



# City of San Juan Bautista

*The "City of History"*

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

## AGENDA

### CITY COUNCIL REGULAR MEETING

**TUESDAY ~ NOVEMBER 15, 2022 ~ 6:00 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/81428387189>

**or call 1 (669) 900-6833**

**Webinar ID: 814 2838 7189**

**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 November 15, 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. Conference with Labor Negotiators:  
City's Designated Representatives, the City Council;  
Unrepresented Employee – City Manager Don Reynolds**

**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. Adopt a Resolution of the City Council of the City of San Juan Bautista  
Proclaiming and Reaffirming the Existence of Local Emergencies in the City**
- B. Approve the Affidavit of Posting Agenda**
- C. Adopt a Resolution of the City Council of the City of San Juan Bautista  
Accepting Resignations and Adding Members to the Economic  
Development Citizens Advisory Committee (EDCAC)**
- D. Approve the Minutes of September 20, 2022**
- E. Approve the Minutes of October 18, 2022**
- F. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**

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

- A. Proclamation for Small Business Saturday**
- B. Proclamation for Native Heritage Month**
- B. City Council and Staff Announcements**

This is an opportunity for Council and staff to share the community calendar and announce upcoming dates of interest to the general public.

- C. Reports from City Council Representatives to Regional Organizations and Committees
- D. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia
- E. City Manager's Report
  - a. Fire Department Update
  - b. Sheriff Department Update
  - c. Commercial Truck Traffic
- 6. Public Hearing (To be opened and continued to November 29, 2022)
  - A. Open a Public Hearing to Hear and Consider Objections to the Proposed Abatement of the Public Nuisance at 451 San Juan Hollister Road in the City. (Hearing will be continued in accordance with CA Govt. Code §§54955, 54955.1 and San Juan Bautista Municipal Code §13-1-425).
- 7. Action Items
  - A. Approve a Resolution of the City Council of the City of San Juan Bautista Authorizing the Mayor to Execute an Amended and Restated Joint Use Agreement Between the Aromas-San Juan Unified School District and the City of San Juan Bautista
  - B. Authorize Staff to Post Accepting Applications for Planning Commission
- 8. Discussion Items
  - A. Consider Changes to the City Sign Ordinance
  - B. Funding for Senior's Program and the Benefits of Forming a Non-Profit – Council Member Edge
  - C. Parklet Encroachment Permit Requirements
  - D. Execute an Agreement for the Purchase of Conservation Credits to Mitigate the Adverse Impacts Caused by the Decommissioning of the Wastewater Treatment Plant as a Result of Building the City's New Sewer Force Main Project
  - E. Municipal Election Update (County 30 day canvas of election before results finalized. December Meeting: recognize outgoing Council members, swear in new Council members, and appoint Mayor and Vice Mayor)
- 9. Recess
- 10. Closed Session:
  - B. Conference with Labor Negotiators:  
City's Designated Representatives, the City Council;  
Unrepresented Employee – City Manager Don Reynolds
- 11. Action Items (Continued)
  - A. Report on Recommendation(s) re City Manager's Salary, Salary Schedule and/or Compensation through Fringe Benefits per CA Govt. Code §54953(c)(3) and Consider Amending the Employment Agreement with City Manager Don Reynolds
- 12. 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 October 13, 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 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 regular meeting duly held this 15th 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 10<sup>th</sup> 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 10<sup>th</sup> DAY OF NOVEMBER 2022.



---

TRISH PAETZ  
ACTING ADMINISTRATIVE SERVICES MANAGER

**RESOLUTION 2022-XX**

**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 three (3) 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 15<sup>th</sup> day of November, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

\_\_\_\_\_  
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> |
|-----------------------------|----------------------------------------------------------|------------------|----------------|
| Beverly Meamber             | Community Foundation                                     | 12/31/21         | 12/31/24       |
| Luke Kerbs<br>Deanna Snyder | Corporation Employee                                     | 10/18/22         | 12/31/24       |
| Darlene Boyd                | SBC Measure G Oversight                                  | 12/31/21         | 12/31/24       |
| Fran Fitzharris             | SJB Business Association;<br>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



**CITY OF SAN JUAN BAUTISTA**  
**APPLICATION FOR COMMISSIONS AND BOARDS**

**FILED**  
**CITY OF SAN JUAN BAUTISTA**  
OCT 04 2022 *JHF*  
**OFFICE OF THE CITY CLERK**

Check one: ☐ Planning Commission ☒ Historic Resources Board

1. Applicant Name: Deanna Snyder

2. Current Residence: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail Address: Run bike swim girl@yahoo.com

3. Telephone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 408 510 9277

4. How long have you been a resident of San Juan Bautista? 3 years

5. Are you currently serving or have you served on a City of San Juan Bautista Board, Commission, or City Council? NO

If yes, which one? \_\_\_\_\_ Term currently serving \_\_\_\_\_

\_\_\_\_\_ Term currently serving \_\_\_\_\_

6. What motivated you to apply for this Board or Commission? You may attach a separate sheet of paper.

- Help optimize SJB economic outlook
- Meet great people

7. What skills or attributes can you bring to this Board or Commission? You may attach a separate sheet of paper.

- I have a corporate strategy background
- My MBA emphasis is on small business strategy

8. The primary role of a Board or Commission member is to provide advice to the City Council on policy issues that are within the scope of that Board or Commission. With this in mind, what steps would you take to effectively exercise this specific Board or Commission role? You may attach a separate sheet of paper.

- I have lead significant corporate programs which included creating policy's, procedures & analyzing outcomes.
- I have deep systems thinking skills which help me to think on micro & macro levels.

9. List any relevant education, training or experience that demonstrates your ability to effectively serve on this Board or Commission. You may attach a separate sheet of paper.

- Undergraduate Degree
- MBA
- Lead a team of 21 staff
- Manage a multi million budget
- Conduct RFI & RFP on technology software
- Present complex & difficult messages to Executive Leaders

Applicant's Name

Deanna Snyder

10. List and provide a brief description of your current or last occupation.

I am a department that focuses on improving data outcomes (Enterprise Data Strategy). This includes responsibilities for budgeting, global compliance, etc.

11. Have you attended a City Council, Board or Commission meeting, Town Hall meeting or Public Workshop? If so, please describe what you learned and what improvements you would suggest the City consider.

Yes, I attended a couple via zoom. The meetings provided updates on existing projects. There is always opportunity for ~~more~~ more feedback & ideas.

12. Describe your involvement in community activities, volunteer and civic organizations.

I recently attended the walking tour. I thought the consulting firm did an excellent assessment of opportunities to make our community more walker, jogger & biker friendly.

13. Do you have any physical or mental constraints which may limit your ability to perform the duties of a Board or Commission member? If yes, what can be done to accommodate these constraints?

No.

(Note: Pursuant to the Americans with Disabilities Act, the City of San Juan Bautista will make reasonable efforts to accommodate persons with qualified disabilities during the Boards and Commissions interview process. If you require special accommodations, please contact the City Clerk at least five days in advance of any scheduled interview.)

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of San Juan Bautista to investigate the accuracy of this information from any person or organization, and I release the City of San Juan Bautista and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**YOUR APPLICATION IS NOT COMPLETE UNTIL IT IS SIGNED AND RETURNED.**

#### IMPORTANT NOTICE

A Board or Commission member is a public official. As such, it is necessary to provide contact information to the public. Please note that all information provided on this form becomes a public record after it is officially filed. Please do not include any information on this form that you do not want posted on the City's web site and the City's Official Roster.

Applicants appointed to the Planning Commission and Historical Resources Board are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. A copy of this form is available in the City Clerk's office or by visiting [www.fppc.ca.gov](http://www.fppc.ca.gov).

Signature of  
Applicant

Deanna Snyder

Date

9/24/22

Please mail, fax, or deliver to: City Hall, P.O. Box 1420, 311 Second St., San Juan Bautista, CA 95045,  
FAX: 623-4093.

**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
SEPTEMBER 20, 2022, at 6:00 P.M.**

**DRAFT MINUTES**

1. **CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 6:03 p.m. in the City Council Chambers at 311 2<sup>nd</sup> Street, San Juan Bautista, California. This meeting was a hybrid meeting, as such, some members were in attendance at a zoom location.

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

**ROLL CALL**

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

**Staff Present:** City Manager Don Reynolds, General Counsel Robert Rathie, Assistant City Manager Brian Foucht, City Accountant Wendy Cummings, and RGS Clerk Advisor Lori Frontella

2. **PUBLIC COMMENT**

Mayor Jordan called for public comments.

Steve Harris mentioned a need for speed bumps and an apprenticeship program.

Andy Moore commented on the need for rubber mats to slow down speeding on Second Street.

Seeing no one further come forward, Mayor Jordan closed the public comment.

3. **CONSENT ITEMS**

Mayor Jordan requested items E and I be pulled for separate consideration.

City Attorney Rathie pulled item “C” for separate consideration.

- 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 an Ordinance Amending Section 3-5-155 of the San Juan Bautista Municipal Code and Increasing Water Rates (Second Reading and Adoption)**
- 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**
- E. **Adopt a Resolution of the City Council of the City of San Juan Bautista Updating the COVID Protection Plan (“CPP”)**
- F. **Adopt a Resolution of the City Council of the City of San Juan Bautista Extending the COVID-19 Sick Leave Program Established by Resolution 2022-15 and Authorize the City Manager to Approve Up To Eighty Hours of Sick Leave for COVID-19 Related Illness Until June 30, 2023**
- G. **Approve the Minutes for the July 19, 2022 City Council Regular Meeting**
- H. **Approve the Minutes for the August 9, 2022 City Council Special Meeting**
- I. **Approve the Minutes for the August 16, 2022 City Council Regular Meeting**
- J. **Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**

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

Mayor Jordan called for public comments. Seeing no one come forward, she closed the public comments.

A motion was made by Council Member Edge to approve the Consent Calendar Items A, B, D, F, G, H, J, and K. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 5-0.

**Item E:** Adopt a Resolution of the City Council of the City of San Juan Bautista Updating the COVID Protection Plan ("CPP")

Mayor Jordan asked if this would be in addition to FMLA leave.

Vice Mayor Flores excused himself to rejoin the meeting in person in the Council Chambers.

A motion was made by Council Member Freeman to approve the Consent Calendar Item E. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Flores).

**Item I:** Approve the Minutes for the August 16, 2022 City Council Regular Meeting

Mayor Jordan noted that the minutes will need to be corrected as follows: Use Vice Mayor when providing Vice Mayor Flores name on minutes and correct guitars.

A motion was made by Council Member Freeman to approve the Consent Calendar Item I, as amended. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Flores).

**Item C:** Adopt an Ordinance Amending Section 3-5-155 of the San Juan Bautista Municipal Code and Increasing Water Rates (Second Reading and Adoption)

A motion was made by Council Member Edge to approve the Consent Calendar Item C. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Flores).

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

Vice Mayor Flores joined the Council meeting in person at the Council Chambers at 6:25 p.m.

**A. San Benito County Habitat Conservation Plan Presentation by Arielle Goodspeed, San Benito County Principal Planner**

San Benito County Principal Planner Arielle Goodspeed provided a brief report, accompanied by a PowerPoint, and fielded questions from the Council.

Mayor Jordan called for public comments.

Jackie Morris-Lopez spoke on this matter.

Seeing no one further come forward, Mayor Jordan closed the public comment.

**B. City Council and Staff Announcements**

Mayor Jordan and Council Member Freeman shared updates on meetings they attended and announced upcoming meetings and events.

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

There were no reports provided.

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

City Accountant Wendy Cummings provided a brief summary of the staff report and fielded questions from the Council.

**E. City Manager's Report**

City Manager Don Reynolds provided a brief report, accompanied by a PowerPoint, regarding city activities and fielded questions from the City Council.

**a. Fire Department Update**

Hollister Fire Chief Bob Martin Del Campo provided a brief update regarding fire department happenings.

**b. Sheriff Department Update**

Sheriff's Office Lieutenant Yerena provided a brief update regarding public safety activities within the County.

Mayor Jordan called for public comments.

Steve Harris asked if there were any firework incidents during the 4<sup>th</sup> of July.

Jackie Morris-Lopez spoke on public safety needs in the community.

Rachel Ponce noted the lack of audio in the Council Chambers and the need for a full-time Deputy City Clerk.

Christina Hastings also commented on commercial trucks.

Seeing no one further come forward, Mayor Jordan closed the public comment.

**5. ACTION ITEMS**

Mayor Jordan moved the order of business to be heard in the order of G, H, A, B, C, D, E, F.

**A. Approve a Resolution of the City Council of the City of San Juan Bautista Establishing Guiding Principles for the Community Plan Authorized by Resolution 2022-13**

City Manager Don Reynolds presented the staff report and fielded questions.

A lengthy discussion ensued amongst the City Council.

Mayor Jordan called for public comments.

Jackie Morris-Lopez spoke in favor of the Plan and encouraged the Planning Commission consider the resolution first.

David Medeiros spoke in favor of the Plan and encouraged the Planning Commission consider the resolution first.

Tran Gutierrez spoke in favor of the Plan.

Seeing no one further come forward, Mayor Jordan closed the public comment.

A motion was made by Mayor Jordan to postpone the item to the October City Council Meeting. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 5 Yes-0 No.

**B. Approve a Resolution Approving the First Amendment to the Reimbursement Agreement Between the City and SJB Alameda Enterprises, LLC, for Construction of a Right Turn Lane on State Route 156 at Its Intersection With The Alameda (Continued to a future meeting)**

This item was continued to the October City Council meeting.

**C. Approve a Resolution of the City Council of the City of San Juan Bautista Amending Rule II by Adding Section 20 to Its Personnel Policies: Teleworking Policy and Procedure**

City Manager Don Reynolds presented the staff report and fielded questions.

A lengthy discussion ensued amongst the City Council.

Mayor Jordan called for public comments.

Jackie Morris-Lopez spoke on this matter.

Steve Harris spoke on this matter.

Jose Aranda spoke on this matter.

Seeing no one further come forward, Mayor Jordan closed the public comment.

A motion was made by Council Member Flores to adopt a resolution by adding Section 20 to its Personnel Policies: Teleworking Policy and Procedure. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes-1 No (Edge).

**D. Reject Bids for the 2022 Pavement Management Program Project and Re-Bid the Project with Modifications**

City Manager Don Reynolds presented the staff report and fielded questions.

Mayor Jordan called for public comments.

Steve Harris commented his support of staff re-bidding the project.

Seeing no one further come forward, Mayor Jordan closed the public comment.

A motion was made by Vice Mayor Flores to reject all bids for the 2022 Pavement Management Program and Re-bid the Project. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5 Yes-0 No.

**E. Introduce an Ordinance Rescinding Section 5-1-165 ("Fireworks") of Chapter 5.1 ("California Fire Code – 2001 Edition") and Rescinding Chapter 5-16 ("Fireworks"), of the Municipal Code; and Adding a New Chapter 5-16 ("Fireworks") to the Municipal Code to Prohibit the Sale, Use, Possession and Discharge of All Fireworks Within the City and Imposing Host Liability For Allowing Same**

City Manager Don Reynolds and General Counsel Robert Rathie presented the staff report and fielded questions.

A lengthy discussion ensued amongst the City Council and requested a number of changes to be presented at the second reading.

Mayor Jordan called for public comments.

Jackie Morris-Lopez spoke on this matter.

Steve Harris spoke against the ordinance.

Joe Aranda spoke against the ordinance.

Seeing no one further come forward, Mayor Jordan closed the public comment.

A motion was made by Vice Mayor Flores to hear the second reading of the ordinance with suggested amendments. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5 Yes-0 No.

**F. Introduce an Ordinance to Add Sections 7-04-106 and 7-04-107 to the San Juan Bautista Municipal Code to Authorize Exceptions to Subsections (E)(1) And (F) of Section 22500 of the California Vehicle Code Regarding, Respectively, Parking in Front of Driveways and Parking on Sidewalks**

City Manager Don Reynolds presented the staff report and fielded questions.

Mayor Jordan called for public comments. Seeing no one come forward, she closed public comments.

A motion was made by Council Member Freels to hear the second reading of the ordinance. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5 Yes-0 No.

**G. Consider the Status of the Urban Growth Boundary/Sphere of Influence Ad Hoc Committee.**

City Council Member/Ad Hoc Committee Chair Scott Freels requested the Ad Hoc Committee be reinstated.

Mayor Jordan called for public comments.

Dany Joe commented on the importance of the decision for the city's future.

David Medeiros requested to continue to serve on the Ad Hoc Committee.

Jackie Morris-Lopez commented she supported the continued efforts of the Committee.

Seeing no one further come forward, Mayor Jordan closed the public comment.

Unanimous consent was met by the City Council to reinstate the Ad Hoc Committee.

#### **H. Report by Planning Commissioner Selection Ad Hoc Committee**

Mayor Jordan provided a brief report and introduced the two applicants, Dan DeVries and Mischele Newkirk, for the seat on the Planning Commission. Council interviewed the applicants and directed staff to bring this item back at the next City Council meeting for vote and appointment.

#### **6. DISCUSSION ITEMS**

A motion was made by Mayor Jordan to postpone the remaining items to the next meeting. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5 Yes-0 No.

- A. Establish a Golf Cart Transportation Plan in San Juan Bautista**
- B. Consider Changes to the City Sign Ordinance**
- C. Consider a Noise Ordinance**
- D. Consider a RV Trailer Parking Ordinance**
- E. Municipal Election Update (Candidates Running for Office, Process for Write In candidate period open, Measure for appointing City Clerk and City Treasurer, Forum announced)**

#### **7. Adjournment**

There being no further business, Mayor Jordan adjourned the meeting at 10:17 p.m.

Respectfully submitted,

---

Don Reynolds, City Manager/Acting City Clerk



**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
OCTOBER 18, 2022, at 6:00 P.M.**

**DRAFT MINUTES**

1. **CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 6:01 p.m. in the City Council Chambers at 311 2<sup>nd</sup> Street, San Juan Bautista, California. This meeting was a hybrid meeting, as such, some members were in attendance at a zoom location.

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

**ROLL CALL**

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

**Absent:** Council Member Edge

**Staff Present:** City Manager Don Reynolds, General Counsel Robert Rathie, Assistant City Manager Brian Foucht, and City Treasurer Michelle Sabathia

Mayor Jordan called for a moment of silence in honor of Linda McIntyre.

2. **PUBLIC COMMENT**

Mayor Jordan called for public comments.

Steve Harris commented regarding air bed and breakfasts and need for a part-time police officer.

Seeing no one further come forward, Mayor Jordan closed the public comment.

3. **CONSENT ITEMS**

- 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 an Ordinance to Add Sections 7-04-106 and 7-04-107 to the San Juan Bautista Municipal Code to Authorize Exceptions to Subsections (E)(1) And (F) of Section 22500 of the California Vehicle Code Regarding, Respectively, Parking in Front of Driveways and Parking on Sidewalks (Second Reading)**
- D. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Street Closures for El Teatro Campesino Dia De Los Muertos Procession in the City of San Juan Bautista**
- E. **Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting Resignations and Adding Members to the Economic Development Citizens Advisory Committee (EDCAC)**
- F. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the Application and Adopting the PLHA Plan for the Permanent Local Housing Allocation Program**
- G. **Adopt a Resolution of the City Council of the City of San Juan Bautista Amending its Personnel Policies and Changing Section 5.11 "Other Leaves" Policy In "Rule X. Leave," Changing the Title from Administrative Leave to Management Leave, and Changing the Way it is Calculated and Administered**

- H. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Changes to the Personnel Policies Adding a Bilingual Stipend for Staff**
- I. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the City Manager to Execute a Professional Services Agreement With MNS Engineers, Inc. for City Engineering Services**
- J. **Deny a Claim Filed by Michael Humphrey and Authorize Staff to Send the Notice of Rejection to the Claimant**
- K. **Adopt a Resolution of the City Council of the City of San Juan Bautista Awarding a Contract for the Pavement Management Program Project**
- L. **Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**

Council Member Freeman requested items F and I be pulled for separate consideration.

Mayor Jordan requested items C, E, G, H, and K be pulled for separate consideration.

Mayor Jordan called for public requests to pull a Consent Agenda Item. Jackie Morris-Lopez requested to speak on Item F.

A motion was made by Council Member Freeman to approve the Consent Calendar Items A, B, D, J, and L. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**Item C:** Adopt an Ordinance to Add Sections 7-04-106 and 7-04-107 to the San Juan Bautista Municipal Code to Authorize Exceptions to Subsections (E)(1) And (F) of Section 22500 of the California Vehicle Code Regarding, Respectively, Parking in Front of Driveways and Parking on Sidewalks (Second Reading)

A motion was made by Council Member Freels to adopt an ordinance to add Sections 7-04-106 and 7-04-107 to the San Juan Bautista Municipal Code to authorize exceptions to Subsections (E)(1) And (F) of Section 22500 of the California Vehicle Code regarding, respectively, parking in front of driveways and parking on sidewalks. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**Item E:** Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting Resignations and Adding Members to the Economic Development Citizens Advisory Committee (EDCAC)

Council discussed timing of appointments.

A motion was made by Council Member Freeman to adopt a resolution. The motion failed for lack of second.

A motion was made by Mayor Jordan to postpone to November. The motion was seconded by Vice Mayor Flores. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**Item G:** Adopt a Resolution of the City Council of the City of San Juan Bautista Amending its Personnel Policies and Changing Section 5.11 "Other Leaves" Policy In "Rule X. Leave," Changing the Title from Administrative Leave to Management Leave, and Changing the Way it is Calculated and Administered

Council requested clarification on the leave. Staff fielded questions by the Council.

A motion was made by Council Member Freels to approve a resolution amending the Personnel Policies and changing Section 5.11 "Other Leaves" Policy in "Rule X. Leave," changing the title from Administrative Leave to Management Leave, and changing the way it is calculated and administered.

The motion was seconded by Vice Mayor Flores. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**Item F:** Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the Application and Adopting the PLHA Plan for the Permanent Local Housing Allocation Program

Council requested clarification on program.

Mayor Jordan called for public comment.

Jackie Morris-Lopez requested the matter be heard by the Planning Commission and requested clarification on the development.

Seeing no further comments, Mayor Jordan closed public comment.

Assistant City Manager Foucht fielded questions, presented staff report and clarification to Council's inquiries.

A motion was made by Council Member Freels to approve a resolution authorizing the application and adopting the PLHA Plan for the Permanent Local Housing Allocation Program. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**Item H:** Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Changes to the Personnel Policies Adding a Bilingual Stipend for Staff

Council requested clarification on stipend. Staff fielded questions by the Council.

Mayor Jordan called for public comment.

Steve Harris spoke to City Hall hours.

Seeing no further comments, Mayor Jordan closed public comment.

A motion was made by Council Member Freels to approve a resolution authorizing changes to the Personnel Policies adding a bilingual stipend for staff. The motion was seconded by Vice Mayor Flores. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**Item I:** Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing the City Manager to Execute a Professional Services Agreement With MNS Engineers, Inc. for City Engineering Services

City Manager Reynolds introduced the consultants and summarized the staff report.

Mayor Jordan called for public comment. Seeing no one come forward, she closed public comment.

A motion was made by Council Member Freeman to approve a resolution authorizing the City Manager to execute a Professional Services Agreement with MNS Engineers, Inc. for city engineering services. The motion was seconded by Vice Mayor Flores. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**Item K:** Adopt a Resolution of the City Council of the City of San Juan Bautista Awarding a Contract for the Pavement Management Program Project

City Manager Reynolds noted there was material placed on the table with updated fees and entered into the record. He presented the staff report.

Mayor Jordan called for public comment. Seeing no one come forward, she closed public comment.

A motion was made by Vice Mayor Flores to approve a resolution awarding a contract for the Pavement Management Program Project, as amended with updated fees. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

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

##### **A. Proclamation for Binational Health Week for the San Benito Health Foundation**

Mayor Jordan presented the proclamation to the San Benito Health Foundation.

##### **B City Council and Staff Announcements**

Council and staff announced upcoming events and reported on previous events/happenings attended.

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

Council reported on meetings attended.

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

City Treasurer Michelle Sabathia provided a brief summary of the staff report and fielded questions from the Council.

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

- a. Fire Department Update**
- b. Sheriff Department Update**
- c. Kimley Horn Report**

City Manager Don Reynolds provided a brief report, accompanied by a PowerPoint, regarding city activities and fielded questions from the City Council.

Hollister Fire Chief Bob Martin Del Campo provided a brief update regarding fire department happenings.

#### **5. ACTION ITEMS**

##### **A. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving the First Amendment to the Reimbursement Agreement Between the City and SJB Alameda Enterprises, LLC, for Construction of a Right Turn Lane on State Route 156 at Its Intersection With The Alameda**

City Manager Reynolds and General Counsel Rathie presented the staff report.

Applicant Cody Phillips, Dr. Gallup, and Keith Higgins spoke to the project.

Mayor Jordan called for public comment. Seeing no one come forward, she closed public comment.

A motion was made by Vice Mayor Flores to approve a resolution approving the first amendment to the Reimbursement Agreement between the City and SJB Alameda Enterprises, LLC, for construction of a right turn lane on State Route 156 at its intersection with Alameda. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**B. Introduce an Ordinance Rescinding Section 5-1-165 ("Fireworks") of Chapter 5.1 ("California Fire Code – 2001 Edition") and Rescinding Chapter 5-16 ("Fireworks"), of the Municipal Code; and Adding a New Chapter 5-16 ("Fireworks") to the Municipal Code to Prohibit the Sale, Use, Possession and Discharge of All Fireworks Within the City and Imposing Host Liability For Allowing Same**

Mayor Jordan called a recess at 8:12 p.m. Meeting reconvened at 8:17 p.m.

City Manager Reynolds and General Counsel Rathie provided the staff report.

Discussion commenced on the merits of sale of fireworks, safety for the community, and enforcement of use of legal and illegal fireworks.

Mayor Jordan called for public comment.

High School Principal Angela Crawley spoke in support of the sale of fireworks.

Lia O'Callahan spoke in support of the sale of fireworks by the Anzar Booster Club.

Christina Hastings spoke against the ordinance.

Stephanie Correia spoke in support of the ordinance.

Milton Brusard spoke against the ordinance.

Seeing no one further come forward, Mayor Jordan closed the public comment.

Council discussed the support of the sale of fireworks and requested direction from staff on future steps to support the limited sale of fireworks and use as approved for 2022.

A motion was made by Council Member Freels to postpone the ordinance indefinitely. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

Direction was given to staff to prepare a resolution for Council consideration allowing for limited hours of sale and use.

**C. Professional Services for Historic Preservation**

Assistant City Manager Foucht presented the staff report and fielded questions from the Council.

Mayor Jordan called for public comment.

EJ Sabathia spoke in concern of the procurement and selection process.

Jackie Morris-Lopez spoke in support of the contract and expressed concern with the selection process.

Patricia Baines spoke in support of the contract.

Stephanie Correia spoke in support of the contract.

Christina Hastings spoke in support of the contract.

Seeing no one further come forward, Mayor Jordan closed the public comment.

A motion was made by Council Member Freeman approving the scope of work and authorizing the City Manager to execute the contract within the City Manager's \$25,000 spending authority. The motion was seconded by Vice Mayor Flores. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**D. Adopt a 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**

General Counsel Rathie and Assistant City Manager Foucht presented the staff report.

Property Owner Cynthia Orozco presented her findings and facts of the matter. She placed material on the table, which was entered into the record.

Mayor Jordan called for public comment.

Property Owner's Consultant Kelly Engineering spoke to the survey done on the property.

Property Owner's Consultant San Benito Engineering spoke to the survey done on the property.

Seeing no one further come forward, Mayor Jordan closed the public comment.

A lengthy discussion and inquiries commenced amongst the Council, staff, and property owner.

A motion was made by Council Member Freels to postpone to a special meeting date uncertain. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**E. Consider Making Appointment to the Planning Commission, or Decide Whether to Wait to take Action**

City Manager Reynolds presented the staff report.

Mayor Jordan called for public comment.

Jackie Morris-Lopez requested the appointment be postponed.

Seeing no one further come forward, Mayor Jordan closed the public comment.

A motion was made by Vice Mayor Flores to postpone until new Council Members are sworn in. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

**6. DISCUSSION ITEMS**

A motion was made by Council Member Freels to postpone the remaining items to the next meeting. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes-0 No-1 Absent (Edge).

- A. Establish a Golf Cart Transportation Plan in San Juan Bautista**
- B. Consider Changes to the City Sign Ordinance**
- C. Consider a Noise Ordinance**
- D. Consider a RV Trailer Parking Ordinance**
- E. Commercial Building Vacancy Tax**
- F. Funding for Senior's Program and the Benefits of Forming a Non-Profit – Council Member Edge**
- G. Parklet Encroachment Permit Requirements**

**H. Municipal Election Update (Candidates Running for Office, Process for Write-In Candidate Period Open, Measure for Appoint City Clerk and City Treasurer, Forums Held)**

**7. ADJOURNMENT**

There being no further business, Mayor Jordan adjourned the meeting at 10:54 p.m.

Respectfully submitted,

---

Don Reynolds, City Manager/Acting 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**  
**SMALL BUSINESS SATURDAY**

**WHEREAS**, the City of San Juan Bautista, celebrates our local small businesses and the contributions they make to our local economy and community. According to the Small Business Administration, there are 30.2 million small businesses in the United States, representing 99.9% of all firms with paid employees in the United States; and

**WHEREAS**, small businesses employ 47.5% of the employees in the private sector in the United States, 62% of U.S. small businesses reported they need to see consumer spending return to pre-COVID levels by the end of 2022 in order to stay in business, 65% of U.S. small business owners say it would be most helpful to their businesses to have their “regulars” return and start making purchases again; and

**WHEREAS**, 95% of consumers who shopped on Small Business Saturday agree that shopping at small, independently-owned businesses supports their commitment and agree small businesses are essential to their community;

**WHEREAS**, the City of San Juan Bautista supports our local businesses that create jobs, boost our local economy and preserve our community; and

**WHEREAS**, the impacts of the Pandemic have emphasized the extra importance of the need to support local businesses and the significance of shopping locally to support our local economy.

**NOW, THEREFORE**, the City Council of San Juan Bautista does hereby proclaim Saturday, November 26, 2022 as **SAN JUAN BAUTISTA SMALL BUSINESS SATURDAY** and urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.

---

Mayor Leslie Q. Jordan

## **Proclamation**

### **Native American Heritage Month**

**WHEREAS**, in 1990 Congress passed and President George H.W. Bush signed into law a joint resolution designating the month of November as the first national American Indian Heritage Month (also known as Native American Indian Month); and

**WHEREAS**, the month is a time to celebrate rich and diverse cultures, traditions, and histories and to acknowledge the important contributions of Native people; and

**WHEREAS**, Heritage month is also an opportune time to educate the general public about tribes, to raise a general awareness about the unique challenges Native people have faced both historically and in the present, and the ways in which tribal citizens have worked to conquer these challenges, and

**WHEREAS**, despite a painful history marked by unjust Federal policies of assimilation and termination, American Indian and Alaska Native peoples have persevered; and

**WHEREAS**, during National Native American Heritage Month, we celebrate the countless contributions of Native peoples, past and present, honor the influence they have had on the advancement of our Nation, and recommit ourselves to upholding trust and treaty responsibilities, strengthening Tribal sovereignty, and advancing Tribal self-determination; and

**WHEREAS**, the City of San Juan Bautista acknowledges that it is built upon the homelands and villages of the Amah Mutsun indigenous peoples of this region, and that the City as we know it would not exist were it not for indigenous stewardship of these lands for millennia and the unfree labor of indigenous peoples who built the Mission San Juan Bautista and other foundational infrastructure of the City.

**NOW, THEREFORE**, the City Council of San Juan Bautista does hereby proclaim November 2022 as Native American Heritage Month in the City of San Juan Bautista and encourage all citizens to join in reflecting upon the ongoing struggles of Native American people on this land as well as their great resilience, and to honor, value, and celebrate their historic and continuing contributions to our region and beyond.

---

Mayor Leslie Q. Jordan

**Treasurer's Report**  
**For the Three Month Period Ended September 30, 2022**  
**(25% of fiscal year)**

**General Fund ~**

General revenues are running at 30% for the year to date. Correspondingly, general fund expenditures are at 19% for the year to date. The net effect is a positive change in general fund balance of \$344k. Of this positive change in fund balance \$251k is from the second payment of the American Recovery funds.

**Water Enterprise Fund ~**

The water enterprise fund revenues are running at 26% for the year to date, and expenses are at 29%. The net effect is a positive change in the water enterprise fund of \$88k.

**Sewer Enterprise Fund ~**

The sewer enterprise fund revenues are running at 33% for the year to date, and expenses are at 23%. The net effect is a positive change in the sewer enterprise fund of \$183k.

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

| <b>Date</b>                           | <b>Num</b> | <b>Name</b>                              | <b>Amount</b> |
|---------------------------------------|------------|------------------------------------------|---------------|
| <b>101.000 - Union Bank</b>           |            |                                          |               |
| <b>101.001 - Operating Acct. 1948</b> |            |                                          |               |
| 10/12/2022                            | 216113     | 4Leaf, Inc.                              | -549.44       |
| 10/12/2022                            | 216114     | All Clear Water Services                 | -4,100.00     |
| 10/12/2022                            | 216115     | AVAYA                                    | -250.66       |
| 10/12/2022                            | 216116     | Brigantino Irrigation, Inc.              | -187.24       |
| 10/12/2022                            | 216117     | California Consulting, Inc.              | -12,918.75    |
| 10/12/2022                            | 216118     | California Planning & Development Report | -238.00       |
| 10/12/2022                            | 216119     | Central Electric                         | -408.78       |
| 10/12/2022                            | 216120     | Charter Communications                   | -572.13       |
| 10/12/2022                            | 216121     | Clark Pest Control                       | -102.00       |
| 10/12/2022                            | 216122     | David's Locksmith                        | -750.00       |
| 10/12/2022                            | 216123     | Diana Marquez.                           | -700.00       |
| 10/12/2022                            | 216124     | Environmental Leverage Inc.              | -439.57       |
| 10/12/2022                            | 216125     | Hollister Auto Parts, Inc.               | -256.16       |
| 10/12/2022                            | 216126     | KBA Docusys                              | -586.18       |
| 10/12/2022                            | 216127     | Kysment Security & Patrol Inc            | -12,047.00    |
| 10/12/2022                            | 216128     | CivicWell                                | -912.50       |
| 10/12/2022                            | 216129     | Monterey Bay Analytical Services         | -3,401.00     |
| 10/12/2022                            | 216130     | MuniBilling                              | -417.00       |
| 10/12/2022                            | 216131     | New SV Media                             | -999.60       |
| 10/12/2022                            | 216132     | Patricia Lopez.                          | -700.00       |
| 10/12/2022                            | 216133     | Paul Champion                            | -47.90        |
| 10/12/2022                            | 216134     | Petty Cash                               | -229.60       |
| 10/12/2022                            | 216135     | Postmaster                               | -1,000.00     |
| 10/12/2022                            | 216136     | Raquel Renteria.                         | -700.00       |
| 10/12/2022                            | 216137     | Ridgeline Municipal Strategies, LLC      | -13,496.25    |
| 10/12/2022                            | 216138     | San Benito County Assessor               | -60.00        |
| 10/12/2022                            | 216139     | True Value Hardware                      | -154.79       |
| 10/12/2022                            | 216140     | United Site Services of California, Inc. | -368.65       |
| 10/12/2022                            | 216141     | Wendy L. Cumming, CPA                    | -3,877.50     |
| 10/13/2022                            | 216142     | att.com                                  | -72.08        |
| 10/13/2022                            | 216143     | Baker Supplies and Repairs               | -81.58        |
| 10/13/2022                            | 216144     | Carmen Lujan                             | -52.50        |
| 10/13/2022                            | 216145     | Dale Coke.                               | -500.00       |
| 10/13/2022                            | 216146     | Hollister Landscape Supply               | -173.12       |
| 10/13/2022                            | 216147     | Home Depot Credit Services               | -198.87       |
| 10/13/2022                            | 216148     | Matthew Hohmann.                         | -18.53        |
| 10/13/2022                            | 216149     | Michelle Sabathia.                       | -200.00       |
| 10/13/2022                            | 216150     | Monterey County Health Department        | -60.00        |
| 10/13/2022                            | 216151     | P G & E                                  | -15,302.64    |
| 10/13/2022                            | 216152     | Sound Design A/V Contractors             | -270.00       |
| 10/13/2022                            | 216153     | Stantec Consulting Services Inc.         | -26,219.62    |
| 10/13/2022                            | 216154     | Trevin W. Barber                         | -975.00       |
| 10/13/2022                            | 216155     | US Bank                                  | -7,369.81     |
| 10/13/2022                            | 216156     | Wallace Group                            | -551.25       |
| 10/25/2022                            | 216157     | AFLAC                                    | -210.58       |

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

| <b>Date</b>                          | <b>Num</b> | <b>Name</b>                               | <b>Amount</b>      |
|--------------------------------------|------------|-------------------------------------------|--------------------|
| 10/25/2022                           | 216158     | Akel Engineering Group, Inc.              | -1,547.00          |
| 10/25/2022                           | 216159     | at&t                                      | -101.06            |
| 10/25/2022                           | 216160     | CALNET                                    | -279.20            |
| 10/25/2022                           | 216161     | Cypress Water Services                    | -11,175.00         |
| 10/25/2022                           | 216162     | Data Ticket Inc.                          | -400.00            |
| 10/25/2022                           | 216163     | Department of Conservation                | -197.05            |
| 10/25/2022                           | 216164     | Design Line & Granger                     | -815.16            |
| 10/25/2022                           | 216165     | Downey Brand                              | -989.00            |
| 10/25/2022                           | 216166     | EMC Planning Group Inc.                   | -20,103.92         |
| 10/25/2022                           | 216167     | Extreme Air Inc.                          | -218.00            |
| 10/25/2022                           | 216168     | Harris & Associates                       | -138.75            |
| 10/25/2022                           | 216169     | Hollister Landscape Supply                | -1,215.84          |
| 10/25/2022                           | 216170     | Hollister Safe & Lock                     | -156.97            |
| 10/25/2022                           | 216171     | Judy's Gifts & Awards                     | -12.99             |
| 10/25/2022                           | 216172     | Kysment Security & Patrol Inc             | -12,715.00         |
| 10/25/2022                           | 216173     | Landscape Design By Rosemary Bridwell CCN | -545.00            |
| 10/25/2022                           | 216174     | Ready Refresh                             | -243.78            |
| 10/25/2022                           | 216175     | Regional Government Services              | -5,030.40          |
| 10/25/2022                           | 216176     | Rx-Tek                                    | -100.00            |
| 10/25/2022                           | 216177     | San Benito County Water District          | -4,062.38          |
| 10/25/2022                           | 216178     | San Benito Engineering & Surveying, Inc.  | -1,138.00          |
| 10/25/2022                           | 216179     | Scott Adessa                              | -950.00            |
| 10/25/2022                           | 216180     | Smith & Enright Landscaping               | -3,700.00          |
| 10/25/2022                           | 216181     | Sprint                                    | -445.36            |
| 10/25/2022                           | 216182     | State Compensation Insurance Fund         | -10,102.42         |
| 10/25/2022                           | 216183     | SWRCB                                     | -34,800.00         |
| 10/25/2022                           | 216184     | Univar Solutions                          | -611.87            |
| 10/25/2022                           | 216185     | US Bank Equipment Finance                 | -249.61            |
| 10/25/2022                           | 216186     | Valero Wex Bank                           | -1,088.59          |
| 10/25/2022                           | 216187     | Dale Coke.                                | -500.00            |
| 10/25/2022                           | 216188     | Liebert Cassidy Whitmore                  | -429.00            |
| 10/25/2022                           | 216189     | Michelle Sabathia.                        | -100.00            |
| 10/25/2022                           | 216190     | Monterey Bay Analytical Services          | -3,251.00          |
| 10/25/2022                           | 216191     | Schaaf & Wheeler                          | -8,840.00          |
| 10/25/2022                           | 216192     | SWRCB                                     | -2,417.00          |
| 10/25/2022                           | 216193     | Uline                                     | -229.37            |
| 10/25/2022                           | 216194     | Schaaf & Wheeler                          | -2,392.50          |
| Total 101.001 - Operating Acct. 1948 |            |                                           | -244,017.50        |
| Total 101.000 - Union Bank           |            |                                           | -244,017.50        |
| <b>TOTAL</b>                         |            |                                           | <b>-244,017.50</b> |

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

City Council Meeting  
November 15, 2022

**For the Three Month Period Ended September 30, 2022**

| <b>EXPENDITURES</b>                 | <b>FY22</b>    | <b>FY23</b>      | <b>Annual</b>    |                  | <b>YTD</b> |             |
|-------------------------------------|----------------|------------------|------------------|------------------|------------|-------------|
| <b>Fund</b>                         | <b>Actuals</b> | <b>Actuals</b>   | <b>Budget</b>    | <b>Variance</b>  | <b>25%</b> | <b>Note</b> |
| <b>General Fund</b>                 | 452,367        | 465,769          | 2,425,349        | (1,959,580)      | 19%        |             |
| <b>Special Revenue Funds:</b>       |                |                  |                  |                  |            |             |
| Capital Projects Fund               | 23,986         | 488,949          | 525,708          | (36,759)         | 93%        | <b>A</b>    |
| Community Development               | 119,955        | 148,904          | 671,289          | (522,385)        | 22%        |             |
| COPS                                | 25,000         | 25,000           | 100,000          | (75,000)         | 25%        |             |
| Parking & Restroom Fd               | 2,410          | -                | 2,500            | (2,500)          | 0%         | <b>A</b>    |
| Gas Tax Fund                        | 4,259          | 3,904            | 19,000           | (15,096)         | 21%        |             |
| Valle Vista LLD                     | 29,925         | 7,803            | 26,529           | (18,726)         | 29%        | <b>B</b>    |
| Rancho Vista CFD                    | 7,120          | 9,819            | 66,521           | (56,702)         | 15%        |             |
| Copperleaf CFD                      | 4,171          | 5,694            | 22,650           | (16,956)         | 25%        |             |
| <b>Development Impact Fee Funds</b> |                |                  |                  |                  |            |             |
| Public/Civic Facility               | 676            | 675              | 2,700            | (2,025)          | 25%        |             |
| Library                             | 7,910          | 1,110            | 4,440            | (3,330)          | 25%        |             |
| Storm Drain                         | 858            | 858              | 3,432            | (2,574)          | 25%        |             |
| Park In-Lieu                        | 75             | 75               | 300              | (225)            | 25%        |             |
| Public Safety                       | 214            | 213              | 852              | (639)            | 25%        |             |
| Traffic                             | 108            | 108              | 432              | (324)            | 25%        |             |
| <b>Enterprise Funds:</b>            |                |                  |                  |                  |            |             |
| Water:                              |                |                  |                  |                  |            |             |
| Operations                          | 203,887        | 231,382          | 805,232          | 573,850          | 29%        |             |
| Capital                             | 76,033         | 7,651            | 79,350           | 71,699           | 10%        | <b>A</b>    |
| Sewer                               |                |                  |                  |                  |            |             |
| Operations                          | 204,653        | 208,293          | 923,911          | 715,618          | 23%        |             |
| Capital                             | 220,778        | 50,388           | 484,352          | 433,964          | 10%        |             |
| <b>TOTAL Funds</b>                  | <b>981,532</b> | <b>1,190,826</b> | <b>6,164,547</b> | <b>4,973,721</b> | <b>19%</b> |             |

**Footnotes:**

**A** ~ Capital fund transfers/costs are budgeted to be incurred by these funds. Since the costs/transfers occur 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**  
**Revenues ~ Budget Vs. Actual**  
**For the Three Month Period Ended September 30, 2022**

City Council Meeting  
November 15, 2022

| <b>REVENUES</b>                | <b>FY22</b>    | <b>FY23</b>      | <b>Annual</b>    |                   | <b>YTD</b> |              |
|--------------------------------|----------------|------------------|------------------|-------------------|------------|--------------|
| <b>Fund</b>                    | <b>Actuals</b> | <b>Actuals</b>   | <b>Budget</b>    | <b>Difference</b> | <b>25%</b> | <b>Notes</b> |
| <b>General Fund</b>            | 524,020        | 810,234          | 2,737,935        | (1,927,701)       | 30%        | <b>A</b>     |
| <b>Special Revenue Funds:</b>  |                |                  |                  |                   |            |              |
| Capital Projects Fund          | 23,986         | 488,949          | 525,701          | (36,752)          | 93%        | <b>C</b>     |
| Community Development          | 37,894         | 43,875           | 404,514          | (360,639)         | 11%        | <b>B</b>     |
| COPS                           | 43,190         | 37,668           | 100,000          | (62,332)          | 38%        |              |
| Parking & Restroom Fd          | 4,112          | 8,803            | 26,000           | (17,197)          | 34%        |              |
| Gas Tax Fund                   | 23,601         | 26,881           | 98,520           | (71,639)          | 27%        |              |
| Valle Vista LLD                | 5,276          | 6,632            | 26,529           | (19,897)          | 25%        |              |
| Rancho Vista CFD               | 16,132         | 16,630           | 66,521           | (49,891)          | 25%        |              |
| Copperleaf CFD                 | 5,239          | 5,663            | 22,650           | (16,988)          | 25%        |              |
| <b>Internal Service Funds:</b> |                |                  |                  |                   |            |              |
| Blg Rehab. & Replace           | 9,500          | 9,500            | 38,000           | (28,500)          | 25%        |              |
| Vehicle Replacement            | 15,000         | 15,000           | 60,000           | (45,000)          | 25%        |              |
| <b>Enterprise Funds:</b>       |                |                  |                  |                   |            |              |
| Water                          |                |                  |                  |                   |            |              |
| Operations                     | 314,575        | 319,450          | 1,213,800        | (894,350)         | 26%        |              |
| Capital                        | -              | -                | 79,350           | (79,350)          | 0%         | <b>C</b>     |
| Sewer                          |                |                  |                  |                   |            |              |
| Operations                     | 353,584        | 390,917          | 1,185,000        | (794,083)         | 33%        |              |
| Capital                        | -              | -                | 484,352          | (484,352)         | 0%         | <b>C</b>     |
| <b>TOTAL Funds</b>             | <b>852,090</b> | <b>1,369,968</b> | <b>7,068,872</b> | <b>5,698,904</b>  | <b>19%</b> |              |

A ~ Current year revenue was higher due to a \$251k grant from Federal government for COVID relief from the American Recovery funds.

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 MANAGERS MONTHLY REPORT

On-Board new City Engineer - MNS Engineering

Introducing both Engineering and support staff to community

Sharing project lists with staff and other contractors

Touring City infrastructure- emphasis on storm drain systems

Fire Advisory Committee met October 20<sup>th</sup>

Approved proposal for Feasibility study update (city share = \$3,500)

Approved dates for 2-day public discussion in January

Interviewing Deputy City Clerk candidates the week of November 15

Four qualified candidates out of the nine that applied

## CITY MANAGERS MONTHLY REPORT

Public Safety – Law Enforcement

Dedicated Deputy- remains on Sunday-Thursday shift

Unable to meet with Sheriff this month

3-hour wait for a deputy- shoplifting suspect at Windmill

4-hour wait for a deputy- business open door

Private Security

Continue the 4 officers per day, 7 days a week

2 officers 4- 12 AM shift and 2 officers 12- 7 AM shift

City Code Enforcement – does fluctuate- worked 6 AM to 12 PM last Saturday

training private security to enforce parking and admin. Cites

Last week- 26 parking citations written, 6 warnings given

Normal hours

Friday, Monday Tuesday 12-6 PM

Saturday Sunday 12-7 PM (hour for lunch)



## CITY MANAGERS MONTHLY REPORT

### Wastewater Project Update

Received final comments from Hollister on sewer project design

Spent a lot of time on Permits

US FWS

State F&G

Streambed Alterations

Streambed "Take"

Introduced MNS to Stantec to complete the bid package

Meeting with growers to coordinate schedules for construction

Re-start growers conversation about connecting to the new main

Met with Hollister to begin discussion about the long-term contract

Submitted payment required by Settlement Agreement/First Quarter Report

EPA-STAG Grant kick-off (\$1 million)

## CITY MANAGERS MONTHLY REPORT

### WATER UPDATE

Received proposed agreements for new water import

District Proposed different water quality standards than MOU

Modified/Clarified City Water needs reducing pro rata share

Loosened up language allowing City to self finance

Postponed work on the design until agreements have been executed

Backflow device Compliance efforts in October

New rates went into effect November 1

## CITY MANAGERS MONTHLY REPORT

### 1.3 Summary of Water Rate Recommendations

Table 1 shows a summary of proposed water rate recommendations.

Table 1 - Proposed Water Rates

| Water Rates                     | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 |
|---------------------------------|----------|----------|----------|----------|----------|----------|
|                                 | Existing | Proposed | Proposed | Proposed | Proposed | Proposed |
| Volumetric Rate \$/1000 gallons | \$6.35   | \$7.05   | \$8.04   | \$9.17   | \$9.63   | \$10.12  |
| Monthly Base Rate               | \$55.76  | \$65.91  | \$75.15  | \$85.68  | \$89.97  | \$94.47  |

Press Release went out October 24, 2022

October billings had a bi-lingual notice

#### Attachment A

#### New Schedule of Water Rates

The City's Utility Assistance Program is still available to City residents until September 2023

|                                    | Effective<br>11/1/2022 | Effective<br>7/1/2023 | Effective<br>7/1/2024 | Effective<br>7/1/2025 | Effective<br>7/1/2026 |
|------------------------------------|------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Monthly Base Chg                   | \$65.91                | \$75.15               | \$85.68               | \$89.97               | \$94.47               |
| Volumetric Rates<br>(\$/1,000 Gal) | \$7.05                 | \$8.04                | \$9.17                | \$9.63                | \$10.12               |

Each customer pays both a flat monthly base charge and a volumetric charge based on their metered water usage.

## CITY MANAGERS MONTHLY REPORT

Urban Growth Boundary ("UGB") Sphere of Influence ("SOI") Committee

Invitations to talk about UGB-SOI sent to 80-parcel owners 10.04.22

Parcels adjacent to City Boundaries

Parcels within the 2016 SOI

Met with 3 Property Owners

4-Committee members met November 2, 2022

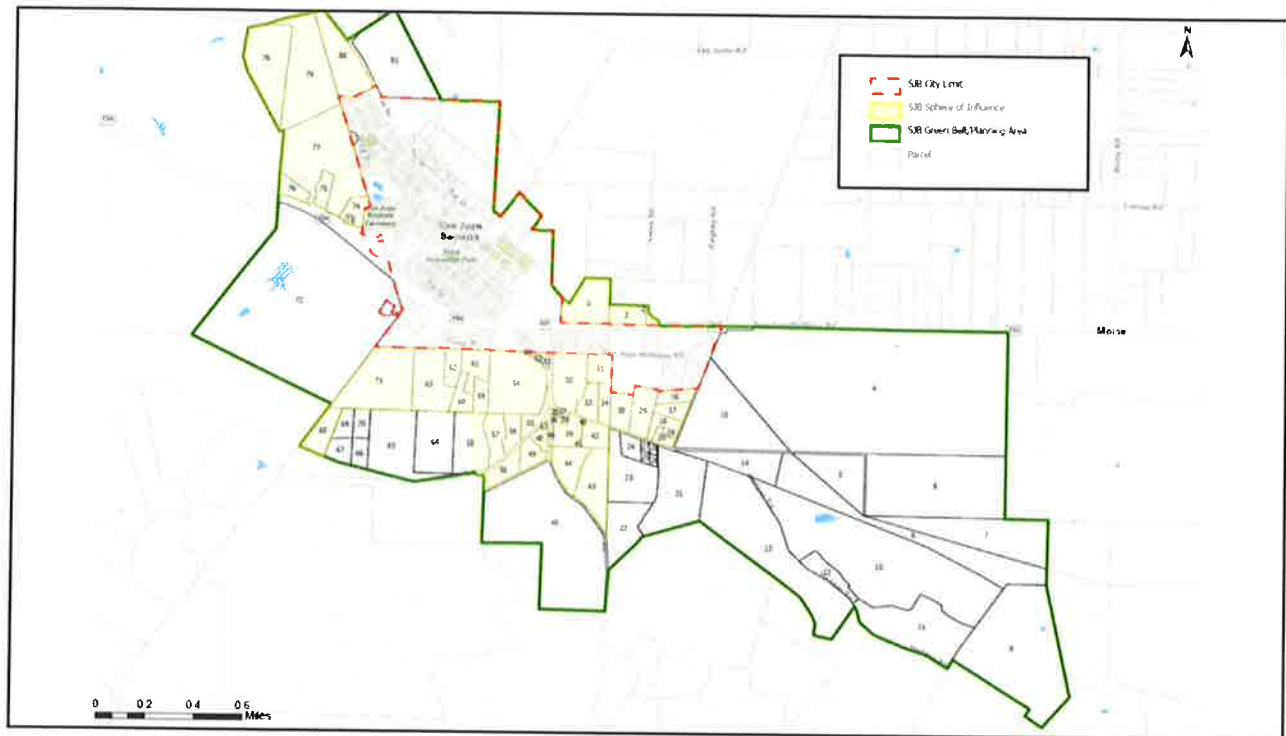
Good discussion about greenbelts and County role

Ventura County- strong role; City has tight boundaries

SB County not so tight- might want a little larger boundary

Drew up a map with SOI, and Greenbelt properties

ID'd proposed SOI and Greenbelt



## CITY MANAGERS MONTHLY REPORT

Safety Committee met 10.21.22

County office of Emergency Services

State has approved the Multi Jurisdiction Hazard Guide

Hired staff to provide public CERT Training

Commercial Truck Enforcement

Portable Message Boards are up

Letter sent to growers

Talked w/Cal Trans about Google Maps

Chief Del Campo Fire Dept Update

Block Party Permits

## CITY MANAGERS MONTHLY REPORT

### Midnight Express-

Huge impact on legal and planning staff

Trying to resolve invoices and deposits

### New Public Agency Accounting Software

New Chart of Accounts

January 1 kick-off

Joint meeting with Mission, ASJBUSD and State Parks

### Active Transportation Plan

draft being circulated

joint Planning Commission/City Council workshop in January

Gas Station moving forward now



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** OPEN AND 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 15, 2022

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

---

### **RECOMMENDED ACTION:**

It is recommended that the City Council open 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”), continue the hearing to a date and time certain in the order of continuance, and at that time allow or overrule any objections to the proposed abatement and consider adoption of the attached draft Resolution declaring the condition of the property to constitute a public nuisance and ordering the abatement of said nuisance by the City Manager and assessing the City’s cost of abatement.

**BACKGROUND INFORMATION:** This matter was before you at your regular meeting on October 18<sup>th</sup> and again at a special meeting on October 25, 2022, to allow the City Council to receive information from staff and the property owner’s, Kulta Farms, LLC, representative, concerning conditions on the property in violation of the SJBMC. At the special meeting on October 25<sup>th</sup> 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, including adjacent to and within San Juan Creek. Compliance Orders, a 10-Day Notice of Violation, photographs (attached as Exhibit D) and comments by staff and the property owner’s representative regarding these conditions are part of the record from the consideration of this matter on October 18<sup>th</sup> and 25<sup>th</sup>. 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 staff will provide substantial evidence that all these 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 incurred to date to identify the violations and the corrective actions. At that time the question of a schedule to be provided by 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 to ensure the several abatement activities by the property owner or the City proceed 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 this public hearing. 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 tonight's hearing, it will be necessary that the hearing be continued to a date and time to be announced this evening.

### **DISCUSSION:**

The public hearing and the City Council's subsequent obligation by resolution (copy of draft Resolution attached as Exhibit C) to allow or to overrule any objections to the proposed abatement represents the next step in a process defined in the SJBMC that, if no objections are lodged or all 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 are allowed to enter private property for this purpose. However, prior to abatement by the City, the property owner may abate the nuisance at its expense. The City Manager is required to keep an accurate account of the City's abatement costs and to subsequently submit a final itemized written report for confirmation by the City Council at a regular meeting. At that time the City Council would hear objections by 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.

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

- (1) Open a public hearing 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) Continue the hearing to a date and time certain as stated in the order of continuance.

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

**ATTEST:**

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

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



## Exhibit B



# City of San Juan Bautista

The "City of History"

## NOTICE TO ABATE NUISANCE

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

### City Council

**Mayor**  
*Leslie Jordan*

**Vice Mayor**  
*Mary Edge*

**Councilmember**  
*John Freeman*

**Councilmember**  
*Scott Freels*

**Councilmember**  
*Cesar Flores*

**City Manager**  
*Don Reynolds*

**City Clerk**  
*Vacant*

**City Treasurer**  
*Michelle Sabathia*

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

NOTICE IS HEREBY GIVEN that on October 25, 2022, the City Council of the City of San Juan Bautista, by Resolution No. 2022-81, declared a public nuisance to exist on the property described as 451 San Juan Hollister Road (APN 002-550-008) in the City of San Juan Bautista, County of San Benito.

The conditions constituting such public nuisance and the actions to be taken for abatement thereof are as follows:

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."

**CORRECTIVE ACTIONS:** Restore to pre-violation topographic, hydrologic, and morphologic condition.

- a) Submit, as part of the application for Development Permit referenced in subsection (f) below, a study prepared by a Professional Engineer who is a Qualified Stormwater Pollution Prevention Plan Practitioner (QSP) or a Qualified Stormwater Protection Prevent Plan Developer (QSD) as the Engineer of Record, deemed acceptable in writing by the City Flood Plain Manager, characterizing the grading and fill in the floodplain including areas adjacent to the San Juan Creek and hydrologically connected drainages located on the property. The characterization shall determine the pre-violation creek morphology as a means of establishing a baseline to pre-violation values.
- b) Submit a plan, as part of the application for Development Permit referenced in subsection (f) below, prepared by the Engineer of Record, for corrective grading within the floodplain, including removal of grading spoils placed adjacent to or within the San Juan Creek sufficient to achieve pre-violation topographic contours identified in a 2018 topographic survey of the site.

- 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; 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 on November 15, 2022, and continued to this date, 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:

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

**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 \_\_\_\_ day of \_\_\_\_\_ 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 placed 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](http://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 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

June 6, 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  
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, and
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                          |     |     |     |   |    | C    |   |      |      |
| 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  |      |   |      |      |
| Fortunetelling                              |     |     |     | 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                                                                                                        |     |     |     |   |      |      |   |    |   |
| 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

**Fire Chief**  
Bob Martin Del Campo

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

**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](http://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







11/10/2022







11/10/2022



11/10/2022

































## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** **APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT USE AGREEMENT BETWEEN THE AROMAS SAN JUAN BAUTISTA UNIFIED SCHOOL DISTRICT AND CITY OF SAN JUAN BAUTISTA**

**MEETING DATE:** November 15, 2022

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

---

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

It is recommended that the City Council adopt the attached proposed Resolution and authorize the City Manager to execute the amended and restated joint use agreement between the Aromas San Juan Bautista Unified School District ("ASJBUSD") and the City of San Juan Bautista.

### **BACKGROUND INFORMATION:**

On June 14, 2022, the City Council approved Resolution 2022-53, and District also approved a joint use agreement allowing residents access to school play yard when school is not in session. In July the City installed fencing using its American Rescue Plan funds. Before the fencing was completed the State Architecture was on-site inspecting portable buildings, and saw the fence. The State then issued a directive to replace a ten-foot-wide gate with a 20-foot gate to allow access by first responders with large equipment. During the delay, the original Superintendent resigned, and an Acting Superintendent was appointed.

In September the ribbon cutting for the accessibility to the school's outdoor amenities was postponed while the new District administration learned about the seismic conditions at the school, and need for formal agreements on several different areas of concern. In the end it was decided to make several changes to the original Joint Use Agreement, while the District waits to hear from the State on the recommended approach to resolving the seismic concerns on campus. This should be known by the end of November.

If the campus must be re-built, the Joint Use Agreement will be in-place to allow residents access to the outdoor facilities when school is not in session, for the 2–3-year period required to re-design a new school.

**DISCUSSION:**

In the attached Resolution, staff is presenting an amended Joint Use Agreement. It clarifies some confusion about the nature of the City's intent to open the outdoor amenities for public use when school is not in session, in a general way much the way parks are accessible now. The original draft referred to structured city recreation programs (that currently do not exist).

**Important terms and provisions:**

Section 3 page 2 - The term will be for ten-years, with 2 five-year extensions. The Agreement wraps in the City's maintenance of the "soccer" field restrooms (this was in a different agreement that expired in 2020).

7(c) page 3- The City is waiting on the fence contractor to return and fix the 10-foot gate and replace it with a 20-foot gate.

7(d) page 3- The City will willingly relinquish its right to open the school yard for public access if or when the campus must be changed due to the seismic concerns or other large-scale construction changes.

8(a) – 8(c) Page 5- The hours are more precisely written to allow a few hours of access in the late afternoons from 5 PM to 7 PM when no-one uses the class-rooms. During the summer it can open from 8 AM to 8 PM.

9(a) Page 5- Access to the school yard has been amended to only be permitted in front of the school and the public parking lot.

Approving the attached Resolution will rescind Resolution 2022-53 and nullify the associated joint use agreement approved June 14, 2022.

**ATTACHMENTS:** Resolution and Joint Use Agreement

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

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING THE MAYOR TO RESCIND RESOLUTION 2022-53, AND AUTHORIZE THE CITY MANAGER TO EXECUTE A JOINT USE AGREEMENT BETWEEN THE AROMAS-SAN JUAN BAUTISTA UNIFIED SCHOOL DISTRICT AND CITY OF SAN JUAN BAUTISTA**

**WHEREAS**, San Juan Elementary School has several recreational opportunities for children already established, but not readily available to students except when school is in session; and

**WHEREAS**, on June 14, 2022, the City Council approved Resolution 2022-53 and the joint use of the Aromas-San Juan Bautista Unified School District's ("District") San Juan Elementary School for recreational uses by City residents when school is not in session; and

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

**WHEREAS**, in September, the City learned of potential seismic safety concerns not originally part of the joint use decisions made in June, and a different agreement between the City and District for maintenance of the public bathrooms expired, so it was decided to update the Agreement to include flexibility as needed for seismic upgrades, and to expand the Agreement to include all shared facilities, and return to the respective boards to approve of a new Joint Use Agreement;" and

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

**WHEREAS**, the City Council approves the attached Joint Use Agreement, with the same intent as the original Agreement, to include all shared facilities between the City and the District.

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

1. That the recitals in this Resolution and the staff report are true and correct and are hereby made a part of this Resolution.
2. Finds this project to be exempt from further CEQA action as indicated Sections 15268, 15311 and 15314.
3. It agrees that the Strategic Plan fully supports a collaboration between the City and Aromas-San Juan Bautista Unified School District making the recreational facilities accessible to the residents of San Juan Bautista when the school is not otherwise open to the public.

4. Rescinds Resolution 2022-53 and the previously approved Joint Use Agreement.
5. Adopts this Resolution, and authorizes the City Manager to execute the Joint Use Agreement with ASJBUSD as presented herein.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 15<sup>th</sup> Day of November 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

---

Leslie Q. Jordan, Mayor

---

Don Reynolds, Acting City Clerk

Attachments:        Joint Use Agreement

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

This Joint Use Agreement ("Agreement") is entered into as of November 16, 2022 ("Effective Date") by and between the Aromas San Juan Unified School District, a public school district organized and existing under the laws of the State of California ("District") and the City of San Juan Bautista, a municipal corporation existing under the law of the State of California ("City"). The District and City may each referred to individually as "Party" and together as the "Parties" in this Agreement.

**RECITALS**

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

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

**WHEREAS**, the City desires to use the Facilities for the expansion of recreational opportunities for City residents after school, on non-school days, and at certain other times when the Facilities are not otherwise in use by the District for school purposes ("City Recreation"); and

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

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

**WHEREAS**, at no cost to the District, the City has installed chain link fencing ("Fencing") around the Facilities meeting District requirements and specifications; and

**WHEREAS**, as consideration for the City's installation of such Fencing, the District is willing to grant the City use of the Facilities at no charge for City Recreation after school,



on non-school days, and at certain other times when not otherwise in use for school purposes, and subject to the terms and conditions set forth in this Agreement; and

**WHEREAS**, the Parties desire to continue to work together as partners to support and build success for local youth by cooperating in exploring avenues for the development and expansion of recreational and educational opportunities; and

**WHEREAS**, the Parties agree that public recreation is important and necessary for the development of good citizenship and the promotion, as well as the preservation, of the health and welfare of youth and members of the community at large; and

**WHEREAS**, the Parties further agree that it is to their mutual benefit and to the benefit of local youth and members of the community at large that the Parties enter into this Agreement; and

**WHEREAS**, the Parties intend that this Agreement shall supersede and replace in its entirety any prior agreements or understanding between the Parties, whether oral or written, regarding the subject matter set forth herein, including but not limited to Fencing and use of the Facilities by the City.

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

### **AGREEMENT**

1. **Purpose.** The purpose of this Agreement is to: (1) clarify the roles and responsibilities of the Parties with regard to the City's installation of the Fencing and the District's grant of use of the Facilities to the City for City Recreation; and (2) affirm the Parties' desire to continue to work together as partners to support and build success for local youth by cooperating in exploring avenues for the development and expansion of recreational and educational opportunities.
2. **Facilities.** For purposes of this Agreement, the term "Facilities" refers specifically to the outdoor basketball courts, pickleball courts, soccer field, playground area, track, and restrooms located adjacent to the soccer field located on the School Site, as more particularly depicted on the aerial photo attached as **Exhibit A** and incorporated herein by this reference.
3. **Term of Agreement.** The initial term of this Agreement shall commence upon the Effective Date and shall remain in effect for ten (10) years ("Initial Term"), subject to earlier termination as provided in this Agreement. This Agreement may be renewed by mutual written consent of the Parties for up to five (5) additional two (2) year terms (each a "Renewal Term").
4. **Permitted Use.** The City shall use the Facilities solely for the purpose of providing City Recreation for City residents, subject to the terms and conditions of this

Agreement. All other uses of the Facilities must be scheduled and approved through the District's online facilities use scheduling software.

5. Compliance with Law; Limitations on Use. At all times while using the Facilities for City Recreation, the City shall enforce and comply with all applicable federal, state, local, and District laws, regulations, ordinances, policies, and procedures, as well as all state executive orders, and public health orders regarding health and safety, including all applicable laws related to COVID-19 ("Law").
6. The City shall not cause the Facilities to be used, occupied, or improved under this Agreement in any manner or for any purpose that is in any way in violation of any Law. If any license, permit, or other governmental authorization is required for the City's lawful use of the Facilities, the City shall procure and maintain same to the extent required by Law. The City shall be solely and completely responsible for the safety of all persons and property associated with its use of the Facilities, and all materials, equipment, and supplies provided by City during said use shall fully conform to all applicable Law.
7. Fencing.
  - a. The Parties understand and agree that, at no cost to the District, the City has installed chain link fencing complete with posts, braces, wire, fittings, caps, and gates around the entire perimeter of the Facilities at the School Site, as shown in **Exhibit B**, attached hereto and incorporated herein by reference ("Fencing").
  - b. The City warrants and represents that, with the exception of the gate adjacent to the fire lane, the Fencing has been constructed and installed in accordance with all requirements and specifications of the District and in accordance with all state and local site, zoning, use permits, design review and other required approvals ("Governmental Approvals"), including but not limited to those requirements and specifications of the Division of the State Architect ("DSA").
  - c. With regard to the aforementioned gate, the City agrees to replace the current gate with a rolling gate twenty (20) feet in width, and as otherwise required by the DSA field comment. Replacement of the gate with a DSA-compliant gate shall be completed no later than November 30, 2022.
  - d. The Parties understand and agree that, in the event that the District, in its sole discretion, determines that the Fencing must be relocated or removed in order to permit the District to replace, renovate, construct, or otherwise utilize all or any portion of the School Site for another school purpose, the City shall, at no cost to District, undertake such relocation or removal, as directed by the District. The District agrees to use its best efforts to find an alternate location at the School Site for the reinstallation of the Fencing that will accommodate

the City's continued use of the Facilities; however, if such an alternate location that is satisfactory to both Parties cannot be located, either Party may terminate this Agreement pursuant to Section 19 hereunder.

- e. In addition to the costs of relocation or removal of the Fencing, as may be required by the District, the City shall be solely responsible for the costs and expenses of any and all repairs, replacements, or maintenance needed to properly maintain the Fencing in a safe and secure manner and for securing and maintaining all Governmental Approvals required for all such repairs, replacements, or maintenance. The District shall not be required to pay any of the costs or contribute any labor, supplies, or equipment necessary for the City's relocation, removal, repairs, replacements, or maintenance of the Fencing; however, the District shall reasonably cooperate with the City in obtaining necessary Governmental Approvals and providing access to the School Site.
- f. Prior to commencing relocation or any repairs, replacements, or maintenance of the Fencing, the City shall provide the District's Superintendent or designee with copies of drawings, plans, and specifications for such relocation, repairs, replacements, or maintenance for the District's review and approval, which approval shall not be unreasonably delayed, conditioned, or withheld. If the District does not either object or provide written approval to the proposed plans and specifications within thirty (30) days of receipt, the plans and specifications shall be deemed approved.
- g. All contracts for the removal, relocation or repairs, replacements, or maintenance of the Fencing shall provide for compliance with all applicable law regarding the construction of public works projects, including but not limited to, the payment of prevailing wages.
- h. The District shall be named as an additional insured on all insurance policies obtained by the City or its contractors related to the removal or relocation or any repairs, replacements, or maintenance of the Fencing.
- i. Scheduling of the removal or relocation or any repairs, replacements, or maintenance of the Fencing shall be coordinated with and agreed to in advance by the District in order to minimize disruptions or interference with school operations or activities at the School Site to the maximum extent feasible.
- j. All work performed by City related to the Fencing shall be performed in a sound and workmanlike manner, in compliance with applicable laws and building codes, and in conformance with the plans and specifications approved by the District.

- k. Except as set forth in this Agreement, the City shall make no other alterations, modifications, or improvements to the Facilities without the District's prior written consent.

8. Days/Hours of Use of Facilities; Priority.

- a. The District shall have exclusive use and control of the Facilities from 7:00 am to 5:00 pm Monday through Friday on days when school is in session, and on those days and times outside of the school day when the Facilities are needed for school or District purposes.
- b. Except as set forth in this Agreement, the City shall have use of the Facilities for City Recreation after school on Monday through Friday from 5:00 pm to 7:00 pm. The City shall also have use of the Facilities on Saturdays and Sundays, school holidays, and during the District's winter, spring, and summer recess and other times when the District is not in session from 8:00 am until 7:00 pm during the months of October through March and from 8:00 am until 8:00 pm during the months of April through September.
- c. The City shall be responsible for entering dates and times of use of the Facilities for organized City Recreation events ("Events"), through the District's online facilities use scheduling software. For drop-in use by City Residents pursuant to this Agreement, no online scheduling shall be required. Notwithstanding the foregoing, the City understands and agrees that third parties, such as organized sports leagues or teams that schedule use of specific Facilities through the District's online facilities use scheduling software, may have priority over drop-in City Recreation users.

9. Access.

- a. All City Recreation users shall enter and exit the Facilities through the gate near the basketball courts, designated as Entrance/Exit on the aerial photo attached hereto as **Exhibit C** and incorporated herein by reference ("Access Gate").
- b. After school on Mondays through Fridays, the District shall be responsible for ensuring the Access Gate and the pickleball courts are open for City Recreation users at 5:00 pm and will be responsible for locking the Access Gate at 7:00 pm.
- c. On Saturdays and Sundays, school holidays, during the District's winter, spring, and summer recesses, and at other times when the District is not in session, the City, or a private security firm authorized by the City, shall be responsible for unlocking the Access Gate and the pickleball courts at 8:00 am and for locking the Access Gate and pickleball courts at 7:00 pm during the months of October through March, and for unlocking the Access Gate and pickleball courts at 8:00 am and locking the Access Gate and pickleball courts at 8:00 pm during the months of April through September.

- d. The District shall provide the City with keys to be used solely for the purpose of locking and unlocking the Access Gate and pickleball courts pursuant to this Agreement. The City shall not provide keys or copies of keys to any persons who are not employees of the City or the City's private security firm. The City shall not make any copies of the keys without the District's prior written consent. The City shall immediately report lost keys to the District and upon termination or expiration of this Agreement, shall return all keys to the District.
10. Supervision and Security. The City shall be responsible for supervision and control of the Facilities at all times during City use.
11. Cleaning and Custodial Services. At the end of each day of City use, the City shall be responsible for leaving the Facilities in a safe, clean, and hygienic condition, which shall include, at a minimum, ensuring that all rubbish is placed in trash containers and/or dumpsters; sweeping, sanitation and trash removal for the restrooms; and removing all equipment and personal property from the Facilities. The City shall also be responsible, at its sole cost and expense, for providing weekly custodial services for the restrooms adjacent to the soccer field, removing all graffiti from exterior and interiors of the restrooms, and for providing paper and sanitation supplies for the restrooms.
12. Parking. Parking of vehicles by City employees, contractors, and City residents shall be only in those areas designated for parking at **Exhibit A**. Vehicles shall not be parked at the School Site overnight.
13. Equipment and Materials. The City shall furnish all equipment and materials it deems necessary for providing City Recreation. No District equipment or materials shall be available for use during City Recreation.
14. Damage or Destruction of District Property. The City shall be responsible for the cost of repair and/or replacement of any District property or any portion of the Facilities that is lost, damaged or destroyed during and/or as the result of the City's use of the Facilities, normal wear and tear excepted. The City shall promptly notify the District upon the City's actual knowledge of any loss, damage, or destruction of District property or the Facilities of which the City becomes aware during and/or in conjunction with City's use of same.
15. Indemnification.
- a. To the fullest extent permitted by law, the City shall defend, indemnify, and hold the District, its Board of Trustees and each member thereof, and its officers, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees or claims ("Claims"), for any injury to or death of any person, loss or damage to property and any other loss or damage arising out of resulting from City's and its employees', agents',

contractors', and invitees' access to, occupancy or use of the Facilities for City Recreation or the City's performance its duties and obligations under this Agreement. The City's indemnity obligations hereunder shall not apply to Claims which are caused by the sole negligence or willful misconduct of the District, its officials, agents, employees, contractors, and invitees. The City's indemnity obligations shall survive expiration or earlier termination of this Agreement.

- b. To the fullest extent permitted by law, the District shall defend, indemnify, and hold the City, its City Council and each member thereof, and its officers, employees and agents, harmless from and against any and all Claims, for any injury to or death of any person, loss or damage to property and any other loss or damage arising out of or resulting from the District's performance of its duties and obligations under this this Agreement. The District's indemnity obligations hereunder shall not apply to Claims which are caused by the sole negligence or willful misconduct of the City, its officials, agents, employees, contractors, and invitees. The District's indemnity obligations shall survive expiration or earlier termination of this Agreement.

16. Insurance. Each Party, at its sole cost and expense, shall carry commercial policies of insurance, or self-insure, its activities in connection with this Agreement, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for comprehensive general liability, which will insure the District or the City, as applicable, against liability for injury or death of persons and damage to property or the Facilities, as applicable. Each policy shall be for not less than \$2,000,000 per occurrence, and not less than \$1,000,000 for property damage and shall be maintained on an occurrence basis. Each Party agrees to provide the other Party proof of such coverages, naming the other Party as "additional insured" and shall also provide thirty (30) days' advance written notice of any cancellation, termination or lapse of any of the insurance or self-insurance coverages. Failure to maintain insurance as required in this Agreement is a material breach and may be grounds for termination of the Agreement. The City shall require any third party non-employee provider of services for recreational programs operated at the Facilities to obtain insurance consistent with these requirements and name the District as an additional insured on such policies.

17. Partnership to Benefit Local Youth. The Parties agree to continue to work together as partners to support and build success for local youth through cooperation in exploring avenues for the development and expansion of recreational and educational opportunities. To the extent mutually agreed, the Parties may each appoint representatives to meet on a mutually agreeable schedule for the purpose of discussing potential avenues for the development or expansion of such recreational and educational programs and opportunities for the benefit of local youth.

18. Disputes. In the event of a dispute between the Parties concerning this Agreement or the rights and duties of either Party under this Agreement, the Parties shall first attempt to resolve the dispute informally. If the Parties cannot reach a resolution,

they shall attempt in good faith to settle the dispute through non-binding mediation. The Parties shall agree upon and select a mediator and share equally the costs and fees of mediation. If the Parties are unable to resolve the dispute through non-binding mediation, each Party may pursue its legal rights and remedies through any other legally permissible means, but neither Party may pursue any such legal remedy unless and until the Parties have engaged in at least one session of non-binding mediation.

19. Termination.

- a. Either Party may terminate this Agreement for any reason upon sixty (60) days' written notice to the other Party. Within fifteen (15) days of such notice, the Parties will meet to discuss the impacts of such cessation of use on the terms of this Agreement.
- b. The District may terminate this Agreement with at least ninety (90) days' advance written notice to the City, if the District determines, in its sole discretion, that it needs to utilize all or any portion of the Facilities or the School Site for any another school purpose, such as for the construction or reconstruction of buildings or facilities.

20. Miscellaneous.

- a. Entire Agreement; Prior Agreements and Understandings. This Agreement, including all documents incorporated herein by reference, comprises the entire agreement and understanding between the Parties concerning the subject matter hereof. This Agreement supersedes all prior negotiations, agreements and understandings regarding the subject matter hereof, whether written or oral.
- b. Amendment. This Agreement may be amended only in writing signed by both the City and the District. The City Council and the District Board of Trustees must approve this Agreement and any amendments or modifications thereto before any amendments and/or modifications become effective.
- c. Governing Law; Venue. This Agreement shall be governed by and interpreted under the laws of the State of California applicable to instruments, persons, transactions and subject matter which have legal contacts and relationships exclusively within the State of California. Any action or proceeding seeking any relief under or with respect to this Agreement shall be brought solely in the Superior Court of the State of California for San Benito County, subject to motion for transfer of venue.
- d. Severability. If any provision of this Agreement is held invalid, void or unenforceable by a court of competent jurisdiction, but the remainder of the Agreement can be enforced without failure of material consideration to any Party, then this Agreement shall not be affected and it shall remain in full

force and effect, unless amended or modified by mutual consent of the Parties; provided, however, that if the invalidity or unenforceability of any provision of this Agreement results in a material failure of consideration, then the Party adversely affected thereby shall have the right in its sole discretion to terminate this Agreement upon providing written notice of such termination to the other Party.

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

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

**CITY OF SAN JUAN BAUTISTA**

**AROMAS-SAN JUAN UNIFIED  
SCHOOL DISTRICT**

\_\_\_\_\_  
By: Don Reynolds  
Title: City Manager

\_\_\_\_\_  
By: Barbara Dill-Varga  
Title: Interim Superintendent



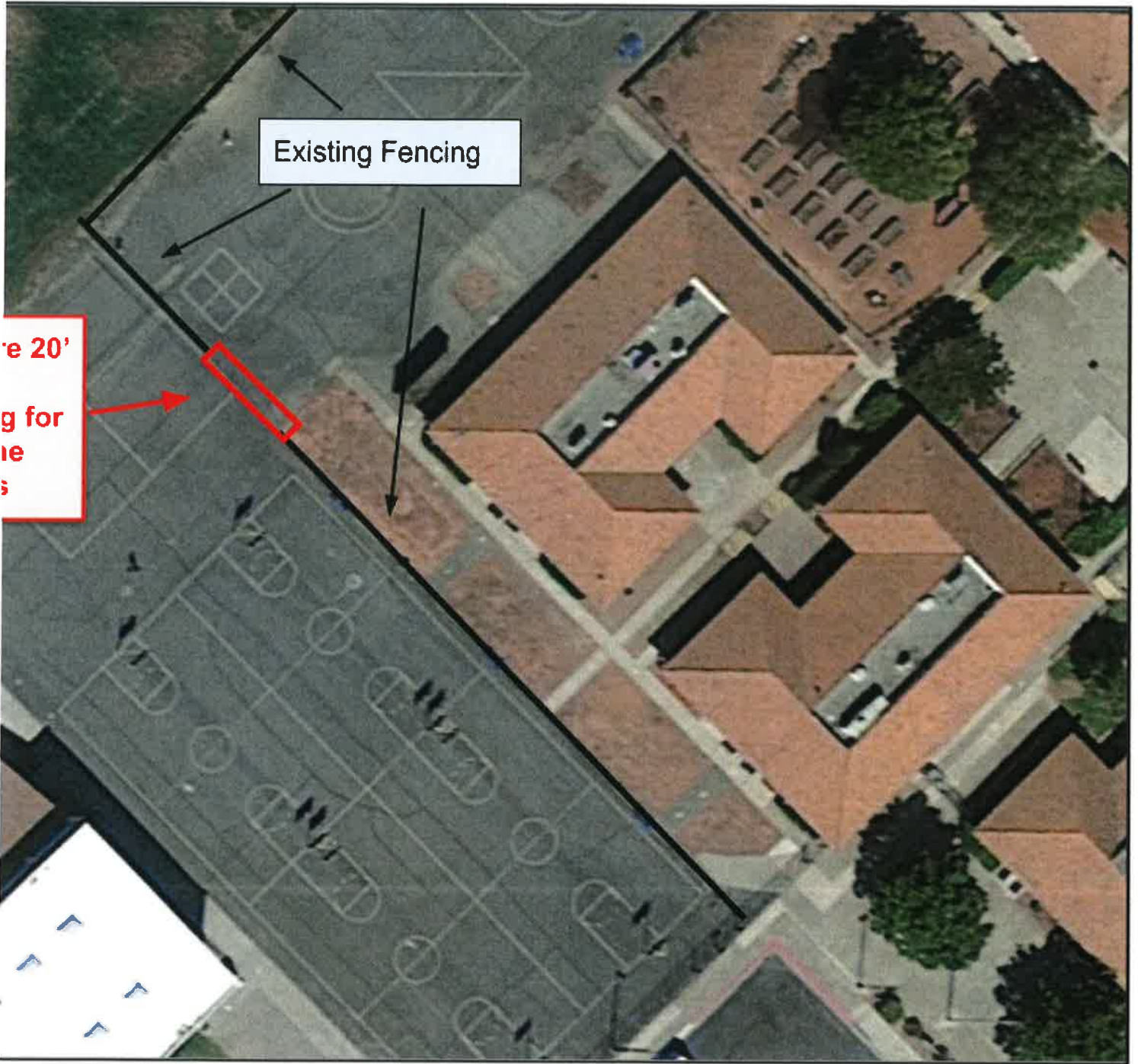
**EXHIBIT A**  
**Aerial Photo of School Site Showing Facilities and Parking**

**EXHIBIT B**  
**Aerial Photo of School Site Showing Fencing and Location of Gate for Fire Lane**

**EXHIBIT C**  
**Aerial Photo of School Site Showing Entrance/Exit to Facilities**

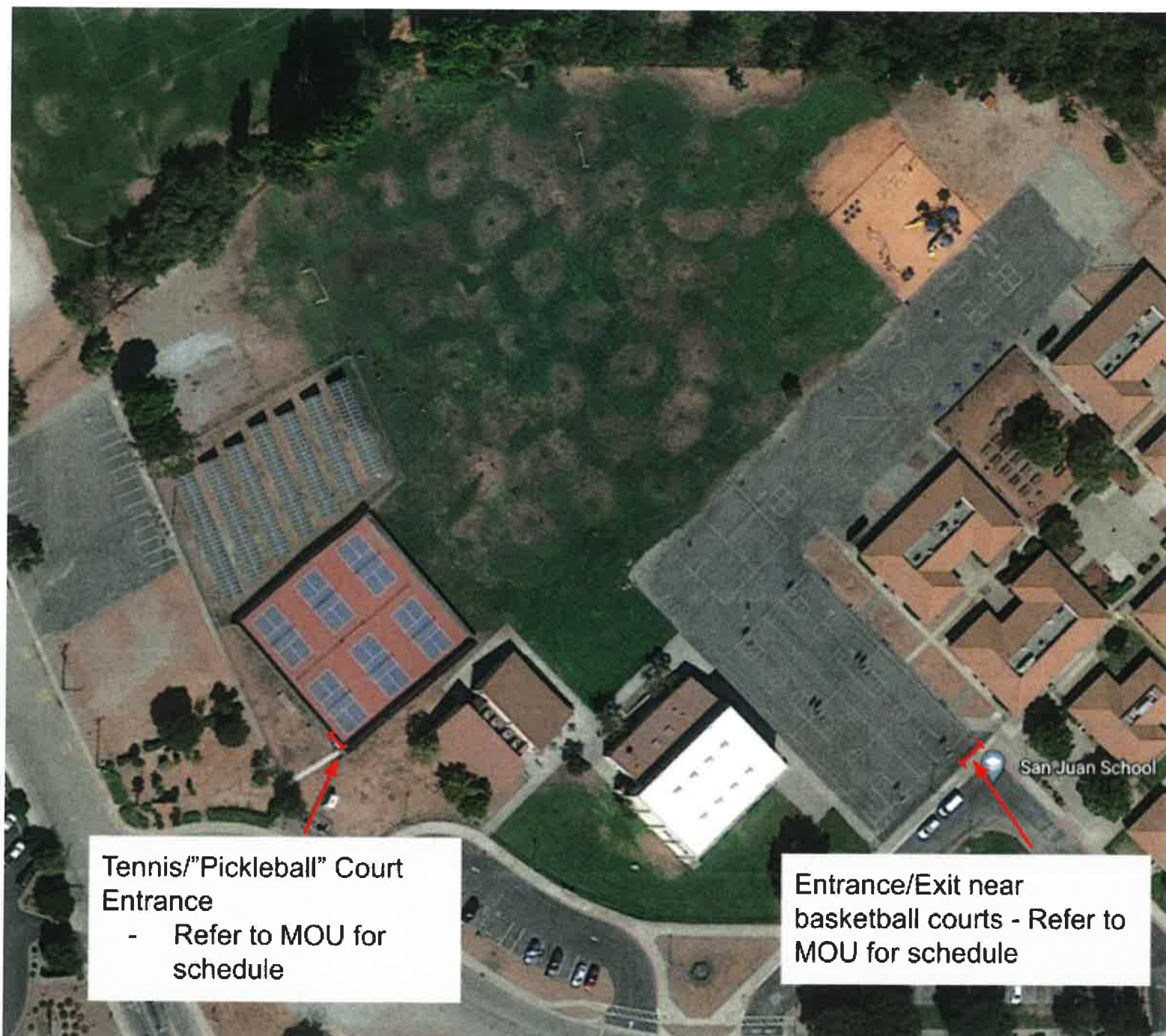






e 20'  
g for  
e  
s

Existing Fencing



Tennis/"Pickleball" Court  
Entrance

- Refer to MOU for  
schedule

Entrance/Exit near  
basketball courts - Refer to  
MOU for schedule



**City of San Juan Bautista**  
**Planning Commission/Historic Resources Board**  
**Notice of Open Seats**

***City Leaders are seeking qualified community members  
to help shape our future.***

The City Council of the City of San Juan Bautista is now accepting applications to fill four (4) vacancies on the San Juan Bautista Planning Commission and Historic Resources Board. Position terms run four years.

Position requirements, as established in the San Juan Bautista Municipal Code, include San Juan Bautista residency and registered to vote in the City of San Juan Bautista. Additionally, Planning Commissioners are required to attend training, and should have an interest and knowledge in historic preservation.

Planning Commission/Historic Resources Board meetings are held the first Tuesday of each month at 6:00 p.m. in City Hall.

To apply for the position please submit an application (available on the city website at [san-juan-bautista.ca.us](http://san-juan-bautista.ca.us)) and a letter of interest to the City Manager's office in City Hall by \_\_\_\_\_ at 5:00 p.m. Letters of interest will be kept on file for one (1) year.

***City Hall - 311 Second Street - P.O. Box 1420 - San Juan Bautista, CA 95045***

Posted \_\_\_\_\_

Discussion Item: Consider Changes to the City Sign Ordinance

See Sign Compliance Letter - No staff report available.





# CITY OF SAN JUAN BAUTISTA MEMORANDUM

DATE: July 29, 2022

TO: Downtown Business Owners

FROM: Brian Foucht, Community Development Director

SUBJECT: City of San Juan Bautista Sign Ordinance Requirements

Dear San Juan Bautista Business Owner

A "Sign" or "signage" is defined as means a visual communication device, including any structure, display, balloon or graphic used to convey a message to its viewers, including every advertising message, announcement, declaration, insignia, color, surface, or space erected or maintained in view of the observer for identification, advertisement, or promotion of the interests of any person, entity, product or service.

City staff have noted signs associated with businesses that are not permitted (Zoning Code Section 11-10-100 - Prohibited Signs), unless the following exceptions apply:

- The sign ordinance Section 11-10-130 (below)
- The Planning Commission may also grant exceptions (see below),
- Adopted Parklet Guidelines; and

**The following signs are prohibited and must be removed, or an application for an exception filed, no later than August 15, 2022.**

*(A) Portable A-frame signs unless located entirely on private property and within fifteen feet (15') of a public entrance. An A-frame sign should not interfere with pedestrian ingress or egress as required by the building or fire code.*

*(B) Internally illuminated signs (with the exception of signs included in SJBMC 11-10-020), neon signs, florescent or phosphorescent colors, flashing signs, and LED (light-emitting diode) signs. **Note: one (1) internally illuminated window sign of 126 square inches or less is allowed during business hours.***

*(C) Animated, moving (or simulating movement) signs.*

*(D) Portable signs, except for open house signs, election campaign signs, and special event signs that comply with the provisions of this Chapter.*

*(E) Any sign affixed to any vehicle or trailer unless the vehicle or trailer is intended to be used in its normal business capacity and not for the primary purpose of advertising a use or event or attracting persons to a place of business.*

*(F) Signs or sign structures that resemble or conflict with traffic control signs or devices whether by color, wording, or location.*

*(G) Signs that create a safety hazard by obstructing the clear view or safe movement of vehicular or pedestrian traffic.*

*(H) Signs that obstruct any door, window, fire escape or other emergency exit.*

*(I) Posters, placards, announcements, advertising and similar signs attached to any fence, pole, wall, bus stop, bench, or any other object in or upon a public right-of-way excepting notices posted by a public officer in the performance of a public duty, any person for the purpose of giving legal notice, warning or informational signs required or authorized by governmental regulations.*

*(J) Any sign, including a political sign, attached, maintained, painted, printed, or otherwise affixed to a curbstone, lamp post, hydrant, tree, shrub, tree stake or guard, utility pole, wire, bench, sidewalk, crosswalk, traffic signpost, traffic control device, or structure in or upon any public street, alley, or upon any other public property, except by a duly authorized public employee performing a governmental function, or required or permitted by law. Any sign so prohibited may be removed by City personnel, and persons responsible for placing the signs may be charged by City for costs of removal.*

*(K) Freestanding outdoor advertising signs and structures (billboards).*

Please Note that there are exceptions as follows:

**11-10-130 Exceptions.**

*(A) In order to prevent undue hardship or inequitable application of this Chapter, the **Planning Commission may grant an exception** from any maximum standard of this Chapter for a particular application. The intent of such exception is not to grant a special privilege to any property owner, but to assure fair and equitable treatment of properties that have unusual location, configuration and graphic communication problems. **Any exception request shall be specified in a sign permit application and shall be reviewed as part of that application.***

*(B) Temporary sponsorship signs describing sponsors of teams and leagues playing at Abbe Park are exempt from this Chapter subject to the following: (1) they shall be attached to fencing in place at the Park; (2) they shall not exceed the height of the fencing and shall be spaced at least eight feet (8') apart to allow viewing through the fencing, and for security*

*purposes; (3) they may be installed no earlier than one (1) week prior to the playing season to which they apply, and shall be removed no later than one (1) week after that season.*

*(C) Previous action by the City has exempted the following signs from regulation; thus they shall not be prohibited by SJBMC 11-10-100(B).*

*(1) The existing outdoor neon bakery sign at the San Juan Bakery (Third and Polk Streets);*

*(2) The existing outdoor neon Mission Cafe sign (300 Third Street);*

*(3) One (1) neon beer advertisement sign for each Mom and Pop's Bar and Daisy's Bar (205 and 213 Third Street, respectively); and*


*(4) Existing outdoor neon sign at Neil's San Juan Super Market (54 Muckelemei Street).*

*These exceptions are only for the described signs existing as of November 1, 2007, at the described locations, and for no other new or replacement signs. These signs can be rebuilt and repainted to be operable.*

**Parklet Guidelines** provide a limited exception for modest business identification signs, and allow one (1) business identification sign no larger than one (1) square foot to be affixed to the interior of a parklet structure. Items placed on parklets that are intended to attract business or advertise a product or service are prohibited.

Please contact me regarding any questions you may have, or to request an exception via the attached sign permit application.

Thank you,



Brian Foucht

831-623-4661 x 20 (office)

[ACM-CDDirector@san-juan-bautista.ca.us](mailto:ACM-CDDirector@san-juan-bautista.ca.us)



# CITY OF SAN JUAN BAUTISTA

P.O. Box 1420, 311 Second Street  
San Juan Bautista, CA 95045

## PLANNING DEPARTMENT

Phone: (831) 623-4661  
Fax: (831) 623-4093

### PLANNING APPLICATION COVER PAGE

#### TYPE OF APPLICATION (CHECK ALL THAT APPLY).

- |                                                                 |                                                    |
|-----------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> <u>Historic Resource Design Review</u> | <input type="checkbox"/> Annexation                |
| <input type="checkbox"/> Informal Project Review                | <input type="checkbox"/> Urban Growth Boundary     |
| <input type="checkbox"/> Major Projects                         | <input type="checkbox"/> Rezoning / Pre-zoning     |
| <input type="checkbox"/> Minor Projects                         | <input type="checkbox"/> General Plan Amendment    |
| <input type="checkbox"/> <u>Design Review</u>                   | <input type="checkbox"/> Zoning Text Amendment     |
| <input type="checkbox"/> Informal Project Review                | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Major Projects                         | <input type="checkbox"/> Lot Line Adjustment       |
| <input type="checkbox"/> Minor Projects                         | <input type="checkbox"/> Secondary Dwelling Unit   |
| <input checked="" type="checkbox"/> Sign Permit                 | <input type="checkbox"/> Variance                  |
| <input type="checkbox"/> Conditional Use Permit/Amendment       | <input type="checkbox"/> Permit Amendment          |
| <input type="checkbox"/> Tentative Map Major                    | <input type="checkbox"/> Appeal                    |
| <input type="checkbox"/> Tentative Map Minor                    | <input type="checkbox"/> Other _____               |
| <input type="checkbox"/> Planning Unit Development              |                                                    |

#### Applicant(s):

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

#### Property/Land Owner(s):

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Name and mailing address of property owner's or applicant's duly authorized agent who is to be furnished with notice of hearing (Section 65091 – California Government Code):**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

**Project Address/Location:** \_\_\_\_\_

**Most Current Assessor's Parcel Number:** \_\_\_\_\_

#### For Office Use Only:

Date Application Submitted \_\_\_\_\_ Deposit Collected \$ \_\_\_\_\_ Date \_\_\_\_\_

Date Application Complete \_\_\_\_\_ Billing Number \_\_\_\_\_

File Number(s) \_\_\_\_\_

12/17/2013

P:\Forms\Planning Application Cover Page.DOC



## CITY OF SAN JUAN BAUTISTA

P.O. Box 1420, 311 Second Street  
San Juan Bautista, CA 95045

## PLANNING DEPARTMENT

Phone: (831) 623-4661  
Fax: (831) 623-4093

### DESIGN REVIEW PERMIT FOR NEW SIGNS

The Design Review Permit for New Signs is for those individuals and/or businesses that are proposing a new sign for a business that is in the City. The purpose of the Permit is to regulate the signs to ensure compliance with the sign ordinance. All signs in the City must comply with the sign requirements described in the City's Zoning Ordinance

– Chapter 11.10.

#### APPLICATION REQUIREMENTS:

- ☐ Required processing fee of \$157.50
- ☐ Planning Application Cover Page (not required if filed with previous application)
- ☐ Liability Insurance (if sign is hanging over public right-of-way). City must be additionally insured.
- ☐ 2 copies of the building elevations or site plan noting the location and coverage area of the proposed signs
- ☐ 2 copies of detailed drawings (drawn to scale) of all proposed signs. The following information should be included:
  - ☐ Sign dimensions (height, width, and thickness)
  - ☐ Style and size of lettering and borders
  - ☐ Colors and Material
- ☐ Photographs of the building if applicable

**Note:** All items must be included in the application in order for it to be deemed complete. Failure to include the requested items may result in a delay of the application process.

## Encroachment Permit Term Relevant To Parklet

### 7-8-255 Term of permit. SHARE

The permittee shall complete the work or use authorized by a permit issued pursuant to this Chapter within ninety (90) days from date of issuance, unless a different period is stated in the permit. If the work or use is not completed within ninety (90) days, or within the time stated in the permit, then the permit shall become void, and the City Manager may restore the street in accordance with SJBMC 7-8-130. An extension of time for good cause may be granted by the City Manager when requested in writing.

**RESOLUTION 2022-40**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA ESTABLISHING THE TERM OF PARKLETS  
ENCROACHMENT PERMIT**

**WHEREAS**, in an effort to control the pandemic caused by the COVID-19 Virus, City Council declared a State of Emergency March 17, 2020; and

**WHEREAS**, the shelter in place health orders that followed the state of emergency closed all but essential businesses; and

**WHEREAS**, this closure of businesses was harmful to the City's economy and the City, among many other things, initiated the Transformation of Third Street by adopting Resolution 2020-24, on May 19, 2020; and

**WHEREAS**, to implement the Transformation of Third Street, business owners were offered the opportunity to expand their business onto the public right-of-way and build decks, also known as "parklets," where customers could sit safely and enjoy their services; and

**WHEREAS**, in an effort to protect the historic nature of the downtown, parklets were required to be built in compliance with Guidelines adopted via City Council Resolution 2021-61; and

**WHEREAS**, the parklet program was approved by the City Council for a period of six months ending December 31, 2020, and serially extended until March 30, 2021, February 16, 2021 September 30, 2021, March 30 2022, and May 31, 2022 via Resolution 2022-21;

**WHEREAS**, the City Council has approved and budgeted funds for the preparation of a Master Streetscape Plan (Third Street Master Plan) for the San Juan Bautista Downtown with a focus on Third Street Mixed Use area and desires to utilize the community's experience with parklets to evaluate the character of public improvements within the Downtown area;

**WHEREAS**, the City Council has requested and received the evaluation and recommendation of the City of San Juan Bautista Economic Development Citizens Advisory Committee (EDCAC) established, in part, for this purpose;

**WHEREAS**, the City Council has considered the recommendations of the Economic Development Citizen Advisory Committee (EDCAC), the Historic Resources Board and the Planning Commission regarding the City policy regarding parklets and the term of parklets;

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL** recommends that the City Council approve the recommendation of the EDCAC set forth in 5 (five) Key Considerations contained the EDCAC Report attached to the City Council staff report dated May 24, 2022 as the City's policy regarding parklets and in relation to the intended Third Street Master Plan:

- *Parklets are generally perceived to be beneficial to the community and to the sponsoring business.*
- *There are noted adverse effects of parklets; however, the benefits outweigh the noted adverse effects.*
- *Parklets should not be prevalent on Third Street in the short term. As a means of limiting noted short term adverse effects, the present parklet experience should not be expanded..*
- *It is important to know and understand the attitudes and perspectives of the community, business owners and visitors.*
- *Parklets should remain until the Third Street Master Plan construction begins. Third Street Master Plan parklet/plaza concepts should be shaped by referenced surveys and testimonials. The parklet experience should be re-imagined for use in the context of the Third Street Master Plan.*

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on the 24<sup>th</sup> day of May 2022 by the following vote:

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ATTEST:**

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

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





## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:**                   **ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF CONSERVATION CREDITS TO MITIGATE THE ADVERSE ENVIRONMENTAL IMPACTS CAUSED BY THE DECOMMISSIONING OF THE WASTEWATER TREATMENT PLANT AS A RESULT OF BUILDING THE CITY'S NEW SEWER FORCE MAIN PROJECT**

**MEETING DATE:**               November 15, 2022

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

---

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

It is recommended that the City Council adopt the attached resolution authorizing the Mayor to execute an agreement for the purchase of conservation credits to mitigate the adverse environmental impacts caused by the decommissioning of the wastewater treatment plant as a result of building the City's new sewer force main project.

### **BACKGROUND INFORMATION:**

The City has been violating its treated effluent wastewater discharge permit (National Pollution Discharge Elimination System ("NPDES") Permit since 2007, by sending too much salt into a creek. Since 2019, the City has been committed to ending its permit violations.

Part of solving this problem is diluting its drinking water with imported surface water to reduce the amount of salt. The second part of solving the problem is sending its wastewater to the Hollister treatment plant instead of the creek where it will be recycled and used for agriculture irrigation, and decommissioning its wastewater treatment plant. These solutions were approved by the City Council in 2020, and subsequently approved by the EPA, and Regional Water Quality Control Board. Collectively they are known as the "compliance projects." The wastewater project is also known as the "sewer force main."

The design of the Sewer Force Main project is completed and the City is applying for the permits necessary to construct the project. Once the permits are issued, the project can be bid. During the environmental review process, United State Fish and Wildlife Services ("US FWS) were

consulted and the City's consultant EMC Planning Group completed a biological study of the Force Main Project's environmental impacts. The project is mostly on existing County roads but will cross a few irrigation ditches and impact approximately 2,000 square feet of habitat. The decommissioning of the wastewater treatment plant will drain the two ponds, and eliminate the wastewater treated effluent discharge into the creek. These actions will adversely impact the habitat of two federally designated endangered species; the California Tiger Salamander ("CTS") and the California Red Legged Frog ("CRLF"). Impacts must be mitigated, or "compensated for."

The biological report suggests that water be maintained in the ponds and in the creek during breeding seasons after the plant is decommissioned. That biologists monitor the creek and ponds to assure the habitat is preserved in perpetuity. But the City has no acceptable source of water for this purpose. Its ground water is too salty for the creek. It is also expensive. The impact is unavoidable, but the City is required to compensate for it.

In cases where a mandated project (EPA compliance project, or force main to Hollister) will have unavoidable adverse impacts on the environment, the attached article from the U.S. Fish and Wildlife Service "Conservation Banking *Incentives for Stewardship*" describes an option that the federal government allows to compensate for the loss of habitat off-site.

**Conservation banks are permanently protected lands that contain natural resource values. These lands are conserved and permanently managed for species that are endangered, threatened, candidates for listing, or are otherwise species-at-risk. Conservation banks function to offset adverse impacts to these species that occurred elsewhere, sometimes referred to as off-site mitigation. In exchange for permanently protecting the land and managing it for these species, the U.S. Fish and Wildlife Service (US FWS) approves a specified number of habitat or species credits that bank owners may sell. Developers or other project proponents who need to compensate for the unavoidable or other project proponents who need to compensate for the unavoidable adverse impacts their projects have on species may purchase the credits from conservation bank owners to mitigate their impacts.**

This policy was established in 1995, and in that same year the State of California established a policy to promote regional conservation by encouraging "conservation banks" be formed to preserve existing habitats. As of 2011, 105 Conservation Banks have been approved in California by US FWS.

As described in the US FWS article "compensation" occurs in the form of "Credits."

#### **What are credits?**

**A credit is a defined unit of trade related to habitat or species of interest**

at the bank site. A credit may be equivalent to:

- (1) an acre of habitat for a particular species;
- (2) the amount of habitat required to support a breeding pair;
- (3) a wetland unit along with its supporting uplands; or
- (4) some other measure of habitat or its value to the listed species.

Methods of determining available credits may rely on ranking or weighting of habitats based on habitat condition and/or function, size of the parcel, or other factors.

The value of the credits are then used to pay for the biological monitoring required to make certain the habitats are being preserved. The US FWS regulates this activity closely. The option of buying credits to mitigate the environmental impact off-site appears to be the best and most practical approach to satisfying the elimination of habitat caused by the project and the decommissioning of the treatment plant.

In a Benito Link Article written by Leslie David July 21, 2018, titled "*Portion of Sparling Ranch is now conservation bank*" the concept of conservation banks was introduced to San Benito County. It describes the 8-year effort to establish this 2,000-acre wildlife conservation bank. "Credits" from this conservation bank were first used to compensate for the loss of habitat caused by the Santana Ranch development in Hollister. The credits available include the Red Legged Frog and Tiger Salamander, and are sold in one-acre habitat increments (option #1 above).

### **DISCUSSION:**

The attached Resolution has attached to it the proposed "Agreement for Sale of Conservation Credits." Recitals "A" through "F" describe how South Bay Conservation Resources LLC owns Sparling Ranch and the Sparling Ranch Conservation Bank, approved in 2017, that it is currently in good standing with the US FWS. They describe that the multi-species credits for the two endangered species that the City project will impact are part of the Sparling Ranch Conservation Bank habitat, included in the "Enabling Agreement." Recital "D" describes the City as the "Applicant," its project, "which would unavoidably and adversely impact" ("the endangered species") "and seeks to compensate for the loss ("of habitat") by purchasing conservation credits from the Bank Sponsor (South Bay Conservation Resources, LLC). Recital "E" describes that this application to purchase credits has been approved by US FWS ("the Department").

Attachment "A" to the Agreement is the project description summarized in this report. On Page 2, it describes the "Mitigation Plans for Impacted Habitat." "CRLF" and "CTS" are the acronyms for the two species (Frog and Salamander)

## Mitigation Plans for Impacted Habitat

The following table summarizes the mitigation credits required to offset the temporary and permanent impacts to CTS and CRLF breeding and upland habitats. Credits will be purchased at Sparling Ranch Conservation Bank.

**Table 1. Temporary and Permanent Impacts to CTS and CRLF**

| Habitat and Impact Type                                                          | Acreage Impacted | Mitigation Ratio | Subtotal |
|----------------------------------------------------------------------------------|------------------|------------------|----------|
| Permanently Impacted Breeding Habitat (SJB WWTP Ponds, Crossings)                | 1.1              | 3:1              | 3.3      |
| Temporarily Impacted Breeding Habitat (Crossings)                                | 0.0 (rounded)    | 3:1              | 0        |
| Permanently Impacted Non-Breeding Aquatic Habitat (No Name Creek, Adjacent Pond) | 1.3              | 2:1              | 2.6      |
| Permanently Impacted Upland Habitat (Pipeline Construction, WWTP Improvements)   | 0.07             | 2:1              | 0.1      |
| Temporarily Impacted Upland Habitat (Pipeline Construction, WWTP Improvements)   | 1.8              | 1:1              | 1.8      |
| Total                                                                            |                  |                  | 7.8      |

Acres impacted are in four categories. The mitigation ratios are intended to state that if an agency or developer is going to impact habitat, the agency is required to not just preserve the same area somewhere else, but more, at the designated ratios. For example, if you impact an acre of *breeding habitat*, then you need preserve 3 times that area at a recognized mitigation bank. Temporary impacts (Project staging areas) are a 1:1 ratio.

The 7.8 acres of credits are the required an approved number of credits needed to compensate for the impacts of the project. They cost \$60,000 per acre. This is how the cost is calculated at \$468,000.

### **FISCAL IMPACT:**

The project budget is \$18 million. That includes environmental mitigation measures. The City has been successful securing a sufficient amount of grant and low-interest loans to pay for the estimated budget of \$18 million.

### **ATTACHMENTS**

- 1- Resolution with Agreement and Project Description attached
- 2- US FWS Summary of Conservation Banks
- 3- Benito Link Article from July 21, 2018

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

### **A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA ADOPTING A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF CONSERVATION CREDITS TO MITIGATE THE ADVERSE IMPACTS CAUSED BY THE DECOMMISSIONING OF THE WASTEWATER TREATMENT PLANT AS A RESULT OF BUILDING THE CITY'S NEW SEWER FORCE MAIN PROJECT**

**WHEREAS**, for decades the City's drinking water source has been ground water from wells, that is notoriously "hard," high in minerals, and includes a high level of salt; and

**WHEREAS**, the high levels of salt are passed through the City's drinking water system to its wastewater treatment system, the wastewater system is not capable to eliminate salts, , resulting in high salt levels being discharged into the creek; and

**WHEREAS** since 2007, the City has violated its National Pollution Discharge Elimination System Permit discharging too much salt into a creek; and

**WHEREAS**, on August 8, 2020, the City Council adopted Resolution 2020-42, and the City and EPA executed an Administrative Order on Consent ("AOC"), agreeing to resolve the City's NPDES violations by December 2023, setting forth a schedule by which certain milestones will be reached; and

**WHEREAS**, on October 15, 2020, the City Council approved Resolution 2020-51, and agreed to two compliance projects from the analysis provided in the Preliminary Engineers Report ("PER"): "Alternative 3: Regionalization with Hollister WWTP and Off-Site Source Control (Hollister Water Treatment Plant operated by the City of Hollister), the "Sewer Force Main Project," and West Hills Water Treatment Plant operated by the San Benito County Water District; and

**WHEREAS**, in September 2021, the City of Hollister executed an MOU and agreed to accept the City's wastewater, and the sewer force main to Hollister project is now completely designed, and is fully funded; and

**WHEREAS**, the creek that currently receives the treated effluent, is habitat to federally designated endangered species, the California Tiger Salamander, and the California Red Legged Frog ("endangered species"); and

**WHEREAS**, the City's decision to decommission its treatment plant will leave the ponds dry, and by removing the effluent from the creek will leave the creek dry, and adversely impact if not eliminate some habitat of the endangered species ("environmental impacts"); and

**WHEREAS**, before the Sewer Force Main Project can be publicly bid, the City must agree to the mitigation measures necessary to resolve the environmental impacts; and

**WHEREAS**, as described in the staff's report to the City Council November 15, 2022, the mitigation measure will compensate for the unavoidable adverse environmental impacts of the Sewer Force Main project will have on the endangered species, the City has the option to purchase "conservation credits" from conservation bank owners to mitigate these impacts; and

**WHEREAS**, the attached agreement outlines the details of this transaction, describing the impact as being 7.8 acres of riparian land to be preserved in another location (“Conservation Bank”) known as Sparling Ranch, and these multi-species credits are valued at \$60,000 per acre, for a total cost of \$468,000; and

**WHEREAS**, it has been determined that this purchase of conservation credits in another location will satisfy the California Environmental Quality Act (“CEQA”) mitigation measures needed to off-set the unavoidable adverse impacts to the environment when the wastewater treatment plant is decommissioned and ceases to disburse its effluent water into the creek; and

**WHEREAS**, the City Council agrees that this is the most efficient and cost-effective way to mitigate this adverse impact and help preserve habitat for the endangered species, and agrees to purchase these conservation credits from the owner of Sparling Ranch, South Bay Conservation Resources LLC, as provided for in the attached Agreement.

**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 understands that the sewer force main to Hollister and the decommissioning of the wastewater plant will cause an unavoidable adverse impact on the habitat of the California Tiger Salamander and the California Red Legged Frog.
3. To mitigate this impact, the City has one viable option to compensate for the loss of habitat, and that is to buy conservation credits from a “Conservation Bank.”
4. South Bay Conservation Resources, LLC has developed the Sparling Ranch Conservation Bank, that is approved by the U.S. Fish and Wildlife Services and the California Department of Fish and Wildlife to offer conservation credits at a cost of \$60,000 per acre.
5. The City agrees to purchase 7.8 acres of these conservation credits to mitigate the adverse impact of decommissioning its wastewater treatment plant, and
6. Authorizes the City Manager to execute the attached agreement in the amount of \$468,000 to make this happen.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 15<sup>th</sup> day of November 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

---

Leslie Q. Jordan, Mayor

---

Don Reynolds, Acting Deputy City Clerk  
Attachment- Agreement

## Agreement for Sale of Conservation Credits

Bank CDFW Tracking No. 1798-2013-08-R4, USFWS File No. 08EVEN-2014-B-0086

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_, 2022, by and between South Bay Conservation Resources, LLC, a California limited liability company (Bank Sponsor) and City of San Juan Bautista (Project Applicant), jointly referred to as the "Parties," as follows:

### RECITALS

A. The Bank Sponsor has developed the Sparling Ranch Conservation Bank (Bank) located in Santa Clara and San Benito Counties, California; and

B. The Bank was approved by the U. S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department) on June 13, 2017, and is currently in good standing with the Service and the Department; and

C. The Bank has received approval from the Service and Department to offer California tiger salamander (*Ambystoma californiense*) and California red-legged frog (*Rana draytonii*) credits for sale as compensation for the loss of California tiger salamander and/or California red-legged frog habitat through the *Sparling Ranch Conservation Bank Enabling Agreement* (Bank Agreement); and

D. Project Applicant is seeking to implement the project described on Exhibit "A" attached hereto (Project), which would unavoidably and adversely impact California tiger salamander and/or California red-legged frog, and seeks to compensate for the loss of California tiger salamander and/or California red-legged frog by purchasing Conservation Credits from Bank Sponsor; and

E. Project Applicant has been authorized by the Department, File No. 2081-2022-033-04, USFWS File No. 08EVEN00-2022-0031493-S7 to purchase from the Bank Sponsor 7.8 multi-species California tiger salamander upland habitat and California red-legged-frog credits upon confirmation by the Bank Sponsor of credit availability/adequate balance of credits remaining for sale; and

F. Project Applicant desires to purchase from Bank Sponsor, and Bank Sponsor desires to sell to Project Applicant 7.8 multi-species California tiger salamander upland habitat and California red-legged-frog credits;

### *Now, therefore, the parties agree as follows:*

1. Bank Sponsor hereby sells to Project Applicant and Project Applicant hereby purchases from Bank Sponsor 7.8 multi-species *California tiger salamander upland habitat and California red-legged-frog* credits for the purchase price of \$468,000. The Bank Sponsor will then deliver to Project Applicant an executed Bill of Sale in the manner and form as attached hereto and marked Exhibit "B". The purchase price for said credits shall be paid by cashier's check or, at the option of Bank Sponsor, wire transfer of funds according to written instructions by Bank Sponsor to Project Applicant.

2. The sale and transfer herein is not intended as a sale or transfer to Project Applicant of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

3. Project Applicant shall have no obligation whatsoever by reason of the purchase of the Conservation Credits, to support, pay for, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the credits sold, or the Bank. Pursuant to the Bank Agreement and any amendments thereto, Bank Sponsor shall monitor



and make reports to the Service and Department on the status of any Conservation Credits sold to Project Applicant. Bank Sponsor shall be fully and completely responsible for satisfying any and all conditions placed on the Bank or the Conservation Credits by the Service, Department, and other state or federal jurisdictional agencies.

4. The Conservation Credits sold and transferred to Project Applicant shall be non-transferable and non-assignable, and shall not be used as compensatory mitigation for any other Project or purpose, except as set forth herein.

5. Project Applicant must exercise his/her/its right to purchase the Conservation Credits within 20 days of the date of this Agreement. After the 20 day period this Agreement will be considered null and void.

6. Upon purchase of the credits specified in paragraph D above, the Bank Sponsor shall submit to the CBRT Members listed in the Notices section of the Bank Agreement / Bank Enabling Instrument, copies of the: a) Agreement for Sale of Conservation Credits; b) Bill of Sale; c) Payment Receipt; and d) an updated ledger. The updated inventory / ledger must detail: i) Project Applicant; ii) Project Name; iii) Status (sale complete/sale not complete); iv) Credit Sale Date; v) Service and/or Department File Number; vi) U.S. Army Corps of Engineers File Number (if applicable); vii) Total Number of Credits Authorized to Sell; viii) Total Number of Credits Sold to Date (inclusive); and ix) Balance of all Credits Available. The inventory / ledger should include all sales data from bank opening/establishment to the present.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

BANK SPONSOR:

**South Bay Conservation Resources, LLC, a California limited liability company**

By: Stonecreek Properties, LLC, a California limited liability company

Its: Manager

By: \_\_\_\_\_ Date: \_\_\_\_\_

(Signature)

Name: \_\_\_\_\_

(Name and Title)

PROJECT APPLICANT:

City of San Juan Bautista

By: \_\_\_\_\_ Date: \_\_\_\_\_

(Signature)

Name: \_\_\_\_\_

(Don Reynolds, City Manager)



Exhibit "A"

**Project Description:**

See Attachment

[Project Location: San Juan Bautista Wastewater Treatment Plant, Pipeline Route, Hollister Wastewater Treatment Plant (Department File No. 2081-2022-033-04, USFWS File No. 08EVEN00-2022-0031493-S7), San Benito County, California]

Exhibit "B"

**BILL OF SALE**

Contract #SRCB-22-07

Bank CDFW Tracking No. 1798-2013-08-R4, USFWS File No. 08EVEN-2014-B-0086

Project Applicant Service No.: Department File No. 2081-2022-033-04, USFWS File No. 08EVEN00-2022-0031493-S7

In consideration of \$468,000 receipt of which is hereby acknowledged, *South Bay Conservation Resources, LLC, a California limited liability company (Bank Sponsor)* does hereby bargain, sell and transfer to City of San Juan Bautista (Project Applicant), 7.8 multi-species California tiger salamander upland habitat and California red-legged-frog credits in the *Sparling Ranch Conservation Bank* in Santa Clara and San Benito Counties, California, developed, and approved by the U. S. Fish and Wildlife Service and California Department of Fish and Wildlife.

Bank Sponsor represents and warrants that it has good title to the credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Bank Sponsor covenants and agrees with the buyer to warrant and defend the sale of the credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: \_\_\_\_\_

**South Bay Conservation Resources, LLC, a California limited liability company**

By: Stonecreek Properties, LLC, a California limited liability company

Its: Manager

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

(Signature)

Name: \_\_\_\_\_

(Name and Title)



# San Juan Bautista to Hollister Sewer Force Main Project Description

The project includes repurposing San Juan Bautista's existing Wastewater Treatment Plant (WWTP) influent pump station and development of a new 10-inch diameter high-density polyethylene (HDPE) force main that would carry sewage from the San Juan Bautista WWTP to a manhole just upstream of the Hollister Domestic WWTP influent pump station ([Figure 1, Location Map](#)).

## Influent Pump Station and WWTP Storage

The City's current average dry weather flow (ADWF) is approximately 160,000 gpd (gallons per day) with an estimated build-out ADWF of 420,000 gpd. A new primary pump station will be constructed that will house three submersible pumps which will serve as the primary pumps to convey city wastewater to the Hollister Domestic WWTP. The three primary submersible pumps will be nearly capable of conveying peak hour wet weather flows through the intermediate planning horizon (2035). The existing San Juan Bautista WWTP influent pump station will be repurposed to house two submersible pumps which will serve as the emergency storage pumps for peak flow shaving during extreme wet weather events. The existing San Juan Bautista WWTP ponds will be converted to emergency storage basins. The lower pond will be lined in the future to serve as an equalization basin when the build-out peak-hour wet weather flows are realized. Two sump (i.e., drain) pumps will be available to support the storage function of the existing ponds. The remaining existing facilities will be decommissioned (existing pumps, aerators, filters, and ultraviolet disinfection equipment).

## Force Main

The proposed route runs the new force main inside the existing, unused 18-inch gravity sewer in San Juan Bautista north for about 0.43 miles until it reaches the northwest end of Caetano Place. From there the proposed 10-inch, 6.97-mile main route is along First Street, where it crosses No Name Creek to Prescott Road, where it crosses a drainage near the True Leaf Farms agricultural processing facility and turns east on San Justo Road. At Lucy Brown Road, the route turns south for a short length before running east again on Duncan Road. At Bixby Road the route turns south and then turns east on Freitas Road. The route then turns north on Mitchell Road until it reaches the southeast border of the Hollister Domestic WWTP site. The route then follows the southern border of the Hollister Domestic WWTP percolation ponds until crossing State Route 156, through an existing 42-inch casing pipe under the highway, heading further east until it terminates at the Hollister Domestic WWTP existing influent manhole. The proposed route is almost entirely in

public rights-of-way. Figure 2, Proposed Route and Staging Area Parcels, illustrates the proposed route of the sanitary sewer force main.

The area of impact for the force main will include a trench width up to three-feet wide and will be seven to eight feet deep along most of the route, and up to 15-feet deep where it will be placed within the existing 18-inch sewer line. Once the force main has been placed, the full drive lane will be repaved. During construction, it is likely that more than a three-foot wide area would be disturbed, though most of the disturbed area will be in the existing lane and road shoulder. Where the route crosses water features, pipe bridges will be utilized.

The proposed main improvements will be primarily within the County road rights-of-way, which is generally 40 to 60 feet. Agricultural crops or other improvements within the rights-of-way will not be disturbed.

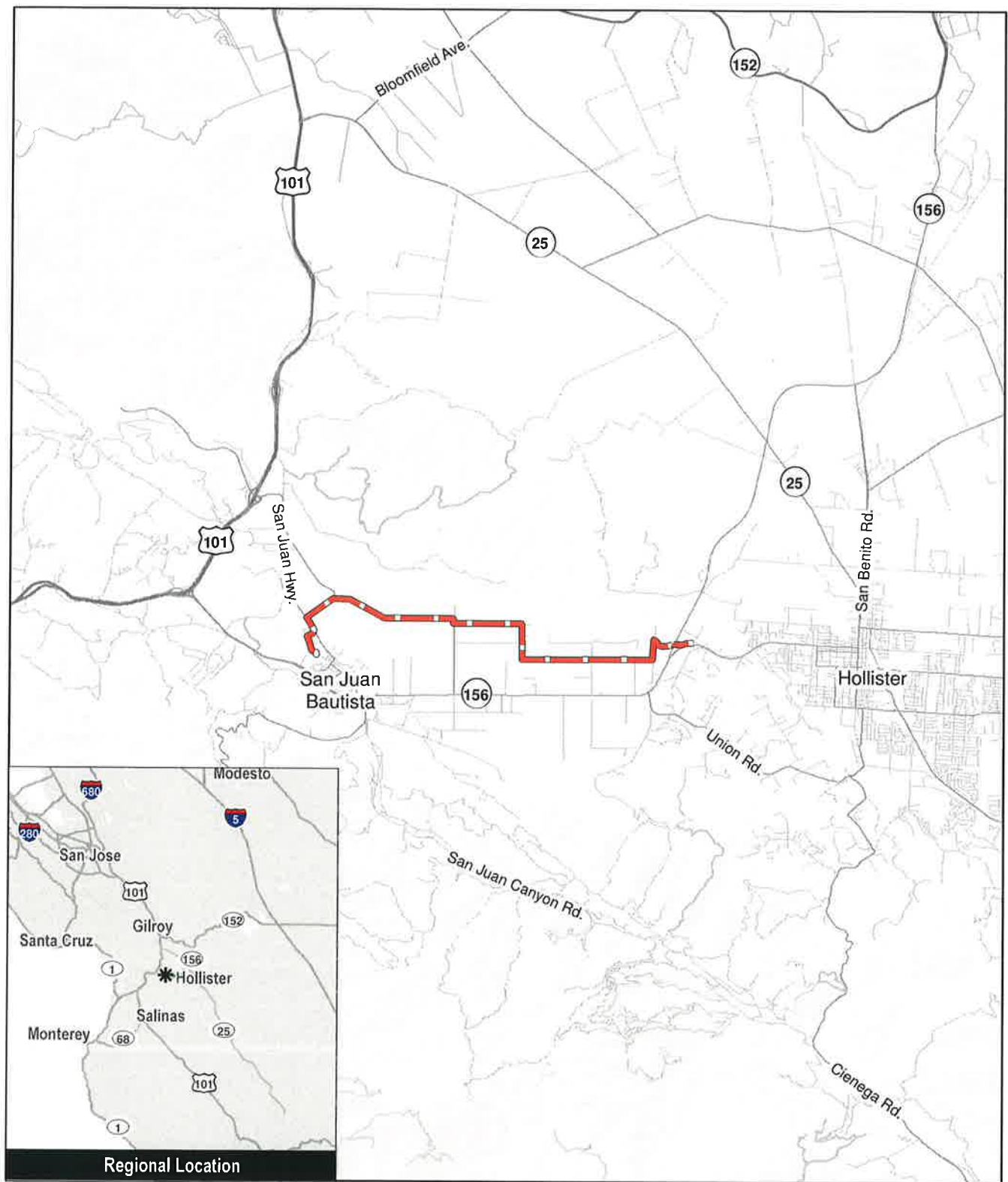
In addition to the impact area, six staging areas have been identified along the route. These staging areas are located on active agricultural fields or equipment storage areas devoid of native vegetation. Staging areas will be a small portion of the overall parcel, as shown on Figure 2, Proposed Route and Staging Area Parcels. Based on field surveys and a review of aerial photographs, the staging areas are not considered potential breeding or upland habitat due to the distance between the staging areas and any known breeding or grassland habitats and ongoing intensive agricultural activities.

## Mitigation Plans for Impacted Habitat

The following table summarizes the mitigation credits required to offset the temporary and permanent impacts to CTS and CRLF breeding and upland habitats. Credits will be purchased at Sparling Ranch Conservation Bank.

**Table 1. Temporary and Permanent Impacts to CTS and CRLF**

| Habitat and Impact Type                                                          | Acreage Impacted | Mitigation Ratio | Subtotal   |
|----------------------------------------------------------------------------------|------------------|------------------|------------|
| Permanently Impacted Breeding Habitat (SJB WWTP Ponds, Crossings)                | 1.1              | 3:1              | 3.3        |
| Temporarily Impacted Breeding Habitat (Crossings)                                | 0.0 (rounded)    | 3:1              | 0          |
| Permanently Impacted Non-Breeding Aquatic Habitat (No Name Creek, Adjacent Pond) | 1.3              | 2:1              | 2.6        |
| Permanently Impacted Upland Habitat (Pipeline Construction, WWTP Improvements)   | 0.07             | 2:1              | 0.1        |
| Temporarily Impacted Upland Habitat (Pipeline Construction, WWTP Improvements)   | 1.8              | 1:1              | 1.8        |
| <b>Total</b>                                                                     |                  |                  | <b>7.8</b> |



0 2 miles

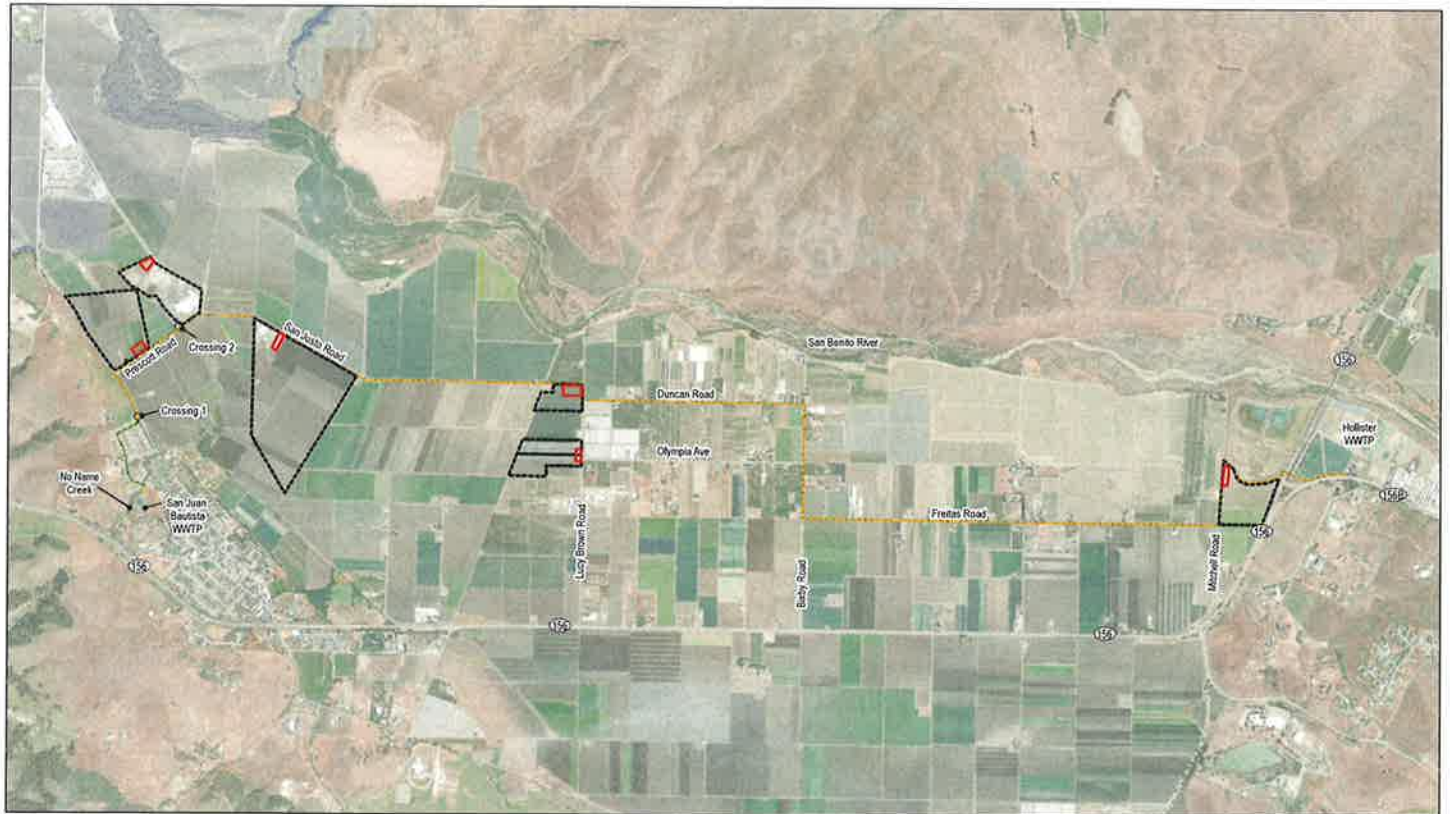
 Proposed Route

Source: ESRI 2019



Figure 1  
Location Map

San Juan Bautista to Hollister Sanitary Sewer Force Main Project



--- Existing 18" Gravity Sewer - 0.4 mi  
 --- 10" HDPE Forcemain - 7.0 mi  
 Staging Area Parcels  
 Staging Areas

Source: ESRI 2022, Stantec 2022

Figure 2  
 Proposed Route and Staging Area Parcels  
 San Juan Bautista to Hollister Sanitary Sewer Force Main Project





U.S. Fish & Wildlife Service

# Conservation Banking

## *Incentives for Stewardship*

Conservation banks are permanently protected lands that contain natural resource values. These lands are conserved and permanently managed for species that are endangered, threatened, candidates for listing, or are otherwise species-at-risk. Conservation banks function to offset adverse impacts to these species that occurred elsewhere, sometimes referred to as off-site mitigation. In exchange for permanently protecting the land and managing it for these species, the U.S. Fish and Wildlife Service (FWS) approves a specified number of habitat or species credits that bank owners may sell. Developers or other project proponents who need to compensate for the unavoidable adverse impacts their projects have on species may purchase the credits from conservation bank owners to mitigate their impacts.

Conservation banking offers opportunities for a variety of landowners through preservation, enhancement, restoration and/or establishment of habitat for species. Lands used for ranching, farming, and timber operations or similar agricultural purposes can function as conservation banks if they are managed as habitat for species. Degraded habitat, such as retired croplands or orchards, may be restored. Linear areas or corridors, such as stretches of streams and their associated riparian habitat that link populations of species, may also qualify as conservation banks.

### Who benefits?

A conservation bank is a market enterprise that offers landowners incentives to protect species and their habitat. Landowners can profit from selling habitat or species credits to parties who need to compensate for adverse impacts to these species. Landowners can generate income, keep large parcels of land intact, and possibly reduce their taxes.

Developers and others whose activities result in adverse environmental impacts typically are required to compensate for such impacts. Providing



*A biologist monitors the vernal pool vegetation in spring at the Orchard Creek Conservation Bank, Placer County, California.*

compensatory habitat off-site is often the best solution. However, it can be difficult for individual project proponents to locate appropriate lands and costly to restore, protect, and provide for the long-term management of these lands. Conservation banks provide a simple, economical alternative for developers and other project proponents. A one-time purchase of credits saves developers time and money and provides regulatory certainty.

Conservation banking benefits species by establishing large reserves that function as compensatory mitigation areas for multiple projects. It costs less per acre to manage a conservation bank than the equivalent acreage divided among many small isolated mitigation sites. Larger reserves are more likely to ensure ecosystem functions, foster biodiversity, and provide opportunities for linking existing habitat. In coordination with other tools, this collaborative, incentive-based approach to conservation may aid in the recovery of listed species.

Conservation banking also benefits the public by protecting open space and contributing environmental services such as nutrient recycling, pollination services, and climate regulation. Conservation banking works best in

concert with regional conservation planning where the community is involved in determining which areas are conserved and which are developed to achieve a healthy environment and economy. It is particularly useful when used in conjunction with regional or county-wide Habitat Conservation Plans (HCPs) or green infrastructure plans.

### Background

Conservation banking for federally-listed species has its roots in wetland mitigation banking. In the early 1990s, the FWS began working with other Federal agencies to establish wetland mitigation banks. In 1995, the final policy on wetland banking, *Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks*, was published (60 FR 58605-58614). In that same year, the State of California established a policy to promote regional conservation by encouraging a second generation of mitigation banks, called conservation banks, to preserve existing habitats. In the early 1990s, the FWS began approving conservation banks for a variety of federally-listed species, often in cooperation with other Federal agencies and the State of California. As of October 2011, 105 conservation banks have been approved by the FWS. Information on these banks can be found at RIBITS, the Regulatory In-lieu Fee and Bank



Tracking System, at <https://ribits.usace.army.mil>.

In May 2003, in what has been termed “a hallmark event in the 36-year history of the Endangered Species Act,” the FWS issued the first comprehensive Federal guidelines designed to promote conservation banks as a tool for mitigating adverse impacts to species. Although no two banks will be developed or used in an identical fashion, the guidelines foster national consistency by standardizing establishment and operational criteria. A copy of the guidance is available at <http://www.fws.gov/endangered/landowners/conservation-banking.html>.

### What lands are eligible?

Private, Tribal, State and local government lands are eligible to become conservation banks. Federal lands may require special consideration concerning applicability of the lands for mitigation purposes and review and approval by the FWS for consistency with other regulations and policies. Generally, lands previously designated for conservation purposes through another program are not eligible unless designation as a bank provides an additional conservation benefit to the species. Before the FWS can approve a conservation bank, landowners are required to:

- enter into a Conservation Banking Agreement with the FWS;
- grant a conservation easement to an eligible third party, precluding future development of the property and restricting certain land uses;
- develop a long-term management plan for the conservation bank; and
- provide funding for monitoring and long-term management of the conservation bank through establishment of a non-wasting endowment.

In return, the FWS approves landowners to sell a specified number of credits to project proponents seeking mitigation for listed species or other species-at-risk. The FWS designates a service area for the bank within which the landowner/bank sponsor may sell credits.

### What is a conservation easement?

A conservation easement is a legal contract between the landowner (grantor) and the easement holder (grantee) in which the landowner gives up certain development rights and agrees to certain restrictions

on the property. Public agencies, land trusts, and other nonprofit conservation organizations are typical groups that States authorize to hold conservation easements. Restrictions on the property may include a reduction in the number of livestock that may be grazed, prohibition of recreational off-road vehicle use, or prohibition of construction of new roads and buildings. Any activities inconsistent with the purposes of the conservation bank are restricted under the easement. Because perpetual conservation easements are binding on future owners, the resource values of these properties are protected in perpetuity. Many States and local governments offer tax benefits associated with this type of property encumbrance.

### What is a management plan?

A management plan identifies tasks for operating and maintaining a bank site as well as methods for monitoring and maintaining desired habitats for species. A management plan may include removing trash on a regular basis, mending and replacing fencing, monitoring the listed species or habitat conditions, controlling invasive species that interfere with the naturally functioning ecosystem, conducting prescribed burns, and other activities to maintain the habitat. A management plan is long-term, requires careful development, and should take into account any foreseeable changes that may affect property management. A management plan should be as specific as possible, but flexible enough to allow changes in management practices in response to monitoring results.

### How is management funded?

Most often an endowment is established to fund the long-term management of the conservation bank. The endowment is an interest-bearing account in an amount sufficient to generate enough yearly income to fund the annual management of the conservation bank. Since only the interest is available for use and the principal is not withdrawn, the endowment is “non-wasting,” providing a perpetual source of funding for management of the conservation bank. The endowment may be funded in full at the time of conservation bank approval or in increments, but should be fully funded within five years.

### What are credits?

A credit is a defined unit of trade related to habitat or species of interest

at the bank site. A credit may be equivalent to:

- (1) an acre of habitat for a particular species;
- (2) the amount of habitat required to support a breeding pair;
- (3) a wetland unit along with its supporting uplands; or
- (4) some other measure of habitat or its value to the listed species.

Methods of determining available credits may rely on ranking or weighting of habitats based on habitat condition and/or function, size of the parcel, or other factors.

### What is a service area?

The service area for a conservation bank is the area outside the bank property within which the bank owner may sell credits. The FWS determines service areas for conservation banks based on physical and ecological attributes such as watersheds, soil types, species recovery units, and/or species and population distributions. Banks with more than one type of credit may have different service areas designated for different credit types.

### What projects are eligible?

Only projects that would otherwise be permitted and are suitable for off-site mitigation may use conservation banks. The species and habitats for which the project proponent seeks mitigation must be present at the conservation bank. Conservation banking is not a substitute for avoiding and minimizing effects on listed species on-site. The purpose of conservation banking is not to encourage development of listed species' habitats, but rather to provide an ecologically effective alternative to small on-site preserves which are not defensible or sustainable.

### Contact Us

If you would like more information on conservation banking, please contact the FWS Regional Office with responsibility for the State or Territory in which the project is being proposed. Regional Office information can be found at <https://www.fws.gov/endangered/regions/index.html>.

**U.S. Fish and Wildlife Service  
Ecological Services Program  
5275 Leesburg Pike  
Falls Church, VA 22041  
703-358-2171**

<http://www.fws.gov/endangered/>

**September 2019**

# Portion of Sparling Ranch is now conservation bank

Published: 07/21/2018

By Leslie David

**Two-thousand acres of a historic ranch** straddling the San Benito and Santa Clara County line has become a wildlife conservation bank. After an eight-year effort, the project will protect sensitive habitat while the century-old family-owned Sparling cattle ranch continues to operate.

The ranch was originally homesteaded, but was absorbed by settler T.S. Hawkins as he and his wife expanded their ranch boundaries. Over 6,000 acres total, it has been held by Hawkins' descendants, but about a decade ago they found it increasingly challenging to keep it.

Linda Morrissey, the most senior member of the Hawkins/Sparling family, said in an interview with BenitoLink, "In the ranching community, the older members have control and the new generations come in. Now it's three separate families." Each family has children, grandchildren, even great grandchildren, all with their own interests.

One-third owner Morrissey, who still lives in the home her parents Brick and Jean Hawkins Sparling built in 1952, said in recent years the ranch has struggled financially and that competing individual goals have been increasingly problematic. "It's more a way of life. The ranch isn't big enough to hold everybody and they all have to work other places."

Morrissey's cousin Tom Sparling, also a one-third owner, has a roofing and solar business in Santa Clara County. He spent his childhood exploring the ranch, hunting, fishing, and enjoying its abundant wildlife.

"We have had a cow-calf operation for three generations and half [the family] wanted to sell and half didn't," he said.

Accepting that a sale was likely, Morrissey, Tom Sparling, and his cousin Ed Sparling began showing it to potential buyers.

Around the same time, Michael Anderson, a property developer, started a planned development, Santana Ranch, on Hollister land his family had invested in 20 years earlier.

In order to get approval, he and his partners, the Guerra family, were required to find other land to mitigate for potential impacts to rare species. To move forward on the 1,092-home project, Anderson needed to find 700 acres of mitigation land. The two families formed a company called South Bay Conservation Resources and committed to the long process ahead.

Federally, the red-legged frog and the tiger salamander are threatened species and controlled under the Endangered Species Act. On the state level, only the tiger salamander is considered threatened. South Bay Conservation needed to find a suitable piece of land with both amphibians, and they zeroed in on the 2,000-acre piece of the Sparling Ranch.

Thus began a detailed and tedious process to confirm the existence of the salamander and frog and study their surrounding habitat, from plants and insects to the still-abundant resident wildlife.

"We are not looking for a particular number of animals or amphibians but a habitat that we can provide them in perpetuity," said Jeff Phillips, the U.S. Fish and Wildlife Service conservation banking coordinator and senior fish and wildlife biologist.

Phillips explained the value in working on larger pieces of land: "A lot of the excitement is that it is a whole ecosystem that is preserved. A lot of these large ranches that have species doing well are because the landowner has been a great steward of their land. What they've been doing is totally compatible with a healthy ecosystem." Phillips, who has handled several wildlife conservation banks, says grazing cattle can have a positive impact on red-legged frog and the tiger salamander habitat.

"It's a pristine ranch that hasn't been used for anything but grazing cattle and that's why it has all those animals they want," said Morrissey, who spent years working in the livestock operation.

Developer Anderson got to work with the agencies. "We created a habitat enhancement plan and management plan," he said. "Then, we created an endowment [about \$1 million] so that there are funds available in perpetuity for tasks such as biological surveys, bullfrog control, and genetic testing of salamanders."

Astutely, they realized other developers could take advantage of all their groundwork and Conservation Resources could sell the remaining bank acreage to them.

Using earned interest from South Bay Conservation Resources' endowment, Anderson will have independent biologists check the welfare of the species once a year in perpetuity.

"We're in the forever business," said Phillips about U.S. Fish and Wildlife's outlook.

Phillips continued: "The endowment is there to provide the long-term management plan for the species: animal control related to the species being managed, optimal grazing intensity, invasive species, habitat maintenance, and improvement."

Those plans now include fencing across some of the ranch's stock pond dams and excluding cattle from specific areas. Referring to these new management methods, Tom Sparling said that from his perspective, "Some make sense and some don't."

The Sparling Ranch project got state approval in January 2017, and finally in early 2018, Anderson attained federal approval after an eight-year process.

“We were a little naive about the process—the Sparlings joked about getting it all done in 90 Days, but it has been great to work with them,” Anderson said.

According to Sparling, the conservation bank sale provided family members nearly the same amount of money—“thousands an acre”—they would have gotten by selling off the 2,000 acres as originally planned.

Some changes had to be accepted, like the sale of the ranch’s 400 cows, which were replaced with cattle owned by customers paying a pasture bill.

“I cried like a baby when we sold the cows,” Morrissey said.

The Sparling Ranch will continue to operate, but from here on, they will be working with several new partners; cattle pasture customers, federal and state government agencies, and South Bay Conservation Resources.

Still, all concede that a land sale would potentially have broken up the intact wildlife habitat with new homes, roads and fencing, while reducing the viability of the livestock business itself.

“I’m thrilled,” 79-year-old Morrissey said about the end result. “This will be preserved forever and I think that’s kinda cool.” Her great-grand nephew now runs cattle on the ranch and, she adds, “My great-grandchildren will be able to enjoy this property.”

“We can still do what we always have done here: hunt, fish, ride quads,” said Tom Sparling. “There’s never gonna be houses up there,” he said.

With South Bay Conservation Resources’ remaining 1,400 acres, the land is available for other projects and it “could just take a day” for other developers needing to mitigate, Anderson said. With approval, the Sparling Ranch land can accept

development projects from the northern Bay Area, extending as far south as San Luis Obispo County.

“The developer is getting permits more easily, so the species are coming out a lot better now,” Phillips said. “Before, we were doing it in smaller segments, just saving bits of habitat.”

Anderson said the whole process was “eye-opening” and that he has enjoyed the time he has spent with the Sparlings along the way. He and his partners are now offering a mitigation opportunity to other developers and public agencies which could save them the time and staff needed for creating one themselves.

Anderson was not able to estimate the financial impact the mitigation requirement put on each house cost in Santana Ranch, but he said he and several of his qualified staff members worked on it every week for the eight years.

“The group that formed South Bay Conservation Resources, we’re outdoors people,” Anderson said. “We’ve always liked hiking, hunting and surfing. We want to be good land stewards. We’ve permanently conserved and enhanced a large continuous area of habitat for rare species important to San Benito County and the Central Coast.”

*To learn more, see the Federal Fish and Wildlife Service article written and published prior to final approval on the same topic.*

*[https://www.fws.gov/cno/newsroom/featured/2017/sparling\\_ranch\\_cb/](https://www.fws.gov/cno/newsroom/featured/2017/sparling_ranch_cb/)  
([https://www.fws.gov/cno/newsroom/featured/2017/sparling\\_ranch\\_cb/](https://www.fws.gov/cno/newsroom/featured/2017/sparling_ranch_cb/))*