



# City of San Juan Bautista

*The "City of History"*

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

## **AGENDA**

### **REGULAR CITY COUNCIL MEETING**

**TUESDAY ~ APRIL 19, 2022 ~ 6:00 P.M.**

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

**Join Zoom Webinar** <https://zoom.us/j/89552921649>

**or call 1 (669) 900-6833**  
**Webinar ID: 895 5292 1649**

**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 April 19, 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**
2. **Closed Session**  
**A. Report by City Attorney**

3. **Public Comment**

This portion of the meeting is reserved for persons desiring to address the Council on matters not on this agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

4. **Consent Items**

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

- A. **Approve Affidavit of Posting the Agenda**
- B. **Approve Affidavit of Posting Public Hearing Notice**
- C. **Adopt the Minutes of March 15, 2022**
- D. **Adopt the Minutes of March 8, 2022**
- E. **Adopt the Minutes of February 15, 2022**
- F. **Adopt Ordinance 2022-01 of the City of San Juan Bautista Adding Section 3-4-256 to the San Juan Bautista Municipal Code to Allow for Liens as a Remedy When Transient Occupancy Tax Is Not Remitted By An Operator**
- G. **Adopt Ordinance 2022-02 of the City of San Juan Bautista Increasing the Formal Bid Limit Requiring City Council Approval and Making Other Revisions to the Municipal Code (Chapter 2-8, Purchasing Procedures)**
- H. **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 Noticing a Hearing for the Receipt of Objections to the Proposed Abatement**
- I. **Adopt a Resolution of the City Council of the City of San Juan Bautista Ordering Preparation of an Engineer's Report for Fiscal Year 2022-23 for Valle Vista Landscape and Lighting Maintenance Assessment District No. 1**
- J. **Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Temporary Name for the Park at Franklin Circle, "Franklin Circle Community Park," And Dedicating On A Park Bench the Succulent Garden to Glenn Farney, And Recognize On A Plaque And Granite Boulder, All Of The Community Members That Contributed To The Development Of This Park Led By Mary And Rick Morales, and Jimmy Martin**
- K. **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**
- L. **Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**

5. **Presentations, Proclamations, Informational Items and Reports**

- A. **Proclamation Thanking LULAC for Donation of Laptops for the Library**
- B. **Proclamation for Public Works Week, May 15 – 21, 2022**
- C. **Proclamation for City Clerk's Week, May 1 – 7, 2022**
- D. **Central Coast Community Energy Annual Member Agency Presentation**
- E. **Microenterprise Home Kitchen Operations Program (MEHKO) Presentation by San Benito County Analyst Graciela Rodriguez**



- F. San Benito County Sheriff's Office Presentation by Deputy Ryan Miller
- G. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia
- H. City Manager's Report
- I. Reports from City Council Representatives to Regional Organizations and Committees

**6. Public Hearing Items**

- A. Consider Appeal by Jesus Zavala of the Planning Commission's Action Denying a Conditional Use Permit for an Alcoholic Beverage Control License Type 47 License (On Sale General – Eating Place). The Appeal will be heard by the City Council regarding: 1) a Conditional Use Permit to allow the establishment of a bar on the main floor; and 2) a Conditional Use Permit to allow on-site alcohol sales/consumption. The project has been determined to be exempt from CEQA per Guidelines Sections 15303 and 15305.

**Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Use Permit to Allow the Establishment of a Restaurant with Bar and Related On-Site Alcohol Sales/Consumption on the Main Floor of a Mixed-Use Building; for the Property Located at 205 The Alameda, at the Intersection of The Alameda and Pearce Street, APN: 002-460-001 and 002-460-002.**

- B. Water Shortage Emergency; Pursuant to Section 350-359 of the California Water Code, the City of San Juan Bautista may declare a water shortage emergency condition to prevail within the area whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply for human consumption, sanitation, and fire protection. The Declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration.

**Adopt a Resolution of the City Council of the City of San Juan Bautista Declaring a State of Emergency Due to Drought and Imposition of Water Conservation Regulations**

**7. Action Items**

- A. Appeal by Dante Bains of Sewer Connection Fee at 507 Third Street
- B. Adopt Strategic Plan and Review Status of Fiscal Year 2022-2023 Budget
- C. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the San Benito County Arts Council (Arts Council) Installation of a Mural on the Luck Library
- D. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Closure of Mariposa Street Between Second and Third Streets to Enable a Farmers Market Every Sunday Between 9:30 AM – 2 PM
- E. Appoint City Clerk for the Period Ending December 2022

**8. Discussion**

- A. Microenterprise Home Kitchen Operations Program (MEHKO)
- B. COVID-19 Update
- C. Water and Wastewater Update

**9. Future Agenda Items**

**10. Comments**

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

**11. Adjournment**

**AFFIDAVIT OF POSTING**

I, VERONICA MUNOZ NORIETA, 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 MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 14<sup>th</sup> DAY OF APRIL 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 14<sup>th</sup> DAY OF APRIL 2022.

  
\_\_\_\_\_  
VERONICA MUNOZ NORIEGA, OFFICE ASSISTANT

**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 8<sup>th</sup> DAY OF APRIL 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.
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SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,  
ON THE 14<sup>th</sup> DAY OF APRIL 2022.



VERONICA MUNOZ NORIETA, 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 **April 19, 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 Council. Members of the public and the Council 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 Planning Commission Chairperson.**

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

Appeal filed by Jesus Zavala of Planning Commission Action denying a Conditional Use Permit for a Alcoholic Beverage Control License Type 47 License (On Sale General – Eating Place). The Appeal will be heard by the City Council as a new public hearing item of the following:

- 1) Conditional Use Permit to allow the establishment of a bar on the main floor;
- 2) Conditional Use Permit to allow on-site alcohol sales/consumption;

**CEQA:** The project has been determined to be exempt from CEQA per Guidelines Sections 15303 and 15305.

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 **April 15, 2022**. All members of the public are encouraged to attend the meeting **remotely via Zoom** at <https://zoom.us/j/89552921649> 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 [acm-cddirector@san-juan-bautista.ca.us](mailto:acm-cddirector@san-juan-bautista.ca.us), not later than **5:00 p.m., April 19, 2022**.

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: April 8, 2022**



**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 **April 19, 2022** at 6:00 p.m.

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

**Pursuant to the California Water Code - Section 350-359, the City of San Juan Bautista may declare a water shortage emergency condition to prevail within the area whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply for human consumption, sanitation, and fire protection. The Declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration.**

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 **April 8, 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., April 19, 2022**.

The meeting (webinar) will be virtual via Zoom. You can access the webinar at <https://us02web.zoom.us/j/89552921649>. An agenda will be posted on the City website and distributed not later than .

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: April 8, 2022

**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
MARCH 15, 2022**

**DRAFT MINUTES**

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

**PLEDGE OF ALLEGIANCE** – Council Member Freels led the pledge of allegiance

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

**Absent:** None

**Staff Present:** City Manager Reynolds, City Attorney Rathie, City Treasure Sabathia, Assistant City Manager/Community Development Director Foucht, Acting City Clerk Spence, John P. Coggins, RGS, Wendy Cummings, CPA

City Attorney Rathie reported out of the Closed Session where the Council considered all matters. Direction was given, but no action was taken to report.

2. **CERMONIAL ITEMS**
  - A. **Swearing in of New City Attorney Robert Rathie by Acting City Clerk Yvonne Spence**

City Attorney Rathie was sworn in by Acting City Clerk Spence.

3. **PUBLIC COMMENT:** Cara Vonk spoke about the roundabout

4. **CONSENT ITEMS:**
  - A. **Approve Affidavit of Posting the Agenda**
  - B. **Approve Affidavit of Posting Public Hearing Notice**
  - C. **Adopt the Minutes of January 18, 2022**
  - D. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Closure of Streets for Certain Special Events in 2022.** Resolution 2022-16 was adopted.
  - E. **Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming the Reaffirming the Existence of a Local Emergency in the City.** Resolution 2022-17 was adopted.

**F. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving an Agreement for Purchase and Installation of Media Equipment Upgrades to the City Council Chambers.**

Resolution 2022-018 was adopted.

**G. Adopt a Resolution of the City Council of the City of San Juan Bautista Appointing Two Councilmembers to the Fire Protection Advisory Committee.** Resolution 2022-19 was adopted.

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

When Mayor Jordan asked the Council Member if they wanted to pull any of the items on Consent for further discussion, Council Member Freels requested to pull item 4C, approval of the Minutes of January 18, 2022 because he was not in attendance.

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

**C. Adopt the Minutes of January 18, 2022**

A motion was made by Council Member Edge to approve the minutes and seconded by Council Member Freeman. The motion passed on a 4-0-1 roll call vote with Council Member Freels abstaining.

**5. Presentations, Proclamations, Informational Items and Reports**

**A. Presentation of Washington Street Overpass Community Impact Project Mural by San Benito Arts Council Executive Director, Jennifer Laine and Cal Trans District 6 Landscape Architect Corby Kilmer.**

Jennifer Laine and Corby Kilmer presented a Power Point presentation to the City Council. There are two projects, 1) the mural and beautification of the highway 156 and Washington Street underpass and 2) a community impact project by the San Benito Arts Council. The walls of the underpass will have a mural painted onto the walls of the underpass, the fencing will be replaced, and landscaping will be added to beautify the property. The next step is to secure an artist to paint the mural. These two projects are fully funded by the State. A MOU from the City of San Juan Bautista and Caltrans will be needed. Once the project is finished after three years, there will be maintenance needed from the City of San Juan Bautista. They discussed the community impact project and how they bought together artists and front line workers and community members to design the mural. They would like Council's input on the potential spots for the mural to reside.



When Mayor Jordan called for public comment, Cara, Hannah Marquez and Credo Studio spoke on the topic.

**B. Treasurer's Report and Monthly Financial Statements by City**

**Treasurer Michelle Sabathia**

Treasurer Sabathia gave an update on the monthly financial statements. No public comments were received.

**C. City Manager's Report**

City Manager Reynolds updated the Council using slides. No public comments were received.

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

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

**6. PUBLIC HEARING ITEMS**

**A. Introduce an Ordinance of the City of San Juan Bautista Adding Section 3-4-256 to the San Juan Bautista Municipal Code to allow for Liens as a Remedy When Transient Occupancy Tax is Not Remitted by an Operator**

City Manager Reynolds introduced this item to the City Council. He and the City Attorney drafted the ordinance adding "lien which specifies the amount of tax and penalties and interest due and the name and address of the operator". No public comments were received. The Mayor closed the public hearing. This item will come back at the next City Council meeting under Consent.

Vice Mayor Flores made a motion to approve the first reading of the ordinance, the motion was seconded by Council Member Edge. The motion passed on a 5-0 roll call vote.

**B. Introduce an Ordinance of the City of San Juan Bautista Increasing the Formal Bid Limit Requiring City Council Approval and Making Other Revisions to the Municipal Code (Chapter 2-8, Purchasing Procedures)**

City Manager Reynolds presented this item to the City Council stating that he wants to make sure the City's Purchasing Procedures are in compliance with the State Controller's Office Public Contract Code. John Coggins of RGS stated he reviewed Chapter 2.8 and came back with recommendations to raise professional services from \$20,000 to \$50,000



and streamline the process. Any purchases over \$50,000 must go to the City Council for approval. No public comments were received. The Mayor closed the public hearing.

Council Member Freels made a motion to approve the first reading of the ordinance. The motion was seconded by Council Member Edge. The motion passed on a 5-0 roll call vote.

**7. Action Items**

**A. Consider Appeal by Frank Leal of the Payment of the 1% interest Due on Late Transient Occupancy Taxes.**

City Manager Reynolds announced that Mr. Leal requested this item be continued to the next meeting. He is appealing interest owed in the amount of \$16,560. No more interest is being accrued. After discussion, Vice Mayor Flores made a motion to deny the appeal. The motion died due to the lack of a second. No public comments were received.

Council Member Edge made a motion to continue this item to the April 19<sup>th</sup> meeting and if he is a no-show, the penalties will be added back to the total. Council Member Freels seconded the motion. The motion passed on a 5-0 roll call vote.

**B. Approve a Resolution of the City Council of the City of San Juan Bautista Adopting an Amended Memorandum of Understanding (MOUA1) with the City of Hollister to Send Its Domestic Wastewater to the Hollister Treatment Plant**

City Manager Reynolds introduced this item to the City Council and provided a summarized history. No public comments were received.

Council Member Edge made a motion to approve the resolution. The motion was seconded by Vice Mayor Flores. The Resolution was approved on a 5-0 roll call vote. Resolution 2022-20 was approved.

**C. Approve a Resolution of the City Council of the City of San Juan Bautista Extending the Term of the Parklets Encroachment Permit until March 30, 2022.**

Community Development Director Foucht introduced this item to the City Council. Director Foucht corrected the date on the agenda from March 30, 2022 to May 31, 2022.



Upon call for public comment, Cara Vonk spoke on this item.

A motion to approve all three parts of the resolution as amended was made by Vice Mayor Flores. The motion was seconded by Council Member Edge. The Resolution was approved on a 5-0 roll call vote. Resolution 2022-21 was approved.

**D. Appoint City Clerk for the Period Ending December 2022**

A motion to approve the recruitment deadline to 1pm on Friday, April 15, 2022 was made by Council Member Edge. The motion was seconded by Vice Mayor Flores.

Upon call for public comment, Cara Vonk spoke.

The motion passed on a 5-0 roll call vote.

**E. Approve Mayor's Selection of City Council Representatives to Regional Organizations and Committees**

Mayor Jordan announced that the list will remain status quo.

Upon call for public comment, no members of the public spoke.

A motion to approve the Mayor's selection of City Council representatives to regional organizations and committees was made by Council Member Freeman. The motion was seconded by Council Member Freels. The motion passed on a 5-0 roll call vote.

**8. Discussion**

**A. COVID-19 Update**

City Manager Reynolds stated that there is a new virus strain in China that he will continue to follow. There was no public comment.

**B. Water and Wastewater Update**

City Manager Reynolds spoke about the force main to Hollister, surface water on hold, and force main funding efforts. There was no public comment.

**C. Community Development Community Engagement Strategies (Verbal Update)**

The above item was presented by Director Foucht. Director Foucht spoke about the Community Plan February – October 2022, the active transportation plan March – February 2023, and web page presence on the City's web page.



**9. Future Agenda Items**

Council Member Edge requested the following items as future agenda items: the noise ordinance, lap tops donated by Lulack, an update from the Sheriff's Office, stop signs at all intersections, handicap areas downtown, the curbs are too tall. Council Member Freels requested to reach out to Clampers regarding working with the City on restoration projects. He also requested a presentation from the VFW.

**10. Comments**

**A. City Council**

Council Member Freels stated that the VFW Flea Market will be held on March 26, 2022. Mayor Jordon announced that Mongolia is this week and the Arts & Crafts event will be next week. She also announced that this is Women in History Month.

**B. City Manager**

City Manager Reynolds suggested that the comments be moved to the beginning of the agenda to accommodate citizens who are not able to wait to the end of the meeting to hear the comments. He also announced that May is Pride Month.

**C. City Attorney**

City Attorney Rathie thanked the City Council for allowing him to serve the City of San Juan Bautista.

Cara spoke during public comments to announce that May is also Historical Preservation Month.

- 11. Adjournment:** A motion to adjourn the meeting was made by Council Member Freels. The motion was seconded by Council Member Edge. The motion was approved on a 5-0 roll call vote.



**CITY OF SAN JUAN BAUTISTA  
ADJOURNED CITY COUNCIL MEETING  
(CONTINUED AGENDA FROM FEBRUARY 15, 2022 REGULAR MEETING)  
MARCH 8, 2022  
DRAFT MINUTES**

1. **CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 6:01p.m.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was conducted

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

**Absent:** None

**Staff Present:** City Manager Reynolds, City Attorney Rathie and Acting City Clerk Spence

2. **PUBLIC COMMENT**

Jacqueline Morris-Lopez spoke on the Mixed Use Zoning Ordinance

3. **CONSENT AGENDA**

**A. APPROVE AFFIDAVIT OF POSTING NOTICE OF ADJOURNMENT**

**B. APPROVE AFFIDAVIT OF POSTING AGENDA**

A motion was made by Council Member Edge and seconded by Vice Mayor Flores to approve all items on the Consent Agenda. The motion passed on a 5-0 roll call vote.

4. **DISCUSSION ITEMS:**

**A. STRATEGIC PLAN UPDATE**

City Manager Reynolds presented the Strategic Plan Update. He also gave an update on the Sheriff's Office stating they will take on homelessness and they are in the process of recruiting for a Deputy. There was discussion among the City Council and the City Manager regarding signs and large trucks and the signs being confusing. The Sheriff's Office will be invited to future meetings. The Fire presentation was presented by Bob Martin del Campo. Upon call for public comment, Jacqueline Morris-Lopez and Dan DeVries spoke.

**B. UPDATE ON COVID-19**

An update on COVID-19 was given by City Manager Reynolds.

**C. WATER AND WASTEWATER UPDATE**

City Manager Reynolds discussed waste water and storm water.

**5. COMMENTS**

**A. CITY COUNCIL**

Council Member Freels asked about claspers and the Ball Park bus stop. City Manager Reynolds responded. There was also a request to move the comments section towards the beginning of the meeting so that the public does not have to wait to the end of the meeting to get an update.

**B. CITY MANAGER**

None.

**C. CITY ATTORNEY**

None.

**6. ADJOURNMENT**

There was a motion to adjourn the meeting by Council Member Edge, the motion was seconded by Vice Mayor Flores. The motion passed on a 5-0 roll call vote. The meeting was adjourned at 8:28 p.m.

**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 15, 2022  
DRAFT MINUTES**

**1. CALL TO ORDER** - Mayor Leslie Jordan called the meeting to order at 6:0 p.m.

**PLEDGE OF ALLEGIANCE** – Council Member Flores lead the pledge of allegiance.

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

**Staff Present:** City Manager Reynolds, City Attorney Mall, Deputy City Clerk Paetz

**2. CEREMONIAL ITEMS**

**A. Appoint Mayor**

**B. Appoint Vice Mayor**

Council Member Freels nominated Council Member Freeman. Council Member Freeman seconded the motion. The motion did not pass with a vote of 2-3-0-0 with Council Members Jordan, Edge and Flores voting against.

Council Member Flores motioned to retain Council Member Jordan and Council Member Flores as Mayor and Vice Mayor, which motion was seconded by Council Member Edge. The motion passed 3-2-0-0 with Council Members Freeman and Freels voting against.

**3. PUBLIC COMMENT**

No public comment received.

**4. CONSENT ITEMS**

**A. Approve Affidavit of Posting Agenda**

**B. Adopt the Minutes of December 14, 2021**

**C. Adopt the Minutes of December 21, 2021**

**D. Adopt Resolution 2022-05 Authorizing Closure of Streets to Enable a Community Street Mandala on March 20, 2022**

**E. Adopt Resolution 2022-06 Proclaiming and Reaffirming the Existence of a Local Emergency in the City**

**F. Adopt Resolution 2022-07 Accepting the Resignation of Members) and Adding New Members to the San Juan Bautista economic Development Citizen Advisory Committee (EDCAC)**

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

**H. Adopt Resolution 2022-08 Opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act, and Direct Staff to Send a Copy to the League of California Cities**



Council Member Freels pulled Item B, the minutes of December 14, 2021, for discussion and stated since he was not present at the meeting, he could not vote on the minutes.

Council Member Edge pulled Item C, the minutes of December 21, 2021, for discussion and stated since she was not present at the meeting, she could not vote on the minutes.

A motion was made by Council Member Freels and seconded by Vice Mayor Flores to approve all items on the Consent Agenda. The motion passed, 4-0-0-1 with Council Member Freels abstaining from voting on the Minutes for December 14, 2021, and Council Member Edge abstaining from voting on the Minutes for December 21, 2021.

## **5. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS**

### **A. Proclamation for Black History Month**

Mayor Jordan read the proclamation. No public comment received.

### **B. Regional Housing Need Determination (RHND) Presentation by Mary Gilbert, COG Director**

Council heard an update from COG Director Mary Gilbert

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

City Treasurer Sabathia provided a report. No public comment received.

### **D. City Manager's Report**

City Manager Reynolds provided a report using slides. No public comment received.

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

Council Members reported on meetings they attended. No public comment received.

## **6. ACTION ITEMS**

### **A. Adopt Resolution 2022-09 Directing Staff to Advertise for Candidates to Fill the City Clerk Vacancy and Directing Staff to Start the Process to Put a Measure on the Ballot to Make the City Clerk Position Appointive**

City Attorney proposed that staff advertise the vacant position and place and initiative on the ballot to make the city clerk position appointive. During public comment Jackie Morris Lopez asked how the position is filled. Whereupon, Mayor Jordan responded that the City Clerk is an elected position.

A motion was made by Council Member Edge and seconded by Vice Mayor Flores to adopt Resolution 2022-09 Directing Staff to Advertise for Candidates to Fill the City Clerk Vacancy and Directing Staff to Start the Process to Put a Measure on the Ballot to Make the City Clerk Position Appointive. The motion passed unanimously, 5-0.

**B. Adopt Resolution 2022-10 Approving the Deputy City Clerk-Administrative Services Manager Job Description**

City Manager Reynolds reported that before conducting a job search for a new Deputy City Clerk-Administrative Services Manager, it was time to update the job description. The updated job description was attached for Council review. No public comment was received.

A motion was made by Vice Mayor Flores and seconded by Council Member Edge to adopt Resolution 2022-10 Approving the Deputy City Clerk-Administrative Services Manager Job Description. The motion passed unanimously, 5-0.

**C. Adopt Resolution 2022-11 Authorizing the City Manager to Execute a Professional Services Agreement with Regional Government Services (RGS) to Temporarily Provide Clerk Services for City Council and Planning Commission Meetings, Human Resources and Risk Management Services**

City Manager Reynolds reported that with the resignation of the city clerk and the deputy city clerk, there is a need for a part time office clerk to help with meeting preparation, document preparation, attending to workers compensation claims, and the City's liability insurance, as well as assisting with recruitment for various positions. During public comment Jackie Morris Lopez asked the costs and who is RGS. Mayor Jordan directed her to the staff report in the meeting packet, posted on the City's website.

A motion was made by Vice Mayor Flores and seconded by Council Member Freels to adopt Resolution 2022-11 Authorizing the City Manager to Execute a Professional Services Agreement with Regional Government Services (RGS) to Temporarily Provide Clerk Services for City Council and Planning Commission Meetings, Human Resources and Risk Management Services. The motion passed unanimously, 5-0.

**D. Adopt Resolution 2022-12 Approving Amendment to Contract of Employment for City Attorney, Providing for Appointment of Robert E. Rathie as City Attorney**

As City Attorney Mall is retiring the Wellington Law Offices advised staff of the need to appoint Robert E. Rathie as their new City Attorney. No public comment received.

A motion was made by Council Member Edge and seconded by Council Member Freels to adopt Resolution 2022-12 Approving Amendment to Contract of Employment for City Attorney Providing for Appointment of Robert E. Rathie as City Attorney. The motion passed unanimously, 5-0.

**E. Adopt Resolution 2022-13 Authorizing the City Manager to Execute a Contract with EMC Planning Group to Prepare a Community Plan and Sphere of Influence Study**



Assistant City Manager and Community Development Director Brian Foucht provide a recommendation from the Planning Commission and Urban Growth Boundary Committee to execute a contract with EMC Planning Group and Blue Zones to prepare a Community Plan and Sphere of Influence Study for presentation to San Benito County and to LAFCo. Don Burden of Blue Zones provided additional information. During public comment Dan De Vries spoke in support of the project.

A motion was made by Council Member Freels and seconded by Council Member Edge to adopt Resolution 2022-13 Authorizing the City Manager to Execute a Contract with EMC Planning Group to Prepare a Community Plan and Sphere of Influence Study. The motion passed unanimously, 5-0.

**F. Adopt Resolution 2022-14 Amending the Memorandum of Understanding Approved by Resolution 2021-16 Related to the Use of Federal “CDBG-CV1” Funds for Subsistence Payments for Utility Costs for the Residents of San Juan Bautista, and Expanding this Assistance to All County Residents to Expedite the use of All Funds Before the May 2022 Deadline**

As a result of the City receiving only a small response from the residents of San Juan Bautista, City Manager Reynolds asked the Council to amend the MOU between the City, San Benito County and the City of Hollister by expanding the use of funds for subsistence payments for low income residents’ utility payments from only eligible City residents, to all eligible county residents, in an effort to expend the funds before the May 2022 deadline. No public comment received.

A motion was made by Council Member Edge and seconded by Vice Mayor Flores to adopt Resolution 2022-14 Amending the Memorandum of Understanding Approved by Resolution 2021-16 Related to the Use of Federal “CDBG-CV1” Funds for Subsistence Payments for Utility Costs for the Residents of San Juan Bautista and Expanding this Assistance to All County Residents to Expedite the Use of All Funds Before the May 2022 Deadline. The motion passed unanimously, 5-0.

**G. Adopt Resolution 2022-15 Establishing a COVID-19 Sick Leave Program and Authorize the City Manager to Approve Up to Eighty Hours of Sick Leave for COVID-19 Related Illness**

City Manager Reynolds asked the Council to approve a policy establishing a COVID-19 sick leave program consistent with the City’s personnel policies and approve the use of up to 80 hours of sick leave for COVID-related employee illnesses. No public comment received.

A motion was made by Council Member Edge and seconded by Vice Mayor Flores to adopt Resolution 2022-15 Establishing a COVID-19 Sick Leave Program and Authorize the City Manager to Approve Up to Eighty Hours of Sick Leave for COVID-19 Related Illness. The motion passed unanimously, 5-0.

## **7. DISCUSSION ITEMS**

Whereupon, staff asked that the balance of the agenda be continued to a March 8, 2022 meeting. It was the consensus of the Council to do so.

- A. Strategic Plan Update
- B. COVID-19 Update
- C. Water and Wastewater Update

**8. FUTURE AGENDA ITEMS**

**9. COMMENTS**

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

**10. ADJOURNMENT**

The meeting adjourned at 9:00 p.m.



ORDINANCE NO. 2022-\_\_

**ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SAN JUAN BAUTISTA ADDING SECTION 3-4-256 TO THE SAN JUAN  
BAUTISTA MUNICIPAL CODE TO ALLOW FOR LIENS AS A REMEDY WHEN  
TRANSIENT OCCUPANCY TAX IS NOT REMITTED BY AN OPERATOR**

-o0o-

**WHEREAS**, the City Manager asked the City Attorney to provide the City Council with an Ordinance to allow liens on real property as a remedy for when an operator failed to remit Transient Occupancy Tax to the City; and

**WHEREAS**, a certificate of tax lien can legally be used as a remedy to collect delinquent Transient Occupancy Tax.

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

**SECTION 1.** Title 3, Chapter 3-4 of the San Juan Bautista Municipal Code, is hereby amended to added one Section, to read as follows:

**3.9-256 Certificate of Tax Lien.**

If any amount required to be paid to the city under this chapter is not paid when due, the tax administrator may within three years after the date on which the tax was required to be paid, file for recording in the office of the San Benito County recorder, or of such counties as the tax administrator may determine, a certificate of lien which specifies the amount of tax and penalties and interest due and the name and address of the operator as it appears on the city records. The lien shall also specify that the tax administrator has complied with all provisions of this chapter in the determination of the amount required to be paid and provide a legal description of the real property owned by the operator. From the time of the filing for record of the certificate, the amount required to be paid, together with penalties and interest and all amounts coming due thereafter unless paid, constitutes a lien upon all real property owned or thereafter acquired by the operator before the tax lien expires. The tax lien has the force, effect, and priority of a judgment lien and shall continue for ten years from date of filing of the certificate unless sooner released or otherwise discharged.

**SECTION 2.** **Severability.** The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the remaining

provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

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

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

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 15<sup>th</sup> day of March, 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the \_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

\_\_\_\_\_  
**Don Reynolds, City Manager  
(Acting City Clerk)**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**

**ORDINANCE 2022-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE CHAPTER 2-8, ‘PURCHASING PROCEDURES’ TO REVISE SUBSECTIONS 2-8-020 (G) & (H); 2-8-050 (D), (E), (F) & (G); 2-8-060 (A); 2-8-071; 2-8-072 (A); AND 2-8-073 (A) TO INCREASE THE FORMAL BID LIMIT REQUIRING CITY COUNCIL APPROVAL AND TO MAKE ADDITIONAL REVISIONS TO THE MUNICIPAL CODE TO ENHANCE CITY OPERATIONS, IMPROVE EFFICIENCIES AND TO BRING THE CITY IN COMPLIANCE WITH THE CALIFORNIA PUBLIC CONTRACT CODE**

**(EXEMPT FROM CEQA)**

**WHEREAS**, the San Juan Bautista City Council amended the City Code in 2019 to adopt the California Uniform Public Construction Cost Accounting Act; and

**WHEREAS**, Reginal Government Services, the consultant engaged by the City to review City policies and procedures, has recommended increasing the formal award approval limit by the City Council from \$20,000 to \$50,000 to account for the escalating cost of goods and services; and

**WHEREAS**, Regional Government Services has recommended certain other changes to the Municipal Code to enhance City operations, improve efficiencies bring the City in compliance with the California Public Contract Code; and

**WHEREAS**, the San Juan Bautista City Council desires to revise Chapter 2-8 of the City Code to increase the formal award approval limit threshold and to effect other changes.

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

**Section 2-8-020 shall be revised as follows:**

**Subparagraph (G) shall be revised so as to replace “Recommend” with “Authorize” and to include “or disposal,” so that Section shall read as follows:**

“(G) Authorize the transfer of surplus or unused supplies and equipment between departments as needed, and the sale or disposal of surplus supplies and equipment.”

**Subparagraph (H) shall be revised so as to include reference to the City participation in public procurement cooperative consortiums, so that Section shall read as follows:**

“(H) Join with other governmental agencies and public procurement cooperative consortiums in joint purchasing endeavors where the purchasing procedures substantially conform to this Chapter and State law.”



**Section 2-8-050 shall be revised as follows:**

**Subparagraph (D) shall be revised so as to include, in conjunction with or as an alternative to sending notice inviting informal bids to construction trade journals, sending notices inviting informal bids directly to qualified contractors for the category of work being bid, so that Section shall read as follows:**

“(D) Notice. A notice inviting informal bids shall be sent to: (1) all contractors on the City’s list of qualified contractors for the category of work being bid, and/or (2) the construction trade journals as specified in Section 22036 of the Public Contract Code and as named by the California Uniform Construction Cost Accounting Commission.”

**Subparagraph (E) shall be revised so as to change to the reference to Public Contract Code Section 22034(f) to Public Contract Code Section 22034(d), so that Section shall read as follows:**

“(E) Authority to Award Bid. The authority to award informal contracts is hereby delegated to the City Manager unless all informal bids received are in excess of two hundred thousand dollars (\$200,000), in which case the City Council may, by passage of a resolution by a four-fifths (4/5) vote, award the contract at the amount set forth in Section 22034(d) of the Public Contract Code or less to the lowest responsible bidder, if it determines the cost estimate of the responsible department head was reasonable.”

**Subparagraph (F) shall be revised so as to include a change requiring the City to follow formal bidding procedure for projects equal to or greater than two hundred thousand dollars (\$200,000) as specified in Public Contract Code Section 22032(c), so that Section shall read as follows:**

“(F) Formal Bids. The City shall follow the following formal bidding procedure for public projects equal to or greater than two hundred thousand dollars (\$200,000), or as specified in Section 22032(c) of the Public Contract Code.”

**Subparagraph (F) Section (2)(b) shall be revised so as to include a change in the time for mailing of notice of formal bid to construction trade journals from 30 to 15 days, so that Section shall read as follows:**

“(b) The notice inviting formal bids shall be mailed to construction trade journals specified in Section 22036 of the Public Contract Code and as named by the State’s Uniform Construction Cost Accounting Commission, at least fifteen (15) calendar days before the date of opening the bids.”

**Subparagraph (F) Section (2)(c) shall be revised so as to provide for posting of the notice inviting formal bids at three designated locations within the City in the event no newspaper is circulated within its jurisdiction, so that Section shall read as follows:**

“(c) The notice inviting formal bids shall be published in a newspaper of general circulation printed and published within the jurisdiction of the City, or, if none exists, in a newspaper of general circulation which is circulated within the jurisdiction of the City, at least fourteen (14) calendar days before the date of opening the bids; or, if there is no newspaper which is circulated within the jurisdiction of the City, publication shall be by posting the notice in at least three places within the jurisdiction of the City as have been designated by ordinance or regulation of the City as places for the posting of its notices.”

**Subparagraph (G) Section (9) shall be revised so as to provide an option for the City to use an electronic bid management system in lieu of sealed bids being submitted to the City Clerk and opened in public, so that Section shall read as follows:**

“(9) Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening. A secure, server-based system, or other appropriate media, may be used in lieu of sealed bids opened in public, provided the City Manager has approved the system for accuracy, confidentiality, and reliability.”

**Section 2-8-060 shall be revised as follows:**

**Subparagraph (A) shall be revised so as to provide for open market procedures for the purchase of supplies, services, equipment and the sale of personal property when the estimated value, exclusive of sales tax and freight, exceeds fifty thousand dollars (\$50,000), so that Section shall read as follows:**

“(A) Purchases of supplies, services, equipment and the sale of personal property that do not fall under SJBMC 2-8-050 shall be by the open market procedures described in this Section when the estimated value, exclusive of sales tax and freight, exceeds fifty thousand dollars (\$50,000). Open market procedures may be dispensed with only when an emergency requires that an order be placed with the nearest available source or when the supply, service, or equipment can be obtained from only one (1) vendor. The City Manager shall solicit open market quotes or bids by written requests to prospective vendors, by telephone, email, or by public notice posted at the City’s designated posting places.”

**Section 2-8-70 shall be renumbered as follows:**

To renumber Section 2-8-70 as Section 2-8-070.

**Section 2-8-71 shall be renumbered as follows:**

To renumber Section 2-8-71 as Section 2-8-071.

**2-8-071 shall be revised as follows:**

**Section 2-8-071 shall be revised so as to replace “only” with “except” in the title to provide that purchase orders for supplies, services, equipment, or materials may not be issued unless an unencumbered appropriation exists against which the purchase is to be charged, so that Section shall read as follows:**

**“2-8-071 Encumbrance of funds, except in cases of emergency.**

Except in cases of emergency, a purchase order for supplies, services, equipment, or materials may not be issued unless there exists an unencumbered appropriation against which the purchase is to be charged.”

**Section 2-8-72 shall be renumbered as follows:**

To renumber Section 2-8-72 as Section 2-8-072.

**Section 2-8-072 shall be revised as follows:**

**Subparagraph (A) shall be revised to provided that purchases and contracts for supplies services, equipment, and materials and the sale of personal property exceeding fifty thousand dollars (\$50,000) shall be by written contract, so that Section shall read as follows:**

“(A) Purchases and contracts, exceeding fifty thousand dollars (\$50,000), for supplies, services, equipment, and materials, and the sale of personal property shall be by written contract with . . .”

[Remainder of Section 2-8-072 (A) continues unchanged.]

**Section 2-8-73 shall be renumbered as follows:**

To renumber Section 2-8-73 as Section 2-8-073.

**Section 2-8-073 shall be revised as follows:**

**Subparagraph (A) Section 1 shall be revised to provided that purchases for supplies services, equipment, and materials and the sale of personal property shall be approved by the City Manager if such purchases do not exceed fifty thousand dollars (\$50,000), so that Section shall read as follows:**

“(1) The City Manager, if such purchases or sales do not exceed fifty thousand dollars (\$50,000).”

**Subparagraph (A) Section 2 shall be revised to provided that purchases for supplies services, equipment, and materials and the sale of personal property shall be approved by the City Council, upon recommendation of the City Manager, if such purchases exceed fifty thousand dollars (\$50,000), so that Section shall read as follows:**

“(2) The City Council, upon recommendation of the City Manager, if such purchases or sales exceed fifty thousand dollars (\$50,000).”

**The FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 15<sup>th</sup> day of March, 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the \_\_\_\_ day of \_\_\_\_\_, 2022 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Robert Rathie, City Attorney**



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

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

**MEETING DATE:** April 19, 2022

**DEPARTMENT HEAD:** Bob Martin Del Campo, Fire Chief

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**BRIEF DESCRIPTION:** This Resolution starts the legal process for the 2022 Weed Abatement Program declaring the condition of certain properties to constitute a public nuisance due to the existence of weeds and noticing a hearing for the receipt of objections by property owners to the proposed abatement by the City.

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

**DEPARTMENT SUMMARY:** All year the City has a weed abatement program to reduce the fire hazard and other noxious and dangerous aspects of weeds growing on public and private property. This Resolution declares certain properties to constitute a public nuisance, orders their abatement by May 16, 2022, and sets a public hearing for May 17, 2022 and orders notice of the hearing to be sent to affected property owners. Unless the owners prior to the City's deadline abate the weeds, the City will cause the work to be performed and charge the costs as liens filed against the property on which abatement is performed.

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

**CEQA:** N/A

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

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

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

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

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Any properties within City limits found to be in neglect are hereby declared to be public nuisances by virtue of the existence of noxious and dangerous weeds and rubbish thereon, which constitute a fire hazard, and will continue to constitute, ongoing, seasonal and recurrent public nuisances.
2. All rubbish, refuse and dirt of a flammable nature on or adjacent to said properties, and all weeds, as the same are defined in Government Code Section 39561.5, on or adjacent to said properties, unless abated by the owners thereof on or by May 16, 2022, shall be removed and abated by the City in the manner provided for by Government Code Sections 39560, et seq., and the costs thereof shall be assessed as a lien against the property and made a personal obligation of the property owner.
3. The City Council shall hear any objections to the proposed abatement of said public nuisances at the Public Hearing on Monday, May 17, 2022 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers of the City of San Juan Bautista, City Hall, 311 Second Street, San Juan Bautista, California.
4. The City Clerk of the City of San Juan Bautista is hereby directed to cause the notice of the adoption of this Resolution and notice of the time and place when objections to the proposed abatement of said public nuisances will be heard, to be given in the manner and form provided for in Section 39567.0 of the Government Code of the State of California.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a Regular Meeting held this 19<sup>th</sup> day of April, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Leslie Q. Jordan, Mayor

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Don Reynolds, City Manager and  
Interim Deputy City Clerk

**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA ORDERING PREPARATION OF AN ENGINEER'S REPORT  
FOR FISCAL YEAR 2022-23 FOR VALLE VISTA LANDSCAPE AND LIGHTING  
MAINTENANCE ASSESSMENT DISTRICT NO. 1**

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

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

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

1. That City Engineer Nidal Samhouri be and is hereby appointed as Engineer of Work to perform all engineering work in the conduct of said proceedings.
2. That the improvements to be maintained, and operations and services in connection with the District shall be substantially unchanged from those provided for in Fiscal Years 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-2020, 2020-21 and 2021-22: the maintenance, operation and servicing of street lighting and street landscaping within the district, as well as the maintenance, operation and servicing of lighting and landscaping associated with the detention basin, sanitary sewer pump station, and public park located within the district.
3. That the Engineer of Work hereby is directed to prepare and to file a report in compliance with Sections 22565 *et seq.* of the Act.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of San Juan Bautista duly held on the 19<sup>th</sup> day of April, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

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





## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** DEDICATIONS AND NAMING OF THE PARK AT  
FRANKLIN CIRCLE

**MEETING DATE:** APRIL 19, 2022

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

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

It is recommended that the City Council approve a temporary name for the park at Franklin Circle, “Franklin Circle Community Park,” and dedicate on a park bench the succulent garden to Glenn Farney, and recognize on a plaque and granite boulder all of the community members for working on this Park led by Mary and Rick Morales, and Jimmy Martin.

### **BACKGROUND INFORMATION:**

For more than 15 years, the neighborhood at Franklin Circle has used the property at the center of the circle as a park. Improvements have been made to the property, become obsolete and removed, and the community drew-up plans for a new park. Mary Morales shared this design with the new City Manager the first week of July, 2019.

Since that time, it was brought to the attention of the City Manager that long-time resident Glenn Farney had left a donation towards developing the park in the neighborhood where she once lived. The family was hoping the park would be named after her, when it was built. The Morales family was hoping the park would be named after their parents. In situations like this, it is best for the City to rely on a formal “park naming policy” as does Hollister and many other cities. One that openly solicits park names, and openly selects a park name from everyone in the community.

Over the past two years, the City has verified that it is the true owner of the property at the center of Franklin Circle. It has retained a skilled landscape architect firm Joni L. Jarnicki and Associates to flush out the design details from the community’s vision, and commenced construction for the park in February of this year. The park should be completed in a few weeks.

### **DISCUSSION:**

Staff has been working with the children of the Morales and Farney families to come to the fairest resolution, and also recognize the work and dedication of their parents, and everyone who live at



Franklin Circle and contributed. When the first draft of the project design did not include a succulent garden, Mary Morales was quick to point out to the City Manager that this is a critical piece and intended to be a tribute to Glenn Farney. It is recommended that an attractive park bench be set in the park facing the succulent garden with a small tribute to Glenn Farney.

At the ground breaking ceremony, the City Manager also began to recognize the need to honor Rick and Mary Morales for their work with Jimmy Martin, to finalize the park's design and continue to push on City Hall to get it built. To honor their love for community and the contributions from others as well, it is recommended that a granite boulder like the one at Luck Park, be installed naming the leaders of the community Rick, Mary and Jimmy, and thanking all others that contributed over the years to make it a reality.

Naming parks and other public assets is a complicated process, made easier when a city has adopted a formal policy. Staff has collected several models through the League of California Cities and other resources to help bring a draft "park naming" policy forward for the City Council's consideration. In the mean-time, it is recommended that the park be named Franklin Circle Community Park, until such a time as a new name be considered through the formal, equitable and transparent process.

**FISCAL IMPACT:**

The Farney family will contribute \$3,000 to the park's development to honor her. The park contingency budget is available to cover the additional cost that will not exceed \$5,000. Half of the \$200,000 budget is being paid by State Proposition 68 grant funds.

**ATTACHMENTS:**

Resolution

**RESOLUTION NO. 2022- XX**

**A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A TEMPORARY NAME FOR THE PARK AT FRANKLIN CIRCLE, “FRANKLIN CIRCLE COMMUNITY PARK,” AND DEDICATING ON A PARK BENCH THE SUCCULENT GARDEN TO GLENNY FARNEY, AND RECOGNIZE ON A PLAQUE AND GRANITE BOULDER, ALL OF THE COMMUNITY MEMBERS THAT CONTRIBUTED TO THE DEVELOPMENT OF THIS PARK LED BY MARY AND RICK MORALES, AND JIMMY MARTIN**

**WHEREAS**, on March 13, 1961, the “Mission Village” development was approved and the parcel map was recorded creating an extension of Franklin Street and the formation of a traffic circle forming a cul-de-sac known as “Franklin Circle;” and

**WHEREAS**, the small piece of property at the center of Franklin Circle was never dedicated to the City, and informally developed on and off over the years by volunteers and neighbors as a small park; and

**WHEREAS**, on July 3, 2019, long time resident of Franklin Circle Mary Morales presented the new City Manager with a plan that the community designed to develop this site into a new city park, a project they had been working on for the past 10-years; and

**WHEREAS**, in 2020 an extensive title search confirmed that the City by default is the true property owners, and this proof of ownership, allowed the City to use State grant funds to build a City park at this site; and

**WHEREAS**; in August 18, 2020 the City awarded a contract to design the park using the community design as a basis for the final improvements; and

**WHEREAS**, construction of the park is near complete, and the park has no formal name, but the city has received donated funds to build the park from the family of Glenn Farney who was a long-time resident and special request for recognition from a few families that lived at Franklin Circle including Rick and Mary Morales and Jimmy Martin;

**WHEREAS**, it is appropriate for the City to name this park, once a park-naming policy is adopted, and for the time being, the City Council can create dedications within the park to the leaders of the community that made this park possible.

**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. Until such a time as a formal “park naming policy” can be established, refer to this park by the name of Franklin Circle Community Park.
3. It agrees that a park bench be used to dedicate the succulent garden at the Franklin Park to Glenn Farney;

4. That a plaque be erected on site to recognize the whole community that contributed over the past 13 years to build this park, led by Rick and Mary Morales, and Jimmy Martin.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 19<sup>th</sup> day of April 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

\_\_\_\_\_  
Don Reynolds, acting City Clerk

**RESOLUTION 2022-17**

**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 19<sup>TH</sup> day of April 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

\_\_\_\_\_  
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

# Proclamation

## *Sincere Appreciation to LULAC for their Donation of Five Laptops to the San Juan Bautista City Library*

*Whereas, the mission of the League of United Latin American Citizens (LULAC) is to advance the economic condition, educational attainment, political influence, health and civil rights of the Hispanic population of the United States; and*

*Whereas, it is the Mission of the San Juan Bautista City Library to acquire, organize, and provides access and guidance to a wide variety of information and materials of contemporary interest and permanent value for the education, intellectual stimulation and social needs of all the people of its community; and*

*Whereas, connectivity and technology gaps persist throughout San Benito County with more residents seeking assistance through their local Library; and*

*Whereas, LULAC donated five Hewlett Packard laptops with Intel Core i5, Windows 10 Pro, 4GB memory, CD Rom drives, and fifteen and a half inch screens, in February 2020 for use by elders in our community of San Juan Bautista.*

*Now, Therefore, I, Leslie Q Jordan, Mayor of the City of San Juan Bautista, express our gratitude to LULAC for this generous contribution to the community and continuation of our shared goals and collaboration over the years and in the years to come.*

*Dated this 19th day of April, 2022*

*Attest:*

-----  
*Leslie Q Jordan, Mayor*

-----  
*Don Reynolds, Acting City Clerk*

# Proclamation

## National Public Works Week 2022

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

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

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

*Whereas, this year marks the 61<sup>st</sup> annual National Public Works Week sponsored by the American Public Works Association.*

*Now, therefore, I, Leslie Jordan, Mayor of the City of San Juan Bautista, do hereby proclaim the week of May 15 - 21, 2022 as National Public Works Week; and I urge all our residents to join with representatives of the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they have made to our national health, safety, welfare and quality of life.*

Attest:

-----  
Leslie Q Jordan, Mayor

-----  
Don Reynolds, Acting City Clerk

# Proclamation

52<sup>ND</sup> ANNIVERSARY OF MUNICIPAL CLERKS WEEK  
May 1 - 7, 2022

*Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and*

*Whereas, The Office of the Municipal Clerk is the oldest among public servants, and*

*Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and*

*Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.*

*Whereas, The Municipal Clerk serves as the information center on functions of local government and community.*

*Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.*

*Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.*

*Now, Therefore, I, Leslie Q Jordan, Mayor of the City of San Juan Bautista, do recognize the week of May 1 through May 7, 2022 as Municipal Clerks Week, and further extend appreciation to our Acting City Clerk Don Reynolds and all Municipal Clerks for the vital services they perform, and their exemplary dedication to the communities they represent.*

*Dated this 19th day of April, 2022*

Attest:

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

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

# Annual Member Agency Update

City of San Juan Bautista

April 19, 2022



## Did You Know?

California's Community Choice Aggregation (CCA) Community

- ➔ Serves 11 million electricity customers
- ➔ Supports equity, choice and renewable energy
- ➔ Is a positive force in 200+ communities





# CCCE GOVERNANCE

Policy Board: Meets 4 Times Annually including Annual Meeting  
 Operations Board: Meets 10 Times Annually including Annual Meeting  
 Community Advisory Council: Meets 7 Times Annually including Annual Meeting

County of Santa Cruz	City of Santa Cruz	City of Watsonville	County of Monterey	City of Salinas	County of San Benito	County of Santa Barbara	City of Santa Maria	
<b>Coastal Cities</b>	<b>Peninsula Cities</b>	<b>Salinas Cities</b>	<b>San Benito Cities</b>	<b>Santa Cruz Cities</b>	<b>San Luis Obispo Cities</b>	<b>South County Cities</b>	<b>SB County Cities</b>	
Marina Sand City* Seaside Del Rey Oaks	Carmel Monterey Pacific* Grove	Greenfield Gonzales Soledad*	Hollister* San Juan Bautista	Capitola* Scotts Valley	San Luis Obispo* Morro Bay Paso Robles	Arroyo Grande Grover Beach Pismo* Beach	Guadalupe Solvang* Buellton	Goleta Carpinteria*

\*City representative currently serving in a shared seat.



## CCCE Accomplishments



### Local Choice

- 3Choice-clean and renewable offering
- 94% enrollment
- Largest CCA service area



### Economic Vitality

- \$27 million - Energy programs
- Est. \$50 million - Customer savings
- \$25 million - Resiliency Fund



### Local Support

- \$1 million in Local Vendor Contracts
- 38 full time employees
- 2 offices - Monterey & San Luis Obispo



### Clean Energy

- 889 MWs of Renewables - solar, wind, geothermal
- 261 MWs of battery storage
- Pathway to 100% clean and renewable



### Financial Stability

- Received "A" Rating from S&P
- Over \$140 Million in Rate Stabilization Fund
- Service and Loans Paid Off



## CCCE's Pathway to 100% Clean and Renewable by 2030

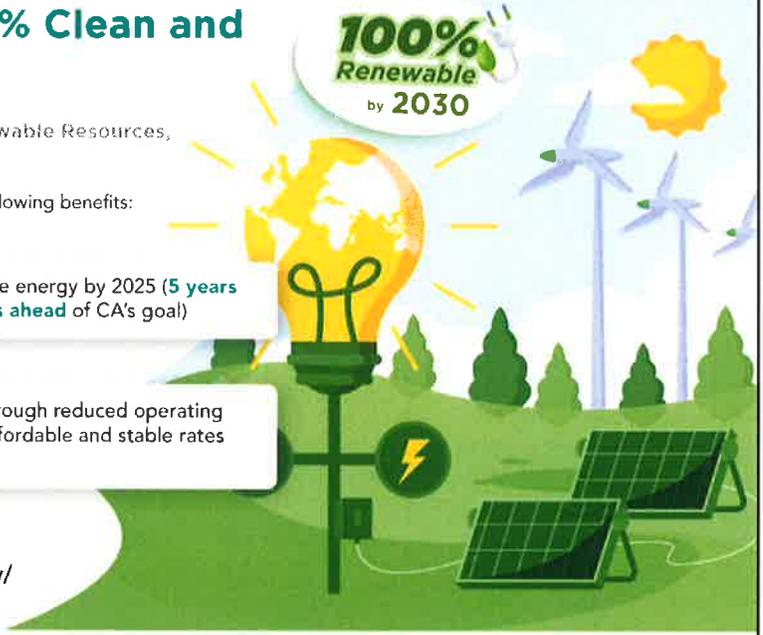
Supporting Affordable Rates, Increasing Renewable Resources, and Accelerating Greenhouse Gas Reduction

CCCE's new energy-supply strategy will provide the following benefits:

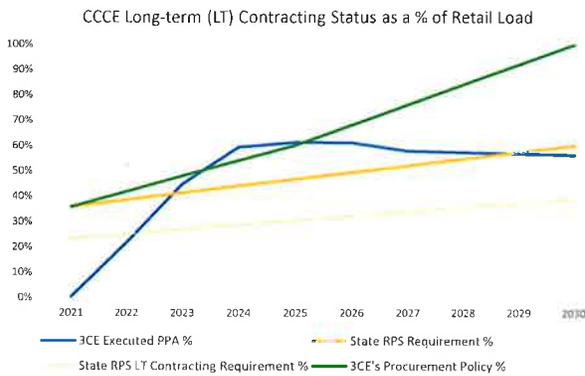
CCCE's goal is to reach 60% clean and renewable energy by 2025 (5 years ahead of CA's goal) and 100% by 2030 (15 years ahead of CA's goal)

Financially beneficial to customers and CCCE through reduced operating costs of **\$8-15 million/year** allowing for more affordable and stable rates while supporting economic development

Learn more at [3cenergy.org/understanding-clean-energy/](http://3cenergy.org/understanding-clean-energy/)



## FAST TRACKING NEW ENERGY DEVELOPMENT



CCCE's Executed Contract Summary			
Project Type	Count	Gen Capacity (MW)	Storage Capacity (MW)
Solar + Storage PPAs	9	633	201
Solar Only PPAs	1	150	
Wind PPAs	1	33	
Geothermal PPAs	2	73	
RA Only Agreement	1		60
	14	889	261

These projects will serve about 61% of CCCE's retail load when all are online, expected in 2025.



## CCCE COMMITMENT TO RENEWABLE PROCUREMENT

- contracted for approximately \$1 billion in long term solar plus storage contracts since 2018
- shortlisted 7 local projects through its local renewables RFP
- Joined other CCAs to advance long duration storage RFP to support grid reliability through existing and new technologies
- issued an RFQ for up to 100MW of front of the meter battery storage, with the potential to island projects for increased resiliency



## CCCE HISTORIC RATES & COVID-19 RESPONSE



# GOALS OF 2022 CCCE SERVICE OFFERINGS

**PREDICTABILITY**

**SIMPLICITY**

**FAIRNESS**

**COMPETITIVENESS**

Long-term rate adoption increases predictability and rate stability

Customer choices and transparency improve with simplified customer classes

New rates increase customer rate equity throughout customer segments

New rate structure maintains competitive rates across all customer segments

<https://3cenergy.org/2022-energy-choices/>



## City of San Juan Bautista (91.06% Enrollment)

- Total 896 Enrolled Customers
- 732 Residential
- 159 Commercial
- 4 Agricultural

### ENERGY PROGRAM FUNDS

- *Electrify Your Ride* \$10,174



## APPROVED APPROACH TO RATE DESIGN

1. Estimate the total cost necessary to serve all 3CE customers
  - Power procurement
  - Energy Programs
  - Rate stabilization fund
  - Administrative costs
2. Create simple, easily understood customer classes based on size and usage profile
3. Allocate total cost across customer classes
4. Adjust allocations so each class will save a minimum of 1% relative to PG&E
5. Design rates for each customer class to recover costs allocated to that class
6. Rates will go live effective March 1, 2022 for customers within PG&E's service territory



### CCCE Energy Programs

#### Overview:

- \$1.3 million in FY 18/19
- \$5.4 million in FY 19/20
- \$6.2 million in FY 20/21
- Estimated \$14.1 million in FY 21/22
  - 4% of operating revenue in FY 21/22

Electrification in building and transportation sectors could result in \$3 billion of untapped revenue market wide

#### FY 21/22 Energy Programs

	Electrify Your Ride - \$2.8 million – NOVEMBER 2021
	School Bus Electrification - \$1 million - OCTOBER 2021
	Agriculture Electrification - \$600k - OCTOBER 2021
	Residential Electrification - \$1.6 million
	New Construction Electrification - \$1.5 million – OCTOBER 2021
	Reach Code - \$60k
	Battery Energy Storage Pilot - \$350k
	Summer Readiness - \$400k
	Energy Education, Workforce Development and Innovation Grants - \$1 million
	Greenhouse Gas Inventory - \$64k



**Central Coast Community Energy**  
CLEAN ENERGY. LOCAL CONTROL.

# ELECTRIFY YOUR RIDE

## on Electric Vehicles and Chargers

**REDUCE EMISSIONS**  
Reducing emissions, getting more electric vehicles (EVs) on the road and building more charging stations will increase local and regional adoption rates to meet state and regional climate action goals.

**EQUITABLE ACCESS**  
Providing extra funding for disadvantaged communities and low-income customers will tighten up gaps in equitable access to clean energy resources.

**ELECTRIC VEHICLE REBATES**  
\$2,000 - \$4,000 in rebates available for purchase or lease of new or used electric vehicles, including motorcycles and e-bikes. Additional stackable funds available, including up to \$15,000 for income-qualified customers.

**EV CHARGER REBATES**  
\$2,400 - \$10,000 available for Level 2 electric vehicle chargers at home or workplace includes the labor and material costs for installation, including electrical panel upgrades or replacements.

Learn more and apply at [3cenergy.org/electrify-your-ride-program](https://3cenergy.org/electrify-your-ride-program)

## Electrification and Innovation Grant Program

### Planning and Implementation

- Funding for planning and implementation projects related to electrification
- Intended for member agencies to electrify their vehicle fleets, municipal properties, and the community infrastructure that serves households and businesses.

### Innovation

- Funding to deploy new and innovative electrification or other clean energy-related technology for municipal or community buildings and/or fleets.
- Intended to foster market transformation, demonstrate scalable and replicable solutions, and identify potential future CCCE energy program concepts.

## Locally Sited Front of the Meter Distributed Energy Storage Projects



### Benefits

- **Rate Stability** *reduced energy cost & reduced RA cost*
- **Grid Stability** local power supply, critical period imports reduced => fewer outages
- **Grid services** balance power flows
- **Reduced GHGs** evening dispatch of day-time “solar” electrons
- **Local jobs** building and maintaining facilities
- **Potential “microgrid”** islanding => resiliency



## Medium and Heavy-Duty Vehicle Electrification Program

- Intended to support the electrification of Member Agency medium and heavy-duty fleet vehicles
- Potential applications include street sweepers, refuse trucks, dump trucks, and first response vehicles
- CCCE will reserve funds for qualifying projects and funds will be dispersed once purchases and/or projects are completed
- Intended to work in coordination with city/county purchasing schedules and policies
- Incentives likely to be tied to increased cost of electric models from standard internal combustion options



# LOCAL OUTREACH & ENGAGEMENT



### Farm Worker Outreach

- 10 Farm Worker Outreach events in 2021
- Sponsoring La Tri-Color & La Ley radio stations events
- Educate on CCCE services & programs in person

### Underserved Community Outreach

- Presentations to stakeholders & organizations
  - Latino Elder Outreach Network
  - Promotores
  - Lideres Campesinas
  - Mexican Consulate
- Public Engagement Team & Community Advisory Council created a committee to improve outreach to;
  - Low-income, food insecure, renters, senior citizens w/ fixed income, tribal & migrant indigenous communities



## Residential Customers are Invited to Explore New CCCE Customer Energy Portal

Residential customers receiving CCCE service in PG&E service area are invited to explore detailed information about their electric generation charges, current rate plan, and energy usage. Through the portal, customers can also review and select service offerings such as 3Cprime, CCCE's 100% renewable offering, and potentially track energy program application status.

[Learn More at 3Cenergy.org/residential-services-north](https://3Cenergy.org/residential-services-north)



## How it works

**1**



**Billing**

Download digital copies of your energy bills and view your CCCE monthly generation charges

**2**



**Usage**

Monitor your usage and costs at different intervals

**3**



**Services**

Self-service tools to opt your accounts up to our 100% renewable energy offering, 3CPrime

**4**



**Programs**

Find information on energy programs for eligible residential customers.



## Vendor Registry

**DON'T MISS OUT!**

**IF YOU'RE A BUSINESS IN THE CENTRAL COAST, SIGN UP FOR CENTRAL COAST COMMUNITY ENERGY'S VENDOR REGISTRY**

This Vendor Registry allows CCCE to know what organizations and services are available. Vendors registered with CCCE will be contacted directly with business specific Requests for Proposals as they are applicable.

**VISIT [BIT.LY/CCCE-VENDOR-REGISTRY](https://bit.ly/ccce-vendor-registry)**





## A Unified Central Coast CCA

**Key Updates:**

- Adopted Cost of Service rate structure to achieve agency goals
- Working with CCCE member agencies on regulatory and legislative matters that ensure customer fairness and equal access to resources
- Pathway to achieve 100% clean and renewable energy by 2030
- Leveraging Community Advisory Council for outreach and non-voting seat participation on Operations & Policy Boards
- Engaging with the community around development of future programs
- Enrollment of over 140k customers in 2021 & 2022 across 12 communities



## Stay Connected with CCCE

[www.3CEnergy.org](http://www.3CEnergy.org)

✉ [info@3CE.org](mailto:info@3CE.org)  
 🌐 1.888.909.6227

📘 @3CEnergy  
 📷 @3CEnergy  
 📘 @3CEnergyEnEspañol

Follow us online, join our newsletter and board agenda notification list, and check our extensive FAQ section on the website.



**Treasurer's Report**  
**For the Eight Month Period Ended February 28, 2022**  
**(67% of fiscal year)**

**General Fund ~**

General revenues are running at 70% for the year to date. Correspondingly, general fund expenditures are at 52% for the year to date. The net effect is a positive change in general fund balance of \$430k.

**Water Enterprise Fund ~**

The water enterprise fund revenues are running at 60% for the year to date, and expenses are also at 71%. The net effect is a positive change in the water enterprise fund of \$229k.

**Sewer Enterprise Fund ~**

The sewer enterprise fund revenues are running at 70% for the year to date, and expenses are at 67%. The net effect is a positive change in the sewer enterprise fund of \$236k.

**City of San Juan Bautista**  
**Revenues ~ Budget Vs. Actual**  
**For the Eight Month Period Ended February 28, 2022**

City Council Meeting  
 April 19, 2022

<b>REVENUES</b>	<b>FY21</b>	<b>FY22</b>	<b>Annual</b>		<b>YTD</b>	
<b>Fund</b>	<b>Actuals</b>	<b>Actuals</b>	<b>Budget</b>	<b>Difference</b>	<b>67%</b>	<b>Notes</b>
<b>General Fund</b>	1,190,437	1,488,034	2,137,076	(649,042)	70%	A
<b>Special Revenue Funds:</b>						
Capital Projects Fund	1,299,687	126,408	905,111	(778,703)	14%	C
Community Development	101,350	84,833	404,514	(319,681)	21%	B
COPS	103,114	88,927	100,000	(11,073)	89%	
Parking & Restroom Fd	17,652	20,136	25,000	(4,864)	81%	A
Gas Tax Fund	61,156	58,874	100,784	(41,910)	58%	
Valle Vista LLD	14,475	17,285	25,928	(8,643)	67%	
Rancho Vista CFD	38,429	39,144	58,716	(19,572)	67%	
Copperleaf CFD	14,181	14,630	21,945	(7,315)	67%	
<b>Development Impact Fee Funds:</b>						
Park Development	21,468	-	-	-		
Public/Civic Facility	3,534	-	-	-		
Library	4,754	-	-	-		
Storm Drain	40,139	-	-	-		
Parking In-Lieu	-	-	-	-		
Park In-Lieu	13,107	-	-	-		
Public Safety	3,677	-	-	-		
Traffic	50,316	-	-	-		
<b>Internal Service Funds:</b>						
Blg Rehab. & Replace	25,333	25,333	38,000	(12,667)	67%	
Vehicle Replacement	40,000	40,000	60,000	(20,000)	67%	
<b>Enterprise Funds:</b>						
Water						
Operations	756,770	745,064	1,239,670	(494,606)	60%	
Capital	216,495	-	576,400	(576,400)	0%	C
Sewer						
Operations	732,961	804,039	1,142,430	(338,391)	70%	
Capital	18,731	-	733,275	(733,275)	0%	C
<b>TOTAL Funds</b>	<b>3,577,330</b>	<b>2,064,674</b>	<b>7,568,849</b>	<b>5,504,175</b>	<b>27%</b>	

A ~ Current year revenue was higher due to a \$251k grant from Federal government for COVID relief, offset by higher document transfer taxes in the prior year.

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

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



**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**

City Council Meeting  
 April 19, 2022

**For the Eight Month Period Ended February 28, 2022**

<b>EXPENDITURES</b>	<b>FY21</b>	<b>FY22</b>	<b>Annual</b>		<b>YTD</b>	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>67%</u>	<u>Note</u>
<b>General Fund</b>	1,110,107	1,058,349	2,050,876	(992,527)	52%	
<b>Special Revenue Funds:</b>						
Capital Projects Fund	1,299,687	126,408	2,477,368	(2,350,960)	5%	A
Community Development	380,525	383,776	650,768	(266,992)	59%	
COPS	66,667	66,667	100,000	(33,333)	67%	
Parking & Restroom Fd	707	17,410	117,899	(100,489)	15%	A
Gas Tax Fund	89,149	10,906	100,784	(89,878)	11%	
Valle Vista LLD	10,742	38,560	25,928	12,632	149%	B
Rancho Vista CFD	22,282	27,477	58,716	(31,239)	47%	
Copperleaf CFD	5,372	9,098	21,945	(12,847)	41%	
<b>Development Impact Fee Funds</b>						
Public/Civic Facility	1,800	1,800	169,540	(167,740)	1%	A
Library	2,960	9,760	29,440	(19,680)	33%	A
Storm Drain	90,069	2,288	10,932	(8,644)	21%	A
Park In-Lieu	200	2,881	17,884	(15,003)	16%	A
Public Safety	568	568	180,852	(180,284)	0%	A
Traffic	128,602	288	5,432	(5,144)	5%	A
<b>Internal Service Funds:</b>						
Blg Rehab. & Replace	-	-	25,000	(25,000)	0%	A
Vehicle Replacement	3,750	-	-	-		
<b>Enterprise Funds:</b>						
Water:						
Operations	466,947	515,638	725,548	209,910	71%	
Capital	125,117	96,807	547,705	450,898	18%	A
Sewer						
Operations	528,829	541,428	805,565	264,137	67%	
Capital	192,584	568,138	717,205	149,067	79%	
<b>TOTAL Funds</b>	<b>3,466,071</b>	<b>2,419,898</b>	<b>8,839,387</b>	<b>6,419,489</b>	<b>27%</b>	

**Footnotes:**

**A** ~ Capital fund transfers/costs are budgeted to be incurred sporadically during the year, they do not always align with the to date percentages, or prior year amounts. Additionally, some projects have been moved to the next fiscal year.

**B** ~ Cost are greater than budget due to one time maintenance, paid through assessment reserves.



**City of San Juan Bautista**  
**Warrant Listing**  
**As of March 31, 2022**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
<b>101.000 · Union Bank</b>			
<b>101.001 · Operating Acct. 1948</b>			
03/03/2022	215413	3T Equipment Company Inc.	-187.56
03/03/2022	215414	4Leaf, Inc.	-11,140.43
03/03/2022	215415	ACWA Health Benefits Authority	-25,078.26
03/03/2022	215416	AFLAC	-581.38
03/03/2022	215417	Akel Engineering Group, Inc.	-1,817.50
03/03/2022	215418	at&t	-95.70
03/03/2022	215419	CALNET	-254.94
03/03/2022	215420	Cesar E. Flores	-145.00
03/03/2022	215421	CIRA - California Intergovernmental Risk	-50,668.00
03/03/2022	215422	Computershare Corporate Trust	-185,866.68
03/03/2022	215423	Core & Main	-646.91
03/03/2022	215424	Dale Coke.	-10,500.00
03/03/2022	215425	Data Ticket Inc.	-200.00
03/03/2022	215426	Downey Brand	-2,193.00
03/03/2022	215427	Enrique Hernandez	-480.70
03/03/2022	215428	Griswold Industries	-6,574.86
03/03/2022	215429	Harris & Associates	-277.50
03/03/2022	215430	Hector Rubalcaba	-230.00
03/03/2022	215431	KBA Docusys	-233.66
03/03/2022	215432	Level 1 Private Security.	-8,820.00
03/03/2022	215433	Local Government Commision	-995.50
03/03/2022	215434	Monterey Bay Analytical Services	-2,765.10
03/03/2022	215435	P G & E	-5,422.59
03/03/2022	215436	Regional Government Services	-2,547.50
03/03/2022	215437	Rx-Tek	-1,001.93
03/03/2022	215438	San Benito County Communications Div.	-65,252.12
03/03/2022	215439	Smith & Enright Landscaping	-3,700.00
03/03/2022	215440	Stantec Consulting Services Inc.	-28,648.25
03/03/2022	215441	Staples	-417.39
03/03/2022	215442	State Compensation Insurance Fund	-2,250.58
03/03/2022	215443	Statewide Traffic Safety Signs	-283.13
03/03/2022	215444	True Value Hardware	-107.92
03/03/2022	215445	US Bank Equipment Finance	-249.61
03/03/2022	215446	Wellington Law Offices	-4,792.00
03/03/2022	215447	Wendy L. Cumming, CPA	-3,187.50
03/03/2022	215448	United Site Services of California, Inc.	-383.14
03/10/2022	215449	All Clear Water Services	-4,100.00
03/10/2022	215450	AVAYA	-250.66
03/10/2022	215451	Charter Communications	-558.19
03/10/2022	215452	Clark Pest Control	-97.00
03/10/2022	215453	Clear Gov Inc.	-11,000.00
03/10/2022	215454	Cypress Water Services	-10,575.00
03/10/2022	215455	Filomeno Garza.	-88.37



**City of San Juan Bautista**  
**Warrant Listing**  
**As of March 31, 2022**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
03/10/2022	215456	J.V. Orta's Rent A Fence	-225.00
03/10/2022	215457	James Garcia.	-230.00
03/10/2022	215458	Joni L. Janecki & Associates, Inc.	-1,675.00
03/10/2022	215459	Judy's Gifts & Awards	-86.60
03/10/2022	215460	Monterey Bay Analytical Services	-966.60
03/10/2022	215461	Postmaster	-398.00
03/10/2022	215462	Quadient Leasing USA, Inc.	-473.47
03/10/2022	215463	Rx-Tek	-754.00
03/10/2022	215464	San Benito Cnty Mosq Abatement Prgm	-277.24
03/10/2022	215465	Veronica Munoz-Noriega	-113.80
03/10/2022	215466	Wright Bros. Industrial Supply	-16.06
03/18/2022	215467	4Leaf, Inc.	-1,034.97
03/18/2022	215468	AFLAC	-290.69
03/18/2022	215469	at&t	-100.34
03/18/2022	215470	att.com	-72.08
03/18/2022	215471	Baker Supplies and Repairs	-52.58
03/18/2022	215472	California Consulting, Inc.	-10,000.00
03/18/2022	215473	CSG Consultants, Inc.	-39,035.00
03/18/2022	215474	EMC Planning Group Inc.	-7,312.29
03/18/2022	215475	Filomeno Garza.	-51.89
03/18/2022	215476	Harris & Associates	-1,711.25
03/18/2022	215477	Hollister Auto Parts, Inc.	-512.91
03/18/2022	215478	Hollister Landscape Supply	-116.91
03/18/2022	215479	J.C.J. Electric Corp.	-1,434.10
03/18/2022	215480	Level 1 Private Security	-4,770.00
03/18/2022	215481	Monterey Bay Analytical Services	-931.20
03/18/2022	215482	P G & E	-13,033.27
03/18/2022	215483	Pacific Coast Tree Service	-10,900.00
03/18/2022	215484	Patricia Paetz	-30.78
03/18/2022	215485	rrm design group	-1,080.00
03/18/2022	215486	Rx-Tek	-80.00
03/18/2022	215487	Sheehy Strategy Group	-5,000.00
03/18/2022	215488	Sound Design A/V Contractors	-32,859.17
03/18/2022	215489	Sprint	-445.12
03/18/2022	215490	Valero Wex Bank	-907.52
03/18/2022	215491	US Bank	-2,783.46
03/22/2022	215492	Alliant Insurance Services	-728.00
03/22/2022	215493	Core & Main	-656.73
03/22/2022	215494	First Alarm	-461.97
03/22/2022	215495	Ready Refresh	-164.51
03/22/2022	215496	Revize LLC	-5,450.00
03/22/2022	215497	San Benito County Water District	-4,616.22
03/22/2022	215498	San Juan Bautista Committee.	-10,000.00
03/22/2022	215499	Sentry Alarm System	-612.00
03/22/2022	215500	Statewide Traffic Safety Signs	-232.77



# City of San Juan Bautista

## Warrant Listing

As of March 31, 2022

Date	Num	Name	Amount
03/22/2022	215501	United Site Services of California, Inc.	-368.19
03/22/2022	215502	US Bank Equipment Finance	-249.61
03/23/2022	215503	Regional Government Services	-6,840.00
03/23/2022	215504	Staples	-151.05
03/23/2022	215505	Monica Tinoco	-675.00
03/23/2022	215506	Monterey Bay Analytical Services	-2,219.40
03/23/2022	215507	Stantec Consulting Services Inc.	-33,523.29
03/30/2022	215508	4Leaf, Inc.	-8,648.00
03/30/2022	215509	Adela Cruz	-20.45
03/30/2022	215510	Akel Engineering Group, Inc.	-6,678.75
03/30/2022	215511	Alliant Insurance Services	-301.00
03/30/2022	215512	Bartle Wells Associates	-675.00
03/30/2022	215513	CALNET	-257.11
03/30/2022	215514	Carmen Lujan	-9.95
03/30/2022	215515	Data Ticket Inc.	-200.00
03/30/2022	215516	Home Depot Credit Services	-49.53
03/30/2022	215517	Local Government Commision	-1,783.50
03/30/2022	215518	MuniBilling	-417.00
03/30/2022	215519	Pet Waste Co	-246.33
03/30/2022	215520	Regional Government Services	-1,425.00
03/30/2022	215521	Shape Inc.	-204.66
03/30/2022	215522	Smith & Enright Landscaping	-3,880.00
03/30/2022	215523	State Compensation Insurance Fund	-2,250.58
03/30/2022	215524	Wellington Law Offices	-6,922.00
03/30/2022	215525	P G & E	-810.96
03/31/2022	215526	Monterey Bay Analytical Services	-1,440.90
03/31/2022	215527	True Value Hardware	-51.82
Total 101.001 · Operating Acct. 1948			<u>-697,648.14</u>
Total 101.000 · Union Bank			<u>-697,648.14</u>
<b>TOTAL</b>			<b><u>-697,648.14</u></b>





## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE:** Use Permit to allow Restaurant with bar and on-site alcohol sales/consumption via Type 41 and Type 47 ABC License

**IWORQ Permit No.** 116 (APNs: 002-460-001 and 002-460-002) (205 The Alameda; Pearce and The Alameda) (Jesus and Katherine Zavala)

**MEETING DATE:** April 19, 2022

**SUBMITTED BY:** Brian Foucht, Community Development Director

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**RECOMMENDED ACTION(S):** Staff recommends the following:

1. Approve a Use Permit, subject to conditions and based on findings in the staff report dated March 19, 2022, to allow the establishment of a restaurant with bar on the main floor of the mixed-use building; and
2. Approve a Use Permit to allow the onsite sale and consumption of alcoholic beverages subject to conditions and based on findings; and

**BACKGROUND INFORMATION:**

The Planning Commission, on February 1, 2022, adopted Resolution 2022-01 approving the Site and Design Review Permit to allow construction of Site & Design Review Permit to allow two multi-family dwelling units [1-2bed/1bath (920 SF) and 1-1bed/1bath (707 SF)] totaling 1,627 SF. The Permit was approved subject to 41 Conditions and related findings and evidence. The Planning Commission continued the public hearing on the Use Permit until March 1, 2022.

The Planning Commission determined that the demolition of the existing building on the site and development and use of the site in accordance with the Site and Design Review Permit are exempt from CEQA per Guideline Sections 15303 and 15305.

The Planning Commission approved the Use Permit for a restaurant with bar (Type 41 Permit – beer and wine only) via Resolution 2022-02 on March 1, 2022. The applicant filed an appeal (attached) of the Planning Commission action limiting the alcohol use to a Type 41 permit. The appeal is taken up by the City Council as a “de novo” hearing; i.e. on the merits of the application for Use Permit rather than on the record of Planning Commission decision.

## CONDITIONAL USE PERMITS:

(NOTE: The following portion of the staff report referencing license transfer, Type 41 and Type 47 Permits, notice and protests, are obtained directly from the California Dept. of Alcoholic Beverage Control (ABC) website:

[Frequently Asked Questions | Alcoholic Beverage Control \(ca.gov\)](#) AND

[Information Regarding Alcoholic Beverage License Applications and Protests | Alcoholic Beverage Control](#)

### 1. Licensing:

The applicant currently possesses a Type 41 ABC permit and will apply to the ABC for a premise-to-premise transfer of that permit from the existing business at 100 The Alameda to 205 The Alameda. A Type 41 Permit (Restaurant) authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). The applicant must operate and maintain the licensed premises as a bona fide eating place, maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

The applicant proposes to operate via an ABC Type 41 License, followed by a Type 47 license (Restaurant) when that license is obtained. This type of permit authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises. The applicant must operate and maintain the licensed premises as a bona fide eating place, maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. As with a type 41 license, a Type 47 license will allow minors on the premises.

The applicants may transfer the Type 41 license from 100 to 205 The Alameda and operate the licensed premises during the transfer period if a 120-day permit has been obtained. To qualify for this temporary permit, 100 The Alameda must be currently licensed and have been operating within the past 30 days prior to application.

The ABC *may* deny any retail license located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. Mere proximity by itself is not sufficient to deny the license.

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4)

### 2. Notice and Protest Provisions

A person or business (applicant) planning to open a new ABC-licensed business, change the ownership, or move an existing business to a new site must apply for the proper license at an ABC district office. As part of the ABC process, which is separate from local zoning/Conditional



Use Permit review, notice must be given to the public and to local officials. This notice occurs in several ways:

- **Public Notice** – The applicant must post a white or yellow public notice of intent to engage in the sale of Alcohol (Form ABC-207 or ABC-207-B) in a prominent place at the proposed premises for 30 days (Bus. & Prof. Code § 23985).
- **Written Notice by Mail** – ABC mails a copy of the application to the sheriff, chief of police, district attorney, and city council (or the board of supervisors if in an unincorporated area). In some cases, the applicant must also mail written notice to residents and owners of real property within a 500 - foot radius of the proposed business (Bus. & Prof. Code §§ 23985.5 & 23987).
- **Newspaper Publication** – Certain applicants must publish a notice in the local newspaper (Bus. & Prof. Code § 23986).

Any person may protest an ABC license application within 30 days, after

- The Public Notice is first posted at the proposed business; **or**
- The date the applicant mails written notice to residents or owners of real property within a 500' radius.

ABC provides a form used to register protests which may be mailed, delivered or faxed to the nearest ABC office (Salinas). All protests submitted to the ABC are public records. ABC denial of a license cannot deny a license solely due to personal beliefs. Some of the grounds of protest, which could relate to public welfare and morals, are as follows:

- a) The premises is located within the immediate vicinity of a school, church, hospital, or children's playground and the normal operation of the licensed premises would interfere with their functions. (Bus. & Prof. Code § 23789.) Protests must be specific as to how the sale of alcoholic beverages will adversely affect the facility. *Mere proximity to such a facility is not sufficient legal grounds to deny the license.*
- b) The premises is located in a residential area and the normal operation of the licensed premises would interfere with the quiet enjoyment of their property by the residents of the area. (Dept's. Rule 61.4, found in tit. 4, Cal. Code Regs.) Protests must be specific as to how the sale of alcoholic beverages will adversely affect the residents. The ABC advises that, in some cases, the applicant may be willing to agree to certain conditions. For example, if there could be late-night noise, the applicant may be willing to stop alcohol sales after a certain time. The ABC will then evaluate if the proposed condition is appropriate to impose on the license; however, the City of San Juan Bautista may impose appropriate conditions through the Conditional Use Permit.
- c) The premises or parking lot is located within 100 feet of a residence and the applicant has failed to establish that the operation of the licensed premises would not interfere with the quiet enjoyment of the property by the residents. (Dept's. Rule 61.4.)



- d) Licensing the premises would create a public nuisance as defined in Penal Code Section 370. Specific facts must be stated leading to this conclusion.
- e) Issuance of the license would result in or add to an undue concentration of licenses. (Bus. & Prof. Code § 23958 and 23958.4.) List any problems that existing licensed businesses in the area may be causing.
- f) The following are grounds usually cited by city or county enforcement agencies only. But they can be used by persons who have independent, adequate evidence of same:
- g) In addition to law enforcement – related protests by the City, the City may file a valid protest that the use is inconsistent with the zoning ordinance, that a Conditional Use Permit is required and has not been obtained, or that the use is not in compliance with conditions of the issued CUP. This protest would result in denial of the requested transfer or issuance of the new license. (Bus. & Prof. Code § 23790.)

The ABC will conduct an investigation, as required by law, regarding any valid protest. The ABC looks into the applicant's personal history, the applicant's source of funds, the suitability of the proposed premises, and any issues raised in the protest(s). (Bus. & Prof. Code § 23958.). A public hearing may be held by the ABC regarding any valid protest after which adjudication will occur, the results of which may either be accepted or rejected by the ABC.

The ABC states that some concerns involving ABC licenses include:

- The premises is too close to a school, church, hospital, playground, nonprofit youth facility or residence and would disturb the facility or resident.
- The premises is located in a high-crime area and does not serve public convenience or necessity
- The applicant does not have legal tenancy
- The license would create a public nuisance
- Zoning is improper for alcohol sales.

Regarding these concerns, the ABC states that conditions placed on a license “*May limit the hours of alcohol sales, the type of entertainment allowed, or other aspects of the business. Conditions may eliminate the need to deny a license or may cause a protestant to withdraw his protest.*”

### **3. Use Permit Considerations**

Use Permits are site- specific; therefore, regardless that the applicants possess an existing Type 41 Permit in operation at 100 The Alameda, a new Use Permit is required for a Type 41 License at 205 The Alameda as well as the requested Type 47 License. Typical concerns involving surrounding land uses (schools, public playgrounds, youth facilities within 600' and residences within 100' include:

In this case, the proposed mixed use, by its nature, is within 100' of residences. Residences are adjacent to the South and East of the site and is within 600' of a school and playground (soccer fields) accessible to the public.



To enable successful operation of the bar, staff believes that alcohol consumption and sale must be indistinguishable from operation of the restaurant. This is a ABC prerequisite for both the Type 41 and Type 47 Licenses. In fact, the ABC considers a Type 47 permit as a “restaurant” use (see above description). Appropriate conditions of approval would include requirements that the bar be in operation only during the time that the restaurant is in operation, that restrictions on the bar operations be limited to late afternoon and a reasonable night time closure, and that any music be undiscernible outside the restaurant, and outdoor activities prohibited.

Other requirements could include a requirement that the applicant distribute complaint reporting forms addressed to the City. The Use Permit will stipulate performance standards to ensure that the proposed use remains compatible with on-site and adjacent residential uses; including but not limited to noise, lighting, hours of operation, noise and outdoor activities. Failure to comply with standards would result in referral to the City Council (final hearing body) for remediation and potential CUP revocation, followed by protest filing with the ABC.

The applicant has amended the project description (see attached letter dated February 24, 2022) to refer to hours of operation.

#### **4. City Council Action**

The decision of the City Council (resolution) will be forwarded to the ABC in response to a request for administrative zoning verification from the ABC.

The City Council may

- a) Approve this Use Permit as presented (including the letter dated February 24, 2022, attached); or
- b) Approve the Use Permit with conditions of approval (attached to the resolution); or
- c) Deny the Use Permit based on Findings and evidence presented during the public hearing.

#### Use Permits

SJBMC Section 11-20-030 details the Findings the City Council is required to make for all proposed Use Permit (UP) applications. The proposal requires the issuance of two separate UPs, which are both related to the service of alcohol in the context of restaurant operation. One UP is required to allow the establishment of a restaurant bar on the first floor of the mixed-use building, and another UP is required to allow the on-site sales and consumption of alcoholic beverages. Because both UPs are similar in nature, the analysis below is combined for both UPs.

*A) That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, Zoning Ordinance, and the economic, social and environmental status of the City.*

Evidence: The proposed uses are both conditionally permitted in the Mixed Use (MU) zoning designation. The proposed uses will provide economic benefit and development to the currently unused parcel, allow an existing business to expand services, and provide increased merchant and sales tax revenue to the city.



- B) *That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts related to noise, odor, pollution, etc.; and*

Evidence: The proposed uses are consistent with normal activities and uses within the Mixed Use zoning district (restaurant with on-site sale and consumption of alcohol via a Type 41 or Type 47 ABC License) and subject to conditions, will not cause undue environmental impacts related to noise, odor, or pollution. Onsite alcoholic sales and consumption, in general, will not result in excessive noise or odors beyond levels considered acceptable for a Mixed-Use zoning district. The proposed uses are consistent with the permitted uses of other restaurant establishments within the Mixed Use district. *(Note: The establishment of a restaurant within the "MU" zoning district is an allowed use, and does not require the granting of a CUP for this portion of the proposal).*

- C) *That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.*

Evidence: The proposed uses will not adversely affect the health and safety of persons living or working in the vicinity nor will it be detrimental to the public welfare of the City and its residents. Conditions of approval restrict the hours of operation to hours when students are not expected to be present in the vicinity, prohibit outdoor activities related to the use on the site, require that music not be discernable outside the building or to second floor residents. The establishment of restaurant with onsite sale/consumption of alcoholic beverages is a conditionally permitted use in the Mixed Use zoning district. The sale of alcoholic beverages in association with a restaurant is similar to multiple other establishments within the Mixed Use zoning district in the City.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The Conditional Use Permit is categorically exempt from the California Environmental Quality Act per Sections 15303 and 15305. Section 15303 (Class 3) exempts both a restaurant or similar structure not exceeding 2,500 SF in floor area and a duplex or similar multi-family residential structure. None of the exceptions found in Section 15300.2 apply to the project site, in so much as the project is not located in an area of critical concern, will not pose a cumulative impact, is not located on or adjacent to a scenic highway, and is not located on or near a hazardous materials site.

**ATTACHMENTS:**

1. Draft Resolution of Approval (with Attachment 1 – Conditions of Approval)
2. Applicant Appeal 3.10.22
3. Applicant Letter Proposal 2.24.22



**RESOLUTION 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING A USE PERMIT TO ALLOW THE ESTABLISHMENT OF A RESTAURANT WITH BAR AND RELATED ON-SITE ALCOHOL SALES/CONSUMPTION ON THE MAIN FLOOR OF A MIXED-USE BUILDING; FOR THE PROPERTY LOCATED AT 205 THE ALAMEDA, THE INTERSECTION OF THE ALAMEDA AND PEARCE STREET, ASSESSOR'S PARCEL NUMBERS: 002-460-001 AND 002-460-002.**

**WHEREAS**, on April 8, 2021, Jesus & Katherine Zavala (Applicant) applied for a Combined Development Permit to develop a mixed-use building, establishment of restaurant with bar, and on-site alcohol sales/consumption; and

**WHEREAS**, City Staff reviewed the application, made the required determination under San Juan Bautista Municipal Code (SBJMC) Section 11-20-030 (Use Permit – Required Findings), Section 11-18-040 (Site and Design Review); and Historic Resources Board Review (11-06-1200 (C) (6) (a); and

**WHEREAS**, the Planning Commission on February 1, 2022 and March 1, 2022 conducted duly noticed Public Hearings, considered written and oral public testimony, closed the Public Hearing, determined the project to be Exempt from CEQA in accordance with Guidelines Section 15303 and 15305 and APPROVED the Site and Design Review Permit and Use Permit subject to conditions and based on findings contained in the Planning Commission Resolutions 2022-01 and 2022-02; and

**WHEREAS**, an appeal was duly filed by the applicant in accordance with Municipal Code Chapter 11-25 of Planning Commission Action referenced in Resolution 2022-02 limiting the restaurant with bar and on site sale and consumption of alcohol to an ABC Type 41 License;

**WHEREAS**, on April 19, 2022 in accordance with Municipal Code Section 11-25-80, the City Council conducted a new public hearing on the merits of the proposed Use Permit during which the City Council considered written and oral public testimony;

**WHEREAS**, the City Council has considered the on-site, adjacent and surrounding residential, education, and outdoor recreation uses, the nature of the proposed use, the required subsequent State of California Department of Alcoholic Beverage Control process referenced in the staff report dated March 19, 2022, including requirements for public notice, protest, for obtaining the necessary Type 41 License premise to premise transfer and process for obtaining the Type 47 License for restaurant with bar; and

**WHEREAS**, considering the on-site and surrounding uses and activities the City Council hereby determines that conditions of approval as referenced in Attachment 1 are necessary to protect the public health, safety and general welfare of persons living and working in the area;

**WHEREAS**, the City Council, upon reviewing the application materials, staff report, and draft resolution, determined that the project is Categorically Exempt under Section 15303 and 15305 (new construction of small structures and minor alterations to land) of the California Environmental Quality Act; and

**WHEREAS**, upon reviewing the application materials, applicant appeal, staff report, public testimony and draft resolution, the City Council finds that the project meets or exceeds all of the Use Permit requirements in Section 11-20-030 of the San Juan Bautista Municipal Code, for both requested Use Permits (the allowance of a restaurant with bar and the on-site sales of alcohol) as detailed below:

**SECTION 11-20 – USE PERMIT REQUIRED FINDINGS:**

The following findings are required for the approval of a Conditional Use Permit Application (11-20-030):

- A) *That the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, Zoning Ordinance, and the economic, social and environmental status of the City.*

Evidence: The proposed uses are both conditionally permitted in the Mixed Use (MU) zoning designation. The proposed uses will provide economic benefit and development to the currently unused parcel, allow an existing business to improve and expand services, and provide increased merchant and sales tax revenue to the city.

- B) *That the use will be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts related to noise, odor, pollution, etc.; and*

Evidence: The proposed uses are consistent with normal activities and uses of a restaurant within the Mixed-Use zoning district (restaurant with bar and on-site alcohol sales/consumption) and will not cause undue environmental impacts related to noise, odor, or pollution. Onsite alcoholic sales and consumption, in this particular case, as conditioned to require limits on hours of operation, interior and exterior noise attenuation, restrictions on outdoor activities, will not result in excessive noise or odors beyond levels considered acceptable for a Mixed-Use zoning district. The proposed uses are consistent with the permitted uses of other restaurant establishments within the Mixed-Use district. (Note: The establishment of a

*restaurant within the "MU" zoning district is an allowed use, and does not require the granting of a CUP for this portion of the proposal).*

- C) *That the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents.*

Evidence: The proposed uses, as conditioned to require limits on hours of operation, interior and exterior noise attenuation, restrictions on outdoor activities will not adversely affect the health and safety of persons living or working in the vicinity nor will it be detrimental to the public welfare of the City and its residents. The establishment of restaurant with bar and onsite sale/consumption of alcoholic beverages is a conditionally permitted use in the Mixed-Use zoning district. The sale of alcoholic beverages in association with a restaurant, in accordance with Type 41 and Type 47 ABC regulations regarding maintenance of a bona-fide eating establishment, is similar to multiple other establishments within the Mixed-Use zoning district in the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Bautista approves a Use Permit to allow the establishment of a restaurant with bar and related on-site alcohol sales/consumption licensed as either a Type 41 OR a Type 47 ABC License located at 205 The Alameda, The Alameda and Pearce Street, San Juan Bautista (APN: 002-460-002 and 002-460-001), based on findings contained herein and subject to Conditions of Approval contained in Attachment 1.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on this 19<sup>th</sup> day of April, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
Leslie Jordan, Mayor, Chairperson

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



**Exhibit 1**  
**CONDITIONS OF APPROVAL**  
**USE PERMIT**  
**City Council April 19, 2022**

1. The Applicant/Owner shall enter into an Indemnification and Hold Harmless Agreement with the City of San Juan Bautista for the approval of the proposed project. The Applicant/Owner shall be responsible to pay fees for all review time and City/Legal costs prior to recordation and acceptance of the document.
2. The proposed bar within the restaurant shall be open only during the hours of restaurant operation and not later than 9:30 PM.
3. Activities on the site shall only be conducted indoors or within the courtyard area of the restaurant;
4. Noise levels:
  - a) Interior noise levels for on-site residences shall be a sound transmission class of not less than 50 (airborne and structure) unless otherwise field tested for a sound transmission class of not less than 45.
  - b) Ambient Noise levels at property boundaries shall be tested and recorded prior to construction. Noise levels during operation of the restaurant shall not exceed existing ambient levels. Applicant shall submit a noise monitoring report to the Community Development Director within 6 months of commencement of the proposed restaurant use sufficient to demonstrate compliance with this requirement.
  - c) A sound attenuating fence or wall 7' high shall be constructed at the east and south property boundaries, limited to 3' in height within 20' The Alameda and Pearce Street right of way. Wall or Fence height may be 8' high subject to approval of adjacent residences.
  - d) Live music shall be prohibited after 9PM. Amplified music shall be prohibited.
5. Prior commencement of the restaurant with bar with a Type 41 or 47 permit, the applicant shall create a complaint resolution program for approval by the Community Development Director.
6. Windows facing residential properties shall be non-glare type windows.

# APPEAL FORM

- Appeal to the City Council
- Appeal to the Planning Commission

An appeal of an action by the Planning Commission or Planning staff is to be filed with the City Clerk within ten days of the Planning Commission's action or planning staff decision. If you have any questions regarding the Planning Commission action you can contact the Planning Department between 9:00 A.M. to 5:00 P.M. In addition to completing the appeal form, a filing fee of \$300.00 is required to reimburse the City for all costs associated with processing the appeal.

In accordance with the San Juan Bautista Municipal Code, I hereby appeal the actions of the Planning Commission or Planning Staff decision of 03-01-2022  
(date)

Regarding Resolution 2022-1 and 2022-2  
(Application Number of Applicant)

Location of Project: 205 The Alameda (APN: 002-460-001 & 002-460-002)

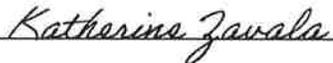
Action Being Appealed: Approval of the "alcohol beverage on-site sales and a bar in context of a Type 41 ABC License. Limiting the restaurant to only a Type 41 ABC License and not allowing for a Type 47 ABC License

Reason for Appeal: The approval of the resolution specifically denied the restaurant the ability to apply and use of a Type 47 ABC License. See attached letter for further project information

Name of Appellant: Jesus Zavala & Katherine Zavala

Address of Appellant: PO Box 728, San Juan Bautista, CA 95045

Telephone No. (Appellant): 831-869-2176

Signature:  and 

Signed this 10 day of March, 2022

Date filed or received: \_\_\_\_\_ Deputy City Clerk: \_\_\_\_\_



March 10, 2022

City of San Juan Bautista  
c/o Brian Foucht, Community Development Director  
311 Second St  
San Juan Bautista, CA 95045

Re: 205 The Alameda (JJ Homemade Burgers)  
Subject: Appeal of Resolution 2022-02

Dear Mr. Foucht

This letter is being provided on behalf of our clients Jesus and Kathrine Zavala regarding their proposed development of the mixed-use building at 205 The Alameda which will be developed for their restaurant JJ Homemade Burgers and two apartment units. The project will bring fill in a vacant corner at The Alameda with a new building bring two apartment units and moving their restaurant to continue to serve the town with the same operation at a better location.

The operation of the restaurant will maintain the same operation as its current location at 100 The Alameda. It will operate Monday through Sunday from 11am to 9:30pm.

They currently possess a Type 41 ABC license, which will require a premise to premise transfer application for the permit from the existing location at 100 The Alameda to 205 The Alameda. This Type 41 ABC license authorizes the sale of beer and wine within a restaurant business. The Planning Application does propose a bar within the restaurant and proposes to operate with the use of the Type 41 license. The applicant will apply for a Type 47 ABC license and work with the assigned analyst and representative from ABC. This license would allow the sale of beer, wine and distilled spirits for consumption on the licensed premises only. The bar will only operate during the restaurant hours of operation from late afternoon until the closing time of 9:30pm. All licensing requirements and restrictions from ABC will be followed.

The appeal of the approved Resolution 2022-02 is that its approval does not provide the use permit or ability to apply for the Type 47 ABC license. The applicant would be required to re-apply for another use permit if a Type 47 License is approved by ABC. The applicant acknowledges that a Type 47 License is not easily approved or available without purchase of an existing license or through a lottery system.

We ask that the City Council consider this appeal as to grant this project the ability to operate as many other restaurants in San Juan Bautista currently operate with a bar and a sit down restaurant.

If you have any questions or require further information, please contact us.

Respectfully,



Luis Vargas  
Sr. Manager/Partner

February 23, 2022

City of San Juan Bautista  
c/o Brian Foucht, Community Development Director  
311 Second St  
San Juan Bautista, CA 95045

Re: 205 The Alameda (JJ Homemade Burgers)

Dear Mr. Foucht

This letter is being provided on behalf of our clients Jesus and Kathrine Zavala regarding their proposed development of the mixed-use building at 205 The Alameda which will be developed for their restaurant JJ Homemade Burgers and two apartment units.

The operation of the restaurant will maintain the same operation as its current location at 100 The Alameda. It will operate Monday through Sunday from 11am to 9:30pm. They would like to consider adding a breakfast menu in the future which may change the operation by opening at 7am. Their initial operation will maintain the existing menu and operating days and hours at their new location.

They currently possess a Type 41 ABC license, which will require a premise to premise transfer application for the permit from the existing location at 100 The Alameda to 205 The Alameda. This Type 41 ABC license authorizes the sale of beer and wine within a restaurant business. The Planning Application does propose a bar within the restaurant and proposes to operate with the use of the Type 41 license. The applicant will apply for a Type 47 ABC license and work with the assigned analyst and representative from ABC. This license would allow the sale of beer, wine and distilled spirits for consumption on the licensed premises only. The bar will only operate during the restaurant hours of operation from late afternoon until the closing time of 9:30pm. All licensing requirements and restrictions from ABC will be followed.

If you have any questions or require further information, please contact us.

Respectfully,



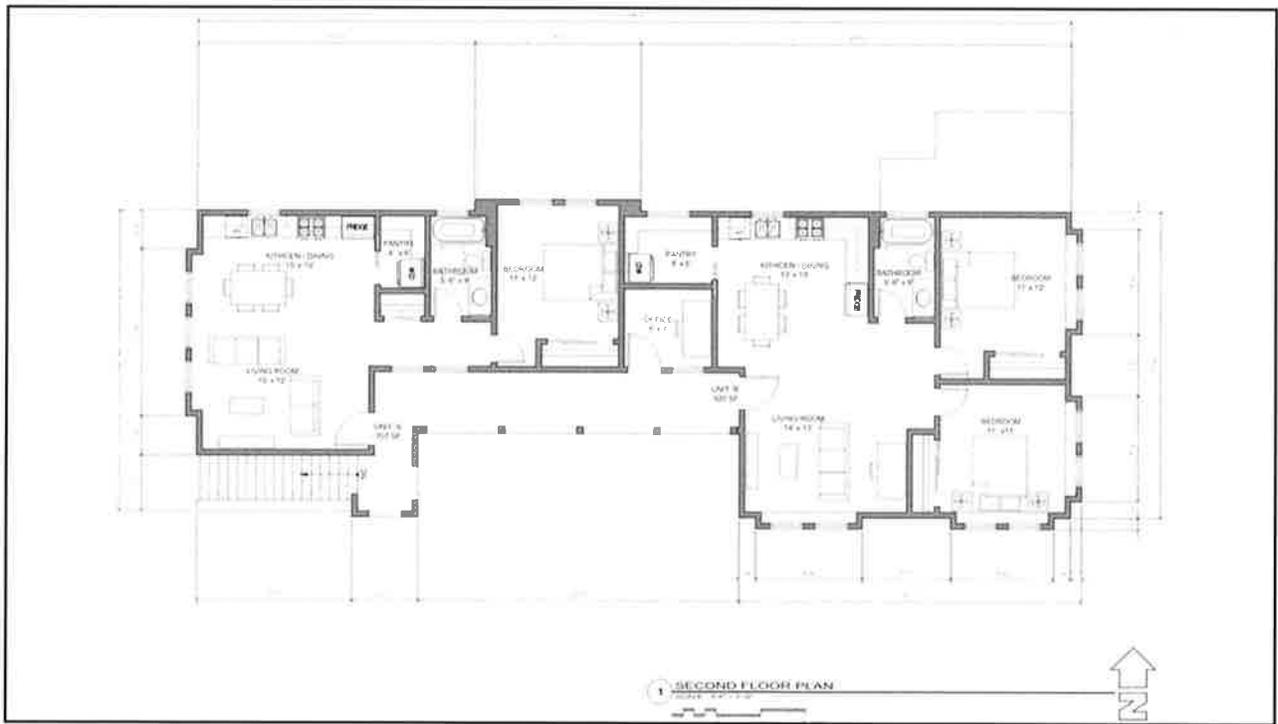
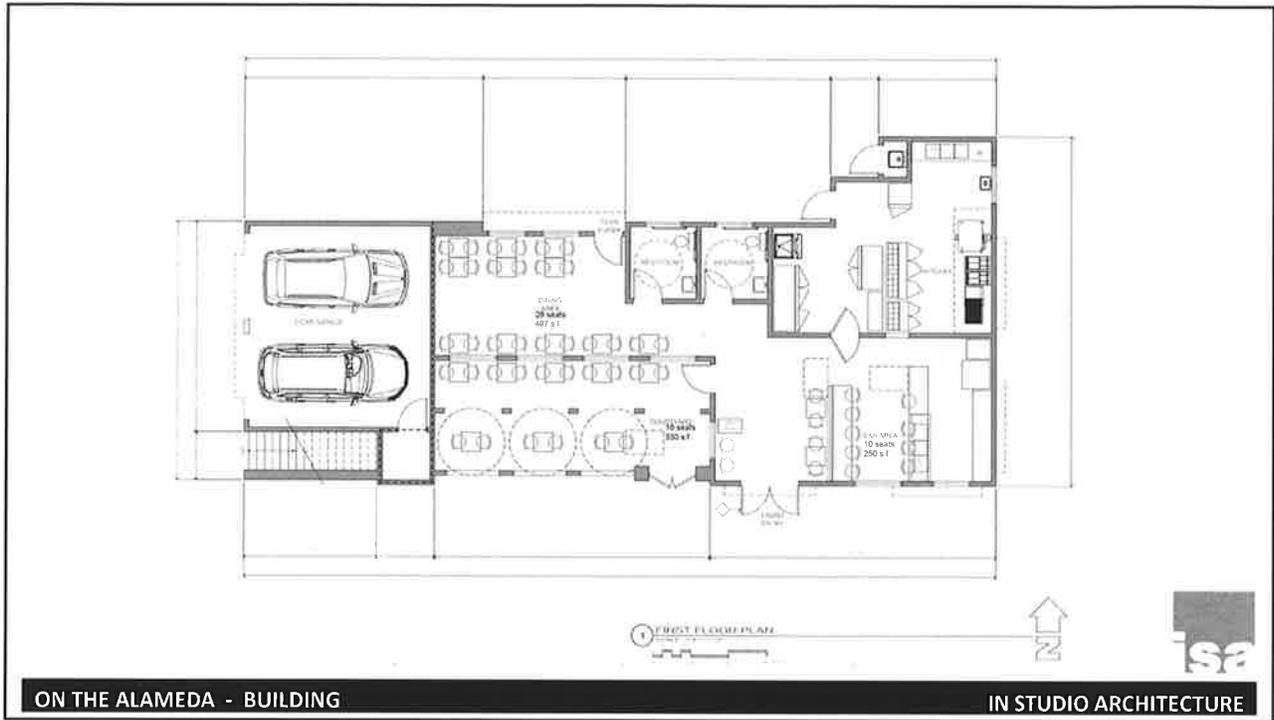
Luis Vargas  
Sr. Manager/Partner

205 The Alameda - JJ Burger

Use Permit - Restaurant With Bar and On Site Sale Of Alcohol

JJ Burger Use Permit Proposal

- Restaurant (with bar facility)
- Use Permit Required (on-site sale of alcohol - beer, wine and spirits)
- Alcoholic Beverage Control License Required:
  - Type 41 Premise to Premise Transfer: 100 The Alameda to 205 The Alameda (restaurant required: beer and wine); and
  - Type 47 New License (restaurant: beer, wine and spirits) when available and subject to ABC approval



## ABC LICENSE TYPES - COMPARISON

- **Existing Type 41: On Sale General - Eating Place (Restaurant)**

Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

- **Proposed Type 47: On Sale General - Eating Place (Restaurant)**

Authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

Compare Proposed Type 41 and Type 47 to Type 48 not proposed

- **Type 48 Not Proposed - Distinguished from Type 41 and Type 47**

(Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

## ABC License Process Basics

- Obtain local agency zoning approval; in this case, a Use Permit
- Apply for a Premise - to - Premise Transfer of Type 41 Permit and a new Type 47 License, when available due to quota limits;
- Distribute, post and publish notices in the manner required by ABC; 30 days;
- ABC consider and investigate the validity of any protests;
- ABC approves or denies transfer and license;
- ABC carries out business inspections through its Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Program a community oriented policing approach to deterring crime.

## Recommended Conditions Of Approval

- Limit hours of operation of bar area from 4 PM to 9:30 PM
- Outdoor activities on the site are prohibited except in the courtyard area
- Live music after 9 PM prohibited, amplified music prohibited
- Noise attenuating fence or wall required along West and South PL
- Pre and post project noise monitoring required (day-night average)
- Use non - glare windows facing residential uses

NOTE: The restaurant is a permitted use and therefore not subject to limitation on hours of operation and other conditions of approval.



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:**                    **DECLARE A STATE OF EMERGENCY DUE TO  
DROUGHT AND IMPOSITION OF WATER  
CONSERVATION REGULATIONS**

**MEETING DATE:**                April 19, 2022

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

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

It is recommended that the City Council conduct a public hearing, by which it will announce the status of the severe drought conditions that are causing mandatory water use restrictions, and adopt the attached Resolution making certain findings related to severe water shortages, declaring a state of emergency due to drought, and the planned imposition of water conservation regulations.

### **BACKGROUND INFORMATION:**

The City relies on three wells for its drinking water. They are not under duress due to the extreme drought, but could be. The County's ground water resources also rely on this same aquifer. This water should be serving as "reserves" and during drought, they are especially fragile. So, it is critical that San Juan Bautista participate in the regional water conservation efforts, because in San Benito County, we all share the same resource.

In 2014, the City participated in the water conservation efforts led by the San Benito County Water Resources Agency during times of severe water shortages caused by drought. In 2015, the City adopted a new ordinance and updated Municipal Code Section 6-4-116, "Water shortage regulations and restrictions," which is attached to the proposed Resolution. Per the direction provided in this Code, public outreach to conserve water was extensive. The second attachment is the notice sent to all water subscriber in 2014/15.

The County, Hollister and Sunnyslope Water District all follow the "Water Shortage Contingency Plan" when resources are depleted due to severe drought. For the past several months, the County has been under a "Stage 1 Water Conservation Guidelines:"

Water Conservation Guidelines Stage 1 -Voluntary

Outdoor Water Restrictions



- Landscape watering shall be limited and restricted to no more than three (3) days per week with a duration of fifteen (15) minutes watering per water day per station.
- No watering of landscaping between the hours of 9am and 5pm by means other than drip irrigation or hand watering with a quick acting positive shut off nozzle.
- No washing down sidewalks, driveways, or other hardscape surfaces.
- No watering landscape in a manner that causes runoff to adjacent property, non-irrigated areas, private and public walkways, roadways, or parking lots.
- No washing of cars without the use of a quick acting, positive shutoff nozzle.
- No operation of decorative fountains or other water features unless the water is recirculated.

#### General

- Leaks, breaks and malfunctions of irrigation systems and plumbing equipment causing waste of water shall be repaired and corrected within a responsible amount of time.

#### Prohibitions Affecting Commercial Businesses

- Restaurants and other food service establishments are requested to serve water on request.
- Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this

When water shortages get more severe, the State requires all distributors of public water follow certain steps during water emergencies. The 2009 California Water Codes Sections 350-359 states that a water distributor may declare a water shortage emergency when a water agency determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation and fire protection. County Water Conservation Guidelines “Stage 2” is a mandatory water conservation program based on these same state laws.

The City’s codes outline “Water Waste Prohibitions” that include very similar findings, and restrictions. This includes prohibiting from watering landscape areas every day except two days a week; Monday and Thursday. It prohibits watering landscape areas between the hours of 9 AM and 5 PM. The City’s Code includes eight different steps that everyone must follow to reduce water consumption during this extreme drought emergency.

#### City Code 6-4-116 (D)

(D) Water Waste Prohibitions. It shall be unlawful, when a declaration of **emergency** has been declared and **emergency** regulations are in effect, for any person, firm, partnership, association, corporation, political entity (including the City) or any other Water Department customer to use water for any of the following:

- (1) Landscape watering on any day other than Monday and Thursday, or between the hours of 9:00 a.m. and 5:00 p.m. on any day.

- (2) Washing down sidewalks and driveways.
- (3) Watering outdoor landscapes in a manner that causes excess runoff.
- (4) Washing a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle.
- (5) Operating a fountain or decorative water feature, unless the water is part of a recirculating system.
- (6) Irrigating turf or ornamental landscapes during and forty-eight (48) hours following measurable precipitation.
- (7) Serving water to customers in restaurants or other food service establishments, other than by request.
- (8) Laundering towels and linens daily in hotels and motels without offering the option of choosing not to have them laundered, or not prominently displaying notice of this option.

The goal is to reduce consumption by 25%. Violating this emergency order, can result in fines up to \$500. In 2014/15, the City did not issue any fines.

**DISCUSSION:**

As was the case in 2014/15, San Benito County is in severe drought and has been for the last three years. The drought has hampered deliveries from the Central Valley Project and the County has received very little of its allotment of imported water. This causes residents and water providers to turn to groundwater in the City of Hollister. It reduces water resources for all County needs.

Water use for outdoor landscaping is the largest portion of residential water use, especially in hotter inland areas such as San Benito County. While lawns have value for recreation and aesthetics, replacing existing turf lawns with well-designed low-water landscapes that incorporate native and climate-appropriate shrubs, grasses, and trees, along with mulch varieties that replenish soil and retain water, can have many benefits. Landscape water uses more than 54% of the County's water. Reducing landscape watering to two days a week will reduce consumption and help us reach this goal. The WRA is submitting a grant to help homeowners pay for the cost of converting their turf to landscaping that conserves water.

By December 2024, the City will be connecting to the West Hills Treatment plant and will be receiving the surface water imported from the Central Valley Project. During this extreme drought, access to this water is very limited. Attached is a press release issued by the San Benito County Water Resources Agency last week. It summarizes the state of the County's water and the need for extreme action. In May, the WRA will come to the City Council to provide an update.

By adopting the attached Resolution, the City Council will make a finding that "the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation and fire protection." It will declare a state of emergency due to extreme drought, and imitate public outreach before imposing water conservation regulations that will become effective May 1, 2022.



**FISCAL IMPACT:**

A 25% reduction in water consumption, will reduce water enterprise fund revenues.

**ATTACHMENTS:**

1. Resolution with Code 6-4-116 attached
2. Public Outreach from 2014/15
3. WRA Press Release summarizing regional water drought conditions



**RESOLUTION NO. 2022- XX**

**A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA DECLARING A STATE OF EMERGENCY DUE TO DROUGHT AND IMPOSITION OF WATER CONSERVATION REGULATIONS**

**WHEREAS**, Chapter 5, Section 33 of the Municipal Code includes the City’s “Emergency Organization and Functions,” and Section 5-33-020 defines “Emergency” to mean “the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions...” and

**WHEREAS**, Chapter 5, Section 33-030 establishes the City Manager as the Director of Emergency Services and the Director’s duties include requesting the City Council to proclaim the existence or threatened existence of a “local emergency,” and/or the proclamation of a “state of emergency” after the Governor has made such a proclamation for the State; and

**WHEREAS**; in October 2021, the Governor issued a proclamation declaring a state of emergency due to severe drought for the entire State of California resulting in voluntary water conservation measures be taken in San Benito County; and

**WHEREAS**, following an assessment of water resources in March 2022, the San Benito County Water District learned that it would not be receiving a water allocation from the State effective April 1, 2022, this year, and has upgraded the State of Emergency to “Stage 2” which requires mandatory conservation in attempt to achieve a 25% reduction in water consumption; and

**WHEREAS**, As pursuant to the California Water Code - Section 350-359 the City of San Juan Bautista may declare a water shortage emergency condition to prevail within the area whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply for human consumption, sanitation, and fire protection; and

**WHEREAS**, the Declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration.

**WHEREAS**, the City’s Municipal Code Chapter 6 Section 4-116 “Water Shortage Regulations and Restrictions” that a Declaration of Emergency and imposition of water conservation regulations stipulated within City Code 6-4-116 and consistent with the San Benito Water Resources Agency “Stage 2 Water Shortage Contingency Plan” with a goal of reducing water consumption by 25% is required when the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply; and

**WHEREAS**, Code 6-4-116 goes on to further require that all persons in the community be made aware of this declaration of emergency and that the City Manager or their designee shall take such steps as are necessary to inform the public; and

**WHEREAS**, that the imposition of water conservation regulations shall not be enforced until such a time as the public has received notice as set forth in the attached full text of Code 6-4-116.

**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 finds that severe drought conditions exist within the State and the County, placing every California city in a state of drought emergency.
3. Finds and determines that ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply.
4. Due to the severity of the drought, it hereby declares San Juan Bautista to be in a State of Emergency, and imposes certain water conservation regulations as provided in Municipal Code 6-4-116.
5. Authorize the City Manager to publicize this Declaration of Emergency as soon as possible, and begin enforcing the provisions in Municipal Code Section 6-4-116 May 1, 2022, work with the San Benito County Water Resources Agency to re-asses water resources as necessary until such a time as the drought has ended.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 19<sup>th</sup> day of April 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

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

Attachment: Municipal Code 6-4-116

## Attachment: Municipal Code 6-4-116

### 6-4-116 Water shortage regulations and restrictions.

(A) Declaration of **Emergency** and Imposition of Water Conservation Regulations. The provisions of this Section shall take effect whenever the City Council declares by resolution that a state of **emergency** due to drought exists in the State of California or the City of San Juan Bautista, and they shall remain in effect for the duration of the state of **emergency** set forth in the resolution or that the water sources are inadequate to meet at least ninety percent (90%) of projected demands of the City of San Juan Bautista. The declaration shall be based upon the legally required findings including that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply. Persons shall be informed that the City Council made a declaration of **emergency** and therefore there will be an imposition of water conservation regulations by a posting on the City's Internet website, and in the following public places: San Juan Bautista City Hall, 311 Second Street, San Juan Bautista; City Library, 801 Second Street, San Juan Bautista; and the Post Office, 301 The Alameda, San Juan Bautista. The City Manager or his or her designee shall take such steps as are necessary to inform the public, which may include the mailing of a notice of imposition of water conservation regulations to persons in the City's water service area. Imposition of water conservation regulations shall not be enforced until such time as the public has received notice, as set forth herein.

(B) Application of Regulations. The provisions of this Section shall apply to all persons using or consuming water both inside and outside the City and within the City water service area, and regardless of whether any person using water shall have a contract for water service with the City.

(C) Precedence of Regulations. Where other provisions of the municipal code, whether enacted prior or subsequent to this Section, are inconsistent with the provisions of this Section, the provisions of this Section shall supersede and control for the duration of the state of **emergency** set forth in the resolution of the City Council.

(D) Water Waste Prohibitions. It shall be unlawful, when a declaration of **emergency** has been declared and **emergency** regulations are in effect, for any person, firm, partnership, association, corporation, political entity (including the City) or any other Water Department customer to use water for any of the following:

- (1) Landscape watering on any day other than Monday and Thursday, or between the hours of 9:00 a.m. and 5:00 p.m. on any day.
- (2) Washing down sidewalks and driveways.



- (3) Watering outdoor landscapes in a manner that causes excess runoff.
- (4) Washing a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle.
- (5) Operating a fountain or decorative water feature, unless the water is part of a recirculating system.
- (6) Irrigating turf or ornamental landscapes during and forty-eight (48) hours following measurable precipitation.
- (7) Serving water to customers in restaurants or other food service establishments, other than by request.
- (8) Laundering towels and linens daily in hotels and motels without offering the option of choosing not to have them laundered, or not prominently displaying notice of this option.

(E) Penalties. While nothing in this Section is intended to limit or otherwise restrict the potential application of all available civil and criminal penalties for violations of the State and local water use restrictions, there is value in an education-based approach in encouraging water conservation, therefore staff will first attempt to achieve compliance by providing customers with reasonable notice of the alleged violation and an opportunity to correct the problem, before issuing fines for willful and repeated violations. Fines after a warning for violation of water restrictions are as follows:

- (1) First offense – fifty dollar (\$50.00) penalty.
- (2) Second offense – one hundred dollar (\$100.00) penalty.
- (3) Three or more offenses – penalties will increase by one hundred dollars (\$100.00) for each additional violation, up to a maximum of five hundred dollars (\$500.00) per day.

(F) Exceptions. Any request for an exception to the provisions of this Section shall be made in writing to the City Manager and shall document the reasons why there is no other alternative to the water waste restrictions and the damages resulting from adherence to the restrictions. The City Manager shall issue an exception, in writing, or deny the exception request, in which case, his or her decision shall be final.

## Don Reynolds

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**From:** Shawn O. Novack <snovack@sbcwd.com>  
**Sent:** Tuesday, April 5, 2022 10:27 AM  
**Subject:** WATER EMERGENCY - IMMEDIATE RELEASE

Due to critically dry hydrologic conditions, the United States Bureau of Reclamation (USBR) is updating water supply allocations for Central Valley Project (CVP) municipal and industrial water service contractors. Effective April 1, water supply for all Central Valley Project M&I water service contractors will be reduced to Public Health and Safety only. The announcement comes after the first three months of 2022 are the driest in the state's recorded history.

Initial CVP water supply allocations were announced last month, which included a 25% allocation for M&I water service contractors with exception of north-of-Delta M&I contractors, who were already allocated Public Health and Safety due to limited northern California water storage.

San Benito County Water District (SBCWD) is a federal contractor with the USBR and imports water from the CVP. Our county's share of this water is stored in San Luis reservoir before being pumped through the Pacheco Pass to our county. The imported surface water helps keep our local groundwater basin stay in balance, is used to improve our drinking water quality and assists in producing high-quality, specialty crops.

Winter storms brought significant snowfall to the Sierra Nevada and other California mountains in December. Snowpack is critical for the state's spring water outlook because when the snow melts it runs downhill into streams that fill reservoirs that hold about 30% of the state's water supply. This water is moved throughout the state via the State Water Project and the Central Valley Project (CVP).

On December 30th, the Sierra snowpack was estimated to be about 160% of the historical average for that date. Since the start of year, the snowpack has melted precipitously. On April 4th, the snowpack measured 33% of the historical average for this date.

Local water agencies implemented Stage 1-Water Conservation Measures in May 2021 after Governor Newsom expanded his April drought emergency proclamation. In total, 41 counties were under a drought state of emergency, representing 30 percent of the state's population. The expanded drought emergency proclamation added San Benito County. The water conservation measures that were implemented called for a voluntary 15% reduction in water use compared to pre-drought usage.

In October 2021 Governor Newsom declared a drought emergency for the entire state of California.

With this latest news from the USBR, water managers in Hollister and San Juan Bautista are bringing resolutions to their boards and councils to implement Stage II of the Water Shortage Contingency Plan. This stage calls for mandatory water conservation with the goal of reducing water use 25% of pre-drought levels.

Our groundwater basin acts as a back-up water supply. We must stretch this supply as much as we can since we don't know when drought will end.

The Stage II water conservation measures will take effect sometime in May. Since we are entering our peak irrigation season most of the measures will focus on outside water use. These measures shall include, but are not limited to:

- Landscape watering will be limited and restricted to no more than two (2) days per week.



- No watering of landscapes between the hours of 9am and 5pm by means other than drip irrigation or hand watering with a shutoff nozzle.
- No washing down sidewalks, driveways or other hardscape surfaces.
- No watering landscapes in a manner that causes runoff to adjacent property, non-irrigated areas, private and public walkways, roadways or parking lots.
- No washing of cars without the use of a shutoff nozzle.
- No operation of decorative fountains or other water features unless the water is recirculated.

General requirements:

- Leaks, breaks and malfunctions of irrigation systems and plumbing equipment causing water waste of water shall be repaired and corrected within a reasonable amount of time.

Prohibitions affecting commercial businesses:

- Restaurants and other food service establishments can only serve water on request
- Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.

Code Enforcement will be patrolling looking for violators of these measures.

Penalties for violating the outdoor water restrictions shall be:

- First Violation – written notice with opportunity to correct violation
- Second Violation - \$100 penalty for violation within 12 months of First Violation
- Third Violation - \$250 penalty for a violation within 12 months of Second Violation
- Fourth Violation - \$500 penalty and installation of a flow restrictor at the water meter at the customer's expense for every violation within 12 months of a Third Violation

The Water Resources Association San Benito County offers free services to assist you in complying with these measures. Free irrigation assistance, free hose nozzles and free signage for hotels. Call them for a free leak check and irrigation assessment. They can be reached at (831) 637-4378. For more water saving ideas, visit: [www.wrasbc.org](http://www.wrasbc.org)

Shawn Novack  
Water Conservation Program Manager  
Water Resources Association San Benito County  
San Benito County Water District  
(831) 637-4378  
[www.wrasbc.org](http://www.wrasbc.org)  
[www.sbcwd.com](http://www.sbcwd.com)





## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** APPEAL OF SEWER CONNECTION FEE AT 507 THIRD STREET (DANTE BAINS)

**MEETING DATE:** April 19, 2022

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

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

It is recommended that after considering the attached letter and any public testimony appealing the sewer connection fee for 507 Third Street, that the City Council either deny the appeal, reduce the fee for special considerations unique to this application, or consider reducing the fee schedule and reducing it for every development application.

### **BACKGROUND INFORMATION:**

When the City establishes impact fees, including water and sewer connections, it has to demonstrate that the fee being charged is relative to actual cost to be incurred to improve the related system to sufficiently address the growth and demand to the system. The relationship between the fee amount to the estimated cost to build additional capacity is referred to as the “nexus.”

“Article 6” of Chapter 5-9 “Uniform Wastewater Regulations” addresses sewer connections. **5-9-605 Fees for equivalent residential connections.**

“Every application for a permit to connect to a sanitary sewer for the discharge of sanitary sewage and to the public water system shall be accompanied by a basic connection fee.” In this case, the “connection fee” is also known as a capacity fee. The City controls the use of the impact fee revenues by tracking them in a special capital improvement reserve fund unique to the sewer enterprise revenues, for the sole purpose of increasing the wastewater systems’ capacity to off-set the impact of a new development. The City considered impact fees at their December 2012 City Council meeting, again in January 2013 and February, and adopted resolution 2013-08, established the current “nexus study.” In 2013, the recommended Sewer Impact Fee for “high-strength commercial connections” was \$9,881 for each new commercial connection. Resolution 2013-08 adopted March 19, 2008, provides for the annual increase of the fee every year beginning July 1, 2014, based on the Engineering News Record-Construction Cost Index (ENR-CCI). Since this

time, it has been increased by resolution or ordinance, and the current Resolution 2019-35 has set this connection fee amount at \$11,813.81. The fees were not further adjusted in 2020 and 2021.

Dante Bains is making tenant improvements (“TI”) to his property at 507 Third Street. His improvements include adding two new restrooms, with one sewer connection. He was invoiced for sewer connection fees July 6, 2021, in the amount of \$11,175.00 (not sure why the City Engineer indicated this amount). On March 18, 2022, Mr. Baines submitted the attached “appeal” of the sewer connection fee.

**DISCUSSION:**

Mr. Bains met with the City Manager and reviewed this appeal. There was some confusion about the amount of the impact fee, but that has been straightened out to the best of our ability in the absence of the City Engineer with the City in 2021. The fee appears to be legitimate, and equally applied to all developers. For these reasons, the City Manager does not see why a special exception to the fee, or a fee reduction, can be considered without consideration of all developers who have been paying the same fee amount as being charged to Mr. Bains. Mr. Bain’s appeal letter references sidewalks, which are per State law, (Chapter 22, Part 3, Division 7 of the Streets and Highways Code) the property owner’s responsibility. And the City cannot reduce an impact fee intended to be used to increase sewer capacity, in exchange for work related to sidewalks. With all due respect, the City Manager does not agree that Mr. Bains is being “penalized by being charged impact fees.”

The City Manager then shared Mr. Bain’s appeal with the City Attorney (who replied in red).

If a developer wants to challenge the fee, can he petition the City Council?

Section 5-9-900 provides for appeals by any person aggrieved by any decision, determination, ruling or order of the City Manager to appeal within 10 days of the decision by filing a written notice of appeal in duplicate which sets forth specifically wherein the City Manager was in error. Council sets a date within 30 days of the date of the appeal, notice is then given to the appellant at least 10 days’ notice of the date and time. Council may then affirm, modify, or reverse, in whole or in part, the City Manager’s action or take other action as it finds warranted and notice is mailed to the appellant within 10 days of the close of the appeal hearing. Council’s decision is final.

It would not seem fair or legal to reduce or change the fee amount just for one developer and not every developer. There could possibly be circumstances where the Council might find this appropriate, the Council has wide discretion under Section 5-9-905. So, if staff took this challenge to the City Council, it would have to ask that all “connection fees” be reduced for all developers- correct? Not necessarily, again Council has wide discretion per Section 5-9-905.

Typically, the issuing of a building permit is withheld until the fees are paid. But staff has agreed to move Mr. Bain's TI's (tenant improvements) forward while the fee appeal is considered by the City Council. The TIs are almost done, and he awaits the final inspection.

Staff suggests inviting Mr. Bains to elaborate and explain his point of view in the matter. The Council can then entertain other public comments, and make a determination.

**FISCAL IMPACT:**

The decision before the City Council may impact the Sewer Enterprise Capital Improvement Fund.

**ATTACHMENTS:**

Letter appealing the sewer high strength commercial connection fee

Resolution 2013-08

Resolution 2019-35

Mr. Dante Bains  
507Third Street  
San Juan Bautista, California 95045-0192

SAN JUAN BAUTISTA

MAR 22 2022

RECEIVED

March 18, 2022

Ms. Minerva Arrendondo - San Juan Bautista Building Official  
City of San Juan Bautista  
311 Second street  
San Juan Bautista, California 95045

Subject: Impact Fees

Dear Ms. Arrendondo,

Why am I being charged impact fees when I have already paid for sidewalks and underground installations and when the streets all around my property had sidewalks installed by the City of San Juan Bautista with no impact fees for the people that benefited from those improvements?

I asked if the City of San Juan Bautista would install my sidewalks and was told NO! So, I installed and paid for the project with my money and for that, I am penalized by being charged impact fees. NOT FAIR!!

This does not encourage property owners to make improvements on their own, especially when they will be subject to paying additional high impact fees.

Sincerely,



Dante Bains

# INVOICE

**City of San Juan Bautista**

311 Second St

San Juan Bautista, CA 95045

(831) 623-4661



<b>Bill To.:</b>
Dante Bains PO Box 192 San Juan Bautista, CA 95045

<b>Building Permit: 2021015</b>
Upon Receipt: 07/06/2021 Invoice Number: Impact Fee 2021015-1 Invoice Date: 03/21/2022

Item	Amount
Sewer Connection - Commercial, High Strength	\$11,175.00
<b>Total</b>	<b>\$11,175.00</b>

**Payment Options:**

1. Make all check payable to: **City of San Juan Bautista.**  
Mail to: City of San Juan Bautista, PO Box 1420, San Juan Bautista, CA 95045  
Please make sure to reference your permit number on your check to ensure proper allocation of funds.
2. Credit Card payments may be called into 831.623.4661 ext. 10  
Credit Cards accepted: Visa and Master Card  
All credit card transaction will be subject to a 2% service surcharge.

If you have any questions concerning this invoice, contact Minnie Arredondo at 831.623.4661 ext. 11 or email at: [building@san-juan-bautista.ca.us](mailto:building@san-juan-bautista.ca.us)

**THANK YOU FOR YOUR BUSINESS!**

→ To I. adding 2 Bathrooms  
→ final inspection to be scheduled now



**RESOLUTION NO. 2013-08**

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN JUAN BAUTISTA AMENDING  
DEVELOPMENT IMPACT FEES PURSUANT  
TO CHAPTER 3-8 OF THE SAN JUAN BAUTISTA  
MUNICIPAL CODE**

**WHEREAS**, the City of San Juan Bautista has in place, and duly codified at Chapter 3-8 of its Municipal Code, a mechanism for adopting certain development fees to defray and mitigate impacts caused by new, future development in the City; and

**WHEREAS**, Chapter 3-8 provides that the amount of each of the various fees shall be adopted and set by resolution of this Council; and

**WHEREAS**, the most recent setting of such fees was accomplished by adoption of Resolution No. 2007-51; and

**WHEREAS**, the City Manager has presented to this Council an "Impact Fee Analysis and Criteria," in the form of a staff report to Council, and this Council has reviewed and considered that report at its regular meetings in December 2012, January 2013, and February 2013; and

**WHEREAS**, the City Manager's report, consisting of 11 pages, marked Exhibit A, attached hereto and incorporated herein as if set forth at length, recommends assigning amounts in each of the development fee categories that are lower than those adopted by Resolution No. 2007-51; and

**WHEREAS**, this Council desires to adopt the lower fees, as the City Manager's analysis more accurately and fairly measures the amounts needed to defray and mitigate impacts to the City caused by development; and

**WHEREAS**, because, as noted above, all fee amounts are being lowered, certain procedural requirements otherwise required to consider and adopt development fees, are not required as conditions applicable to consideration and adoption of this resolution;

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

**SECTION 1.** Having reviewed and considered the City Manager's report and analysis (Exhibit A hereto), and all comments and materials made and submitted when this matter has come before this Council on multiple occasions, this Council approves, adopts, and accepts the report and analysis. The cost estimates set out in the report and analysis are reasonable for funding the improvements and facilities considered in the report, and the fees expected to be generated by new development will not exceed the total of these costs.

**SECTION 2.** The facts and analysis presented in the report establish that there is a reasonable relationship between the need for the described facilities and the impacts of the types of development described in the report, and there is a reasonable relationship between the use of the fee and the type of development for which the fee is charged, as these reasonable relationships and nexuses are in more detail described in the report, adopted herein as Exhibit A.

**SECTION 3.** The fees adopted herein are found and listed at Page 2 of the report under "Summary of Impact Fees," second column beginning with the \$7,550.00 Water Connection Fee and running through and down the column to the School Impact Fee at \$5,495.00.

**SECTION 4.** The fees hereby established shall be updated annually, beginning July 1, 2014, to account for changes in the cost of materials and labor. Updating shall be accomplished by indexing fees to changes in the Engineering News Record-Construction Cost Index (ENR-CCI).

**SECTION 5.** Resolution No. 2007-51 hereby is rescinded.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of March, 2013, at a regular meeting of the San Juan Bautista City Council, by the following vote:

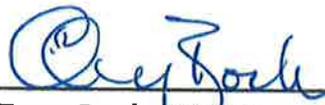
**AYES:** Boch, Edge, Cosio, Moore, Lund

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**Resolution 2013-08**

  
\_\_\_\_\_  
**Tony Boch, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Linda G. McIntyre, City Clerk**

EXHIBIT "A"

# CITY OF SAN JUAN BAUTISTA

## STAFF REPORT

**To:** City Council  
**From:** City Manager  
**Date:** February 19, 2013  
**Subject:** **Impact Fee Analysis and Criteria**

In examining the current impact fees established by the City in 2007, I find a lack of documentation of the costs associated with the intended categories for which the fees are imposed. In addition, the basis for the fees is severely lacking in a realistic growth projection. It has no relationship to the growth potential and the projected growth rates of the City. The estimates from AMBAG, the State Department of Finance, and the State Office of Planning and Research (OPR) provide a more realistic and reasonable growth rate than what was used to support adoption of Ordinance 2007-14, 2007-20, 2007-21 and Resolution 2007-51.

The population growth figures used in the analysis was 1,000 new residential units built over a 35 year period. This translates into a growth rate of 5.5% per year for the City of San Juan Bautista. A more realistic growth projection is between 1% and 1.5% per year of new connections. The analysis of an impact fee should be based upon two contributing factors. The first is what will be required to accommodate new growth and development then assign a portion of the total estimated costs for new connections for development. The second factor is the existing users of the systems or facilities have an inherited obligation to maintain and keep the improvements or facilities functioning and operational. The second factor is often referred to as deferred improvements, or depreciation.

Attached is the revised analysis of the impact fees for Water, Sewer, Public Safety, Parks, Park In-Lieu, Parking In-Lieu, Storm, Library, and Public/Civic Facilities. The Traffic impact fee of TIMF Zone 1, 2011 Transportation Impact Fee Mitigation Study was established by San Benito County Council of Governments.

# SUMMARY OF IMPACT FEES

City of San Juan Bautista

<u>Development Impact Fees:</u>	<u>Existing</u>	<u>Proposed</u>
Water Connection Fee	\$14,223.00	\$7,550.00
Sewer Connection Fee	\$ 3,266.00	\$5,240.00
Traffic Impact Fee (TIMF Zone 1 2011	\$ 4,506.00	S \$1717.00
Transportation Impact Mitigation Fee)		M \$1058.00
		C \$2456.00
Public Safety Development Fee	\$ 2,313.00	\$1,543.00
Park Development Impact Fee	c \$ 720.00	\$ 782.00
Park In-Lieu Development Impact Fee*	<u>\$ 2,700.00</u>	<u>\$2,250.00</u>
Parking In-Lieu Development Impact Fee**	<u>\$ 12,000.00</u>	<u>\$6,500.00</u>
Storm Drain Development Impact Fee	\$ 3,204.00	\$1,554.00
Library Development Impact Fee	\$ 6,470.00	\$1,995.00
Technology Development Impact Fee	\$ 169.00	\$ 0.00
Public/Civic Facilities Impact Fee	\$ 3,783.00	\$1,483.00
		\$21,864.00

School Impact Fee (Paid to School District)

- S Single Family Dwelling
- M Multiple Family Dwelling
- C Commercial

\* Fee required if no park facilities are provided by development.

\*\* Fee required if on-site parking spaces are not provided

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

Construction: Engineering plan check for improvement plans  
 1.5% estimated construction cost.  
 Inspection fee for development improvements  
 2.0% actual construction cost.



# WATER CONNECTION IMPACT FEE 2/19/2013

Cost of COP Loan \$11,200,000.00  
Reserve - \$ 825,000.00  
Contingency - \$ 385,000.00  
Net Cost \$9,990,000.00

55% allocated to Water improvements \$5,494,500.00  
Existing cost of water improvements \$5,494,500.00  
New water improvements Pellet Plant \$ 583,000.00  
Total \$6,077,500.00

Water; 60% of cost to improve water system to existing rate  
users: 40% of cost new connections \$2,431,000.00

Total Cost to new connections \$2,431,000.00

Assume a 1.5 % growth rate for new connections.

Based on 7.82 units per year; equals 274 units per 35 year period

The COP loan is 35 years amortization period;

Cost of system for new connections; \$2,431,000.00

85% Residential, 15% commercial

Growth projection  $1,825 \times .015 = 27.37/3.5 = 7.82$  unit/year

Cost per year  $\$2,431,000/35 = \$69,457.00$

Cost per new connection;  $\$69,457 \times 0.85/7.82 \text{ DU} = \$7,550.00$

## RECOMMENDATION:

- Establish a water connection impact fee of \$7,555.00 per new residential unit.

Estimate new commercial growth 1 per year.

Cost;  $\$69,457.00 \times 0.15/1.0 = \$10,418.00$

## RECOMMENDATION:

- Establish a water connection impact fee of \$10,418.00 per new commercial connection.

# SEWER CONNECTION IMPACT FEE 2/19/13

Sanitary Sewer Cost  $.45 \times \$9,990,000.00 = \$4,495,500.00$

Cost allocations;	Sewer	\$4,495,500.00
Storm Drain improvements -		\$ 386,000.00
Sidewalk, curbs ADA ramps -		\$ 364,000.00
Net cost of sewer improvements		\$3,745,500.00
New treatment improvements		230,000.00
New aerators and pumps		108,000.00
New sewer collection lines		135,000.00
		\$4,218,500.00

Sewer 60% of cost assigned to existing rate payer. \$ 2,531,100  
40% assigned to new residential construction \$ 1,687,400

Assume a 1.5 % growth rate for new connections.

Based 7.82 units per year; equals 274 units over 35 year period

The COP loan is based on a 35 years amortization period;

Sewer is 85% residential, 15% commercial.

Growth of new connections 7.82 unit per year

Cost of sewer new connection  $\$1,687,400/35 = \$48,211.00/\text{yr.}$

Cost new Res. connection  $\$48,211 \times .85/7.82\text{DU} = \$5,240.00$

Cost commercial connection standard strength = \$6,812.00  
(Based upon commercial @ 130% more in discharge of effluent.)

## RECOMMENDATION:

- Establish a sewer connection impact fee of \$5,240.00 per new single family residential unit.
- Establish a sewer connection impact fee of \$3,495.00 per new multiple family residential unit. (66.6%)
- Establish a sewer connection impact fee of \$6,812.00 per new commercial (Standard Strength) (130%)
- Establish a sewer connection impact fee of \$8,175.00 per new commercial (Moderate Strength) (156%)
- Establish a sewer connection impact fee of \$9,880.00 per new commercial (High Strength) (189%)

# TRAFFIC IMPACT FEE

2/19/2013

The Traffic Impact Fee was a study by the Council of San Benito County Governments based upon the vehicle trip generation of various land uses and traffic patterns of the County. The impact fee make a nexus finding based upon the relationship of additional trip demand created by different types of new development. San Benito County was divided into three land use zone as shown on Table E.1: Transportation Impact Mitigation Fee TIMF Schedule. San Juan Bautista is in close proximity to State Route 101 and will be classified in Zone 1.

## Zone 1: Residential

Single Family (S)	\$1,717.00
Multiple Family (M)	\$1,058.00
Commercial (C)	\$ 2,456.00

## RECOMMENDATION:

- Establish a Traffic Impact Fee for new Single Family Dwelling of \$1,717.00.
- Establish a Traffic Impact Fee for new Multiple Family Dwelling of \$1,058.00.
- Establish a Traffic Impact Fee for new Commercial of \$ 2,456.00.

# PUBLIC SAFETY IMPACT FEE

2/19/2013

Police Department: new vehicle every three years; \$35,000.00

Cost per year;  $\$35,000.00/3 = \$11,666.00$

Fire department: new type 3 fire truck every eighteen years:

Cost of type three fire truck \$ 225,000.00

Cost of fire truck per year;  $\$225,000/18 = \$12,500.00$

Cost of fire equipment and apparatus every 6 years: \$ 36,000.00

Cost of fire equipment per year  $\$36,000.00/6 = \$6,000.00$

Total cost: \$30,166.00 (Vehicle, Truck, Equipment)/yr.

Existing residential 60% of cost

New residential growth 40% of cost = \$12,066.00

1.5% growth rate equal 7.82 dwelling unit per year

Cost per exist dwelling unit;  $\$12,066/7.82 = \$1543.00$

## RECOMMENDATION:

- Establish a public safety impact fee of \$1,543.00 per new residential unit constructed.

## RECOMMENDATION:

- Establish a public safety impact fee of \$2,052.00 per new commercial construction.

# PARK DEVELOPMENT IMPACT FEE 2/19/2013

Development Standards: 3.00 acres per 100 Dwelling units

Cost of land:  $\$45,000/\text{acre} \times 3.0 = \$135,000.00$

Improvement cost @  $\$36,537/\text{acre} \times 3.0 = \$109,610.00$

Total cost for 3.0 acre park  $\$244,610.00$

Expected life of park 40 years

Cost per year  $\$244,610.00/40 = \$6,115.00$

1.5% growth rate of City equivalent to 7.82 homes /year

Cost per dwelling unit  $\$6,115.00/7.82 = \$782.00$

Cost of maintenance: 3 @  $20,000/\text{ac.} = \$60,000.00/\text{yr}$

Cost per resident  $\$60,000.00/1825 = \$32.88/\text{yr.}$

## RECOMMENDATION:

- Establish a park development impact fee of \$782 per new dwelling unit constructed

Cost of in-lieu fee:  $\$244,610.00/100 \text{ DU} = \$2,446.00$  per dwelling unit.

## RECOMMENDATION:

- Establish an in-lieu park development impact fee of \$2,446.00 per new dwelling unit constructed.

# PARKING IN-LIEU FEE

Parking requirements for new development.

In-Lieu fees may be paid by the developer or applicant for not providing a parking space per the development standard established by the municipal code. The applicant has the option to pay in to a fund that will be dedicated for the acquisition, development of new parking spaces with the City of San Juan Bautista or provide the parking spaces required by the municipal code on site of the applicant or developer.

Area of a parking space 9'x20'= 180 sq. ft.

Area of a backup area for parking space 9'x32'= 288 sq. ft.

Total area per space required 468 sq. ft.

Cost of land @ \$150,000.00/ acre=\$3.45/ sq. ft.

468 sq. ft. x \$3.45= \$ 1,614.00

Cost of development of space.

2" asphalt surfacing =\$2.60/sq. ft.

8" aggregate base =\$2.30/sq. ft.

Pavement stripping =\$1.03/sq. ft.

Wheel stop =\$0.11/sq. ft.

Grading & excavation=\$3.15/sq. ft.

Engineering =\$1.25/sq. ft.

Total 468sq. ft \$10.44= \$4,886.00

Cost to develop a parking space= \$ 6,500.00

## RECOMMENDATION:

- Establish a Parking In-Lieu Fee of \$6,500.00 per parking space required by the municipal code for all new development in the City of San Juan Bautista.

# STORM DRAIN IMPACT FEE

2/19/2013

## PROJECTS:

Third Street – Tahulami to San Jose Ave.	\$ 35,600.00
Polk Street - Fourth Street to Third Street	\$ 29,850.00
Washington Street – Fourth Street to Third Street	\$ 33,500.00
Washington Street –Fourth to Seventh Street	\$ 85,000.00
Polk Street- Fourth to Seventh Street	\$ 64,500.00
The Alameda- Intersection Fourth to Franklin	\$ 82,650.00
Lang Street- The Alameda to Lang Court	\$ 71,500.00
Muckelemi Street- Fourth to Monterey Street	\$ 145,000.00
Miscellaneous Catch Basin, Curb returns,	\$ 35,000.00
The Alameda –156 to Old San Juan Grade Road	\$ 78,800.00
Old San Juan-Hollister Road widen culvert	\$ 55,000.00
Mission Vineyard Road- Extend culvert to Stream	\$ 47,000.00
Sub Total	\$ 763,400
Engineering	\$ 46,600
Total	\$ 810,000

Useful life period of Storm Drain system 50 years

Cost per year  $\$810,000/50=\$16,200.00$

1.5% growth rate 7.82 new units per year

Allocation cost of storm system: 75% new Residents, 25% existing

Cost per new residential unit  $\$16,200 \times .75 / 7.82 = \$1,554.00$

## RECOMMENDATION:

- Establish a storm drain impact fee of \$1,554.00 for new residential unit constructed.

# LIBRARY IMPACT FEE

2/19/2013

New building addition 3050 sq. ft. @ 185/sq.ft.=	\$564,250
Furniture and equipment	\$ 40,000
Landscaping and site improvements	\$ 60,000
Building improvements to Museum Building	\$ 65,000
Sub total	\$729,250
Engineering & Architecture	\$ 35,000
Total	\$764,250

Cost per year/50 year \$15,285.00

1.5% growth rate equal 7.82 unit per year

Cost per new residential unit \$15,285/7.82= \$1,955.00

## RECOMMENDATION:

- Establish a library impact fee of \$1,995.00 per new residential unit constructed.



**PUBLIC/CIVIC FACILITIES IMPACT FEE** 2/19/2013

Fire Department Sleeping Quarters	\$75,000
Remodel fire station fire truck bay	\$ 35,000
Expand Front entrance atrium	\$ 28,000
Reroof City Hall complex	\$57,000
Extend sanitary sewer on Polk Street	\$65,000
Install new concrete driveway apron	\$12,000
New HVAC City Hall complex	\$ 40,000
Remodel & roof @ Corp yard	\$ 60,000
Perimeter fencing @ Corp yard	\$26,000
Remodel steps at Community Center	\$15,000
Remodel kitchen at Community Center	\$30,000
Curb & gutter Second St. @ Corp yard	\$25,000
Remodel City Hall w/conference room	\$ 75,000
New restroom and Council chamber addition	\$ 85,000
New public restroom at Verutti Park	\$ 35,000
Lighting and acoustic @ Community Center	\$ 75,000
Furniture, tables, chairs, carts, etc.	\$ 35,000
Total	\$ 773,000

50 year life of facilities  
 75% new residents, 25% existing

Cost per year      $\$773,000/50 =$                      \$15,460

Cost per new residential unit  $\$15,460 \times .75/7.82 = \$1,483$



RESOLUTION NO. 2019-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA CONFIRMING THE DEVELOPMENT IMPACT FEE SCHEDULE  
AND ITS APPLICABILITY TO AUXILIARY DWELLING UNITS

WHEREAS, on March 19, 2013 the Council adopted Resolution 2013-08 adopting Development Impact Fees, and

WHEREAS, that resolution required that the fees be adjusted each July 1 to reflect the change in the Construction Cost Index published by the Engineering News Record for the preceding June to June time period; and

WHEREAS, on August 16, 2016 the Council adopted Resolution 2016-41 adopting a reduced fee for Secondary Units, which could not exceed 600 square feet as defined in the Municipal Code; and

WHEREAS, the analysis considered by the City Council considered several factors that resulted in a reduction of fees to a level equivalent of 25% of the standard fee; and

WHEREAS, the State enacted AB 2299 effective January 1, 2017 preempting the City Code and redefining Secondary Units as Auxiliary Dwelling Units of up to 1200 square feet on a single lot; and

WHEREAS, the Council desires to conform the development impact fee schedule with the State law;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista adopts the attached fee schedule and confirms the applicability of the fees for ADU's to 25% per square foot.

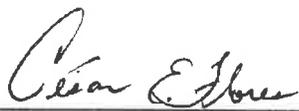
PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Bautista on the 16<sup>th</sup> day of July, 2019, by the following vote:

**Ayes:** DeVries, Freeman, Jordan, Edge, Flores

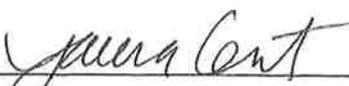
**Noes:** None

**Absent:** None

**Abstain:** None

  
César E. Flores, Mayor

ATTEST:

  
Laura Cent, City Clerk

City of San Juan Bautista  
Development Impact Fee Schedule (With ADU's)

<b>Impact Fee</b>	<b>effective July 1, 2019</b>	<b>effective July 20, 2019**</b>
Water connection		
Residential Unit	\$9,002.29	
ADU per 600 sf	\$2,250.57	
Commercial connection	\$12,413.75	
Sewer Connection		
Single Family Unit	\$6,243.81	
ADU per 600 sf	\$1,560.95	
Commercial, High Strength	\$11,813.81	
Traffic Impact (City)		
Single Family Unit	\$2,045.92	
ADU per 600 sf	\$511.48	
Multiple Family Unit	\$1,260.01	
Commercial/1000 sq.ft.	\$2,926.49	
Traffic Impact Mitigation Fee (Regional)		
Single Family Unit		\$2,449.11
ADU per 600 sf		\$612.28
Multifamily Unit		\$1,522.45
Office per 1000 sq. ft.		\$3,940.30
Commercial/Retail per 1000 sq.ft.		\$2,378.55
Industrial/other per 1000 sq. ft.		\$519.60
Public Safety Impact	\$1,838.59	
ADU per 600 sf	\$459.65	
Park Development Impact	\$931.90	
ADU per 600 sf	\$232.98	
Park In-Lieu	\$2,681.03	
Parking In-Lieu	\$7,745.19	
Storm Drain Impact	\$1,851.70	
ADU per 600 sf	\$453.93	
Library Impact	\$2,377.18	
ADU per 600 sf	\$594.30	
Public and Civic Facilities	\$1,767.09	
ADU per 600 sf	\$441.80	

\*Fees adjusted July 1 based on June 2019 Construction Cost Index of 12354.46

\*\* Fees will be adjusted February 1 based on January 2020 Construction Cost Index





# CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** STRATEGIC PLAN FOR FISCAL YEAR 2022/23 AND BUDGET UPDATE

**MEETING DATE:** April 19, 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 its new Strategic Plan for Fiscal Year 2022/23, receive a status report regarding the budget preparation, and provide staff with feedback to help complete the draft budget for FY 2022/23.

## **BACKGROUND INFORMATION:**

At its February 15, 2022 Regular meeting, the City Council received the attached report summarizing the Strategic Plan and progress towards its goals in FY 21/22, and possible choices for new direction in FY 22/23. The matter of discussion was continued until March 8, where a detailed and specific conversation occurred between the City Council and the community. The Fire Department presented a detailed report regarding their service levels and the future of the Fire Services Advisory Committee. There was interest in better cable communications as well.

Staff asked the City Council to consider expanding its recreation services and operational budget, but the majority seemed to be a little wary of the current uncertainties in the economic climate. From that meeting staff amended the Strategic Plan as presented in the attached Resolution. It has also been working hard to bring a draft budget forward for the Council's consideration. According to the Budget Calendar, the draft budget was to be presented April 19, with Town Hall budget meetings planned for May 10 and May 17.

## **DISCUSSION:**

The budget is one of two critical projects launched in March. The second is the proposed fee increase for the water rates to support the import of surface water from the San Benito County Water District. The two processes will run concurrently through June 30, 2022.

The largest piece of the budget is centered around payroll costs. We have completed the payroll cost estimates for the new year with the following notable changes and confirmations.

- Removal of the Community Liaison part-time position
- Code Enforcement; paid 75% from Code Enforcement and 25% from Public Safety to remain at 30-hours per week (part-time, no benefits)
- Library Lead Tech to remain at 26 hours per week (part-time, no benefits)
- New Deputy City Clerk at the same payrate (may have to reconsider)
- 6% cost of living increase across the board (inflation for March was 8%) (cost estimated to be \$65,000 split amongst various departments and funds)
- A new Recreation Coordinator position to start at mid-year
- A second and new part-time Maintenance Worker position to start immediately using salary savings from the 9-month vacancy in this single position. The two part-time positions will provide janitorial services on weekends and holidays, and support full-time staff during the week.

Significant increases are expected for the City's workers compensation program. This will also drive staffing costs up. The City's General Liability and Property Insurance costs are increasing by 17% as well. These notices were received within the past week so staff has not calculated the impact yet.

A review of the major contractual services is also critical, as the City spends \$1.16 million each year on seven different contract services ranging from sewer and water operations, to public safety. In general staff is seeing 10% increases to these contracts across the board. It recently approved an increase for Private Security, and has been asked to do the same for the Wastewater Plant Operator. It is seeking to restore its legal services contract from what was \$65,000 in 2019, reduced to \$40,000 in 2020, to \$55,000 this year. This will help pay for updates to the City's nuisance property, noise, parking and code enforcement ordinances. The contract Planning contract will be reduced from \$97,000 in FY 21/22 to \$60,000 in 2022/23. This cost savings is offset by the 10% increase for the other contracts.

The City budgets very little for Animal Control services, and provides very little support for this need. Staff's recent report to the Public Safety Ad Hoc Committee did not yield a lot of enthusiasm for addition programs or costs. Hollister was not interested in supporting expansion of efforts in the City without hiring another full-time position which is too much for San Juan Bautista.

As shared with the City Council at midyear in January, the City's operational budgets are strong, and can absorb the changes being considered above. The City can afford to begin building a recreation program. It is estimated the cost of a part-time recreation coordinator to be \$20,000 per year. Otherwise, there are no large projects yet identified unless the Council wishes to expand on its three existing initiatives.

The Public Safety Initiative in particular, will need additional funds. The Ad-Hoc Committee is committed to installing a security camera system in the City. The American Rescue Plan funds can support this security camera project, and be used to support the Third Street Master Plan and General Plan Amendment/Sphere of Influence studies as well. The City budgeted \$175,000 to place fencing around school buildings so the San Juan School could be open to the public when

school is not in session. The bids for this work are much less, and savings may be re-programmed for FY 2022/23. The second installment of ARP funds is due in June and estimated to be \$250,000.

The CIP will mostly be carried forward from prior years, but will include two new studies; climate action plan, and dig-once policy. Staff will also explore temporary kennels at the Public Works Yard, and EV charging stations for future upgrade to electric vehicles for Public Works in the future. Staff will also be budgeting for a new finance software.

The Water and Sewer Enterprise funds are in very good shape. Sewer revenue is up 8.8% from 2021, estimated to be \$1.2 million this year, with operations costing approximately \$805,000. This projection is made after only two months of the new rate being paid. This increase will be sufficient to cover the anticipated debt payments due after the force main to Hollister is completed. We are budgeting a 20% decrease in water revenues due to the drought and water conservation efforts. Still, the revenues exceed the projected expenses by more than \$300,000 per year, which will help the City absorb some of the anticipated rate increase needed to import surface water from San Benito County Water District.

Much of the budget analysis has been completed. Staff is working diligently to input the new projections into the "Clear.Gov" budget software. Once that is done, the budget can be shared with the public. Staff is seeking Council approval for the budget introduction to occur May 10, 2022, with a workshop to occur at the City Council meeting May 17<sup>th</sup>.

**ATTACHMENTS:**

1. Resolution for the Strategic Plan
2. Staff Report from February 2015

**RESOLUTION NO. 2022 - XX**

**A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ADOPTING ITS STRATEGIC PLAN FOR FISCAL YEAR 2022-23**

**WHEREAS**, the strategic plan is a vital tool for cities to ensure that the priorities set by the City Council are conveyed in the organization's goals, that strategies are clearly developed to meet the goals, and that overall city government is accountable to meeting community needs; and

**WHEREAS**, the approved Strategic Plan marks the first step towards the new City budget, and helps staff to recommend funding to achieve the City's vision and implement its strategies for the new fiscal year; and

**WHEREAS**, on February 15, 2020, the City Council held a special Town Hall meeting to discuss its new Strategic Plan; and

**WHEREAS**; the Town Hall meeting was well attended and facilitated by a retired City Manager, who fist interviewed each Councilmember before the meeting began; and

**WHEREAS**, following this Town Hall meeting, in less than a month, the City found itself in an unpredictable state of emergency that continues to this day and has tested the City to its core; and

**WHEREAS**, the FY 20202/21 Strategic Plan remains the core of the City's focus with certain enhancements; and

**WHEREAS**, the City Manager returned to the City Council at the first meeting in March 2021 to reconfirm the Strategic Plan for the new fiscal year, and enhance and amend it based on feedback received on February 23, March 16, and at a special meeting held March 23<sup>rd</sup>, 2021, where a final draft Strategic Plan was completed; and

**WHEREAS**, the City's budget for Fiscal year 21/22 includes three \$100,000 initiatives focused on the quality of life and public safety, a Third Street Master Plan, and the amendment to its Sphere of Influence/Urban Growth Boundary; and

**WHEREAS**, on January 18, 2022 and again on February 15, 2022, the City Council received an update of the status of the work done related to the three initiatives, and consideration to expand these into FY 2022/23, or create new initiatives; and

**WHEREAS**, on March 8, the City Council continued its discussion of the Strategic Plan to a workshop which included several new considerations making the Strategic Plan more inclusive; and

**WHEREAS**, attached to this resolution is the proposed final draft of the Strategic Plan for the new fiscal year for the Council's consideration.

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

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees that the Strategic Plan provided in the attachment to this Resolution reflect an accurate update of the City's vision and priorities for the new fiscal year, and adopts this plan as its guide for Fiscal Year 2022/23.
3. Authorize the City Manager to draft a new budget that reflects and funds the initiatives referenced in the new Strategic Plan.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 19<sup>th</sup> day of April 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

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

Attachment: Updated Strategic Plan for Fiscal Year 2022/2023



# STRATEGIC PLAN MARCH 8, 2022

- 1) Create, promote, and nurture partnerships within our community
  - a. Arts and Culture
  - b. Community based Non-Profits
  - c. Governmental and Public Safety
  - d. State Park
  - e. Archdiocese (Mission)
  - f. Native American Tribal Bands, including the Amah Mutsun Tribal Band
  - g. Housing partners
  - h. Economic Development partners (City Economic Development Citizen Advisory Committee, San Benito County EDC Comprehensive Economic Development Strategy)
  - i. Local, Regional and State transportation partners
  - j. Business
  - k. Schools, Community Colleges, and Universities
  - l. Agriculture
- 2) Preserve, protect, promote our community assets and economic vitality while maintaining historical and cultural charm.
  - a. Continue to expand Community Development Services
  - b. Initiate the General Plan Amendment to include a new Sphere of Influence.
  - c. Focus on the City's advanced planning and preserve its historic assets and small-town charm; maintain the City's CLG status
  - d. Create a Housing and Economic Development Division within Community Development Department
  - e. Further develop the recommendations from the City's Economic Development Advisory Committee
  - f. Begin the Third Street Master Plan
  - g. Adopt the City's Climate Action Plan
- 3) Invest, maintain, strengthen, plan and renew, our vital infrastructure:
  - a. Build a new Source of Water, and build the force main to Hollister for the discharge of Wastewater
  - b. Continue to Invest in the infrastructure prioritized in the Water and Waste Water Master Plans
  - c. Continue to fund the priorities in the Pavement Management Plan
  - d. Reduce Greenhouse Gasses, develop sustainable independent Power grids
  - e. Stormwater, inflow and infiltration
  - f. Update and modernize City Facilities

- g. Open Space and Active Transportation Plan
- 4) Promote public amenities:
- a. Parks- complete Verrutti Park and Franklin Park, Implement the Luck Park Master Plan, begin the master plan for Washington Street Park
  - b. Fund and build Trail system
  - c. Expand Recreational opportunities through partnerships (schools)
  - d. Consider special events to highlight the heritage of Cultural Arts and Activities in the City (El Teatro Campesino and Credo Studios)
  - e. Establish a Parks, Recreation and Library Sub-Committee
  - f. Consider staffing recreation programs, youth commission and new recreation/libraries committee
- 5) Quality of Life
- a. Enforce ordinances maintaining quality of life, promoting health and safety for the community.
  - b. Implement recommendations from the Public Safety Sub Committee to include security cameras, contract staffing alignment, code enforcement and private security.
  - c. Participate in the County Emergency Preparedness efforts, and work with the County and City of Hollister to make certain the latest Hazard Mitigation Plans include the City and work for the region.
  - d. Build resiliency into the City's quality of life by building closer communications, closer relationships, by listening to our neighbors and friends.
  - e. Nurture diversity, identify and remove inequities, and celebrate the strength that comes from a strong and diverse community.



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** STRATEGIC PLAN UPDATE DISCUSSION

**MEETING DATE:** FEBRUARY 15, 2022

**DEPARTMENT HEAD:** DON REYNOLDS, CITY MANAGER

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

It is recommended that the City Council receive this report describing the status of its Strategic Plan and provide staff input and directions for next fiscal year.

### **BACKGROUND INFORMATION:**

In February 2020, the City met with a facilitator and conducted a town hall meeting at the Library, creating and adopting its first Strategic Plan in many years for FY 20/21. On March 23, 2021, the City Council approved Resolution 2021-15, and its second Strategic Plan for FY 21/22.

The five focus areas from 2020 remain and include:

- 1) Create, promote, and nurture partnerships within our community,
- 2) Preserve, protect, and promote our community assets and economic vitality while maintaining historical and cultural charm
- 3) Invest, maintain, strengthen, plan and renew our vital infrastructure
- 4) Promote public amenities, and
- 5) Quality of life.

Each of the five strategies were greatly expanded in 2021. Attached is the actual adopted Strategic Plan. A review of each section provides room for removing some tasks already accomplished, and adding new ones.

**Focus area 1** is about Partnerships, and this work occurs daily and is on-going. Some of these listed are redundant and staff will clean it up to make it more specific.

**Focus area 2** has been mostly fulfilled and continues to grow. Last year at this time, the City Council approved the new Assistant City Manager position and Brain Foucht was appointed last spring. Since this time, we have worked hard on current planning efforts, to stream-line and upgrade our systems. He has brought forward a proposed sphere of influence, that is the beginning



of a General Plan Update. He has established the City's diverse Economic Development Advisory Committee and launched standing committee to guide the City's economic future. He is focused on long-term planning activities guided by several grants that have updated the City's Accessory Dwelling Unit policies and reviewed the Inclusionary Housing policies. He has put a community-based group together to discuss a cultural trail system in the City. He is working on historic preservation grants as well.

**Focus area 3** is all about infrastructure. The focus continues to be water and waste water as the City Manager is working hard to fully fund improvements for both systems. Work on seven streets targeted as high-priorities in the Pavement Management System will be bid this spring, and start this summer. Reducing greenhouse gasses with solar systems independent of the grid is a work in progress, and moving slowly at best right now. Stormwater issues have focused on Rancho Vista development. Facility improvements are being bid now for the City Council Chambers and soon to occur at the Community Hall. The Active Transportation Plan is the \$180,000 grant being implemented now to establish a city-wide cultural trail system.

**Focus area 4** "promoting public amenities" includes parks. Franklin Park and Verutti Park are well underway. Grant funds are being sought for Luck Park now that its Master Plan has been completed. Washington Park is on the horizon still, while the City and School District work together to open the school basketball and playground amenities when the schools are not in session. American Rescue Plan funds were budgeted at the Mid-Year, with the majority of these funds set-aside to improve recreation opportunities in the City. Since then, the City and School District have come up with a plan to secure the school buildings and allow access by the public when school is not in session. The trail system referenced in Focus area 3 is being planned. Items 4 "C" – "D" pertains to recreation, and are all matters for future discussion.

**Focus area 5** is about the "Quality of Life. "Items "A" and "B" are in motion with a well-established Public Safety Ad-Hoc Committee. Recommendation to assign a sheriff deputy to the City has been approved by the City Council and recruitment is underway. The City is better at communication between the Sheriff, private security and code enforcement. This is demonstrated by the good work done during the 4<sup>th</sup> of July, and also during the hard enforcement issues surrounding the COVID-19 Pandemic. Nurturing diversity, removing inequities, and building are matters yet to be addressed directly by the City or by its policies or budget. Resiliency is growing with improved water and wastewater system in the works, and well funded reserves.

The Sheriff and Fire Chief both made presentations to the Public Safety Ad-Hoc Committee in January. Fire Chief Bob Martin-Del Campo provided an annual report and he will make this same presentation to the City with this report (slides are attached). The newly assigned Lieutenant Tomas Corral provided an update on several policy and staffing changes happening at the Sheriff Department. The Sheriff has also been invited to the City Council meeting to provide an update for the whole Council as part of this report.



This is the time of year to ask: “can the city take actions to effect those parts of the Strategic Plan not yet addressed?” The Public Safety Ad-Hoc Committee is determined to get security cameras installed in the City, and allocate all or a portion of the \$100,000 budgeted for this focus for that purpose. The General Plan Update will need a CEQA study and other consulting services to effectively be approved by the City and County, and then by LAFCO. The Third Street Master Plan is not quite on the radar for the newly formed Economic Development Advisory Committee. The Council committed funds to all three of these efforts for this Fiscal Year and they are all just beginning to materialize.

### **DISCUSSION:**

For the upcoming fiscal year, the City is in a solid position to expand its operations. The insecurities surrounding the impact of the Pandemic have begun to settle down. The increases in Sales and Use Taxes, with new property tax revenues are all positive and stable. The City’s reserves are at an all-time high, and far exceed the City’s Reserve Policy set at 2.5 months of General Fund operations to be set-aside as a General Fund reserve. In the Mid-Year Budget report staff reference the unreserved balance is closer to 18-months of General Fund reserve. So, with that said, are there new initiatives or new programs to consider, and if so, does the current staff have the capacity to deliver?

The three initiatives funded last year (Public Safety, Sphere of Influence (“SOI”)/General Plan Update, and Third Street Master Plan) are only now materializing. Each is funded with \$100,000 seed money from last year’s General Fund savings. Very little of these funds have been encumbered. But each one will require substantially more funding this next year to be capable of reaching the goals so far described by these community-led committees.

### **Public Safety Budget**

The dedicated Sheriff deputy assigned to the City is expected to have a lot of impact recommending changes and improvements to the Public Safety services in our City. Along with these recommended changes may include new budget considerations. Staff has suggested different organizational concepts to the City Council and Public Safety Committee, and not much traction has resulted. The role of private security and code enforcement are (in the City Manager’s mind) an unanswered question, that this position can help influence. The City continues to use its code enforcement officer at the elevated 30-hours per week, as established during the State of Emergency. Before July 1, this assignment should be reviewed and reconsidered. The dedicated deputy can help with that too.

If the City moves toward security cameras, after talking with King City and others, this could be done in phases, and will cost more than \$500,000 when completed. But it needs to be coordinated with Etheric’s new high-speed connectivity through wireless connections. Etheric is about to initiate installation after long delays due to micro-chip supply chain issues.



Are there other capital investments that can be made to improve Public Safety Services? The Fire Station 4 has had two CIPs budgeted now for two years: new doors on the Polk Street Bay, and Emergency Generators. There are Office of Traffic Safety (“OTS”) Grants that can be sought to improve traffic safety in the City and enforcement of traffic laws. The City may also decide to invest in disaster preparedness training and facility readiness.

#### Sphere of Influence/General Plan Update

The drafted SOI map is heading to the City Council on this Agenda. If the concepts are approved, the next step will be to begin to prepare for land-use pre-designations and property tax sharing negotiations with the County. This will require detailed data to be collected and organized most likely by consulting firms that are experts in these issues. The City will also be required to prepare a municipal Services report that describes how any new development may be best served by existing and planned resources. The City’s Water and Wastewater Master plans are critical base-components for this conversation. It is hopeful that the City can amend the 2016 environmental work completed for the General Plan, or it will have to create a new study that meets the CEQA requirements. The City will have to invest more than \$100,000 in its future.

#### Third Street Master Plan

Having established the Economic Development Advisory Committee in Fiscal Year 21/22, to steer this initiative, Fiscal Year 22/23 is the time to launch this critical study of the City’s downtown and historic district. Next fiscal Year if not sooner, staff will conduct a Request for Qualifications to establish a design team. This most likely to become an 18-month effort, and cost between \$150,000 and \$200,000. These concepts will then be taken to the development stage, that will require additional funds for construction plans to be drawn, and to complete the CEQA analysis.

#### Recreation- Youth and Senior Services

If the City were to consider a new initiative, it might be in the area of recreation and activities for both seniors and children under 18-years old. This was discussed with the City Council in August upon receipt of the American Rescue Act funds, and reconfirmed at the Mid-Year Budget conversation January 18, 2022. The Community Hall is being renovated to improve its acoustics as specifications are being drawn now. It will be better suited for hosting senior activities. The joint use of school property is being pursued now to help expand youth recreation access to playgrounds and basketball.

In the past, the Strategic Planning committee helped to organize a Youth Commission with a skilled credentialled teacher acting as a volunteer advisor. The City’s planner scheduled the meetings and took notes. It ended with COVID-19.

To start a new Youth Commission, it may be best if the City hired a part-time “recreation coordinator” to do these functions, as well as work with other youth organizations and manage



City recreation facilities. Little League, soccer, and summer programs could be developed. This position may also be able to help with social media, and help organize new special events.

One special event that seems to have potential is a live theater attraction co-hosted with local stakeholders. Theater groups in the region can be invited to provide an application to hold a two-to-three-day presentation of their choice, to be ethnically diverse. This will allow local interests to filter the events in this festival through a San Juan Bautista lens, and select outside talent to come and support local school acting talents, and El Teatro Campesino. Western Stage from Hartnell Community College, and Stage Hands from King City are examples of other theater companies that may be interested in joining in a week-long festival much like a “Shakespearian” event, but consistent with San Juan Bautista’s culture.

There is a volunteer effort in the works to initiate or re-start a senior citizen community center and related activities. If the City was to support this project, the Community Hall would be the first place to start. Staffing it could include either a second part time recreation coordinator, or one full-time coordinator to serve all of the City’s recreation interests as suggested above. The cost of this full-time position would range between \$75,000 and \$90,000, and a part-time position that could later be expanded to full-time, would start closer to \$40,000 to \$50,000 per year. This operational change will be an on-going commitment from the City when compared to the other projects that are more like capital improvements. It is recommended that staff capacity be increased if a strong recreational initiative is the City Council’s favored initiative for FY 22/23.

#### Other Budget Considerations

This is the time to start thinking about the City and its strategies that; improve the quality of life, preserve and protect its assets, culture, and history, invest in infrastructure and build new partnerships. This has to be considered in-light of the economic projections that include high-inflation, and continued supply shortages. The City Operational Budget will have to grow to keep pace, without adding any new programs or activities.

The State’s Chief Economist reported to the city managers last week that the economy is in full recovery mode, but not full “equity.” The gap between “have” and “have nots” has grown during the Pandemic. State budget analysts took these factors into consideration in its proposed Budget with a \$45 billion surplus in January. Half of that surplus has to go to schools, but the other half is discretionary. The analysts have great optimism that the economy will continue to grow, and the job market will be strong. That means that labor costs will increase as supply is outweighed by higher demand. The City will continue to seek grants and other dividends that come from these prosperous times at the State level.

This year’s Strategic Plan overlaps a general election in November. Three seats of the City Council will be open. A year from now, a facilitator is recommended to help the new City Council get together and discuss the common interests that they have for the City’s future. But for this year,



the City Council may wish to schedule a special Town Hall meeting on the Strategic Plan in March, to set the tone for its Budget Town Hall meetings in April and May.

**ATTACHMENTS:**

Strategic Plan 21/22

Fire Department Annual Report

Updated Strategic Plan 9 “red-line”





# CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** PUBLIC ART INSTALLATION: LUCK LIBRARY

**MEETING DATE:** April 19, 2022

**DEPARTMENT HEAD:** Brian Foucht, Assistant City Manager, Community Development Director

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

Staff recommends that the City Council approve the attached Resolution authorizing installation, by the San Benito Arts Council, of a mural depicted in the Resolution Exhibit 1b and 1c, on the elevation facing the NE corner of Monterey Street and Second Street.

## **BACKGROUND INFORMATION:**

The proposed public art installation is a project of the San Benito County Arts Council in partnership with El Teatro Campesino. As stated in the Project Description, this “**Community Arts Impact Project**” is designed to bring together artists, frontline workers and community members to recognize and process the collective trauma that COVID has inflicted on our rural community, while also celebrating and uplifting the ways in which our community has shown resilience, strength and compassion as we navigate these difficult times together.

## **DISCUSSION:**

The Arts Council, partner El Teatro Campesino and the Lead Artist, Venecia Prudencio, have completed a focused and thorough community engagement exercise to prepare a finished mural design and to identify an appropriate location for the installation. Resolution Exhibit 1a describes this process.

The proposed project is consistent with General Plan Element 16. Historic Preservation and Community Design; Goal HPCD 3 Celebrated art resources. Objective HPCD 3.1 Create a community that is supportive of the arts

The staff recommendation includes conditions of approval that address the basic manner of installation, permitting, and basic standards for installation. These conditions assume that the Arts Council is the permittee and will be responsible for maintenance and upkeep of the installation throughout its life, as may be required by the City Manager.



The typical Encroachment Permit, as will be the case here, includes necessary provisions for maintenance and protection of public facilities by the permittee. This is not the usual sort of encroachment, so approval by the City Manager of the material and the manner of installation is required. Removal of the Encroachment is at the discretion of the City Manager, as is typical.

**ATTACHMENTS:**

City Council Resolution (with Exhibit 1a – 1c)

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

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE SAN BENITO COUNTY ARTS COUNCIL (ARTS COUNCIL) INSTALLATION OF A MURAL ON THE LUCK LIBRARY**

**WHEREAS:** The City Council has adopted 2035 General Plan Element Policy 16 Historic Preservation and Community Design and the following goals, policies and implementation programs:

- Goal HPCD 3 Celebrated art resources. Objective HPCD 3.1 Create a community that is supportive of the arts.
- Policy HPCD 3.1.1 Promote Cultural Heritage and Arts tourism.
- Program HPCD 3.1.1.1 Support Art Walks and ‘Alive after Five’ events on the first Friday or second Saturday of each month.
- Program HPCD 3.1.1.2 Encourage galleries and artisan businesses in the Main Street corridor.
- Program HPCD 3.1.1.3 Coordinate live performances, music, and theatre in restaurants, centers, and outdoor parks, and provide storage and electricity for these endeavors.
- Program HPCD 3.1.1.4 Change land use in warehouses area for artist/performer studio space.
- Program HPCD 3.1.1.5 Develop public arts program for trails and complete streets

**WHEREAS** The Arts Council is an entrepreneurial, nimble, collaborative nonprofit that provides arts programming and serves as a connector, investor, advocate and leader for the arts in San Benito County. Founded in 2006, the San Benito County Arts Council is a 501(c)3 nonprofit organization which serves as a State-Local Partner to the California Arts Council;

**WHEREAS** The Arts Council is actively engaged in public art projects throughout San Benito County, including within San Juan Bautista, through its support of local artists, art groups and art and cultural organizations and is currently coordinating the Washington Street Underpass art installation as a partner with Caltrans and San Juan Bautista;

**WHEREAS** The Arts Council “Community Arts Impact Project” is funded by the Arts Council with support from the California Arts Council, a State Agency, and is designed to bring together artists, frontline workers and community members to recognize and process the collective trauma that COVID has inflicted on our rural community, while also celebrating and

uplifting the ways in which our community has shown resilience, strength and compassion as we navigate these difficult times together;

**WHEREAS** the Arts Council, along with partner organization El Teatro Campesino selected a Lead Artist to work with the community to prepare a mural concept, finished design and to identify a preferred location, as described in Exhibit 1;

**NOW BE IT RESOLVED** that the City Council determines that the process fulfills the City's desire for full and active participation by members of the community and that design and location of the project is consistent with General Plan policies referenced herein;

**BE IT FURTHER RESOLVED** that the City Council approves the installation by the Arts Council as depicted in Attachment 1 subject to the following conditions:

1. The installation shall not be painted directly on the library fascia; rather it shall be attached to the Library fascia.
2. The manner of attachment of material to the Library fascia shall be pursuant to plans and diagrams approved by the City Manager pursuant to an Encroachment Permit. Attachment of material to the library fascia shall be performed to the satisfaction of the City Manager with appropriate assurances in accordance with the issued Encroachment Permit.
3. Removal of the material shall be at the discretion of the City Manager in accordance with provisions of the Encroachment Permit required herein.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of April 2022 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Leslie Q. Jordan, Mayor**

**ATTEST:**

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**Don Reynolds, City Manager**

**EXHIBIT 1 a**  
**Mural Impact Project: Art, healing and building community resilience**  
**San Juan Bautista, CA**

Lead organization: San Benito County Arts Council

Lead artist: Venecia Prudencio

Partner organization: El Teatro Campesino

The **Community Arts Impact Project** was designed to bring together artists, frontline workers and community members to recognize and process the collective trauma that COVID has inflicted on our rural community, while also celebrating and uplifting the ways in which our community has shown resilience, strength and compassion as we navigate these difficult times together.

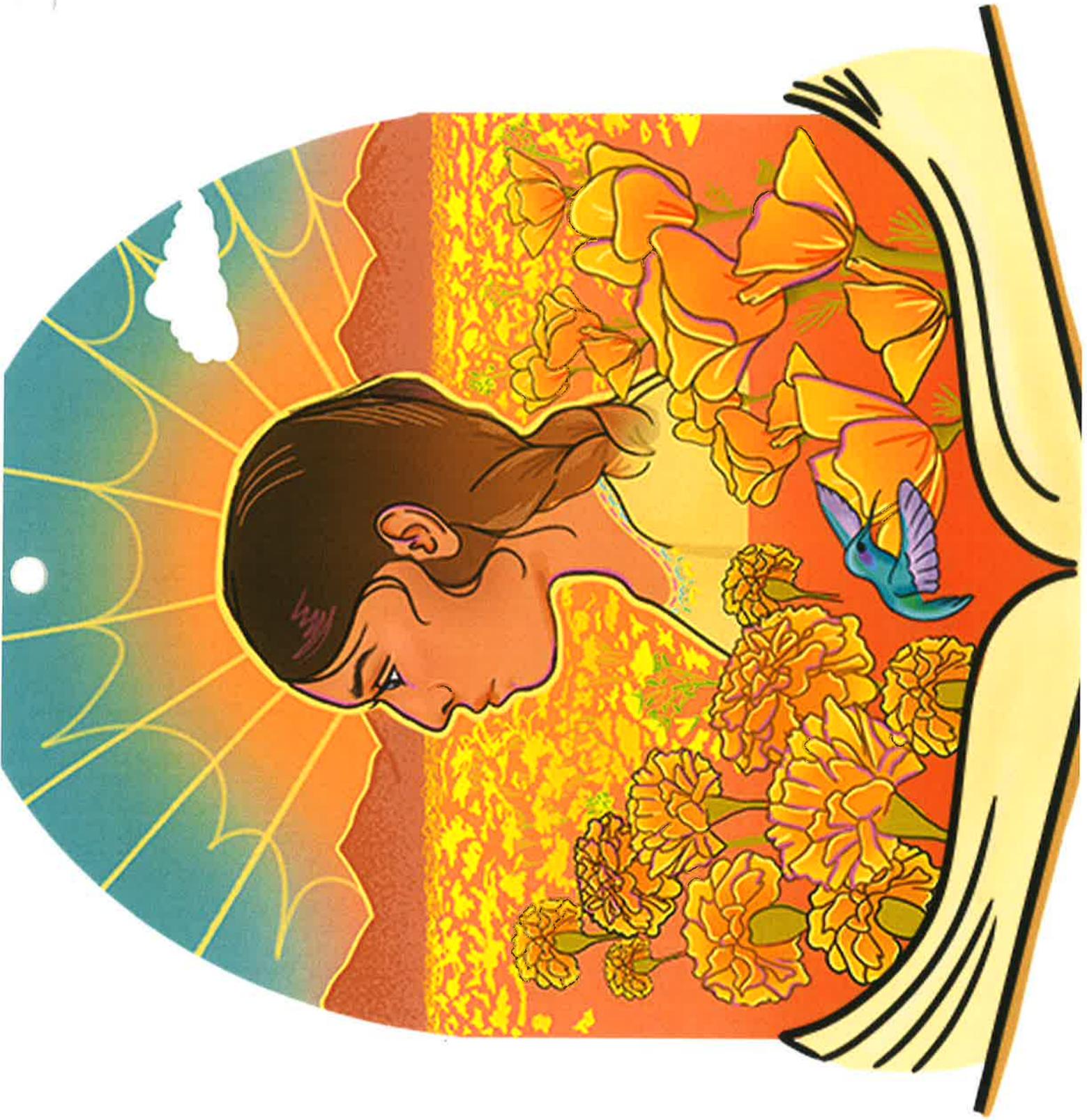
Lead artist, Venecia Prudencio, heard from community members about their experiences with COVID- what they have lost, what they have learned about themselves and their community and what they hope for the future- through **3 virtual community engagement workshops** held online in January & February 2022. These workshops, driven by local stories from San Juan Bautista residents, led to creation of a mural design, around the themes of strength, hope and resilience, for permanent installation in San Juan Bautista.

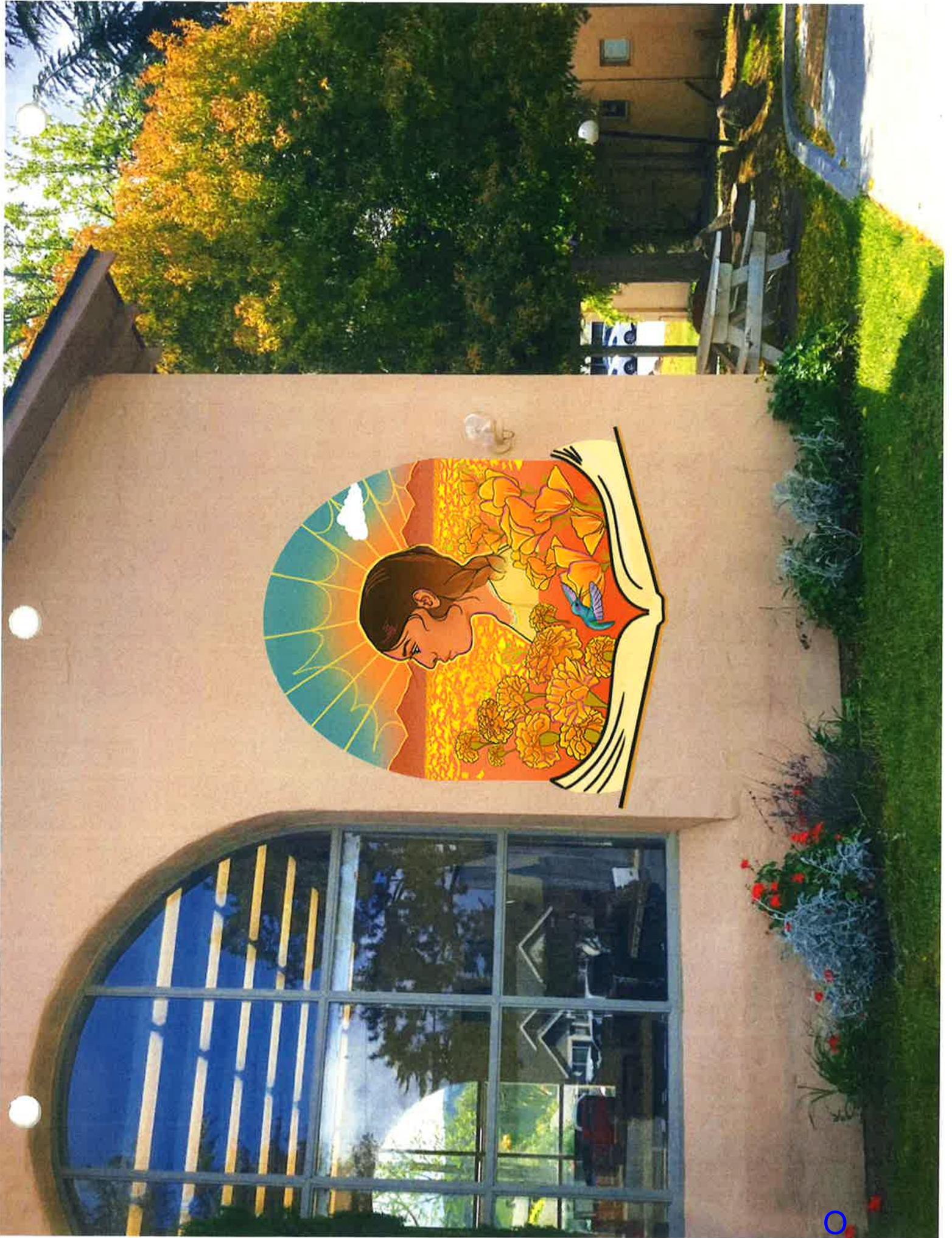
In the first workshop, participants were led through interactive exercises and group discussions to get to know one another and to set the stage for the sharing of stories and experiences.

In the second workshop, participants began to imagine how their stories and experiences could be visualized in tangible images, icons and objects. Recurring themes included community strength, resilience and hope. The visualization exercises helped inform the design of the SJB mural.

In the third and final workshop, the lead visual artist, Venecia Prudencio, shared her concept for the mural design. Participants will be able to provide feedback and discuss the designs through a supportive, creative and iterative process. Following this workshop, Venecia and Jennifer Laine, Executive Director of the San Benito County Arts Council, met with staff and auxiliary members of the San Juan Bautista Library to gather their input on the mural with the hopes that the library could be the site for mural installation. The San Benito County Arts Council also shared the mural design with Amah Mutsun tribal leader, Valentin Lopez.

This project is funded by the San Benito County Arts Council with support from the California Arts Council, a state arts agency. For more information, please contact Jennifer Laine, Executive Director of the San Benito County Arts Council, at [info@sanbenitoarts.org](mailto:info@sanbenitoarts.org) or at 831.636.2787





## RESOLUTION NO. 2022-XX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE SAN BENITO COUNTY ARTS COUNCIL (ARTS COUNCIL) INSTALLATION OF A MURAL ON THE LUCK LIBRARY

**WHEREAS:** The City Council has adopted 2035 General Plan Element Policy 16 Historic Preservation and Community Design and the following goals, policies and implementation programs:

- Goal HPCD 3 Celebrated art resources. Objective HPCD 3.1 Create a community that is supportive of the arts.
- Policy HPCD 3.1.1 Promote Cultural Heritage and Arts tourism.
- Program HPCD 3.1.1.1 Support Art Walks and ‘Alive after Five’ events on the first Friday or second Saturday of each month.
- Program HPCD 3.1.1.2 Encourage galleries and artisan businesses in the Main Street corridor.
- Program HPCD 3.1.1.3 Coordinate live performances, music, and theatre in restaurants, centers, and outdoor parks, and provide storage and electricity for these endeavors.
- Program HPCD 3.1.1.4 Change land use in warehouses area for artist/performer studio space.
- Program HPCD 3.1.1.5 Develop public arts program for trails and complete streets

**WHEREAS** The Arts Council is an entrepreneurial, nimble, collaborative nonprofit that provides arts programming and serves as a connector, investor, advocate and leader for the arts in San Benito County. Founded in 2006, the San Benito County Arts Council is a 501(c)3 nonprofit organization which serves as a State-Local Partner to the California Arts Council;

**WHEREAS** The Arts Council is actively engaged in public art projects throughout San Benito County, including within San Juan Bautista, through its support of local artists, art groups and art and cultural organizations and is currently coordinating the Washington Street Underpass art installation as a partner with Caltrans and San Juan Bautista;

**WHEREAS** The Arts Council “Community Arts Impact Project” is funded by the Arts Council with support from the California Arts Council, a State Agency, and is designed to bring together artists, frontline workers and community members to recognize and process the collective trauma that COVID has inflicted on our rural community, while also celebrating and



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** STREET CLOSURE - FARMERS MARKET

**MEETING DATE:** April 19, 2022

**DEPARTMENT HEAD:** Brian Foucht, Assistant City Manager, Community Development Director

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

It is recommended that the City Council approve the attached Resolution for street closure subject to requirements of a Temporary Use Of Land Permit and Encroachment Permit.

### **BACKGROUND INFORMATION:**

The City of San Juan Bautista has hosted a Farmers Market on successive Sundays for several years, ending in 2020. In the past, a Resolution authorizing serial street closure and a Special Event Permit have been issued.

### **DISCUSSION:**

The proposed Farmers Market will be conducted weekly on Sundays. There is potential for conflict with any Special Events also involving a street closure during the same time. Due to the ongoing, recurring nature of the Farmers Market, the recommended street closure resolution stipulates: 1) that a Temporary Use Of Land Permit and an Encroachment Permit be obtained (in lieu of the Special Event Permit) due to the ongoing, recurring nature of the Farmers Market; and 2) Farmers Market will not occur on any day that any other Special Event requiring street closure will occur. 3) The City will assess appropriate fees per-event sufficient to cover the cost of public works personnel, barricade rental, any street cleaning or other necessary maintenance activity.

A Temporary Use Of Land is valid for 6 months and is issued subject to the following Findings and Conditions in accordance with Municipal Code Chapter 11-19:

#### **11-19-050 Findings.**

The City Manager or designee may approve an application for temporary use of land for a period not to exceed six (6) months only upon making all of the following findings (*NOTE: Renewal every 6 months will be required.*)



- (A) The proposed use will not adversely affect adjacent structures and uses of the surrounding neighborhood;
- (B) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area (*NOTE: a traffic control plan will be required*);
- (C) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;
- (D) The proposed use will not conflict with the terms or intent of any other use permit, of any type, currently in effect on the property; and
- (E) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

**11-19-060 Conditions of approval.**

The City Manager or designee may not approve an application for temporary use of land until the applicant and property owners have certified, in writing, that:

- (A) The use will be limited to the dates and time (or period of time), nature and extent prescribed by the City Manager or designee. (*NOTE: this provision will prohibit the Farmers Market on those days and times during which another event requiring street closure is also occurring.*)
- (B) All work, including electrical and plumbing, will conform to all requirements of applicable codes.
- (C) All provisions of fire protection and fire vehicle access will be made as prescribed by the Fire Chief. (*NOTE: A Public Safety Plan for traffic control and emergency vehicle access will be required.*)
- (D) Signing will be limited to that approved by the City Manager or designee.
- (E) The site will be continuously maintained free of weeds, litter, and debris.
- (F) Within three (3) days after removal of the temporary use, the site will be completely cleaned, and all trash, debris, signs, sign supports, and temporary electrical service will be removed. (*NOTE: this will be modified to require clean up at the end of each Market day.*)
- (G) All additional limitations imposed by the City Manager or designee as conditions of approval will be met. (*NOTE: Limitations will include compliance with the Plastics Reduction Ordinance 2022-22 and SB 1383 regarding food waste and other recycling requirements.*)

**ATTACHMENTS:**

City Council Resolution – Street Closure



**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA AUTHORIZING CLOSURE OF MARIPOSA STREET  
BETWEEN SECOND AND THIRD STREETS TO ENABLE A FARMERS  
MARKET EVERY SUNDAY BETWEEN 9:30 AM – 2 PM**

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

**Jerry Lami of West Coast Farmers Market** is authorized to close the following streets each Sunday from 7:30 AM to 3 PM for a Farmers Market:

- Mariposa Street between Second and Third Streets.

**BE IT FURTHER RESOLVED** that this resolution shall be of no force and effect unless the City Manager has first approved a Temporary Use of Land Permit and an Encroachment Permit is issued by the City Engineer.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of April 2022 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Leslie Q. Jordan, Mayor**

**ATTEST:**

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**Don Reynolds, City Manager**

**CITY CLERK SEARCH EXTENDED****PUBLIC NOTICE****NOTICE OF VACANCY****CITY CLERK**

**A vacancy has occurred in the City Clerk's Office. Candidates are sought for the position of City Clerk for the City of San Juan Bautista. *To qualify, a candidate must be an elector and resident of the City of San Juan Bautista.***

The City Clerk is the local official who administers democratic processes such as elections, access to city records, and all legislative actions ensuring transparency to the public. The City Clerk acts as a compliance officer for federal, state, and local statutes including the Political Reform Act, the Brown Act, and the Public Records Act. The City Clerk is the Elections Officer for the City; the City Clerk also manages public inquiries, administers oaths of office, certifies copies of the official records, and attends all City Council meetings.

The City Clerk plans, directs, manages, supervises, and coordinates the activities and operations of the City Clerk's Office including preparation of the minutes, recording of decisions of the City Council and Planning Commission, and codification and maintenance of official City records. The City Clerk prepares the City Council agenda and packet, and provides highly responsible and complex administrative support to the City Council.

City Council has set a \$100 monthly stipend for this position.

Interested applicants shall submit a resume and cover letter to City Hall at 311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045, or e-mail to [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) for receipt not later than **1:00 p.m. on Friday, April 15, 2022**. Appointment to fill the vacancy will be addressed at the April 19, 2022 Regular Meeting of the City Council, at 6:00 p.m. Applicants should plan to attend. This is a temporary position, lasting until the November 2022 General Election.

City of San Juan Bautista  
311 Second Street  
P.O. Box 1420  
San Juan Bautista, CA 95045  
(831) 623-4661  
[www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us)