



City of San Juan Bautista

The "City of History"

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AGENDA

CITY COUNCIL SPECIAL MEETING

TUESDAY ~ NOVEMBER 29, 2022 ~ 5:00 P.M.

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

– HYBRID MEETING – PUBLIC PARTICIPATION BY ZOOM AND IN PERSON

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.

THIS MEETING WILL BE OPEN TO THE PUBLIC UNDER THE FOLLOWING CONDITIONS:

All Attendees must comply and wear a face covering if not fully vaccinated and show proof. If providing proof attendees will not need to wear a face covering. If you are exempt from the state face covering guidance or not fully vaccinated, you will be required to wear a mask to attend the meeting; All attendees must comply with any other rules of procedures/instructions announced by the Mayor and/or City Staff. Any violations of the above may result in the Mayor closing the meeting, effective immediately, or clearing the room, as well as other enforcement actions. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and on Facebook.

Join Zoom Webinar <https://us02web.zoom.us/j/8https://us02web.zoom.us/j/84349791958>
or call 1 (669) 900-6833
Webinar ID: 843 4979 1958

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 not later than 4:00 p.m. on November 29, 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 subject to Staff's ability to post the documents before the meeting, or by emailing deputycityclerk@san-juan-bautista.ca.us or calling the Deputy Clerk (831) 623-4661 during normal business hours.

1. Call to Order

**Pledge of Allegiance
Roll Call**

2. Public Comment – Only on items on the agenda

3. Consent Items

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

**A. Adopt a Resolution of the City Council of the City of San Juan Bautista
Making Findings and Determinations Under Government Code §54953 for
Continuing Virtual and Hybrid Meetings**

B. Approve the Affidavit of Posting Agenda

**C. Adopt a Resolution of the City Council of the City of San Juan Bautista
Regarding Approval of a Second Amendment to the Employment
Agreement for City Manager**

**D. Adopt a Resolution of the City Council of the City of San Juan Bautista
Authorizing Street Closures in the City of San Juan Bautista**

4. Public Hearing

**A. Continue a Public Hearing from the November 15, 2022 Regular Meeting to
Hear and Consider Objections to the Proposed Abatement of the Public
Nuisance at 451 San Juan Hollister Road in the City**

5. Action Items

**A. Adopt a Resolution of the City Council of the City of San Juan Bautista
Appointing Certain EDCAC Members to the 2023-2028 CEDS Strategy
Committee**

6. Adjournment

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SAN JUAN BAUTISTA
MAKING FINDINGS AND DETERMINATIONS
UNDER GOVERNMENT CODE §54953 FOR CONTINUING
VIRTUAL AND HYBRID MEETINGS**

WHEREAS, COVID-19 is a viral respiratory disease from which variants have emerged and which has now spread across the world as a pandemic with multiple confirmed cases in California and, as of November 21, 2022, the federal Centers for Disease Control and Prevention (CDC) rated the risk level for community transmission of COVID-19 in San Benito County as Low; and

WHEREAS, under authority provided by Government Code section 8625 on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic that remains in effect; and

WHEREAS, on March 17, 2020, the City Council declared a State of Emergency in the City of San Juan Bautista due to COVID-19 that remains in effect; and

WHEREAS, on April 12, May 10, July 8, and October 19, 2021, Governor Newsom proclaimed states of emergency that remain in effect across all counties of California due to extreme and expanding drought conditions; and

WHEREAS, on April 19, 2022, the City Council declared the City of San Juan Bautista to be in a state of emergency pursuant to Water Code section 350 that remains in effect due to the severity of the drought and directed commencement of certain water conservation regulations as provided by Municipal Code Section 6-4-116; and

WHEREAS, the City Council is committed to preserving and nurturing public access and participation in its public meetings; and

WHEREAS, the Legislature enacted Assembly Bill 361 (AB 361), approved by the Governor and filed with the California Secretary of State on September 16, 2021, which amended Government Code section 54953 of the Brown Act (Government Code sections 54950-54963) to allow local agencies to meet fully virtually or in a hybrid format (that is, a meeting format containing both virtual and in-person components) without fully complying with the teleconference rules set forth in Government Code section 54953(b)(3) during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the Health & Human Services Agency of the County of San Benito has issued a health advisory entitled "COVID-19 What you need to know" that recommends social distancing as a way to slow the spread of a virus including keeping a distance of approximately three feet from the nearest person while in a workplace; and

WHEREAS, The California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including the City, to train and instruct employees about measures, including physical distancing, that can decrease the spread of COVID-19; and

WHEREAS, the City Council authorized the City Manager to enforce the provisions of Municipal Code Section 6-4-116 as of May 1, 2022, until such time as the drought has ended; and

WHEREAS, the City Council desires that the City of San Juan Bautista, including all commissions, committees, and other Brown Act bodies shall continue to be able to hold virtual or hybrid meetings pursuant to AB 361 and Government Code section 54953(e)(1)(A).

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

Section 1. The City Council has reconsidered the circumstances of the local states of emergency in accordance with Government Code sections 8630(c) and 54953(e)(3)(A), the information related to these matters and the Recitals set forth above are true and correct and are incorporated as findings into this Resolution by this reference.

Section 2. The City Council finds state and local officials continue to recommend measures to promote social distancing and water conservation.

Section 3. The City Council and all other commissions, committees or other Brown Act bodies of the City shall be authorized to continue to meet virtually in accordance with Government Code section 54953(e)(1)(A) without compliance with section 54953(b)(3).

Section 4. This Resolution does not prevent or prohibit the City Council or any commission, committee or other Brown Act body of the City from holding virtual or hybrid meetings (containing both virtual and in-person components) provided such meetings comply with Government Code section 54953(e)(2)(A-G) and with all state and local health orders. Commissions, committees and other Brown Act bodies shall comply with all rules established by the City Council and/or City Manager for attendance at meetings.

Section 5. The City Council shall take action to renew this Resolution every thirty days for as long as any state or local officials continue to recommend any measures to promote social distancing, but the City Council may terminate the Resolution at any time. In the event that more than 30 days pass between regular City Council meetings, the City Council shall take action at a virtual or a hybrid meeting to renew this Resolution before deliberating, either at the beginning of the next regular meeting or at a special meeting.

Section 6. If any provision of this Resolution or the application of such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a special meeting duly held this 29th day of November 2022, by the following vote:

AYES, COUNCIL MEMBERS:
NOES, COUNCIL MEMBERS:
ABSENT, COUNCIL MEMBERS:
ABSTAIN, COUNCIL MEMBERS:

Leslie Q. Jordan, Mayor

ATTEST:

Don Reynolds, City Manager
Acting Deputy City Clerk

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE ACTING ADMINISTRATIVE SERVICES MANAGER FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 22nd DAY OF NOVEMBER 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 22ND DAY OF NOVEMBER 2022.



TRISH PAETZ, ACTING ADMINISTRATIVE SERVICES MANAGER

RESOLUTION NO. 2022-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA REGARDING APPROVAL OF A SECOND AMENDMENT
TO THE EMPLOYMENT AGREEMENT FOR CITY MANAGER**

-o0o-

WHEREAS, pursuant to a written Employment Agreement ("Agreement") entered into on June 18, 2019, Don Reynolds has provided City Manager services to City since July 2, 2019; and

WHEREAS, the City Council amended the Agreement by the "First Amendment" effective September 1, 2021, to increase the City Manager's benefits; and

WHEREAS, the City Manager and the City Council at a special meeting on June 30, 2022, amended the Agreement by "Amendment No. 1" effective June 30, 2022, to extend the term of the Agreement for a period of six months from July 2, 2022 to December 31, 2022; and

WHEREAS, the City Manager and the City Council at a regular meeting on November 15, 2022, amended the Agreement by the "Second Amendment" effective on November 15, 2022, to increase the City Manager's benefits and to extend the term of the Agreement for an additional term of two years.

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

SECTION 1. That the terms set forth in that certain document entitled "Employment Agreement for City Manager (Second Amendment)" were approved by the City Council at its regular meeting of November 15, 2022.

SECTION 2. That on November 15, 2022, the Mayor was authorized and directed to sign the Employment Agreement for City Manager (Second Amendment) on behalf of the City.

PASSED AND ADOPTED at a special meeting of the City Council of the City of San Juan Bautista duly held on the 29th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Acting Deputy City Clerk

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA AUTHORIZING CLOSURE OF STREETS FOR CERTAIN
SPECIAL EVENTS IN 2022 and 2023:**

WHEREAS; the City has received the following applications for Special Events in 2022 and 2023 and authorization for Street Closure are a necessary prerequisite for issuance of such permits for the following events:

Holiday of Lights Parade:

**Closure of The Alameda and Third Street from Franklin St. to Muckelemi (Exhibit A)
December 3, 2022 from 4:30 PM until 8 PM**

Annual Rotary Mission 10 Race:

**Closure of Second Street from Washington St. to Monterey St.,
Monterey St. Between Second St. and First St.
to the City Limit (remainder to be on Roads outside the City) (Exhibit B)
January 28, 2023 from 6:30 AM to 1:00 PM:**

Arts and Crafts Festival:

**Closure of Third Street from Franklin to Muckelemi and Cross Streets:
Washington, Mariposa, and Polk Streets between Second and Fourth Streets (Exhibit C)
March 25, 2023 from 12AM to March 26, 2023 at 9PM**

**Great Rib Cook Off: Closure of Third Street from Franklin St. to Muckelemi St., Cross
Streets Washington, Mariposa, and Polk Streets Between Second and Fourth Streets
(Exhibit D)**

May 5, 2023 from 12AM to May 7, 2023 at 9PM

BE IT RESOLVED that the City Council does hereby authorize the referenced entities to close streets on the dates and times referenced herein subject to the following requirements;

1. All conditions and requirements of agencies, including the Fire Marshall, San Benito County Sheriff, Building Official, Public Works Director, San Benito County Health Dept., San Benito County Integrated Waste Management, Community Development Director shall be met prior to, during, and after the event in the manner deemed necessary by the City Manager.
2. Prior to each event, Sponsors shall submit an agreement to reimburse the City in accordance with an invoice duly issued by the City to cover City expenses as deemed necessary by the City Manager to support administrative, material and City staff time associated with the Street Closure.

PASSED AND ADOPTED this 29th day of November 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

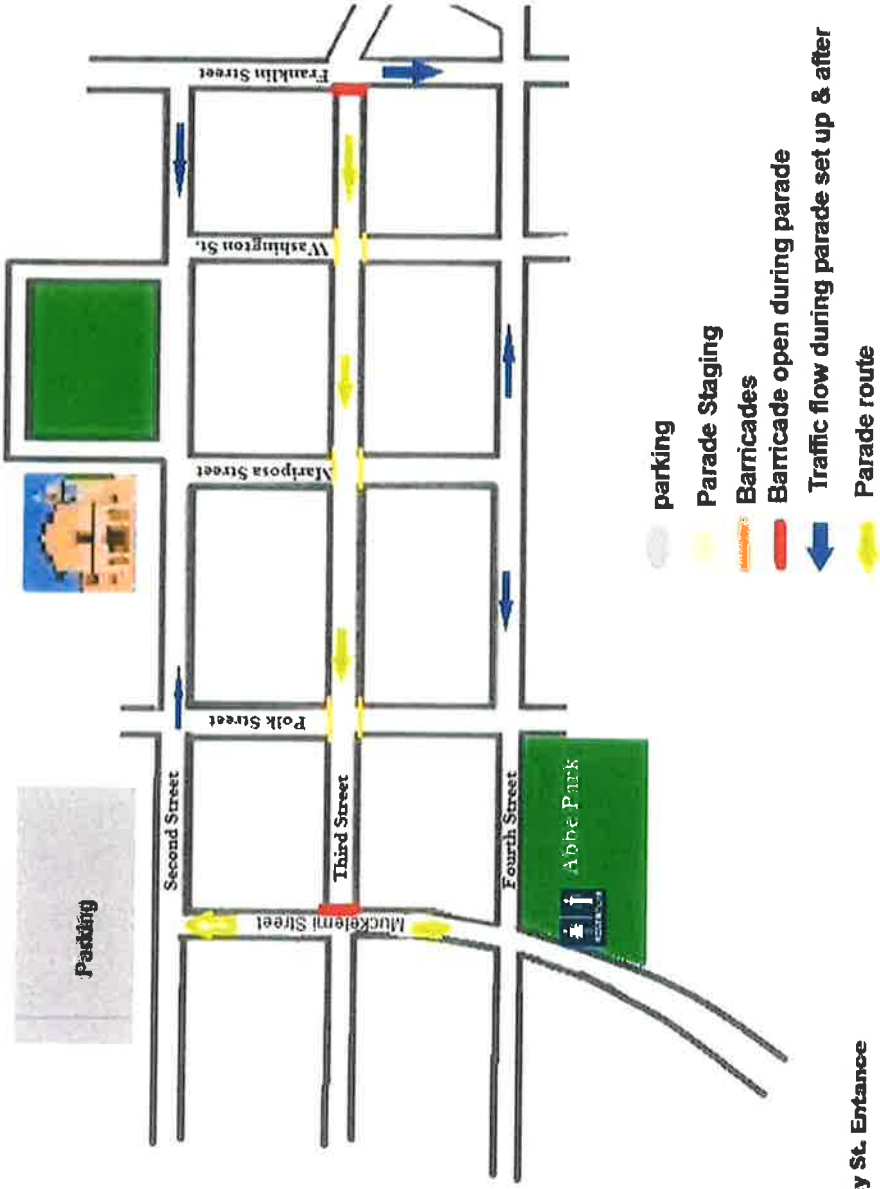
ATTEST:

Don Reynolds, Acting Deputy City Clerk

Exhibit A

SJB ROTARY HOLIDAY OF LIGHTS PARADE

Old Mission San Juan Bautista
State Historic Park Plaza



156 Hwy to Monterey St. Entrance
to Muckelemei St.

Exhibit B

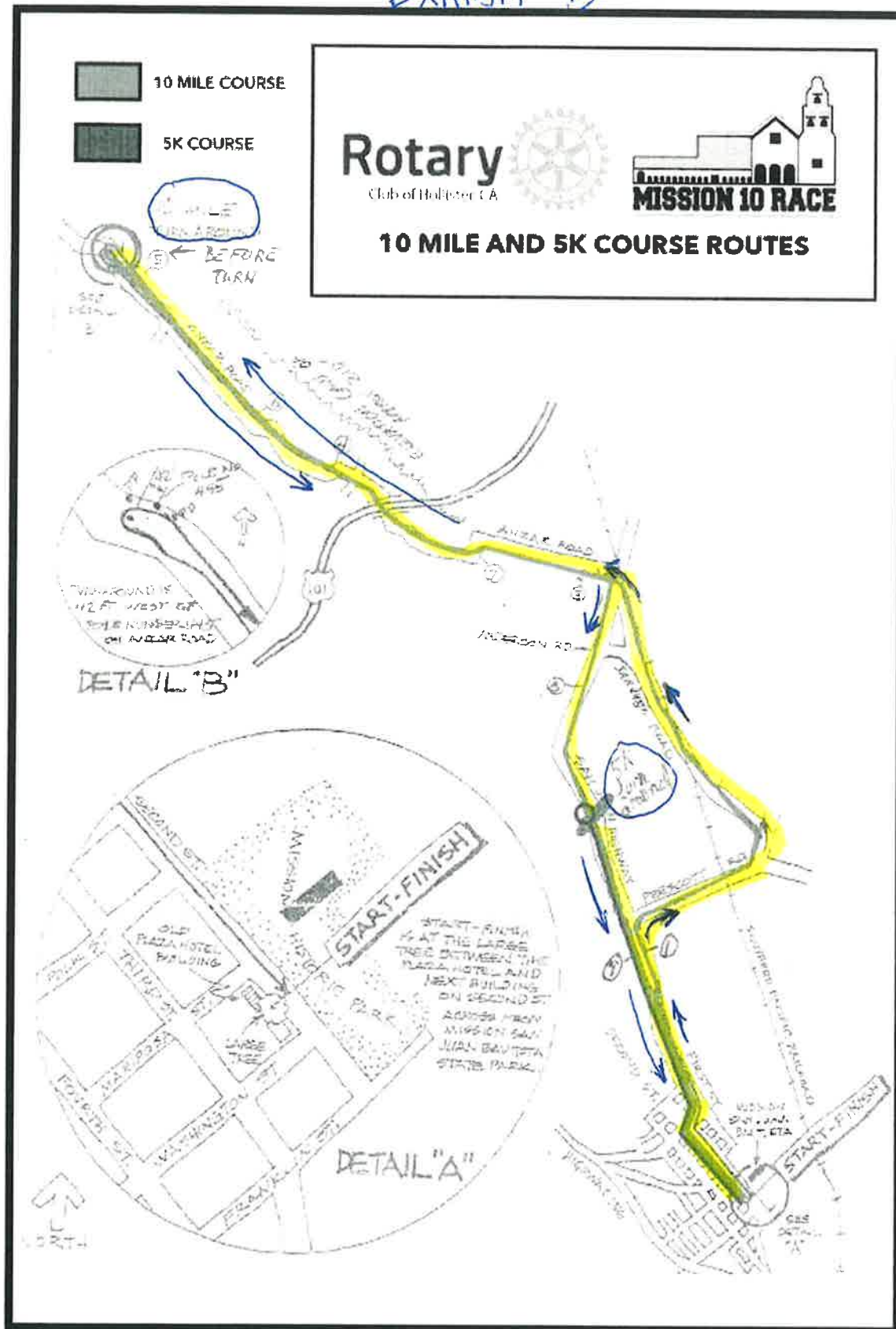
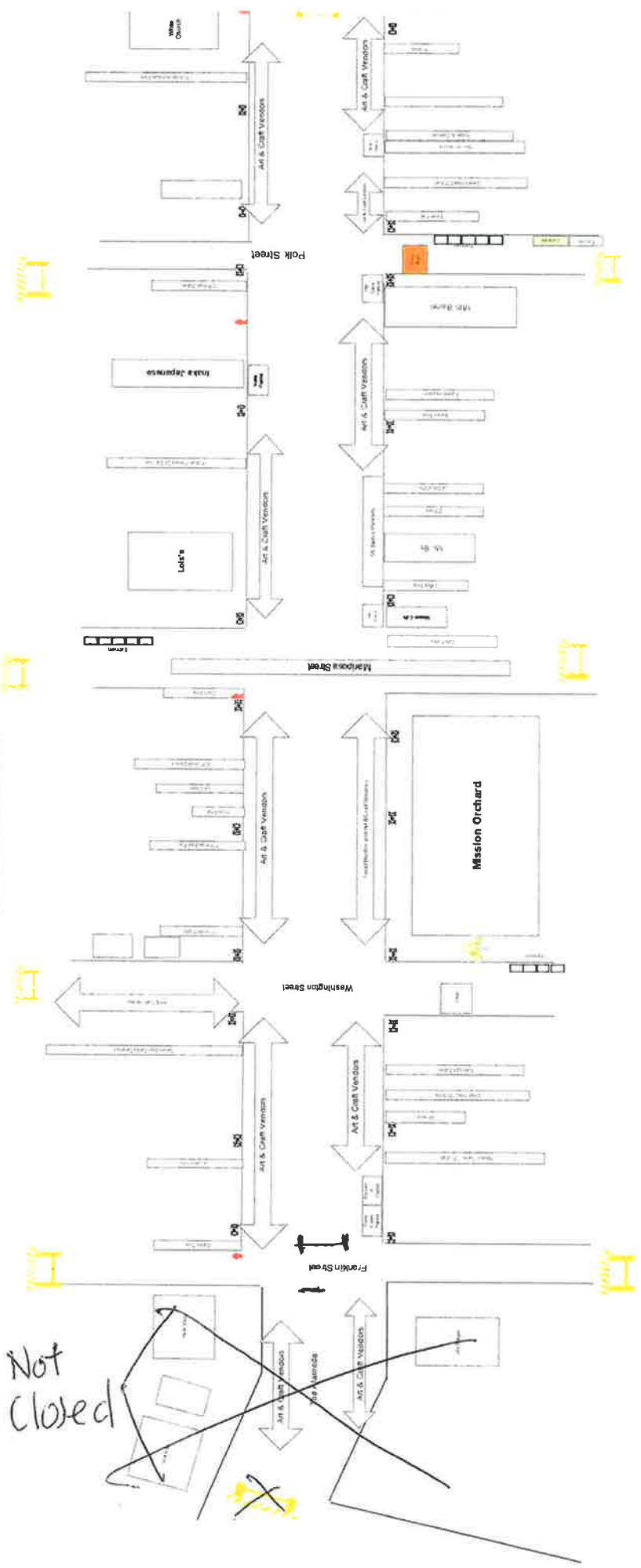
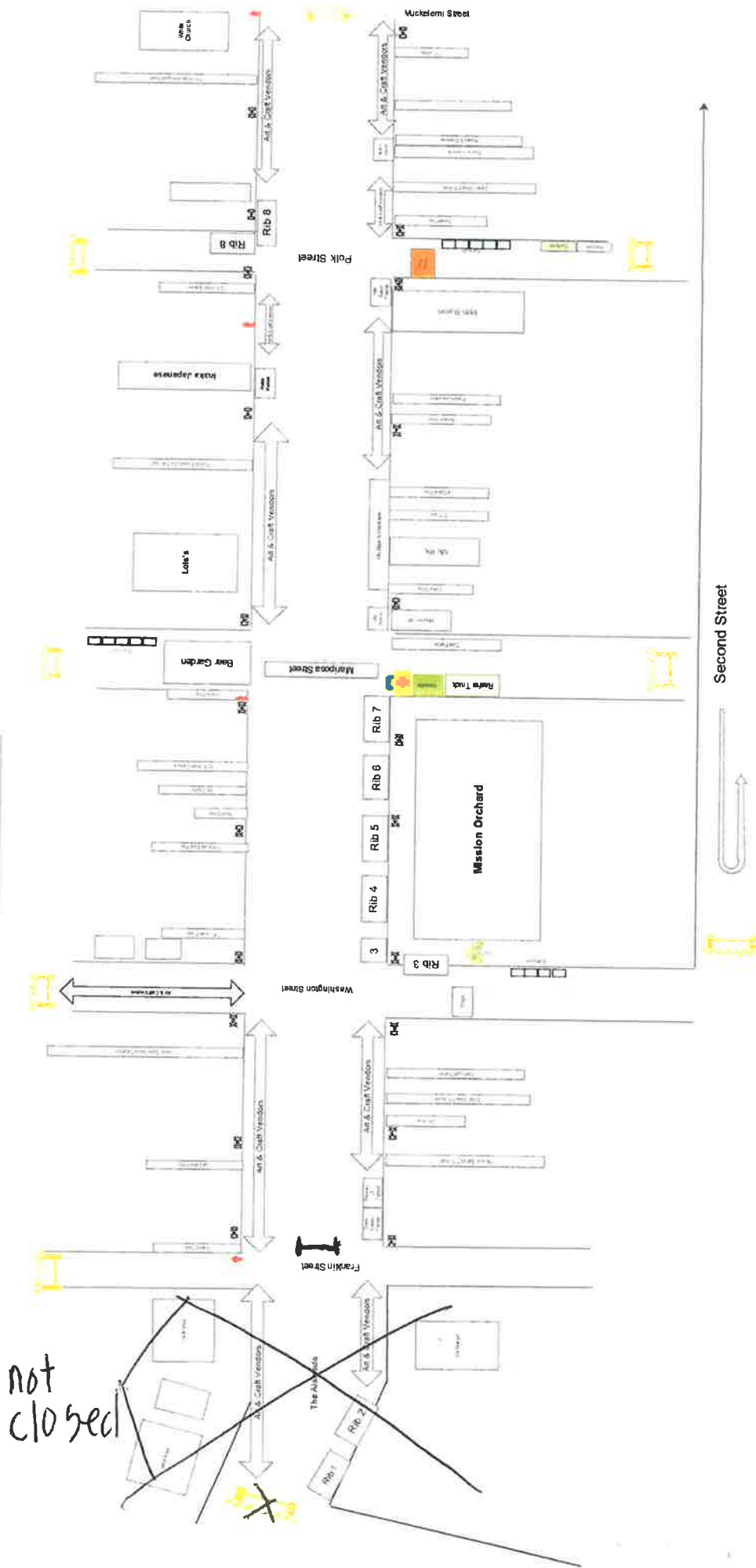


Exhibit C
San Juan Bautista Art & Craft Festival 2023



**San Juan Bautista
Rib Cook-Off
2023**





CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: CONTINUE A PUBLIC HEARING TO HEAR AND CONSIDER ALL OBJECTIONS TO THE PROPOSED ABATEMENT OF A PUBLIC NUISANCE AT 451 SAN JUAN HOLLISTER ROAD.

MEETING DATE: NOVEMBER 29, 2022.

DEPARTMENT HEADS: CITY MANAGER/CITY ATTORNEY/ ASSISTANT CITY MANAGER-COMMUNITY DEVELOPMENT DIRECTOR.

RECOMMENDED ACTION:

At the November 15, 2022, regular meeting the City Council opened a public hearing in accordance with San Juan Bautista Municipal Code (SJBMC) Sec. 13-1-425 to hear and consider objections to the proposed abatement of a public nuisance at 451 San Juan Hollister Road (APN 002-550-008) (the “property”), continued the hearing to a date and time certain in the order of continuance to at that time allow or overrule any objections to the proposed abatement and consider adoption of the attached Resolution allowing or overruling objections to the nuisance and, if overruled, declaring the condition of the property to constitutes a public nuisance and ordering the abatement of said nuisance by the City Manager and assessing the cost of abatement. The date and time certain for the continuance announced on November 15, 2022, was Tuesday, November 29, 2022, at 5:00 p.m.

BACKGROUND INFORMATION: This matter was before you at your regular meeting on October 18, 2022, at a special meeting on October 25, 2022, and at your regular meeting on November 15, 2022, to allow the City Council to receive information from staff and the property owner, Kulta Farms, LLC’s, representative, concerning conditions on the property in violation of the SJBMC. At the special meeting on October 25th the Council adopted Resolution 2022-81 (copy attached as Exhibit A) declaring a public nuisance to exist on the property.

Significant grading on the floodplain located on the property occurred in 2022 without a permit having been first obtained and fill and grading spoils have been deposited in the floodplain adjacent to San Juan Creek. Photographs and comments by staff and the property owner’s representative on these conditions are part of the record from the consideration of this matter on October 18 , October 25 and November 15, 2022. Violations of the SJBMC were also identified due to the storage of automobiles and heavy equipment, as well as the use of the property as a contractor’s yard, all as described in the Notice to Abate (copy attached as Exhibit B). At the

hearing on November 15, 2022, staff provided substantial evidence that all those conditions remain unabated at this time.

The property owner's representative and her counsel have been in contact with staff concerning the property owner's plans to proceed to abate the nuisance conditions and those parties met early last week to discuss costs due for prior activities planned on the property and for the City's cost to identify the violations and the corrective actions. At that time the question of a schedule form the property owner's representative who has expressed the intention to voluntarily abate the violations was discussed but was left unresolved, Staff will follow up with the property owner's representative based on her comments during the portion of the public hearing conducted on November 15, 2022, to ensure abatement activities by the property owner and by the City proceed in a coordinated fashion and as expeditiously, effectively, economically and efficiently as possible.

The Notice to Abate authorized by Resolution 2022-81, was posted on the property, mailed to the property owner and published in the Hollister Free Lance giving notice of the date and time of the public hearing on November 15, 2022. Unfortunately, the newspaper was unable to meet the 15-day publication period required by SJBMC 13-1-420 and in order to ensure that at least 15 days have elapsed between publication and any final action, after the hearing on November 15, 2022, it was necessary to continue the hearing to this date and time.

During the hearing on November 15, 2022, Ms. Maria Orozco, the property owner's representative, spoke and objected to the City's abatement of the nuisances on the basis that the property owner was not given the opportunity to abate the violation due to the City wanting to act as the lead. Ms. Orozco stated studies have been performed and it is the property owner's intention to remedy the situation as quickly as possible with consultants having been engaged for the necessary studies, without the need for the Schaaf & Wheeler study performed for the City, with two weeks then required to do the studies and two months to "put it together" including addressing the concerns of the California Dept. of Fish & Wildlife.

DISCUSSION:

The public hearing and the City Council's subsequent obligation by resolution (copy of a Resolution attached as Exhibit C) to allow or to overrule any objections to the proposed abatement represents the next step in a process that, if objections are overruled, would result in the City Manager being empowered to abate the nuisance, with the abatement work performed by city employees or by independent contractors or a mix of the two. The City Manager and his authorized representatives would be allowed to enter private property for this purpose. However, prior to commencement of abatement work by the City, the property owner may abate the nuisance at its expense. The City Manager is required to keep an accurate account of abatement costs and to subsequently submit a final itemized written report for confirmation by the City Council, after notice as required by the SJBMC, at the Council's next regular meeting. At that time the City Council would hear the objections of the property owner to the costs assessed for

the abatement and modify or confirm the report as the City Council may determine. The property owner would then have the opportunity to pay such costs prior to the filing of the report of costs with the County Tax Collector for collection of the city's costs as a special assessment on the next regular tax bill.

As has been stated several times during the City Council's consideration of this matter an action by the City Council to empower the City Manager to abate the nuisance does not deprive the property owner of the ability to do so, but it does set up an alternate enforcement method to enable the City to abate the violations should the property owner fail to do so.

STAFF RECOMMENDATION: At this time it is recommended that the City Council:

- (1) Continue the public hearing opened on November 15, 2022, in accordance with SJBMC Sec. 13-1-425, to hear and consider objections to the proposed abatement of a public nuisance at 451 San Juan Hollister Road; and
- (2) Close the public hearing and consider objections to the presence of nuisances on the property and either allow or overrule those objections and adopt a resolution in accordance with that decision.

Exhibits

Exhibit A – Resolution 2022-81

Exhibit B – Notice to Abate

Exhibit C – Draft Resolution After Hearing

Exhibit D – Compliance Orders, 10-Day Notice of Violation & Photographs

Exhibit A

RESOLUTION NO. 2022-81

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SAN JUAN BAUTISTA (1)
DECLARING A PUBLIC NUISANCE TO EXIST
ON THE PARCEL COMMONLY KNOWN AS
451 SAN JUAN HOLLISTER ROAD, AND (2) DIRECTING
THE CITY MANAGER TO POST, PUBLISH,
AND MAIL NOTICE OF HEARING TO CONSIDER
ABATEMENT OF SAID PUBLIC NUISANCE**

WHEREAS, this Council is informed by City staff that property situated at 451 San Juan Hollister Road (APN 002-550-008) (sometimes hereafter “the property”) in the City of San Juan Bautista, is in violation of provisions of the Municipal Code, all as more particularly described on the attached “Notice to Abate Public Nuisance”; and

WHEREAS, the Assistant City Manager/Community Development Director has determined that the owner of the property at issue, Kulta Farms, LLC, is in violation of Title 12 “Floodplains,” of the Municipal Code, specifically Sections 12-1-080 and 12-1-210, respectively “Methods of Reducing Flood Losses” and “Compliance”; and

WHEREAS, on October 13, 2022, the property owner, having been informed that such application may be made, submitted an application for a Development Permit, a discretionary permit, in accordance with Section 12-1-300 of the Floodplains Ordinance; and

WHEREAS, upon review of the application the Assistant City Manager/Community Development Director has determined that the application for the Development Permit submitted on October 13, 2022, lacks necessary information, and is therefore incomplete, including, but not necessarily limited to: (1) information required by parts A through E of Section 12-1-300 parts A through E of the Floodplains Ordinance; (2) information required by Section 12-1-310(A) of the Floodplains Ordinance; and (3) information necessary to comply with the California Environmental Quality Act Guidelines, Cal. Code Regs. Title 14 Secs. 15060 and 15063; and

WHEREAS, although the Assistant City Manager/Community Development Director has determined that the property owner may, pursuant to Title 11 “Zoning,” Title 11-20 “Use Permits,” apply for a conditional Use Permit, a discretionary permit, to allow the illegal components of a business, Kulta Farms, LLC, Midnight Express, Inc. and any other business or entity, to operate on the property, the property owner, having been informed that such applications may be made, has not done so; and

WHEREAS, the City Council of the City of San Juan Bautista at a regular meeting held on October 18, 2022, received information from City staff and from the representative of the owner of the property and directed that the matter be returned to the City Council for further consideration.

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

SECTION 1. Based on the recitals set out above, those recitals are hereby incorporated in the body of this Resolution by this reference as if fully set out herein, pursuant to Article 4 of Chapter 13-1 of the San Juan Bautista Municipal Code ("SJBMC"), this Council hereby finds that the evidence presented on October 18 and on October 25, 2022, of the placement of grading and spoils along the San Juan Creek watershed and the changes to the topography of the floodplain affect the neighborhood, therefore constituting a public nuisance per California Civil Code Section 3480, and declares that a public nuisance presently exists on the property as a result of the violation of the Floodplains Ordinance and the maintenance of the illegal uses by the business(es) or the owner currently in operation on the property.

SECTION 2. Pursuant to said Article 4 of Chapter 13-1 of the SJBMC, this Council hereby directs the City Manager to cause to be made all posting, publishing, and mailing of a "Notice to Abate Nuisance" as provided in said Article 4, with respect to the public nuisance hereinabove declared.


SECTION 3. The public hearing pursuant to said Notice shall be held at 6:00 p.m. (or as soon thereafter as the matter is reached on the agenda), Tuesday, November 15, 2022, at the San Juan Bautista City Hall, 311 Second Street, San Juan Bautista, California. The hearing shall be held as provided in said Article 4.

THE FOREGOING RESOLUTION was adopted at a special meeting of the San Juan Bautista City Council on the 25th day of October 2022, by the following vote:

AYES: Jordan, Flores, Freels, Freeman
NOES: None
ABSENT: Edge
ABSTAIN: None


Leslie Q. Jordan, Mayor

ATTEST:


Don Reynolds
Acting Deputy City Clerk

- c) Submit a study, as part of the application for Development Permit referenced in subsection (f) below, prepared by a qualified Ecologist of the relative habitat values of the San Juan Creek as a means of establishing a baseline for restoration of habitat values to pre-violation values as a condition of the Development Permit referenced in subsection (f) below.
- d) Submit, as part of the Development Permit application referenced in Section (f) below, a Phase 1 cultural resources records search, reconnaissance-level field survey, and Native American Consultation in partial fulfillment of the requirements of the California Environmental Quality Act (CEQA).
- e) Submit, as part of the Development Permit application referenced in (f) below, a plan developed by the referenced Engineer of Record for remediation of the subject Nuisance, including removal of grading spoils and restoration of the hydrology and biological habitat values, and any actions necessary to protect cultural resources associated with the subject property including the San Juan Creek and hydrologically connected drainages on the property to the satisfaction of agencies with jurisdiction over those activities and the City of San Juan Bautista Flood Plain Manager.
- f) Complete the application for a Development Permit, a discretionary permit, submitted on October 13, 2022, as described herein, and execute a reimbursement agreement with the City for all costs associated with Development Permit to be issued by the City Floodplain Manager in accordance with Municipal Code Sections 12-1-210.
- g) Submit a cost estimate, prepared by the Engineer of Record of the cost of completing remedial actions.

3. **CONDITION:** Operation a Contractor's Yard without a Use Permit in violation of SJBMC Title 11 "Zoning" Section 11-02-050 requiring a Use Permit in the Industrial District for a Contractor's Yard.

CORRECTIVE ACTION: Submit an application and pay fees for the required Use Permit, a discretionary permit, which conditions shall eliminate occurrences that may adversely affect public health and biological resources such as leaking oil or other fluids or accumulation of abandoned equipment and material, frontage improvements for traffic operations safety, and any flood hazard prevention improvements, including, but not necessarily limited to, a Phase I Soil Analysis, hydrological study, biological resource and cultural resource reconnaissance and mitigations.

4. **CONDITION:** Operation of a Automobile Storage Yard without a Use Permit in violation of SJBMC Title 11 "Zoning" Section 11-02-050 requiring a Use Permit in the Industrial Zone for a Automobile Storage Yard.

CORRECTIVE ACTION: Submit an application and pay fees for the required Use Permit, a discretionary permit, which conditions shall eliminate occurrences that may adversely affect public health and biological resources such as leaking oil or other fluids or accumulation of abandoned equipment and material, frontage improvements for traffic operations safety, and any flood hazard prevention improvements including, but not necessarily limited, to Phase I Soil Analysis, hydrological study, biological resource and cultural resource reconnaissance and mitigations, traffic study.

Upon failure to abate such public nuisance through the corrective actions described herein, the nuisance will be abated by the City of San Juan Bautista and all costs of abatement will be assessed against the property on which the nuisance exists and will constitute a special assessment upon and against such property until paid, said assessment to be collected at the same time and in the same manner as ordinary municipal taxes. A copy of the declaration of nuisance (Resolution No. 2022-81) is on file in the Office of the San Juan Bautista City Clerk.

Any property owner or other person(s) objecting to the proposed abatement by the City of San Juan Bautista is hereby notified to attend a meeting of the City Council of the City of San Juan Bautista to be held on November 15 2022, commencing at 6:00 p.m., at the San Juan Bautista City Hall, 311 Second Street, San Juan Bautista, California, when their objections will be heard and given due consideration.

Dated this 26th day of October, 2022.



Don Reynolds
City Manager
City of San Juan Bautista

EXHIBIT C

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AFTER PUBLIC HEARING DECLARING THE CONDITION OF THE PROPERTY AT 451 SAN JUAN HOLLISTER ROAD TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF SAID NUISANCE BY THE CITY MANAGER TO PROTECT CITIZENS AND THEIR PROPERTY FROM CONDITIONS THAT THREATEN PUBLIC HEALTH, SAFETY AND WELFARE AND ASSESSING THE COST OF ABATEMENT

WHEREAS, by Resolution No. 2022-81, adopted on October 25, 2022, this Council declared that a public nuisance presently exists on property commonly known as 451 San Juan Hollister Road (APN 002-550-008) (sometimes hereafter "the property"), due to the presence thereon of certain violations of the San Juan Bautista Municipal Code as set forth in "Attachment A;" and

WHEREAS, the property is zoned Industrial and the owner of record of the property is Kulta Farms, LLC, a California limited liability company; and

WHEREAS, City staff has attempted to obtain the voluntary compliance of the owner and while the owner has responded, acknowledged the violations, and indicated an intention to proceed with the abatement of the conditions constituting a public nuisance on the property, the owner has had significant and reasonable time to correct all violations but has failed to do so; and

WHEREAS, the owner has the legal responsibility for maintaining the property in conformance with applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the City; and

WHEREAS, by said resolution this Council also directed posting, publishing and mailing of a Notice to Abate Nuisance (copy attached hereto as "Attachment B") to include a public hearing to be set and heard at 6:00 p.m. on Tuesday, November 15, 2022, at City Hall before this Council, which public hearing may be continued in accordance with San Juan Bautista Municipal Code Section 13-1-425; and

WHEREAS, the property was posted, a Notice to Abate was sent by registered and by first class mail to the owner, and the Notice to Abate was published in the Hollister Free Lane, a newspaper of general circulation, on November 4, 2022, all in accordance with San Juan Bautista Municipal Code §§13-1-410 and 13-1-420;

WHEREAS, said public hearing was called and heard at the City Council's regular meeting on Tuesday, November 15, 2022, and continued to a special meeting this date, November 29, 2022, at 5:00 p.m., at which times City staff presented substantial evidence that affirmed the existence of violations of the Municipal Code on the property and all persons were invited to comment, to include any and all objections to the abatement proposed in the notice.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY DETERMINES AND RESOLVES AS FOLLOWS:

SECTION 1. That it is in the public interest for the City to take appropriate actions to protect its citizens and their property from conditions that threaten public health, safety and welfare.

SECTION 2. At the hearings staff provided a report regarding the presence of nuisances on the property. The following persons spoke and provided comments and/or objections regarding the nuisances:

During the hearing on November 15, 2022, Ms. Maria Orozco, the property owner representative, spoke and objected to the City's abatement of the nuisances on the basis that the property owner was not given the opportunity to abate the violation due to the City wanting to act as the lead. Ms. Orozco stated studies have been performed and it is the property owner's intention to remedy the situation as quickly as possible with consultants having been engaged for the necessary studies, without the need for the Schaaf & Wheeler study performed for the City, with two weeks then required to do the studies and two months to "put it together," including addressing the concerns of the California Dept. of Fish & Wildlife.

[Comments from November 29 continuance to be added.]

SECTION 3. This Council responds as follows to the comments/objections set out in Section 2.

[Per City Council's determination on November 29.]

SECTION 4. Based on the responses set forth in Section 3, and as to the nuisance conditions listed in the Notice, this Council directs and orders the City Manager to abate the nuisances which are the subject of this Resolution and Resolution 2022-81, and to take all appropriate steps to recover costs incurred by the City associated with abatement proceedings, including but not limited to costs incurred for involvement of the City Attorney.

THE FOREGOING RESOLUTION was adopted at a special meeting of the San Juan Bautista City Council on the 29th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Don Reynolds, Acting Deputy City Clerk

ATTACHMENT A

The below listed conditions at 451 San Juan Hollister Road, San Juan Bautista, re being maintained in violation of the San Juan Bautista Municipal Code:

1. **CONDITION:** Grading, earthmoving and the placement of fill, spoils and debris on the property and in and along the San Juan Creek in violation of San Juan Bautista Municipal Code (SJBMC) Title 12 "Floodplains" Section 12-1-080 "Methods of reducing flood losses" specifically Sections (D) control filling, grading, dredging which may increase flood damage," violation of SJBMC Section 12-1-080 (E) "Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas;" and violation of SJBMC Section 12-1-210 "Compliance" "Any person filling, grading or constructing within a designated flood hazard area shall obtain all necessary permits prior to commencement of these activities."
2. **CONDITION:** Operation a Contractor's Yard without a Use Permit in violation of SJBMC Title 11 "Zoning" Section 11-02-050 requiring a Use Permit in the Industrial District for a Contractor's Yard.
3. **CONDITION:** Operation of a Automobile Storage Yard without a Use Permit in violation of SJBMC Title 11 "Zoning" Section 11-02-050 requiring a Use Permit in the Industrial Zone for a Automobile Storage Yard.



City of San Juan Bautista

The "City of History"

Exhibit D

City of San Juan Bautista Compliance Order

May 20, 2022

P.O. Box 1420
311 Second Street
San Juan Bautista
California 95045
(831) 623-4661
Fax (831) 623-4093

City Council

Mayor
Mary Vazquez Edge

Vice Mayor
Leslie Q. Jordan

Councilmember
Cesar Flores

Councilmember
John Freeman

Councilmember
Dan DeVries

City Manager
Don Reynolds

City Clerk
Laura Cent

City Treasurer
Chuck Geiger

Fire Chief
Bob Martin Del Campo

Owners: Kulta Farms LLC
Location: 451 San Juan Hollister Road
Violation(s): SJBMC 12-1-080.

Kulta Farms LLC
41728 Chiltern Drive
Fremont, CA 94539

Cynthia Orozco, Agent
451 San Juan Hollister Road
San Juan Bautista, CA 95045

Dear Cynthia Orozco,

First of all, a little record keeping is in order. The City has just become aware that the ownership of the property has changed from Orozco Flores Luis Ramon ET UX & Maria Cynthia to Kulta Farms LLC.

Moving forward, on March 28, 2022, another Stop Work Order was place on 451 San Juan Hollister Road for additional filling and grading within a flood hazard area in violation of San Juan Bautista Municipal Code Title 12 FLOODPLAINS, Section 12-1-210 Compliance. (Copy attached)

As with the previous violation(s), we have been in contact with several agencies involving several jurisdictions but unlike the previous violation, the City of San Juan Bautista will be the lead agency regarding the enforcement of this violation. You have placed materials in the floodplain along the entire western edge of the property as well as the majority of the northern boundary.

In order to avoid any further damage to the flood plain the Stop Work Order will remain in effect until an engineered report is submitted to and approved by the City outlining how the imported materials will be removed and the land restored to its historical condition. In addition, in order to avoid additional damage that may occur during the traditional rainy season (late October-through early April) and the amount of restoration work that will be required, this report must be submitted by July 1, 2022.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Rich Brown
Code Enforcement - City of San Juan Bautista
www.san-juan-bautista.ca.us



P.O. Box 1420
311 Second Street
San Juan Bautista
California 95045
(831) 623-4661
Fax (831) 623-4093

City Council

Mayor

Mary Vazquez Edge

Vice Mayor

Leslie Q. Jordan

Councilmember

Cesar Flores

Councilmember

John Freeman

Councilmember

Dan DeVries

City Manager

Don Reynolds

City Clerk

Laura Cent

City Treasurer

Chuck Geiger

Fire Chief

Bob Martin Del Campo

City of San Juan Bautista

The "City of History"

City of San Juan Bautista Compliance Order

May 24, 2022

Owners: Kulta Farms LLC

Location: 451 San Juan Hollister Road

Violation(s): SJBMC 12-1-080.

Kulta Farms LLC

41728 Chiltern Drive

Fremont, CA 94539

Cynthia Orozco, Agent

451 San Juan Hollister Road

San Juan Bautista, CA 95045

Dear Cynthia Orozco,

The City of San Juan Bautista received complaints on March 28, 2022 regarding a potential violation of the City's flood plain ordinance on property known as on 451 San Juan Hollister Road. City Code Enforcement and Planning staff conducted an off-site inspection on March 28, 2022 in response to these complaints. A Stop Work Order was placed at that time, followed by an on-site inspection by City staff and California Dept of Fish and Wildlife Warden, Kyle Sommer. During these inspections, grading and significant fill was observed (see attached map and photographs) adjacent to and within the flood plain, channel for the San Juan Creek and within areas preliminarily identified as a wetland by the Army Corps of Engineers. Grading and deposition of significant grading as fill deposition was observed within a flood hazard area in violation of San Juan Bautista Municipal Code Title 12 FLOODPLAINS, Section 12-1-210 Compliance. (Copy attached).

As with the previous violation(s), we have been in contact with USACE, CDFW and RWQCB; however, unlike the previous violation, the City of San Juan Bautista will be the lead agency regarding the enforcement of this violation. You have placed materials in the floodplain along the entire western edge of the property as well as the majority of the northern boundary.

Grading and deposition of significant fill was observed within a flood hazard area in violation of San Juan Bautista Municipal Code Title 12 FLOODPLAINS, Section 12-1-210 Compliance. (Copy attached).

The Stop Work Order will remain in effect until a plan is accepted by the City including: 1) complete characterization of the grading and fill, and 2) a program is developed for remediation including removal of grading spoils and restoration of the hydrology and biological habitat values of the San Juan Creek to the satisfaction of agencies with jurisdiction over these activities and the City of San Juan Bautista. To avoid additional damage that may occur during the traditional rainy season (late October-through early April) this plan must be submitted by July 1, 2022 and restoration diligently pursued and completed prior to October 15, 2022.

City staff is available to meet with you and your representatives at your convenience.

Sincerely,

Rich Brown

Code Enforcement - City of San Juan Bautista

Encl. Maps and Photographs



City of San Juan Bautista

The "City of History"

10-DAY NOTICE OF VIOLATION

P.O. Box 1420
311 Second Street
San Juan Bautista
California 95024
(831) 623-4661
Fax (831) 623-4093

City Council
Mayor
Mary Vazquez Edge

Vice Mayor
Lushie Q. Jordan

Councilmember
Cesar Flores

Councilmember
John Freeman

Councilmember
Don DeVries

City Manager
Don Reynolds

City Clerk
Laura Cent

City Treasurer
Chuck Geiger

Fire Chief
Bob Martin Del Campo

June 6, 2022

Owners: Kulta Farms LLC
Location: 451 San Juan Hollister Road
Violations: SJMFC 12-1-030

Kulta Farms LLC
41728 Chiltern Drive
Fremont, CA 94539

Cynthia Orozco, Agent
PO Box 1712
Hollister, CA 95024

Dear Cynthia Orozco,

On May 31, 2022 I conducted an off-site inspection of the property located at 451 San Juan Hollister Road in San Juan Bautista. During my inspection I observed four separation violations of the San Juan Bautista Municipal Code Section 11-02 Zoning Districts Matrix (Copy attached) as follows:

1. Recycling pallets without a use permit. The Industrial Zone requires a Use Permit prior to conducting this activity. You must cease and remove all materials associated with this activity by June 17, 2022.
2. Maintaining a contractor's yard without a use permit. The Industrial Zone requires a Use Permit prior to conducting this activity. You must remove all heavy equipment not associated with remediating the floodplain violation by June 17, 2022.
3. Automobile storage yard. The Industrial Zone requires a Use Permit prior to conducting this activity. You must remove all inoperable/operable vehicles not registered to you by June 17, 2022.
4. The vehicles that constituted the illegal activity of a dismantler have been removed and the City will not be including this violation unless it resurfaces.

As you have been informed by Brian Fought you will not be permitted to pursue any permits until the flood plain violation has been cleared which has a deadline of July 1, 2022. If you are able to comply sooner, please contact this office. Thank you for your cooperation and if you have any questions please contact me or Brian Fought.

Sincerely,

Rich Brown
Code Enforcement - City of San Juan Bautista

Attachment: Copy of Chapter 11-02 Zoning District Matrix

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Bed and breakfast inns		P	P	P	C				
Bars, nightclubs				C	C				
Bicycle sales, rentals and service				P	P	P			
Blueprinting services						C			
Boat sales, new/used						C			
Bowling alleys				C		C			
Breweries				C		C			
Building materials, services						C			
Business services				P	P				
Cannabis facilities						C			
Card rooms				C		C			
Catering services				P		P			
Cemeteries, public and private								P, S	
Commercial recreation and entertainment						C	C		C
Communication facilities						C		C	C
Community gardens	C	C	C					C	
Contractor's yards									
Convenience stores, retail				C	C				
Dance studios, gymnasium, music studios				C		C			
Drug stores, retail				P	P				
Equipment sales, services, and rentals							C		C
Feed stores				C		P, S			P, S
Financial institutions				P	P				
Food and beverage sales, wholesale				P	P				
Fortune telling				C	C				
Funeral services				C		C			
Galleries, arts, crafts, and artist studios					P				
Golf courses								C	
Grocery stores and delis				P	P				
Ice cream shops				P	P				

Use (Residential)	R-1	R-2	R-3	C	MU	I	P	PF	A
Single-family dwellings	P, S	P, S							P, S
Transitional housing, supportive housing	P	P	P	P	P			P	P, S

P – Permitted Use; C – Conditional Use; S – Site Review

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Adult entertainment						C			
Agricultural machinery sales and service						P			
Agricultural processing facilities, when processing products raised on the same property									C
Agricultural uses that are soil-dependent, including crop and tree farming, dry land farming, greenhouses, and vineyards									P
Agriculture – wholesale animal-raising facilities/livestock grazing									C
Alcoholic beverage, off-site sales				P	P	P			
Alcoholic beverage, on-site sales				C, P	C, P	C			
Ambulance services				C		P		P	
Animal boarding and services						C			C
Animal hospitals/veterinary offices						C			
Antennas and telecommunications facilities				C	C	C		C	C
Antique and collectible shops				P	P	P			
Assembly use/public assembly	C	C	C	C	P		C	C	
Auction houses				C	C	C			C
Automated teller machines (ATMs)				C	C				
Automobile sales, new/used						C			
Automobile service stations, repair				C		C			
Automobile parts				P		P			
Automobile storage						C			C
Automobile washing				C		C			
Bakeries, retail				P	P				
Bakeries, wholesale						P			
Banks				P	P				

Use (Commercial)	R-1	R-2	R-3	C	MU	I	P	PF	A
Inns	C	C	C	C	C				C
Instructional services				C	C	C		C	
Laboratories/research				C		C			C
Laundromats, dry cleaning				P		P			
Maintenance and repair services (nonautomotive)				C	C	P			
Manufacturing, assembly, packaging, processing, and other industrial operation where all emissions are effectively confined						P, S			
Medical clinics and laboratories				P		P			
Motels and hotels				C	C				
Offices (business, professional, administrative, and executive)				P	P	P			
Outdoor dining as an accessory use to a principal on-site restaurant				C	C				
Pawn shops				C	C				
Personal services				P	P				
Pet stores, including grooming as long as no kenneling services are provided				P	C, S				
Plant nurseries – Indoor				C	C				P
Plant nurseries – Outdoor				C	C				P
Pool and billiards establishments				C	C				
Printing, publishing, and blueprint services						P			
Public storage						C			
Public utilities facilities	C	C	C	C		C	C	C	C
Recreation facilities, commercial				C		P	C	C	C
Recycling drop-off				C		P			
Recycling facilities						C			
Research and development						C			C
Restaurants			C	P	P				
Retail shops				P	P				
Secondhand or consignment shops				C	C	C			



City of San Juan Bautista

The "City of History"

City of San Juan Bautista Compliance Order Revision

June 14, 2022

Owners: Kulta Farms LLC
451 San Juan Hollister Rd.
San Juan Bautista, CA 95045

Kulta Farms LLC
41728 Chiltern Drive
Fremont, CA 94539

Cynthia Orozco, Agent
PO Box 1712
Hollister, CA 95023

Dear Cynthia Orozco,

P.O. Box 1420
311 Second Street
San Juan Bautista
California 95045
(831) 623-4661
Fax (831) 623-4093

City Council
Mayor
Leslie Jordan

Vice Mayor
Cesar Flores

Councilmember
Mary Edge

Councilmember
John Freeman

Councilmember
Dan DeVries

City Manager
Don Reynolds

City Clerk
Laura Cent

City Treasurer
Chuck Geiger

File Chief
Eob Vaher

This letter will supersede the Order on the same subject dated May 24, 2022. The City of San Juan Bautista received complaints on March 28, 2022 regarding a potential violation of the City's flood plain ordinance on property known as on 451 San Juan Hollister Road. City Code Enforcement and Planning staff conducted an off-site inspection on March 28, 2022 in response to these complaints. A Stop Work Order was placed at that time, followed by an on-site inspection by City staff and California Dept of Fish and Wildlife Warden, Kyle Sommer. During these inspections, grading and significant fill was observed (see attached map and photographs) adjacent to and within the flood plain, channel for the San Juan Creek and within areas preliminarily identified as a wetland by the Army Corps of Engineers. Grading and deposition of significant grading as fill deposition was observed within a flood hazard area in violation of San Juan Bautista Municipal Code Title 12 FLOODPLAINS, Section 12-1-210 Compliance. (Copy attached).

As with the previous violation(s), we have been in contact with USACE, CDFW and RWQCB; however, unlike the previous violation, the City of San Juan Bautista will be the lead agency regarding the enforcement of this violation. You have placed materials in the floodplain along the entire western edge of the property as well as the majority of the northern boundary.

Grading and deposition of significant fill was observed within a flood hazard area in violation of San Juan Bautista Municipal Code Title 12 FLOODPLAINS, Section 12-1-210 Compliance. (Copy attached).

The Stop Work Order will remain in effect until 1) a contractual agreement is executed on or before July 1, 2022 for engineering characterization of the grading and fill; 2) a characterization report is completed by July 16, 2022, any related third party review by July 25, 2022; and 3) a program for remediation is completed by October 15, 2022, including removal of grading spoils and restoration of the hydrology and biological habitat values of the San Juan Creek to the satisfaction of agencies with jurisdiction over these activities and the City of San Juan Bautista.

Please contact me or Brian Foucht of City staff regarding any questions that you may have.

Sincerely,

Rich Brown

Code Enforcement - City of San Juan Bautista
Encl. Maps and Photographs



City of San Juan Bautista

The "City of History"

City of San Juan Bautista First Administrative Citation

September 19, 2022

P.O. Box 1420
311 Second Street
San Juan Bautista
California 95045
(831) 623-4661
Fax (831) 623-4093

City Council

Mayor

Mary Vazquez Edge

Vice Mayor

Leslie Q. Jordan

Councilmember

Cesar Flores

Councilmember

John Freeman

Councilmember

Dan DeVries

City Manager

Don Reynolds

City Clerk

Laura Cent

City Treasurer

Chuck Geiger

Fire Chief

Bob Martin Del Campo

Owners: Kulta Farms LLC

Location: 451 San Juan Hollister Road

Violation(s): SJBMC 12-1-080.

Cynthia Orozco, Agent, Kulta Farms LLC
381 Howard Court
Hollister, CA 95023

Dear Cynthia Orozco,

The City of San Juan Bautista has attempted, without satisfactory response from you,, to reach agreement with you for your remediation of any adverse effect due to your illegal grading on the property (within the flood plain and adjacent to and within the San Juan Creek) located at 451 San Juan Hollister Road. Potential adverse effects include those on riparian habitats, cultural/archaeological resources and those that may occur to upstream and downstream public and private properties and facilities from extensive unauthorized fill within the creek. Due to the rapidly approaching rainy season, it is imperative that corrective measures be completed to prevent damage to the flood plain, wetlands, creek, and properties.

The City has issued three (3) Compliance Orders notifying you of the violation. The City will now issue and include in this letter, an Administrative Citation for violation of Section 12-1-210 of the municipal code. The first citation has a fine of \$50.00, a second citation would be \$100.00 and a third and any subsequent citation will be \$500.00. In addition, the City has begun the Emergency Nuisance Abatement Procedure. Under this procedure the City will attempt to classify the property as a nuisance and take corrective action to eliminate any threats to health and safety at the property owner(s) expense.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Rich Brown

Code Enforcement - City of San Juan Bautista

Office Phone 831-623-4661

Cell Phone 831-902-0615

www.san-juan-bautista.ca.us

11/10/2021



11/10/2022





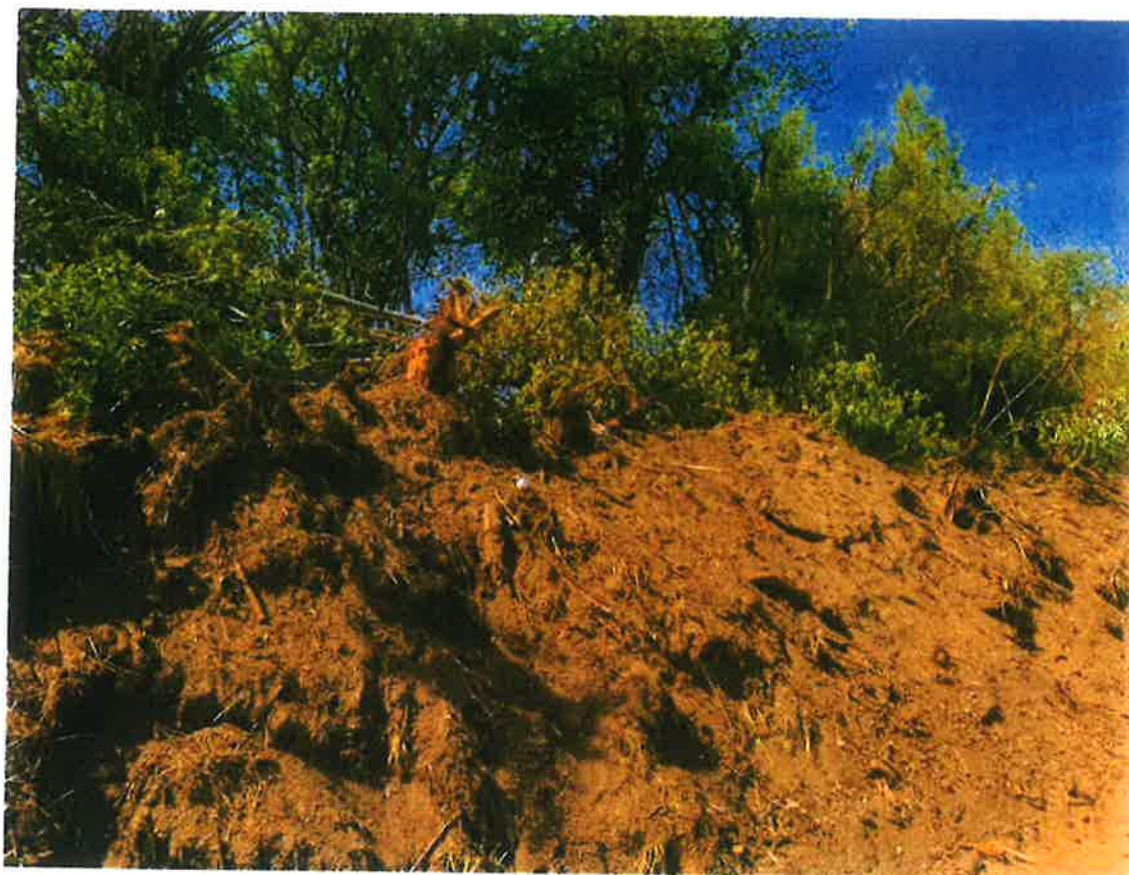
11/10/2022























CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: **APPOINT SAN JUAN BAUTISTA CITY
REPRESENTATIVES TO THE SAN BENITO COUNTY
COMPREHENSIVE ECONOMIC DEVELOPMENT
STRATEGY (CEDS) STRATEGY COMMITTEE**

MEETING DATE: November 29, 2022

DEPARTMENT HEAD: Brian Foucht, Asst City Manager/Community Development
Director

RECOMMENDED ACTION(S):

It is recommended that the City Council Appoint a member of the EDCAC and one member of the City Council to serve as the City's liaison to San Benito County Economic Development Corporation (SBC EDC) Comprehensive Economic Development Strategy (CEDS) steering committee.

BACKGROUND INFORMATION:

CEDS The Economic Development Corporation of San Benito County (SBC EDC) has been awarded an \$80,000 grant from the federal Economic Development Administration to prepare an update to San Benito County's *Comprehensive Economic Development Strategy (CEDS)*. The CEDS is a locally based and regionally driven strategic plan that begins by engaging local community leaders in meaningful conversation about the foundation of economic success and resiliency. The resulting CEDS is a prerequisite for funding through the US Economic Development Administration. This update for 2023-2028 will align San Benito County, the Cities of Hollister and San Juan Bautista, and nonprofits in the region around priorities and projects relevant to each community and the County as whole.

Timeline for CEDS update:

1. October 2022 Phase One: Existing Information: review background meet with stakeholders and form a Strategy Committee to determine the socioeconomic conditions and priority programs;

2. November/December 2022 Phase Two: Establish vision, goals and priorities, conduct 1st CEDS Strategy Committee Meeting, begin Stakeholder Interviews;
3. November/December 2022 thru January 2023, Phase Three: Conduct second Strategy Committee meeting; prepare draft plan
4. February/March 2023, Phase 4; conduct third and final Strategy Committee Meeting, prepare public review draft and final CEDS Report

The City Council approved \$5,000 in matching funds to support the SBC EDC application to the US EDA for preparation of the 2023-2028 CEDS (Resolution 2021-50), and \$3,000 to support the activities of the SBC EDC in this regard.

To prepare for participation in new regional economic development initiative via the The Council established the Economic Development Citizens Advisory Committee (EDCAC) via Resolution 2021-65, and appointed eleven (11) members to various terms via resolution 2022-07. The City Council established the purpose of the Committee as follows:

- 1) Stimulate the provision of enhanced resources for local business development and support;
- 2) Establish and maintain communication with City staff and City Council regarding business support, development and overall economic development;
- 3) Establish and maintain an ongoing liaison with economic development resources in San Benito County and State and Federal agencies.

Relevant activities established for the EDCAC by the City Council include:

- 1) Interact proactively with a broad spectrum of economic development interests; and
- 2) Recommend strategies to the City Council to provide resources directly to local businesses.

DISCUSSION:

The EDCAC was formed to outline, for City Council adoption, a local economic development strategy that includes participation in the CEDS process and the state-wide Community Economic Resilience Fund Program (CERF) program. CERF programs will support communities and regional groups to produce regional roadmaps for economic recovery and transition that prioritize the creation of accessible, high-quality jobs in sustainable industries. The EDCAC is positioned to participate in both programs, and SBC EDC and the Governors' Office of Business Development (GoBiz) regional representatives regularly attend EDCAC meetings.

The CEDS Strategy Committee is made up of the main economic interests of the Region (Cities of Hollister and San Juan Bautista; and San Benito County), including those from the Private Sector, City/County Officials, Community Leaders, the Public, Workforce Development, Educational Institutions. The role of the Strategy Committee is to characterize existing conditions and future opportunities for reference in the CEDS. The Strategy Committee will be especially helpful in identifying local, San Juan Bautista projects (CEDS will focus on implementable projects) for economic development with the County, San Juan Bautista and Hollister.

Attached:

1. Resolution appointing EDCAC representative to the CEDS Strategy Committee
2. Resolution No. 2022-83 (Nov. 15, 2022) amending EDCAC current membership
3. List of Strategy Committee representative entities

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPOINTING CERTAIN EDCAC MEMBERS TO THE 2023-2028 CEDS STRATEGY COMMITTEE

WHEREAS, expansion of the local tax base, creation of new high paying jobs, improvements to the quality of life, and collaboration with other public entities are strategic economic development goals of the county, and;

WHEREAS, the Federal Economic Development Administration (EDA) has significant resources, including grants, available to promote and advance local economic development, and the EDA has approved funds enabling the San Benito County Economic Development Corporation to prepare the next cycle Comprehensive Economic Development Strategy for San San Benito County; including San Juan Bautista; and

WHEREAS, the Comprehensive Economic Development Strategy (CEDS) contributes to effective economic development in America's communities and regions through a locally-based, regionally-driven economic development planning process that is required to be eligible for certain federal EDA funding, and;

WHEREAS, City Council Resolution 2021-65 established the Economic Development Citizens Advisory Committee as a means of ensuring full participation in the CEDS and other strategic economic development programs benefiting San Juan Bautista; and

WHEREAS, the City of San Juan Bautista wishes to join with the City of Hollister and San Benito County in a Strategic Committee to devise an updated regional economic development strategy essential to the economic well-being of our individual communities and region;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby appoints the following current EDCAC member, _____ one alternate EDCAC member _____ and one City Council member _____ to participate on the CEDS Strategy Committee.

THE FOREGOING RESOLUTION was adopted by the City Council of the City of San Juan Bautista at its regular meeting held on the 29th day of November, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Leslie Q. Jordan

Don Reynolds, Acting Deputy City Clerk

RESOLUTION 2022-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ACCEPTING RESIGNATIONS AND ADDING MEMBERS TO THE SAN JUAN BAUTISTA ECONOMIC DEVELOPMENT CITIZENS ADVISORY COMMITTEE (EDCAC)

WHEREAS, expansion of the local tax base, creation of new employment opportunities, improvements to the quality of life and collaboration with other public entities are important economic development goals of the City; and

WHEREAS, the City of San Juan Bautista may access significant resources to promote and advance local economic development including Federal Economic Development Administration grants, assistance from the Governor's Office of Business and Economic Development, and locally developed pooled resources; and

WHEREAS, the San Benito County Economic Development Corporation will embark upon a Comprehensive Economic Development Strategy (CEDS) that will contribute to effective local economic development through a locally-based, regionally-driven economic development planning process that will enable acquisition Federal Economic Development Administration funding in support of City business improvement and economic development priorities; and

WHEREAS, the CEDS will focus on key economic concerns and broad community interests through a comprehensive community engagement program that will include the San Juan Bautista community; and

WHEREAS, the San Juan Bautista Business Forum is an open, informal and ongoing discussion group that desires a means for the business community to formally engage with the City Council regarding initiatives that will create and maintain a resilient and vibrant business and employment climate in San Juan Bautista that serves visitors and residents alike; and

WHEREAS, effective and organized formal communication regarding economic development requires a concerted partner-driven effort involving local education, the arts and culture, education, transportation, land development, public and private investment priorities, marketing and promotion;

WHEREAS, the City Council established the EDCAC via Resolution 2021-65 and desires to accept resignations and appoint members of the Committee;

WHEREAS, City staff has received three resignation and one valid application for membership on the Committee;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby accepts two (2) resignations and appointing one (1) member to the San Juan Bautista Economic Development Citizens Advisory Committee according to the purpose, membership and terms described in Attachment 1.

THE FOREGOING RESOLUTION was adopted by the City Council of the City of San Juan Bautista at its regular meeting held on the 15th day of November, 2022, by the following vote:

AYES: **Jordan, Edge, Flores, Freels, Freeman**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

/s/
Mayor Leslie Q. Jordan

ATTEST:

/s/
Don Reynolds, Acting Deputy City Clerk

Attachment 1

City of San Juan Bautista Economic Development Citizens Advisory Committee

<u>Name</u>	<u>Affiliation</u>	<u>Appointed</u>	<u>Expires</u>
Vacant			12/31/24
Deanna Snyder	SJB Business Owner	11/15/22	12/31/24
Darlene Boyd	SBC Measure G Oversight	12/31/21	12/31/24
Fran Fitzharris	SJB Business Association; Food Service business owner	12/31/21	12/31/24
Heliena Watson	DT Business Owner, Retail	12/31/21	12/31/25
Kim Calame	DT Business Owner, Food Service	5/24/22	12/31/25
Lizz Sanchez Turner	ED Consultant Business Owner	12/31/21	12/31/25
Patricia Bains	DT Business Owner, Retail	12/31/21	12/31/25
Stephanie Correia	Business Owner, Real Estate	12/31/21	12/31/26
Susie Velez	DT Business Owner, Retail	12/31/21	12/31/26
Teresa Lavagnino	San Juan School Education/ Recreation	12/31/21	12/31/26

AUTHORITY: Resolution 2021 – 65; Resolution 2022-37

MEMBERSHIP:

The Economic Development Citizens Advisory Committee (CCAC) shall be established with eleven (11) voting members.

Membership requirements or considerations include the following:

Members shall reside, operate a business within, have gainful employment with, or be involved in a substantial, meaningful way with, entities whose mission and activity includes education, social services, health services, historic preservation activities, culture and the arts.

Members shall take an interest in issues associated with economic development, business development, resiliency, the arts, culture, historic preservation, recreation and public education.

Members may have special knowledge, expertise, or skills related to economic development, business operation, public private partnerships including finance, federal state and local economic development programs. Members may also have special knowledge or experience in the arts and culture, education, recreation, transportation or other qualifications related to economic development. Special knowledge, skills, or expertise is not mandatory for appointment to the committee.

The committee may call upon representatives of other organizations or departments, and the general public as resources on certain topics related to the purpose, tasks and responsibilities of the committee.

APPOINTMENTS

Appointments to the EDCAC shall be made by the City Council based on review of applications submitted on the City of San Juan Bautista standard application form.

TERMS

Initial appointment of committee members shall be as follows:

Initial appointment of Committee members shall be staggered as follows:

Four (4) members: three (3) year term

Four (4) members: four (4) year term

Three (3) members: five (5) year term

If the initial appointments are made mid-term, the appointments shall minimally be for the terms listed above [e.g. the "one (1) year terms" may actually be one (1) year and five (5) months terms or one (1) year and two (2) month terms].

After the initial appointments, all terms will be for two (2) year periods. All terms shall expire upon the last day of December of the appropriate year.

The City Council may remove at any time and without cause any member of the EDCAC.

PURPOSE

The purpose of the EDCAC is as follows:

- 1) Stimulate the provision of enhanced resources for local business development and support;
- 2) Establish and maintain communication with City staff and City Council regarding business support, development and overall economic development;
- 3) Establish and maintain an ongoing liaison with economic development resources in San Benito County and State and Federal agencies.

To accomplish these purposes, the Committee may conduct the following activities, including but not limited to:

- 1) Host an active forum for exchange of ideas and information and otherwise reach out to the business community, residents, and visitors to promote business development;
- 2) Evaluate and determine the economic needs of the business community and residents;
- 3) Interact proactively with a broad spectrum of economic development interests;
- 4) Recommend strategies to the City Council to provide resources directly to local businesses.

DEPARTMENT: The City of San Juan Bautista Community Development Department

San Benito County Comprehensive Economic Development Strategy (CEDS) 2023-27

CEDS STRATEGY COMMITTEE MEMBERS

- **CEDS Consultants**
- **EDC Board Members**
- **City of Hollister**
- **City of Hollister Airport**
- **City of Hollister Downtown Association**
- **City of San Juan Bautista**
- **San Juan Bautista Economic Development Citizens Advisory Committee**
- **SBC Representative/Farm Bureau**
- **SBC Resource Management Agency**
- **SBC Housing**
- **SBC Transportation**
- **SBC Workforce Development Board**
- **SBC Chamber of Commerce**
- **SBC Business Council**
- **SBC Hospitality/Winery/Events**
- **SBC Education**
- **SBC Developers**
- **SBC Environment**
- **SBC Land Use**
- **SBC Biotech/Manufacturing**
- **SBC Utilities**
- **SBC Latino Business Owner and Silicon Valley Organization**
- **Monterey Bay Economic Partnership**