years of experience in the technology sector and over 20 years specializing in Telecom. Prior to joining SVI, Ms. Brentnall honed her business skills at various technology companies including Sun Microsystems. She was also a founding member and part of the Executive team at Eclectic Search Inc. Elise is a member of the Morgan Hill Rotary Club, a graduate of Leadership Morgan Hill, Class of 2004 and is currently on the board of the California ISP Association where she holds the title of Treasurer. Elise has also been elected to her second, 2-year term as a Board Member and Secretary for FISPA, the only nationwide ISP Industry Association. Elise's knowledge of ISP's, her industry and vendor contacts and expertise in the deployment of Copper, Fiber and Wireless Networks as well as her passion for community service make her an asset and valued member of the Balanced Access team.

## **Phil Esparza** DIRECTOR

Phil Esparza comes from the world of cultural and performing arts and is retired. He is an Board Member of El Teatro and very active in the organization. El Teatro Campesino, founded in 1965 is a Chicano theatre company in California that performs in both English and Spanish. El Teatro Campesino is "The Farmworker's Theater" in Spanish. Phil was instrumental in founding CSUMB's Cinematic Arts and Technology department and he is an active in rotary club of San Juan Bautista. Mr Esparza's experience in fundraising and long history with working within non profits make him an excellent fit with Balanced Access.

## **Tracy Newquist** TREASURER

Tracy Newquist is a financial advisor working with over 20 years of work experience and currently works for DWR Wealth Management LLC. Tracy has had many leadership roles within Morgan Hill Rotary Club and has had many years of experience participating on boards of non profits and helping those organizations grow and flourish.



# The Digital Divide Defined

Definition and explanation obtained from  
Close the Gap Foundation

[Click here to visit closethegapfoundation.org](https://closethegapfoundation.org) >



The Digital Divide is defined as the gap that exists between those who have reliable internet access and devices and those with very limited access or none at all.

The Digital Divide is a problem that affects people from all walks of life. It is a multifaceted issue, but two main characteristics define this gap: access to high-speed internet and access to reliable devices. Many of the individuals who struggle from the digital divide face both.

In some areas, internet access is either limited, unavailable, or unaffordable for those who could be equipped. Even with a reliable internet connection, access to certain digital spaces can remain a challenge, always just out of reach for those who can't afford costly tools like laptops and software.

This leaves countless students to rely on public computers or their mobile devices as their only tools to exist in an increasingly digital world. It leaves many more, like those in rural areas or living under the poverty line, without even that.

Without reliable internet access at home, students can struggle with completing assignments and furthering their knowledge outside of classroom hours. This has only increased since the COVID-19 pandemic which has sent many students home to learn virtually.

# San Juan Batista/Aromas Project

The Aromas-San Juan Unified School District



Balanced Access will help eliminate the Digital Divide for students in the Aromas San Juan Unified School District by providing reliable internet access. The Aromas – San Juan Project will provide broadband to students in need who live under the The Aromas-San Juan Unified School District purview. The Aromas – San Juan Project will serve students from the cities of San Juan Bautista and Aromas as well as unincorporated land areas within the Tri-County area of West San Benito, North Monterey and East Santa Cruz Counties. The project will serve approximately 1,060 students who are unserved at this time over a 140 mile area with challenging terrain. The solution is a hybrid Fiber/Wireless network and Balanced Access will build it.

Balanced Access has partnered with South Valley Internet to get the students the broadband they need. The total cost of the project is \$690,685.63. Funding will pay for construction, equipment and service for the next 5 years.

Each family enrolled in the Balanced Access Aromas – San Juan program will have all of the benefits of being a South Valley Internet customer. Benefits include free 24x7 technical support 365 days per year, four @garlic.com email addresses and much more.



# San Juan Batista/Aromas Project

## Project Site Map

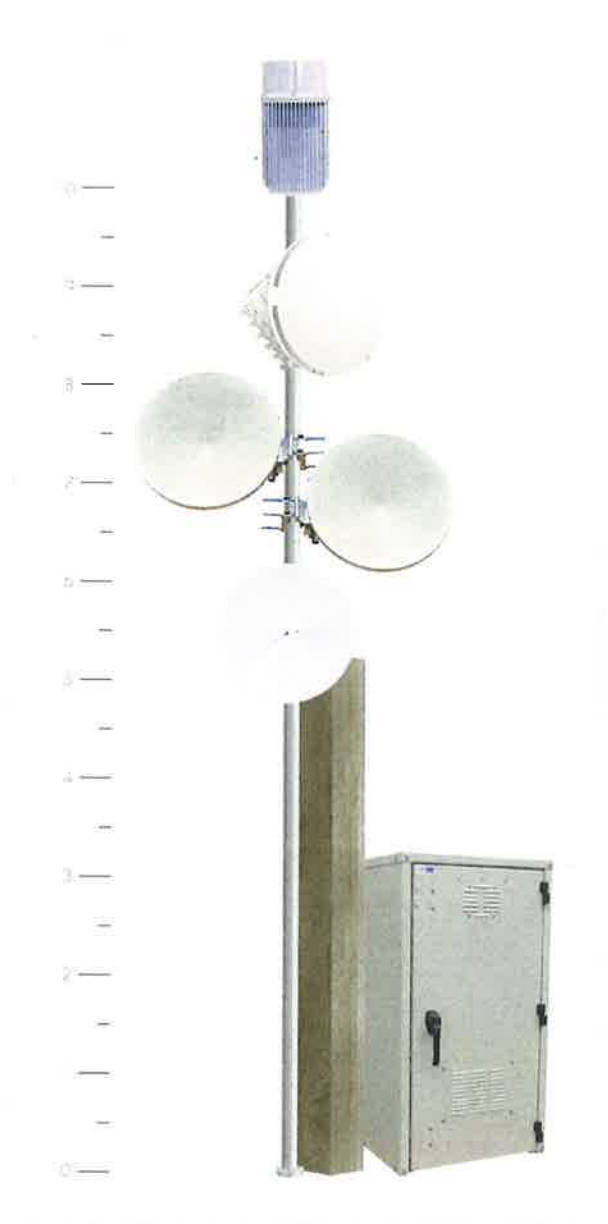


In addition to broadband, our team will provide a WiFi router and technical support to ensure students know how to use the tools provided. students and their families will utilize the router to gain access to the internet. South Valley Internet will filter content on behalf of the Aromas-San Juan Unified School District should that be their desire, otherwise SVI staff will educate the parents on how to use and manage the system from a smart phone.



# San Juan Batista/Aromas Project

Project Equipment

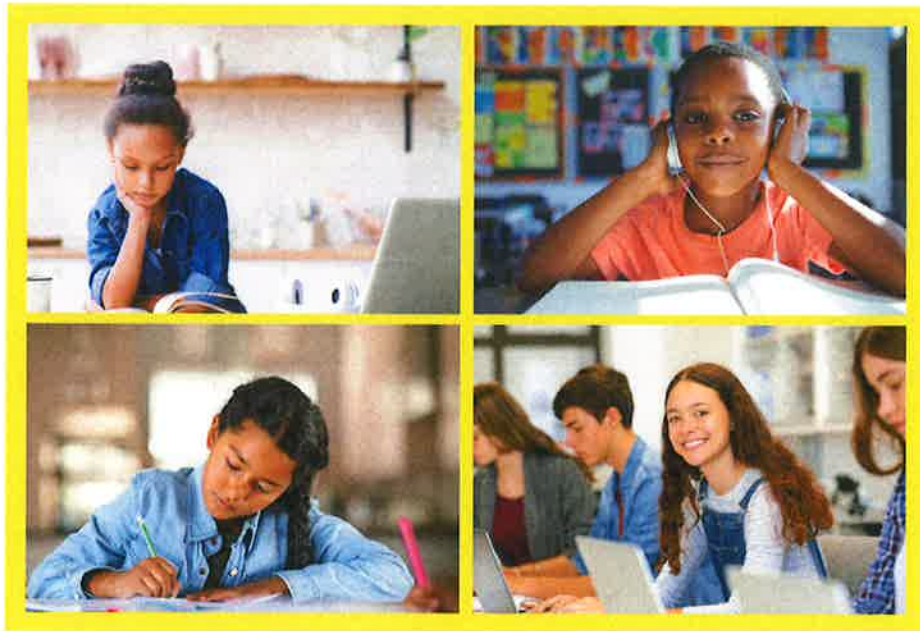


# San Juan Batista/Aromas Project

## Project Cost

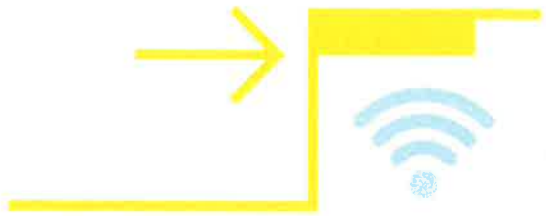


Non- Recurring Costs (NRC)	\$603,685.63
Annual Recurring Costs (ARC)	\$31,600.00
Garlic.com contribution to NRC	<b>\$70,000.00</b>
Garlic.com contribution to ARC	<b>\$1,000.00</b>
ARC for ensuing four years	\$126,400.00
<b>Total Funds Needed</b>	<b>\$690,685.63</b>



## How you can help

Provide much needed internet for our students



- Balanced Access and South Valley Internet would like to ask for the City's permission to build a small distribution point on City property. Our team would like to pull fiber to a small cabinet in front of the Water Tank on Lausen Drive. In addition we would like to place up to 4 to 5 antennas on the distribution point.
- Our team would like your permission to utilize a small amount of the Cities power at the site. Total increase in monthly utilization of less than 400 watts. Monthly recurring increase should be less than \$60.00 per month.
- In exchange SVI will provide City Hall with a dedicated wireless circuit which will provide 1 gigabit of broadband both up and down for the life of the agreement between South Valley Internet and the city.
- In addition garlic.com would like to provide additional broadband services to the businesses and residents within the city and surrounding area at very competitive rates.



# Project Timeline

A twelve month process



## In Conclusion

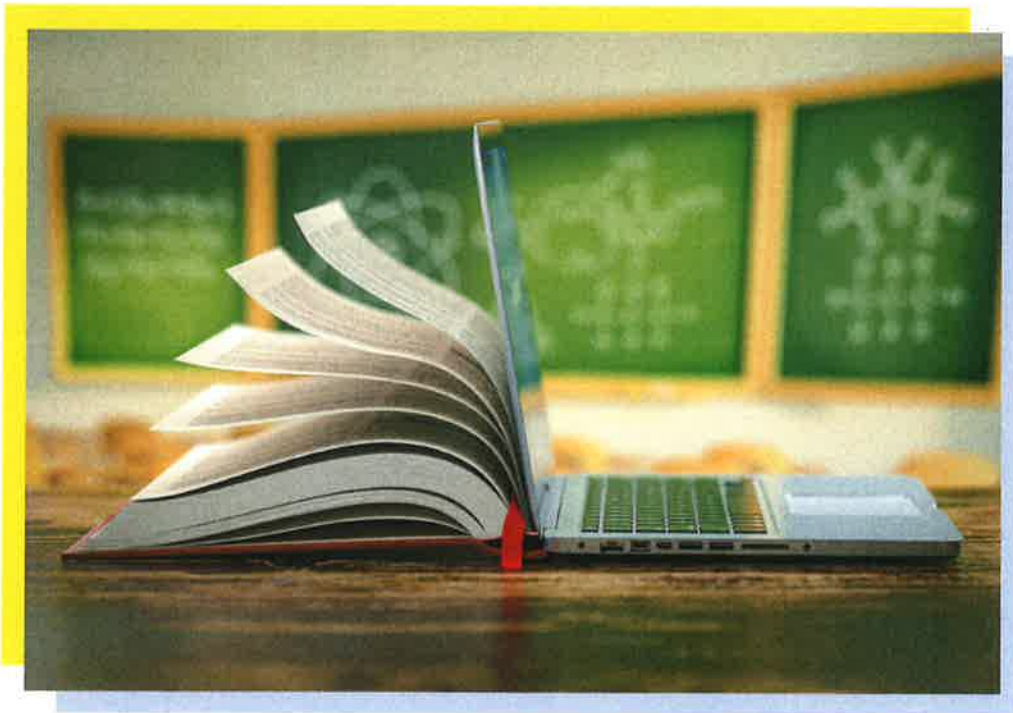
**Alone we can do so little; together  
we can do so much!** - Helen Keller



Garlic.com and the Balanced Access Board are really looking forward to providing reliable broadband to the students in need with in the Aromas-San Juan Unified School District. In addition we are looking forward to working with the city of San Juan Bautista to accomplish our mission of bringing dependable internet access to every student in need within the Aromas-San Juan Project.

Thank you for your time.

Questions?



**RESOLUTION NO. 2022- XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT  
WITH SOUTH VALLEY INTERNET INCORPORATED TO PLACE  
COMMUNICATION EQUIPMENT ON THE CITY'S WATER TANK PROPERTY  
FOR THE TRANSMISSION OF COMMUNICATION SIGNALS PROVIDING A NEW  
SOURCE OF INTERNET ACCESS FOR THE COMMUNITY IN CONSIDERATION  
FOR FREE INTERNET AT SEVEN CITY FACILITIES**

**WHEREAS**, many rural communities have long awaited access to reliable fast internet services, and San Benito County and the City of San Juan Bautista are no exception to this struggle; and

**WHEREAS**, for many years, the citizens San Juan Bautista and the surrounding community have had limited options to choose from for access to fast reliable internet service; and

**WHEREAS**, a brief company description of South Valley Internet, a privately held locally owned and operated telecommunications company is attached to the staff's report provided to the City Council June 14, 2022, and is incorporated into this Resolution by reference; and

**WHEREAS**, typically, a city or school district will lease their property to communication providers at a rate of between \$1,500 to \$2,000 per month solely for the purpose of generating revenue from these "Cell Tower Leases;" and

**WHEREAS**, at its May 17, 2022 City Council meeting, South Valley Internet Inc. introduced the City to its non-profit affiliate "Balanced Access" and the proposed "San Juan Bautista-Aromas Project," ("The Project"), with mission statement "Dedicated to bringing dependable internet access to every household;" and

**WHEREAS**, the documentation provided to the City Council by South Valley internet is attached to the proposed Lease Agreement and describes the proposed delivery of the objectives of the Project, the over \$690,000.00 investment in equipment, specifications and location of the equipment, and proposed time-line; and

**WHEREAS**, in an effort to improve internet access to the citizens of San Juan Bautista and the surrounding community and with the goal of reaching isolated populated pockets of school children, Elise Brentnall along with Marsha Berlinski, Marilyn Librers and others formed a non-profit called "Balanced Access" and are requesting free access to the City's Water Tank Property to broadcast their internet signals at speeds of up to one gigabit per second to the residents of San Juan Bautista, seven City facilities. In addition Balanced Access will be providing free service of up to 100 megabytes per second by up to 20 megabytes per second down to students and their families in the rural areas surrounding the City that currently do not have internet access; and

**WHEREAS**, South Valley Internet has agreed to install equipment necessary to provide the equipment needed at City buildings to access their signals from the Water Tank Property; and

**WHEREAS**, South Valley Internet will provide the internet to City facilities at a speed of up to one gigabit per second but not less than 700 megabits per second in exchange for rent at the Water Tank, at an estimated value of \$6,993.00 per month for five years; and

**WHEREAS**, the benefits to having South Valley Internet in San Juan Bautista outweigh the value of a typical cell-tower lease, and it would be a benefit to the citizens of San Juan Bautista to facilitate the completion of their project and approve the attached License Agreement.

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

**Section 1.** The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

**Section 2.** The City Council also finds that it is a benefit to the citizens of San Juan Bautista to invite South Valley Internet Inc. into the community and offer a license agreement attached hereto, in exchange for offering free, fast reliable services at City facilities, and reasonable subscription rates for its subscribers.

**Section 3.** The City Council resolves and authorizes the City Manager to execute a License Agreement in much the same form as that attached to this Resolution and expeditiously complete other documentation as required to allow South Valley Internet Inc. to initiate its services from the City's Water Tank as soon as practical.

**Section 4.** This Resolution shall take effect from and after the date of its passage and adoption.

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of June, 2022, by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Leslie Q. Jordan, Mayor

**ATTESTED:**

\_\_\_\_\_  
Don Reynolds, Acting Deputy City Clerk



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** **AMEND THE MEMORANDUM OF UNDERSTANDING WITH HOLLISTER LITTLE LEAGUE WHEREBY THE CITY WILL FUND THE ABBE PARK BALLFIELD, RESTROOMS, SNACK SHACK AND LIGHTS AND PAY FOR ELECTRICITY OF THE FIELD LIGHTS**

**MEETING DATE:** June 14, 2022

**DEPARTMENT HEAD:** Don Reynolds, City Manager

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### **RECOMMENDED ACTION(S):**

It is recommended that the City Council approve a resolution amending the MOU with Hollister Little League whereby the City will pay for the Abbe Park ballfield maintenance and ballfield lights.

### **BACKGROUND INFORMATION:**

The City has basic contracts approved by the City Council for the use of its public facilities, including the rental of the Community Hall and Abbe Park ballfields. These contracts generally pass certain responsibilities onto the party renting the facility. Deposits are generally received in advance of the rental to protect the City's property.

Although there have been different entities that rent the ballfield at Abbe Park, the basic Agreement (which is referred to as a Memorandum of Understanding, "MOU"), but reads like a license agreement. Since the Council approved the 2006 MOU, the "Licensee" has always been responsible for the maintenance of the fields, restrooms and snack-shack. It does not reference use of the lights. The "Exhibit A" to the MOU states the schedule use of the fields, and time of day they will be used.

The City files document these MOU's back to 2017, when Hollister Little League rented the fields from June to August between the hours 8 AM to 8 PM. In 2021 and 2022, the "Exhibit A" does not indicate a time. Meeting with Volunteer Coach Anthony Ortiz Ponce, staff has learned that the lights have been used for years, for 60-90 minutes per practice. This past year, after the lights had been left on all night (reportedly due to a malfunction of the timer), staff added the cost of lighting to the new agreement.



Adding this cost to the Hollister Little League's MOU caused a protest and review of the whole matter, and represented by Mr. Ortiz Ponce's attached letter dated May 31, 2022. This request asks that the City assume responsibility to mow the fields, clean the bathrooms and pay for the lights.

**DISCUSSION:**

On June 2, the Mayor and the City Manager met with representatives of the Hollister Little League, and their Junior Giants program. The attached Resolution was discussed with them. The draft Resolution agrees that the benefits of the Junior Giants program with Hollister Little League, bringing baseball to hundreds of residents, is a valuable service to children of the City. It finds that service and the partnership between the City and Hollister Little League, is consistent with the City's Strategic Plan, "2) Promote public Amenities," subsection "C. Expand Recreational opportunities through partnerships."

The City maintains Abbe Park all twelve months of the year. There is minimal additional maintenance work required by the rental to the Hollister Little League. But the cost of the lights can increase the monthly bill by as much as \$150, for each of the three months the fields are rented.

If the City Council concurs, then the MOU will be amended. This decision would only apply to Hollister Little League, and this year and future years of use. All other rentals will continue to be subject to paying for their own maintenance and lights.

**FISCAL IMPACT:**

Assuming responsibility for the cost to maintain the park is minimal, but the annual cost for paying for the lighting will be between \$350 and \$500 per year.

**ATTACHMENTS:**

Resolution with letter from Junior Giants Volunteer Coach Anthony Ortiz Ponce

## **RESOLUTION NO. 2022- XX**

### **A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE MEMORANDUM OF UNDERSTANDING WITH THE JUNIOR GIANTS BASEBALL PROGRAM WHEREBY THE CITY WOULD FULLY FUND THE MAINTENANCE OF ABBE PARK BALL FIELD, AND PAY FOR ELECTRICITY OF THE FIELD LIGHTS**

**WHEREAS**, on July 8, 1939, consistent with the last Will and Testament of Frank A. Abbe, Abbe Park was dedicated by grant deed to the City, subject to the following restrictions: 1; Shall be used as a recreational park, 2; the park will be called “Abbe Recreational Park,” and 3; “for as long as the San Juan Service Club functions in the City of San Juan said San Juan Service Club shall have control of the said park activities;” and

**WHEREAS**, following several committee meetings, on June 14, 2006, the City Council approved a Memorandum of Understanding (“Agreement”) for the use of Abbe Park by the San Juan Bautista Little league to formalize the details and responsibilities between the City and the Little League after it had been used by the Little League for several years; and

**WHEREAS**, Section 5 of the Agreement clearly lays out the responsibility of maintaining the turf, infield, bleachers, snack shack and removal of trash while the City is responsible to maintain and repair the facilities, the cost of these services is the Little League’s responsibility; and

**WHEREAS**; between 2017-2018, the Agreement included an “Exhibit A” titled “Licensees’ Schedule” indicating the summer months June through August, with hours between 8:00 AM and 8:00 PM, but, in 2021 and 2022 the hours were not included in the Schedule; and

**WHEREAS**, the use of the lights and the cost were not referenced in the historical records, but the fields have been used after sunset until 9:00 PM – 9:30 PM, and the Agreement was never amended by the City Council to include this use or extend the hours; and

**WHEREAS**, staff added the responsibility to pay for lights in 2022, when during the 2021 season, there was concern that the lights had been left on over-night; and

**WHEREAS**, on May 31<sup>st</sup>, 2022, in the attached letter, Anthony Ortiz Ponce, a Junior Giants Volunteer, acknowledging that hundreds of children have benefitted from this free Junior Giants Baseball program, submitted a request for the City to support it by paying to maintain the fields at the city expense, and pay for the cost of lighting; and

**WHEREAS**, at the Special Meeting held Tuesday June 14, 2022, the City Council revisited these past practices and considered this request to support the Junior Giants Baseball program; and

**WHEREAS**, the City Council finds justification to support this important recreational program, that is consistent with its Strategic Plan, and will take action and cause the Agreement to be amended, by assuming responsibility of maintaining the fields, and pay the cost of electricity for the field lights.

**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. Makes a finding that City's Strategic Plan "#4" "Promote Public Amenities" Subsection C "Expand Recreational Activities through Partnerships" justifies the City's agreeing to support and partnership with the Junior Giants Baseball program by paying for the maintenance of Abbe Park, its restroom, and the cost of lighting the fields during the season.
3. Authorize the City Manager and City Attorney to amend the current Memorandum of Understanding to make this change effective immediately for the 2022 Junior Giants season, until further notice.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 14<sup>th</sup> day of June 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Leslie Q. Jordan, Mayor

**ATTEST:**

\_\_\_\_\_  
Acting Deputy City Clerk Don Reynolds

Attachment: May 31, 2022 Letter from Anthony Ortiz Ponce, Junior Giants Volunteer



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:**                    **JOINT USE AGREEMENT WITH THE AROMAS-SAN JUAN BAUTISTA UNIFIED SCHOOL DISTRICT THAT PROVIDES PUBLIC ACCESS TO THE SAN JUAN ELEMENTARY SCHOOL PLAYGROUND FACILITIES DURING NON-SCHOOL HOURS**

**MEETING DATE:**                June 14, 2022

**DEPARTMENT HEAD:**        Don Reynolds, City Manager

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### **RECOMMENDED ACTION(S):**

It is recommended that the City Council adopt the attached Resolution and authorize the City Manager to negotiate a Joint Use Agreement with the Aromas-San Juan Bautista Unified School District (District), to be executed by the Mayor, that provides public access to the San Juan Elementary School playground when school is not in session, and sets the framework for future similar joint use recreational opportunities.

### **BACKGROUND INFORMATION:**

Over the years (and at least as far back as 1991), the District and City have worked together to share their facilities for the benefit of the general public. The oldest agreement in the file is to share the Tennis Courts, which are now the pickleball courts. Currently the District and the City share the soccer fields and restrooms.

In the recitals of the attached Joint Use Agreement, there are several references to sections of the State law that encourage the shared use of schools and cities specifically for recreational purposes. The idea to fence the playground and open it up during non-school hours is at least 5-years old. This will curtail the urge to jump the fence instead.

### **DISCUSSION:**

Attached to the proposed Resolution is a draft Joint Use Agreement, that is recommended to expand recreational opportunities in the City. The first project will be to install fencing between the recreation areas and the school buildings, so they can be accessed during non-school hours. This would make the basketball courts, new playground and proposed track and field accessible to everyone after school and on weekends, when not otherwise needed by the District.



The City is preparing a Capital Improvement Program for FY 22/23 to include a \$100,000 budget for approximately 1,100 linear feet of fencing. It has hired part-time help to serve on weekends that can help keep an eye on the facilities. The new Private Security company is already familiar with the idea and can help secure the facilities after dark.

The 2018 concept between the City and District speaks to the further expansion providing a building near The Alameda for a future educational and recreational program. Under this proposed Use Agreement, the City and School District will work together to find grants and other capital resources to build better facilities. To that end, the City is considering a Community Services position to help grow recreational activities at this location in the City. In its three budget reviews since the Mid-Year, the Council has supported these ideas.

On Wednesday June 1, 2022, the Superintendent's Facilities Committee received staff's fencing proposal, also attached to the Resolution. They appreciate the ease of which the design lays-out and makes the facility usable with six large gates. The new principal is slated to start soon, and he will also be aware of the proposed fencing project.

The Superintendent and City Manager met a second time Friday morning, June 3, and we ironed-out their differences in the proposed Joint Use Agreement. They expect to be able to take it to the School Board on June 15, 2022.

**FISCAL IMPACT:**

This project is funded by \$100,000 from the American Rescue Plan.

**STRATEGIC PLAN:**

This project is directly tied to Strategic Plan "1" and "4" as stated in the Resolution; "Expanding recreational opportunities by partnering with schools."

**ATTACHMENTS:**

Resolution  
Draft Joint Use Agreement  
Site Fencing Plan



**RESOLUTION NO. 2022- XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA AUTHORIZING THE MAYOR TO EXECUTE A JOINT USE  
AGREEMENT BETWEEN THE AROMAS-SAN JUAN UNIFIED SCHOOL DISTRICT  
AND CITY OF SAN JUAN BAUTISTA**

**WHEREAS**, the City is lacking in recreation facilities for children; and

**WHEREAS**, the Aromas-San Juan Bautista Unified School District's ("District") San Juan Elementary School has several recreational opportunities for children already established, but not readily available except to students during the school year; and

**WHEREAS**, the City and the District have a strong history of working together to make their facilities open to everyone as much as possible, dating back at least as far as 1991, when the two agreed to share the tennis courts at the School, more recently the restrooms and soccer fields, the new pickleball courts; and

**WHEREAS**; back in the fall of 2018, the District and City began discussing the establishment of a "Recreation Center" at the Elementary School to be shared among the two agencies; and

**WHEREAS**, as stated in the attached proposed Joint Use Agreement, the District is authorized by various state laws not limited to but including the Community Recreation Act, Education Code, and Civic Center Act to share its facilities with the community for recreational purposes; and

**WHEREAS**, of the five priorities listed in the City's Strategic Plan, its first priority, *"Create, promote, and nurture partnerships within our community"* and in its fourth priority *"Promote public amenities"* Section "C" *"Expand Recreational opportunities through partnerships (schools)"* it has clearly indicated that joint use of the District and City facilities is an important priority for the City; and

**WHEREAS**, Resolution 2022-03 was adopted as the "Mid-Year Budget Resolution" budgeting \$175,000 to install approximately 1,100 linear feet of fencing with six large gates at the Elementary School to protect the buildings per the attached drawing while the public has access to the playground, basketball courts and fields during non-school hours; and

**WHEREAS**, at the Superintendent's Facilities Committee Meeting June 1, 2022, the attached fencing and use proposal was shared and warmly received by the Committee in support of this work; and

**WHEREAS**, the City Manager and Superintendent then agreed to bring the attached joint-use agreement before their respective Boards, June 14, 2022 (City Council) and June 15, 2022 (District meeting) to seek approval of the attached Joint Use Agreement; and

**WHEREAS**, the City Council has re-confirmed the budget of \$100,000 is adequate for this fencing project and it is included in the Capital Improvement Project budget in fiscal year 2022/23; and

**WHEREAS**, per the following three CEQA categorical exemptions; *1) Section 15268 this is a "ministerial project," no discretion is needed, 2) Section 15311 accessory structures "construction of minor structures in accessory to existing institutional facilities" and 3) 15314 Minor Additions to existing Schools with existing school grounds where the addition does not increase the existing school capacity*, no further action is needed to build this project; and

**WHEREAS**, the City Council approves to the concept and execution of the Joint Use Agreement, in similar form as that draft attached to this Resolution, with the same intent, to implement this project and set the framework for future collaboration between the City and the District.

**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 the staff report are true and correct and are hereby made a part of this Resolution.
2. Finds this project to be exempt from further CEQA action as indicated Sections 15268, 15311 and 15314.
3. It agrees that the Strategic Plan fully support a collaboration between the City and Aromas-San Juan Bautista Unified School District starting with making the recreational facilities accessible to City youth when the school is not otherwise open to the public.
4. Approves the Joint Use Agreement in concept, authorizes the City Manager to negotiate the final details with the District, and for the Mayor to sign-it.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 14<sup>th</sup> Day of June 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
Leslie Q. Jordan, Mayor

\_\_\_\_\_  
Don Reynolds, Acting City Clerk

Attachment

Draft Joint Use Agreement  
Fencing Plan for San Juan Elementary School



**JOINT USE AGREEMENT  
BETWEEN  
AROMAS-SAN JUAN UNIFIED SCHOOL DISTRICT  
AND  
CITY OF SAN JUAN BAUTISTA**

This Joint Use Agreement ("Agreement") is entered into as of June \_\_\_\_\_, 2022 ("Effective Date") by and between the Aromas San Juan Unified School District, a public school district organized and existing under the laws of the State of California ("District") and the City of San Juan Bautista, a municipal corporation existing under the law of the State of California ("City"). The District and City are together referred to in this Agreement as the "Parties".

**RECITALS**

**WHEREAS**, the District owns and operates that certain real property known as San Juan School located at 100 Nyland Drive, San Juan Bautista, California (the "School Site"); and

**WHEREAS**, for the purposes of safety and security, the District desires to have fencing installed around the perimeter of certain District outdoor facilities (the "Facilities") located on the School Site; and

**WHEREAS**, the City desires to use the Facilities for the operation of City recreation programs on non-school days and at certain times when the Facilities are not otherwise in use by the District for school purposes; and

**WHEREAS**, the Community Recreation Act ("Act"), set forth at Education Code Sections 10900, *et seq.*, authorizes school districts and cities to cooperate with each other and enter into agreements for the purposes of organizing, promoting, and conducting programs for community recreation; establishing a system of playgrounds and recreation; and acquiring, constructing, improving, maintaining, and operating recreational centers; and

**WHEREAS**, Education Code section 10910 provides that the governing body of any school district may use or grant the use of grounds of the school district to any other public authority for the purposes of the Act, whenever such use does not interfere with school uses; and

**WHEREAS**, the Civic Center Act, set forth at Education Code sections 38130 *et seq.*, further allows a school district, upon terms and conditions its governing board deems proper, to grant to community groups and public agencies the use of school facilities as a civic center for the public, literary, scientific, recreational, and educational uses enumerated in the Civic Center Act; and

**WHEREAS**, at no cost to the District, the City is willing to install fencing around the Facilities meeting District requirements and specifications: and

**WHEREAS**, as consideration for the City's installation of such fencing around the Facilities, the District is willing to grant the City use of the Facilities at no charge on non-school days and at certain times when not otherwise in use for school purposes, and subject to the terms and conditions set forth in this Agreement; and

**WHEREAS**, the City and District further desire to form a partnership for the purpose of investigating and considering potential grant and other funding sources that may be available for the construction of a facility to be located on District property, which facility would be used jointly for both school and community purposes (the "Recreation Center"); and

**WHEREAS**, the Parties agree that public recreation is important and necessary for the development of good citizenship and the promotion, as well as the preservation, of the health and welfare of the residents the District and the City; and

**WHEREAS**, the Parties further agree that it is to their mutual benefit and that of the residents of the District and the City to enter into this Agreement.

**NOW, THEREFORE**, in consideration of the mutual promises and agreements contained herein, the Parties agree as follows:

### **AGREEMENT**

1. Purpose. The purpose of this Agreement is to: (1) allocate the roles and responsibilities of the Parties with regard to the City's installation of fencing around the Facilities and the District's grant of use of the Facilities to the City; and (2) establish a partnership between the Parties for the purpose of investigating and considering of potential grant and other funding that may be available for the construction of the Recreation Center on District property.
2. Facilities. For purposes of this Agreement, the term "Facilities" refers specifically to the outdoor basketball courts, soccer field, playground area, and track located on the School Site, as more particularly depicted in the site map attached as **Exhibit A** and incorporated herein by this reference.
3. Term of Agreement. The term of this Agreement shall commence upon the Effective Date and shall remain in effect for 10 years ("Term"), subject to earlier termination as provided in this Agreement. This Agreement may be renewed by mutual written consent of the Parties for up to 5 additional 5 year terms (each a "Renewal Term").
4. Permitted Use. The City shall use the Facilities solely for the purpose of operating City recreation programs. All other uses of the Facilities require the District's advance written approval.
5. Compliance with Law; Limitations on Use. In the performance of this Agreement, the City shall comply with all applicable federal, state, and local laws, statutes, codes, ordinances, rules, regulations, policies and requirements, including but not limited to all District policies and regulations governing the use of District facilities ("Law"). The City shall not cause the Facilities to be used, occupied, or improved under this Agreement in any manner or for any purpose that is in any way in violation of any Law. If any license, permit, or other governmental authorization is required for the City's lawful use of the Facilities, the City shall procure and maintain same to the extent required by Law. The City shall be solely and completely responsible for the safety of all persons and property associated with its use of the Facilities, and all materials, equipment, and supplies provided by City during said use shall fully conform to all applicable Law.



6. Priority of Use.

- a. The District shall have the exclusive use and control of the Facilities on every school day, and on those days and times outside of the school day when the Facilities are needed for school or District purposes.
- b. The City shall have use of the Facilities from dawn to dusk at no charge for the purpose of operating City recreation programs on non-school days, including weekends and holidays, except as the Facilities may be needed for school or District purposes. For purposes of this Agreement, "school or District purposes" shall include use of the Facilities by third parties pursuant to the Civic Center Act; however, the City shall have priority of use over such third parties for City use of the Facilities scheduled in advance pursuant to the Master Schedule, as defined below.

7. Scheduling. To facilitate scheduling of the Facilities in a manner consistent with this Agreement and to address other issues that may arise, the Parties shall meet at least one time each year, and at other times as mutually agreed ("Coordination Meetings") for the purpose of developing a Master Schedule for joint use of the Facilities by District, City, and other third parties. At such Coordination Meetings, the Parties may revise the Master Schedule, review and evaluate the status and condition of the Facilities, develop policies and regulations for the joint use of the Facilities, discuss matters of mutual importance, and take other actions as the Parties may mutually agree.

8. Improvements. At no cost to District, the City agrees to install chain link fencing, complete with posts, braces, wire, fittings, caps, and gates ("Improvements") around the entire perimeter of the Facilities, as shown in **Exhibit A**, and in accordance with the District requirements and specifications set forth in **Exhibit B**, attached hereto and incorporated by reference herein. In installing and constructing the Improvements, the City shall comply with the following:

- a. The City shall be solely responsible for the costs and expenses of all Improvements, including but not limited to the costs of planning, permitting, inspections, and installation. The District shall not be required to pay any of the costs or contribute any labor, supplies, or equipment necessary for the City's completion of Improvements.
- b. Prior to commencing installation of the Improvements, the City shall provide the District's Superintendent or designee with copies of drawings, plans, and specifications for the Improvement(s) for the District's review and approval, which approval shall not be unreasonably delayed, conditioned, or withheld. If the District does not either object or provide written approval to the proposed plans and specifications within thirty (30) days of receipt, the plans and specifications shall be deemed approved.
- c. All Improvements shall be subject to all state and local site, zoning, use permits, and design review and other required approvals ("Governmental Approvals"). The City acknowledges that it assumes full responsibility for securing and maintaining all such permits and required Governmental Approvals, and for the costs and expenses



incurred in securing and maintaining same. At no cost or expense to the District, the District shall reasonably cooperate with the City in good faith, as necessary for the City to secure Governmental Approvals.

- d. All contracts for construction of the Improvements shall provide for compliance with all applicable law regarding the construction of public works projects, including but not limited to, the payment of prevailing wages.
- e. The District shall be named as an additional insured on all insurance policies obtained by that are related to the installation of the Improvements.
- f. Scheduling of construction of Improvements shall be coordinated with and agreed to in advance by the District in order to minimize disruptions or interference with school operations or activities at the School Site to the maximum extent feasible.
- g. Upon commencement of construction or installation of any Improvements, the City shall cause the work to be diligently pursued to completion in accordance with the schedule for completion agreed to by the Parties, subject to unavoidable delays caused by weather, supply shortages, strikes, or acts of nature.
- h. All work on Improvements shall be performed in a sound and workmanlike manner, in compliance with applicable laws and building codes, and in conformance with the plans and specifications approved by the District.
- i. Except as set forth in this agreement, the City shall make no other alterations, modifications, or improvements to the Facilities without the District's prior written consent.

9. Supervision and Security.

- a. City shall be responsible for supervision and control of the Facilities at all times during City use. If or when Facilities are used for **City recreation** programs for children and youth, City shall ensure that appropriate adult supervisor is present at all times.
- b. City shall not permit any third party user to operate a program or otherwise use the Facilities except as permitted under this Agreement. Any other third party use of the Facilities shall be coordinated through the District.
- c. If the City contracts with a third party to provide a recreation program for the City at the Facilities, a City employee shall open and lock the Facilities at the end of use. Procedures and the third party provider shall comply with all insurance requirements set forth in Section 13 below.
- d. City shall be responsible for opening and securing the Facilities at the end of each day of City use. City shall not provide copies of keys to any third parties or other users



that are not employees of City unless pre-approved by District.. This may include the City's Private Security Company that may parol and secure the District's property.

10. Maintenance. City shall be responsible for maintaining and cleaning the Facilities after City use and in accordance with a maintenance schedule to be developed by the Parties and attached to this Agreement as **Exhibit C**.
11. Damage to Property. City shall be responsible for the cost of repair and/or replacement of any District property or any portion of the Facilities that is lost, damaged or destroyed during and/or as the result of City's use of the Facilities, normal wear and tear excepted. The City shall promptly notify District upon City's actual knowledge of any loss, damage, or destructions to District property or the Athletic Facilities of which the City becomes aware during and/or in conjunction with City's use of same.
12. Indemnity. To the fullest extent permitted by law, City shall indemnify, defend and hold harmless District and the District's officers, Board of Trustees, members of the Board of Trustees, officials, employees, and authorized volunteers and agents from and against any and all claims, demands, actions, losses, liabilities, damages, and all expenses and costs incidental thereto (Collectively "Claims"), including cost of defense, settlement, arbitration, and reasonable attorneys' fees, sustained by any person or to any person or to any property in, on, or about the Facilities resulting in injuries to or death of persons, including but not limited to employees of either Party hereto, and damage to or destruction of property, to the extent said Claims arise out of, pertain to, or result from the acts or omissions of City, its officers, directors, officials, employees, authorized volunteers and agents, contractors, invitees, or guests. If it is finally determined that the liability is caused by the comparative negligence or willful misconduct of an indemnified party, the City's indemnification obligation herein shall be reduced in proportion to the established comparative liability of the indemnified party. The provisions of this Indemnity shall survive the expiration or termination of the Agreement.
13. Insurance. Each Party, at its sole cost and expense, shall carry commercial policies of insurance, or self-insure, its activities in connection with this Agreement, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for comprehensive general liability, which will insure District or City, as applicable, against liability for injury or death of persons and damage to the Facilities, as applicable. Each policy shall be for not less than \$ [REDACTED] per occurrence, and not less than \$ [REDACTED] for property damage and shall be maintained on an occurrence basis. Each Party agrees to provide the other proof of such coverages, naming the other Party as "additional insured" and shall also provide thirty (30) days' advance written notice of any cancellation, termination or lapse of any of the insurance or self-insurance coverages. Failure to maintain insurance as required in this Agreement is a material breach and may be grounds for termination of the Agreement. The City shall require any third party non-employee provider of services for recreational programs operated at the Facilities to obtain insurance consistent with these requirements and name the District as an additional insured on such policies.
14. Partnership. The Parties agree to partner and cooperate for the purpose of investigating and considering potential grant and other funding sources that may be available for the construction of a Recreation Center to be located on District property, which Recreation

Center would be used jointly for both school and community purposes. In establishing such a partnership, the Parties agree, within oneday of the Effective Date of this Agreement, to appoint the City Manager and Public Works Supervisor (2) members of each Party to serve as an initial working group for the purpose of meeting and discussing next steps in moving forward with the investigation of potential grant or other funding sources. The Parties agree that the initial working group shall be advisory only, and that neither Party shall be bound by its findings, recommendations, or actions.

15. Termination.

- a. Either Party may terminate this Agreement upon 90 days' written notice to the other Party for the material breach of Agreement by the other Party. Within thirty (30) days of such notice, the Parties will meet to discuss the impacts of such cessation of use on the terms of this Agreement.
- b. The District may terminate this Agreement with at least twelve (12) months advance written notice to the City, if the District determines, in its sole discretion, that it needs to utilize the space at the School Site where the Facilities are located for another school purpose, such as for the construction of new buildings or facilities.

16. Disputes. In the event of a dispute between the Parties concerning this Agreement or the rights and duties of either Party under this Agreement, the Parties shall first attempt to resolve the dispute informally. If the Parties cannot reach a resolution, they shall attempt in good faith to settle the dispute through non-binding mediation. The Parties shall agree upon and select a mediator and share equally the costs and fees of mediation. If the Parties are unable to resolve the dispute through non-binding mediation, each Party may pursue its legal rights and remedies through any other legally permissible means, but neither Party may pursue any such legal remedy unless and until the Parties have engaged in at least one session of non-binding mediation.

17. Miscellaneous.

- a. Amendment. This Agreement may be amended only in writing signed by both the City and the District. The City Council and the District Board of Trustees must approve this Agreement and any amendments or modifications thereto before any amendments and/or modifications become effective.
- b. Governing Law; Venue. This Agreement shall be governed by and interpreted under the laws of the State of California applicable to instruments, persons, transactions and subject matter which have legal contacts and relationships exclusively within the State of California. Any action or proceeding seeking any relief under or with respect to this Agreement shall be brought solely in the Superior Court of the State of California for San Benito County, subject to motion for transfer of venue.
- c. Severability. If any provision of this Agreement is held invalid, void or unenforceable by a court of competent jurisdiction, but the remainder of the



Agreement can be enforced without failure of material consideration to any Party, then this Agreement shall not be affected and it shall remain in full force and effect, unless amended or modified by mutual consent of the Parties; provided, however, that if the invalidity or unenforceability of any provision of this Agreement results in a material failure of consideration, then the Party adversely affected thereby shall have the right in its sole discretion to terminate this Agreement upon providing written notice of such termination to the other Party.

- d. Successors and Assigns. The terms and provisions of this Agreement shall extend to and be binding upon and inure to the benefit of the successors and permitted assigns of the respective Parties.
- e. No Property Interest Created. This Agreement does not create any interest for the City in the Facilities, or any property owned or maintained by the District and is not coupled with any property interest or other interest.
- f. Waiver. No waiver of default in any of the terms, covenants, or conditions in this Agreement shall be a waiver of any subsequent default of the same or any other terms, covenants or conditions herein contained.
- g. Future Assurances. Each of the Parties agrees to execute such further documents and take such further actions as may be reasonably necessary or appropriate to effectuate the terms of this Agreement.
- h. Execution in Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original of the Agreement. Facsimile signature pages transmitted to other Parties to this Agreement shall be deemed equivalent to original signatures on counterparts.
- i. Warranty of Authority. Each of the persons signing this Agreement represents and warrants that such person has been duly authorized to sign this Agreement on behalf of the Party indicated, and each of the Parties by signing this Agreement warrants and represents that such Party is legally authorized and entitled to enter into this Agreement.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed by their respective officers thereunto duly authorized as of the latest date written below.

**CITY OF SAN JUAN BAUTISTA**

**AROMAS-SAN JUAN UNIFIED  
SCHOOL DISTRICT**

\_\_\_\_\_  
By:  
Title:

\_\_\_\_\_  
By: Michele Huntoon  
Title: Superintendent



**EXHIBIT A**  
**Site map of San Juan School Depicting Facilities**  
**(to be attached)**

DRAFT

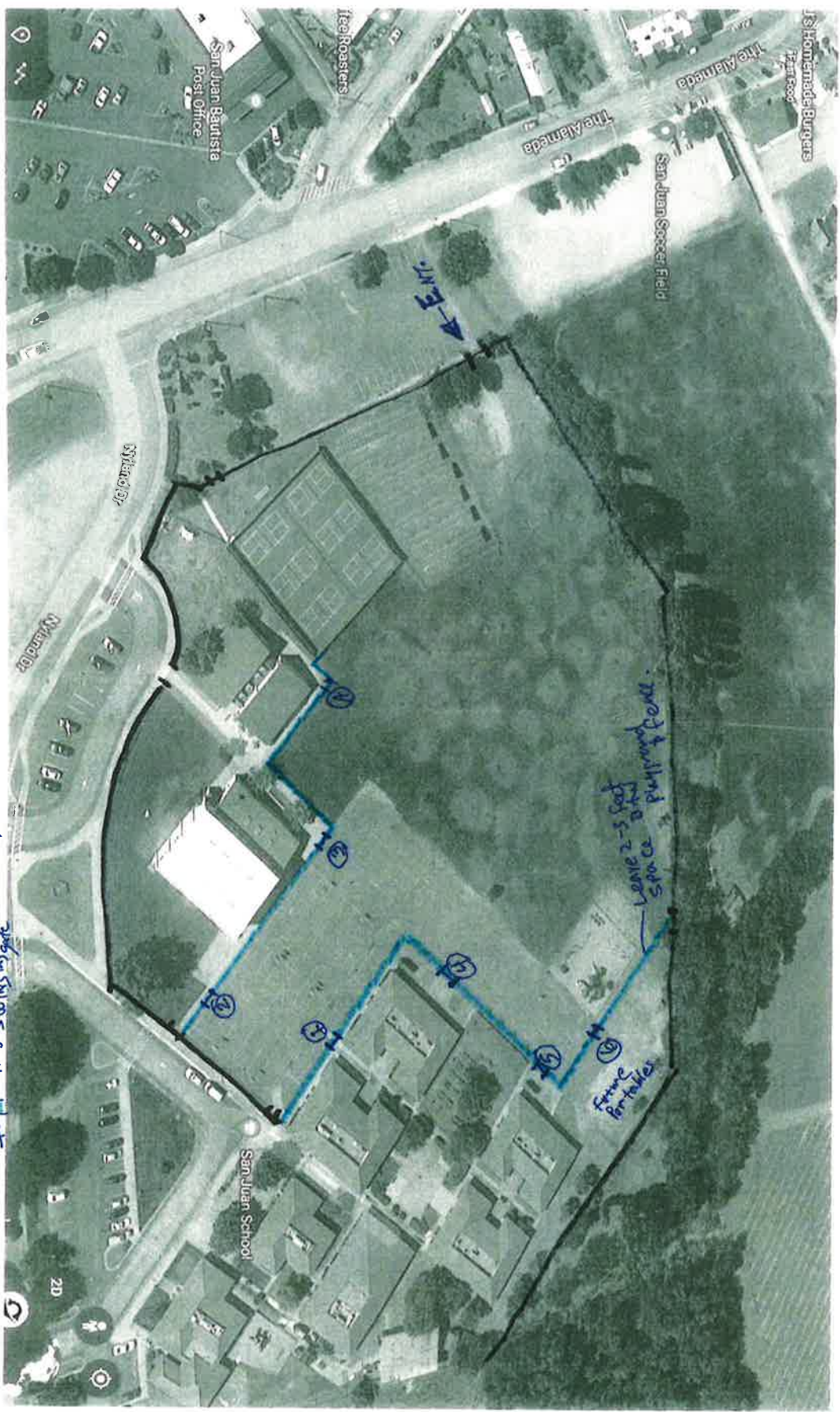
**EXHIBIT B**  
**District Requirements and Specifications for Fencing**  
**(to be attached)**

DRAFT

**EXHIBIT C**  
**Maintenance Schedule**  
**(to be attached)**

DRAFT

6 H 10' rolling gate Proposed 6' chain link fence, 4" x 6" green plastic wrapped. 1,000 linear feet of fence  
 7 H 1" x 8" x 5' wooden gate Existing perimeter fence H Existing gates



City School Shared the Concept

City weekend maint. Diff to support Access/locking facility

2-7-22



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:** Designate Rehabilitating the following streets: Franklin St., North St., Second St., Monterey St., The Alameda, Polk Street, Fourth St., Fifth St., Sixth St., Seventh St., and Church Street as the City's Priority Project under the State's Road Repair and Accountability Act of 2017

**MEETING DATE:** June 14, 2022

**SUBMITTED BY:** Ned Samhouri, City Engineer

**DEPARTMENT HEAD:** Don Reynolds, City Manager

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**RECOMMENDED ACTION:** Designate Franklin St., North St., Second St., Monterey St., The Alameda, Polk St., Fourth St., Fifth St., Sixth St., Seventh St., and Church Street as City's Priority Project under the State's Road Repair and Accountability Act of 2017 for Fiscal Year 2022/23.

**BACKGROUND INFORMATION:**

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

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

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



Price Index. The first adjustment to be made on July 1, 2020 will cover CPI change for two years: November 1, 2017 through November 12, 2019.

The Road Repair and Accountability Act stipulates that, prior to receiving RMRA funds in any fiscal year, a city shall submit a project list pursuant to the agency's adopted budget to the California Transportation Commission (CTC). City staff proposes to use FY2022/23 RMRA funds on the Fourth St., Fifth St., Sixth St., Seventh St., and Church Street (between Second St. and Cemetery Entrance), in addition to the FY 2021/2022 passed and adopted street rehabilitation project, which includes Franklin St., North St., Second St., Monterey St., Church St., The Alameda and Polk Street.

The above-mentioned street rehabilitation project have been selected from the City's priorities described in the City's Pavement Management Plan. These streets are part of the recently approved City CIP Budget for Fiscal Year 2022/23.

The City is currently preparing the rehabilitation and repair bid documents for these streets and will also include the above FY 2022/2023 streets rehabilitation.

Accordingly, it is estimated that the overall street rehabilitation and repairs project will cost \$1 million, consisting of \$830,000 for construction, a contingency of \$50,000 and associated project management, engineering, inspection, QC and testing services cost of \$120,000.

FISCAL IMPACT: The City is expected to utilize approximately \$1,000,000 from various funding sources, including Measure G Fund, Gas Tax Fund, RSTP Fund, and SB1 funding for both FY 2021/2022 and 2022/23.

ATTACHMENTS:

Pavement Rehabilitation List of Streets, Scope of Work and Cost Estimate  
Resolution

**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
DESIGNATING REHABILITATING 11 STREETS AS FOLLOWS: FRANKLIN ST.,  
NORTH ST., SECOND ST., MONTEREY ST., THE ALAMEDA, POLK ST., FOURTH  
ST., FIFTH ST., SIXTH ST., SEVENTH ST., AND CHURCH STREET, AS THE CITY'S  
PRIORITY PROJECT UNDER THE STATE'S ROAD REPAIR AND  
ACCOUNTABILITY ACT OF 2017 (SB1)**

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

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

WHEREAS, the City of San Juan Bautista will use SB 1 Road Maintenance, Measure G, and Rehabilitation Account (RMRA) money for rehabilitating the following 11 streets: Franklin St., North St., Second St., Monterey St., The Alameda, Polk St., Fourth St., Fifth St., Sixth St., Seventh St., and Church Street. This project is expected to be completed by December 2023 resulting in a new 5 to 20 -year life of these important streets; and

WHEREAS, the City will receive and utilize an estimated \$1,000,000 in SB1 funding in Fiscal Year 2022/23.

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

NOW, THEREFORE IT IS HEREBY RESOLVED by the City Council of the City of San Juan Bautista that the City budget for fiscal year 2022/23 is incorporate the following streets: Franklin St., North St., Second St., Monterey St., Church St., The Alameda, Polk Street. Fourth St., Fifth St., Sixth St., Seventh St., and Church St., which is partially funded with Road Maintenance and Rehabilitation Account (RMRA).

PASSED AND ADOPTED at a regular meeting of the San Juan Bautista City Council duly held on June 14, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Leslie Q. Jordan, Mayor

---

Don Reynolds, Acting Deputy City Clerk



## Pavement Rehabilitation Scope of Work and Cost Estimate- City of SJB

Street Name	Beg Loc	End Loc	Surface Area sq. ft. (approx.)	Current PCI	Treatment	Approximate Cost (\$) (PMP- CAPS 2020)
a) Franklin	6 <sup>th</sup> St.	4 <sup>th</sup> St.	615'X26' = 15,990	65	Edge Grind & Thin Overlay	\$38,376
b) Franklin	4 <sup>th</sup> St.	3 <sup>rd</sup> St.	377'X28' = 10,556	39	Edge Grind & 2" Overlay	\$39,644
North St	3 <sup>rd</sup> St.	1 <sup>st</sup> St.	492'X36' = 17,712	60	Edge Grind & Thin Overlay	\$42,509
Second St.	Monterey St.	San Jose St.	677'X36' = 24,372	66	Edge Grind & Thin Overlay	\$58,493
a) Monterey St.	Church St.	4 <sup>th</sup> St.	558'X34' = 18,972	59	Slurry Seal	\$11,549
b) Monterey St.	Church St.	Cemetery Ent	353'X26' = 9,178	-	Edge Grind & Thin Overlay	\$22,030 (Est.)
The Alameda	Pearce St.	Hwy. 156	688'X35' = 24,000	82	Crack Sealing & Min. Slurry Seal	\$1,000 (Est.)
Polk St.	4 <sup>th</sup> St.	2 <sup>nd</sup> St.	550'X35' = 19,000	52	Edge Grind & 2" Overlay	\$71,356 (Est.)
			<b>139,780 sq. ft.</b>			\$284,957 (YR 2020 Est.)
						<u>+30% Cost Escalation:</u>
						<b>Subtotal Cost Estimate= \$370,500 (YR 2022)</b>

# Pavement Rehabilitation Scope of Work and Cost Estimate- City of SJB

Street Name	Beg Loc	End Loc	Surface Area, sq. ft. (approx.)	Current PCI	Treatment	Approximate Cost (\$) (PMP- CAPS 2020)
Fifth St	Muckelemi St.	Polk St.	495'X36'= 17,820	42	Edge Grind & 2" Overlay	\$68,932
Seventh St.	San Antonio	Polk St.	616'X36'=22,176	45	Edge Grind & 2" Overlay	\$85,782
a) Church St.	Cemetery Entrance	3 <sup>rd</sup> St.	609'X28'=17,052	47	Edge Grind & 2" Overlay	\$67,940
b) Church St.	3 <sup>rd</sup> St.	2 <sup>nd</sup> St.	219'X35'=7,665	49	Edge Grind & 2" Overlay	\$30,540
Fourth St.	Monterey	The Alameda	2,600'X35'= 91,000	86	Slurry Seal	\$2,000 (Est.)
Sixth St.	Washington St.	Franklin Circle	228'X36'= 8,208	69	Slurry Seal	\$4,600
Seventh St.	Polk St.	Washington St.	629'X36'=22,644	50	Edge Grind & 2" Overlay	\$92,927

**=186,565 sq. ft.**

= \$352,750 (YR 2020 Est)

**Total Pavement Area = 326,345 sq. ft.**

**+30% Cost Escalation:**

Subtotal Cost Estimate= **\$458,600 (YR 2022)**

**Total Pavement Rehabilitation Cost Estimate (w/ Escalation) = \$830,000 (YR 2022)**

### Soft Cost (PM, Eng., Inspection and Testing)

**= \$120,000**

## Contingency

**= \$50,000**

### Grand Total Cost Estimate

**= \$1,000,000**

*Wellington & Rathie*

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[attys@wellingtonlaw.com](mailto:attys@wellingtonlaw.com)

Stephanie Atigh  
Robert W. Rathie  
Robert R. Wellington

**AGENDA TITLE      CONSIDER ADOPTING A RESOLUTION CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR THE ELECTION OF THREE MEMBERS OF THE CITY COUNCIL, THE CITY CLERK AND THE CITY TREASURER AND THE SUBMISSION OF TWO QUESTIONS OR, IN THE ALTERNATIVE, THE SUBMISSION ONE QUESTION, TO THE ELECTORATE CONCERNING THE OFFICES OF CITY TREASURER AND/OR CITY CLERK AND REQUESTING THE COUNTY AGREE TO CONSOLIDATE THE ELECTION (SUPERSEDING RESOLUTION 2022-32 ADOPTED ON MAY 17, 2022).**

**MEETING DATE:** JUNE 14, 2022

**RECOMMENDED ACTION:**

- (1) Hold a discussion and receive comments from the public concerning making the office of City Treasurer appointive; and
- (2) Adopt either (i) a Resolution (Exhibit A) Calling a General Municipal Election for November 8, 2022 for the election of three members of the City Council, the City Clerk and the City Treasurer and the submission of two questions to the electorate concerning making both the office of City Clerk and the office of City Treasurer appointive; or, in the alternative, (ii) a Resolution (Exhibit B) Calling a General Municipal Election for November 8, 2022, for the election of three members of the City Council, the City Clerk and the City Treasurer and the submission of one question to the electorate concerning making the office of City Clerk appointive; with either resolution to supersede (but not rescind) Resolution 2022-32.

**BACKGROUND INFORMATION:**

At the February 15, 2022, City Council meeting, following the resignation of City Clerk Shauna Freels, the City Council considered temporarily filling the office of City Clerk through an appointment and whether to place a measure on the ballot for the November 2022 election to make the office of City Clerk an appointive office by the City Council in accordance with Government Code §36508. At that meeting the Council adopted Resolution 2022-09 directing staff to start the process to put a measure on the ballot at the next municipal election in November 2022 to make the City Clerk an appointive position.

The offices of both the City Clerk and City Treasurer in the City of San Juan Bautista are now required by California Government Code §36501 to be elective positions. Under Government Code Section 41002 the City Treasurer shall comply with all laws governing the deposit and



securing of public funds and the handling of trust funds in his or her possession. If the city has issued bonds, the City Treasurer shall use a system of accounting and auditing that adheres to generally accepted accounting principles.

Government Code §36508 provides the city council may submit to the electors the question whether the elective officers, or any of them except council members, shall be appointed by the City Council; provided, however, that the City Council shall not submit such question to the electors more often than once in an 11-month period.

In 2006 and again in 2008 the City Council placed measures on the ballot for the General Municipal Elections held in those years to make both the office of City Clerk and that of City Treasurer appointive. Those measures both failed.

At the present time the office of City Treasurer is filled by an appointed treasurer (Mr. Geiger) and the office of City Clerk is filled by a temporary City Clerk (Ms. Alley) and by the City Manager as an Acting City Clerk. There were no candidates on the ballot for 2018 for the Office of City Treasurer. Ms. Laura Cent was elected to the position of City Clerk in 2018 and subsequently succeeded by the appointment of Ms. Freels. Due to its small size the City has for a number of years encountered difficulties in recruiting someone to run for election for either office. If both offices remain elective, it is a requirement that the individuals assuming those elective offices be both registered voters in and residents of the City of San Juan Bautista. Neither of these offices have policy making responsibilities. Both positions require a level of experience and competency in various and necessary skills.

If the City Council after discussion and receipt of public comment wishes to place the questions of making the office of City Treasurer as well as the office of City Clerk appointive by the City Council rather than elective the Council should consider adopting the Resolution described in (2)(i) above, a copy of which is attached as **Exhibit A**.

If the City Council after discussion and receipt of public comment wishes to place only the question of making the office of City Clerk appointive by the City Council rather than elective, the Council should consider adopting the Resolution described in (2)(ii) above, a copy of which is attached as **Exhibit B**.

Either resolution will supersede but not replace Resolution 2022-32 adopted on May 17, 2022, which provided only for the election of three members of the City Council and for election of a City Clerk and a City Treasurer at the November 2022 General Municipal Election and did not provide for submission of the question to the electorate whether the office of the City Clerk should be appointive. If the Council takes action to adopt a superseding resolution, that resolution, in lieu of Resolution 2022-32, will be delivered immediately after its adoption to the Clerk of the Board of Supervisors and the Office of the Registrar of Voters (Election Department) for San Benito County.

Should a candidate file for and be elected to either office, if the community votes for the appointment process and at the same time a candidate is elected, that elected person would serve a four-year term, delaying implementation of the appointment process until 2026.

FISCAL IMPACT: Unknown at this time.

ATTACHMENTS:

Exhibit A Resolution  
Exhibit B Resolution



**EXHIBIT A**

**RESOLUTION NO. 2022-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA CALLING A GENERAL MUNICIPAL  
ELECTION TO BE HELD ON NOVEMBER 8, 2022, REQUESTING  
THAT THE COUNTY OF SAN BENITO AGREE TO CONSOLIDATION  
OF SAID ELECTION WITH THE STATEWIDE GENERAL  
ELECTION TO BE HELD ON SAID DATE, AND REQUESTING  
THE COUNTY TO RENDER SERVICES IN CONNECTION  
WITH SAID CONSOLIDATED ELECTION**

**WHEREAS**, Section 2-1-200 of the San Juan Bautista Municipal Code provides that City's General Municipal Election shall be held on the same day as the Statewide General Election on the first Tuesday following the first Monday of November in every even-numbered year; and

**WHEREAS**, the terms of three members of the City Council, namely Leslie Q. Jordan, Cesar E. Flores, and Mary V. Edge, will expire as of the regular City Council meeting on November 15, 2022, thus their successors shall be elected at the General Municipal Election in November of 2022; and

**WHEREAS**, the term of the City Clerk and City Treasurer will expire as of the regular City Council meeting on November 15, 2022, thus their successors shall be elected at the General Municipal Election in November 2022; and

**WHEREAS**, this Council also desires to submit to the electorate two measures concerning appointment of two City officials, namely the City Clerk and City Treasurer; and

**WHEREAS**, consistent with past practice, this Council desires that City's General Municipal Election be consolidated with the Statewide General Election, and that the County be requested to render specified services in connection with said consolidated election; and

**WHEREAS**, the City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

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

**SECTION 1.** Pursuant to San Juan Bautista Municipal Code, Section 2-1-200, this Council hereby calls a General Municipal Election to be held on November 8, 2022, for the purpose of the election of three (3) members of the City Council, the City Clerk and the City Treasurer, FURTHER, in accordance with California Government Code §§36508-36509, this Council hereby submits two (2) separate ballot questions to the electorate, to wit:

“SHALL THE OFFICE OF CITY TREASURER BE APPOINTIVE?”

and

“SHALL THE OFFICE OF CITY CLERK BE APPOINTIVE?”

The words “yes” and “no” shall be printed on the ballots so that the voters may express their choice as to each of these two questions.

**SECTION 2.** This Council hereby requests, pursuant to California Elections Code, Section 10403, that the San Benito County Board of Supervisors consent to consolidation of the General Municipal Election with the Statewide General Election, and therefore to permit the San Benito County Clerk and the County Elections Department to render services in all phases relating to the conduct of the City of San Juan Bautista General Municipal Election to be held on November 8, 2022.

**SECTION 3.** The ballots to be used at the General Municipal Election shall be in form and content as required by law.

**SECTION 4.** In all particulars not recited in this Resolution, the General Municipal Election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 5.** Notice of time and place of holding the General Municipal Election is given and the City Clerk is authorized, instructed, and directed to give further or additional notices of said election, in time, form, and manner as required by law.

**SECTION 6.** Written arguments, not to exceed three hundred (300) words, in favor or opposition to the measures described herein, may be submitted to the Acting City Clerk no later than eleven a.m. on August 12, 2022. Rebuttal arguments, not to exceed two hundred and fifty (250) words, to arguments in favor of or in opposition to said measures may be submitted to the Acting City Clerk no later than eleven a.m. on August 19, 2022.

**SECTION 7.** The City Attorney shall prepare impartial analyses of the two ballot questions not to exceed five hundred (500) words in length showing the effect of the measure on the existing law and the operation of the question. The impartial analyses shall be filed by eleven a.m. on August 12, 2022.

**SECTION 8.** The City Clerk shall certify to the passage and adoption of this Resolution and shall as soon as practicable present and file it with the San Benito County Board of Supervisors, with a copy to the County's election official.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of June, 2022, at a special meeting of the San Juan Bautista City Council, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

---

**Mayor Leslie Q. Jordan**

---

**Don Reynolds, Acting Deputy City Clerk**

## **EXHIBIT B**

### **RESOLUTION NO. 2022-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA CALLING A GENERAL MUNICIPAL  
ELECTION TO BE HELD ON NOVEMBER 8, 2022, REQUESTING  
THAT THE COUNTY OF SAN BENITO AGREE TO CONSOLIDATION  
OF SAID ELECTION WITH THE STATEWIDE GENERAL  
ELECTION TO BE HELD ON SAID DATE, AND REQUESTING  
THE COUNTY TO RENDER SERVICES IN CONNECTION  
WITH SAID CONSOLIDATED ELECTION**

**WHEREAS**, Section 2-1-200 of the San Juan Bautista Municipal Code provides that City's General Municipal Election shall be held on the same day as the Statewide General Election on the first Tuesday following the first Monday of November in every even-numbered year; and

**WHEREAS**, the terms of three members of the City Council, namely Leslie Q. Jordan, Cesar E. Flores, and Mary V. Edge, will expire as of the regular City Council meeting on November 15, 2022, thus their successors shall be elected at the General Municipal Election in November of 2022; and

**WHEREAS**, the term of the City Clerk and City Treasurer will expire as of the regular City Council meeting on November 15, 2022, thus their successors shall be elected at the General Municipal Election in November 2022; and

**WHEREAS**, this Council also desires to submit to the electorate a measure concerning appointment of a City official, namely the City Clerk; and

**WHEREAS**, consistent with past practice, this Council desires that City's General Municipal Election be consolidated with the Statewide General Election, and that the County be requested to render specified services in connection with said consolidated election; and

**WHEREAS**, the City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

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

**SECTION 1.** Pursuant to San Juan Bautista Municipal Code, Section 2-1-200, this Council hereby calls a General Municipal Election to be held on November 8, 2022, for the purpose of the election of three (3) members of the City Council, the City Clerk and the City Treasurer, FURTHER, , in accordance with California Government Code §§36508-36509, this Council hereby submits a separate ballot question to the electorate, to wit:

“SHALL THE OFFICE OF CITY CLERK BE APPOINTIVE?”

The words “yes” and “no” shall be printed on the ballots so that the voters may express their choice as to this question.

**SECTION 2.** This Council hereby requests, pursuant to California Elections Code, Section 10403, that the San Benito County Board of Supervisors consent to consolidation of the General Municipal Election with the Statewide General Election, and therefore to permit the San Benito County Clerk and the County Elections Department to render services in all phases relating to the conduct of the City of San Juan Bautista General Municipal Election to be held on November 8, 2022.

**SECTION 3.** The ballots to be used at the General Municipal Election shall be in form and content as required by law.

**SECTION 4.** In all particulars not recited in this Resolution, the General Municipal Election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 5.** Notice of time and place of holding the General Municipal Election is given and the City Clerk is authorized, instructed, and directed to give further or additional notices of said election, in time, form, and manner as required by law.

**SECTION 6.** Written argument, not to exceed three hundred (300) words, in favor or opposition to the measure described herein, may be submitted to the Acting City Clerk no later than eleven a.m. on August 12, 2022. Rebuttal argument, not to exceed two hundred and fifty (250) words, to argument in favor of or in opposition to said measure may be submitted to the Acting City Clerk no later than eleven a.m. on August 19, 2022.

**SECTION 7.** The City Attorney shall prepare an impartial analysis of the ballot question not to exceed five hundred (500) words in length showing the effect of the measure on the existing law and the operation of the question. The impartial analysis shall be filed by eleven a.m. on August 12, 2022



**SECTION 8.** The City Clerk shall certify to the passage and adoption of this Resolution and shall as soon as practicable present and file it with the San Benito County Board of Supervisors, with a copy to the County's election official.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of June, 2022, at a special meeting of the San Juan Bautista City Council, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

---

**Mayor Leslie Q. Jordan**

---

**Don Reynolds, Acting Deputy City Clerk**

## Planning Commission

### 2-3-110 Qualifications – Appointment – Term. SHARE

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

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

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

(D) When there is a vacancy to be filled on the Planning Commission, except for a successful reappointment of a Planning Commission member for a successive, consecutive term as defined in subsection (E) of this Section, the City Council shall appoint an ad hoc subcommittee of two (2) members to receive applications and/or resumes, select qualified candidates for interviews, conduct interviews and make a brief report with a recommendation to the City Council. The City Council shall consider and vote on the recommendation and shall appoint the applicant who receives a majority of votes to the Planning Commission. If an applicant does not receive a majority of votes, the ad hoc subcommittee shall select a new candidate and present that candidate to the City Council at the following meeting.

(E) The City Council may, upon expiration of a Planning Commission member's term, reappoint the Planning Commission member for a successive, consecutive term, without requiring an ad hoc subcommittee to conduct interviews and make a recommendation. If the Planning Commissioner, whose term has expired, is not reappointed, the Council may direct the ad hoc subcommittee to review credentials and interview that Planning Commissioner, or to also consider other candidates for appointment to the Planning Commission, as set forth in subsection (D) of this Section.

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**AGENDA TITLE**

**DISCUSSION, RECEIVE COMMENTS FROM THE  
PUBLIC AND PROVIDE DIRECTION .  
CONCERNING A DRAFT ORDINANCE THAT, IF  
SUBSEQUENTLY ENACTED, WOULD BAN THE  
FUTURE SALE, USE, POSSESSION AND  
DISCHARGE OF ALL FIREWORKS WITHIN THE  
CITY OF SAN JUAN BAUTISTA**

**MEETING DATE:**

JUNE 14, 2022

**RECOMMENDED ACTION:**

1. Discuss, receive comments from members of the public, and provide City Council direction concerning an ordinance that, if subsequently enacted, would ban the future sale, use, possession, and discharge of all fireworks within the City of San Juan Bautista.

**BACKGROUND INFORMATION:**

San Juan Bautista Municipal Code §§5-1-165 and 5-16-100 in conjunction presently allow, with City Council approval, the sale and use of legal fireworks in San Juan Bautista. Section 5-1-165 permits the use and handling of fireworks permitted for public use by the State Fire Marshall for use by the general public from noon June 30<sup>th</sup> to midnight July 4 with the City Council having the power to restrict such use to times and dates within those parameters. The City Council may authorize the Fire Chief to issue one permit each year for the sale of legal fireworks. Section 1-16-100 makes it unlawful to set-off any fireworks except at such times and places as the City Council may designate and permit.

At the City Council meeting on May 24, 2022, the Council adopted Resolution 2022-39 permitting the use of legal fireworks (also known as "safe and sane" fireworks) within the City between noon and midnight on July 4, 2022, only on private property with the permission of the owner by persons over the age of 18 or a minor under the supervision of a parent or guardian. The Council also permitted the Anzar High School Boosters Club to sell legal fireworks within the City at the Windmill Market from 9:00 a.m. to 7:00 p.m. each day beginning on Thursday, June 30, 2022, and ending on Monday, July 4, 2022. At the time of passage of Resolution 2022-39 the Council directed that an ordinance be brought back for consideration which would ban the future sale and use of all fireworks.

The draft ordinance attached a **Exhibit A** would ban within the city the sale, use, possession and discharge of fireworks, including legal (aka “safe and sane” fireworks) and dangerous fireworks. The ordinance also provides for the seizure of fireworks by the County Sheriff or County Fire Chief. Illegal fireworks are considered to be hazardous materials and special rules govern the storage of such materials.

The draft ordinance also contains a provision permitting the imposition of “host liability” on a person who when present allows his or her private property or the public right of way adjacent to the hosts property to be used for a violation of the ordinance. Persons cited under the proposed ordinance can request a hearing per Section 2-7-130 of the Municipal Code.

The draft ordinance contains exceptions for roadway flares, blank cartridges used for ceremonies or sporting purposes, use of agricultural and wildlife fireworks and as may be permitted by a permit granted by the City Council (such as for a city-sponsored professional fireworks show).

The draft ordinance would maintain the penalties established by the Council in Resolution 2021-34A, that is, \$1,000 for a first offense; \$2,500 for a second offense within 2 months of a first offense; and \$5,000 for a third and all subsequent offences within 12 months of the last violation.

The draft ordinance is brought to you for discussion purposes and to allow the Council to receive public comment. It is not proposed for introduction at this time and the Council may propose revision as may be appropriate.

If Council were to enact an ordinance banning the future sale, use, possession and discharge of fireworks, Sections 5-1-165 and 5-16-100 of the Municipal Code should be repealed at the same time to preclude a conflict in the Municipal Code. Any ordinance banning fireworks would require two readings and would not go into effect for 30 days’ thereafter. Thus, the ordinance would not be effective on or before July 4, 2022. The adoption of such ordinance is not a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

#### ATTACHMENTS:

Exhibit A: Draft Ordinance

EXHIBIT A  
Chapter 5.16  
FIREWORKS

Sections:

5-16-.100 Purpose and Findings.  
5-16-200 Definitions.  
5-16-300 Prohibition.  
5-16-400 Seizure of Fireworks.  
5-16-500 Host Liability.  
5-16-600 Exceptions.  
5-6-700 Violation Penalty.  
5-16-800 No Mandatory Duty of Care.

5-16-100 Purpose and Findings.

- (A) Fireworks present a significant hazard to the City of San Juan Bautista, the environment and the safety of its citizens.
- (B) It is in the city's best interest to prohibit the sale, use, possession and discharge of fireworks, including illegal and "dangerous fireworks" and legal fireworks also known as "safe and sane fireworks."
- (C) The purpose of this chapter is to establish a prohibition on the sale, use, possession and discharge of fireworks in the city of San Juan Bautista.
- (D) California Health and Safety Code Section 12500 et seq. provides for regulation of the manufacture, classification and, in part, sales of safe and sane fireworks by the California State Fire Marshal and California Health and Safety Code Section 12541.1 allows local jurisdictions to prohibit or otherwise regulate sale based upon local conditions.
- (E) In 2022 and previously, California has experienced devastating wildfires. The City of San Juan Bautista is surrounded by brush-covered lands so that fireworks present a significant fire hazard to the environment and the safety of its citizens.
- (F) Many jurisdictions elsewhere have already banned fireworks.

## 5-16-.200 Definitions

(A) As used herein, the words and phrases "fireworks," "dangerous fireworks," and "safe and sane fireworks" shall have the meanings ascribed to them in Section 12500 et seq. of the California Health and Safety Code.

(B) As used herein, the word "host" means a person who either is in charge of private property, including, but not limited to, an owner, tenant, landlord, or property manager of the property; or organizes, supervises, officiates, conducts, controls, or is otherwise in charge of the activity on the property.

(C) As used herein, the phrase "response costs" means costs associated with law enforcement, fire, medical, or other emergency personnel responding to, remaining at, and leaving the scene of a gathering, including but not limited to: salaries and benefits of law enforcement, fire, medical, or other emergency personnel; administrative costs; the cost of any medical treatment of injuries to any law enforcement, fire, medical or other emergency personnel; the cost of using any city equipment; the cost of repairing any damaged city equipment or property; and any other costs related to enforcement of this Chapter.

## 5-16-300 Prohibition.

The sale, use, possession and discharge of fireworks, including, but not limited to legal fireworks, sometimes also known as safe and sane fireworks, and dangerous fireworks, are prohibited within the city of San Juan Bautista. It shall be unlawful for any person to sell, offer for sale, purchase, discharge or otherwise use fireworks within the city of San Juan Bautista except as provided in this Chapter.

## 5-16-400 Seizure of Fireworks.

The County Sheriff, County Fire Chief, or designee, may seize, take, remove or cause to be removed, at the expense of the owner, all fireworks possessed or displayed in violation of this Chapter.

## 5-16-500 Host's Liability.

(A) No host shall allow any person to violate a provision of this Chapter on the host's private property, except as provided below in Subsection C.

(B) Whenever a host is present at the private property while another person violates a provision of this Chapter, there shall be a rebuttable presumption that the host knew or should have known of the violation.



(C) The provisions of this Section shall not apply to a host who initiates contact with law enforcement or fire officials to assist in removing any person from the property or terminating the activity in order to comply with this Chapter, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this Chapter.

(D) No host shall aid or abet another person's violation of a provision of this Chapter in a public right-of-way adjacent to the host's private property. A host aids and abets another person's violation of a provision of this Chapter if he or she knows of the other person's unlawful purpose and the host specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of that violation.

#### 5-16-600 Exceptions.

(A) Nothing in this chapter shall be construed as prohibiting the sale, use, or discharge of any of the following: torpedoes, flares, or fuses by transportation or law enforcement agencies for signal purposes or illumination; blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonies or demonstrations; fireworks by permittees having a permit as hereinafter provided; agricultural and wildlife fireworks as defined in California Health and Safety Code Section 12503; or to those subjects identified in California Health and Safety Code Sections 12540 (a) through (d).

(B) Public displays of fireworks may be conducted by permit granted pursuant to Title 19 of the California Code of Regulations.

#### 5.-6-700 - Violation Penalty.

(A) In addition to any other remedy allowed by law, any person who violates a provision of this Chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 2-7.

(B) Notwithstanding the provisions of Chapters 13-1 or 2-7, the amount of an administrative penalty for a violation of this Chapter is one thousand dollars (\$1,000.00) for the first violation, \$2,500 for a second violation within twelve months of a first violation, and \$5,000 for a third or subsequent violation within twelve months of the last violation.

(C) In the event the fireworks are confiscated and have to be disposed of by the County Sheriff of County Fire Department, there shall be an additional charge of two hundred and fifty dollars assessed for disposal fee. Each day of recurrence of any violation shall constitute a separate offense and may be treated as such pursuant to this Section.



(D) Any person who violates Section 5-16-300 and any host who violates Section 5-16-500 shall be liable for the response costs relating to the violation. All hosts who violate Section 5-16-500 in the same incident are jointly and severally liable for the response costs relating to the violation. The amount of response costs constitutes a debt owed to the city.

(E) Notice of the response costs shall be served by first-class mail on the person or hosts liable for such costs. The notice shall contain the following information:

The name of the person or host who is liable for the response costs;

The address of the private property where the incident occurred;

The date and time of the response;

The law enforcement, fire, or other emergency response personnel who responded; and

An itemized list of the response costs.

(F) Payment for response costs shall be remitted to the City of San Juan Bautista within thirty (30) calendar days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal.

(G) A person or host charged with response costs may, within ten (10) calendar days of the date of the notice of response costs, appeal the response costs in accordance with Section 2-7-130 of Chapter 2-7. The appeal hearing shall be scheduled and conducted in the manner prescribed in Chapter 2-7. Failure to timely file an appeal constitutes a failure to exhaust available administrative remedies, and bars any further review or administrative appeal of the response costs.

(H) Violations of this Chapter are hereby declared to be a public nuisance.

(I) All remedies prescribed under this Chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this Chapter.

#### 5-16-800 No Mandatory Duty of Care.

This Chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis for civil liability for damages, except as otherwise imposed by law.