

City of San Juan Bautista

The "City of History"

www.san-juan-bautista.ca.us

AGENDA CITY COUNCIL REGULAR MEETING

TUESDAY ~ OCTOBER 18, 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 <u>https://us02web.zoom.us/j/87200767866</u> or call 1 (669) 900-6833 Webinar ID: 872 0076 7866

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 <u>deputycityclerk@san-juan-bautista.ca.us</u> not later than 5:00 p.m. on October 18, 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 <u>www.san-juan-bautista.ca.us</u> subject to Staff's ability to post the documents before the meeting, or by emailing <u>deputycityclerk@san-juan-bautista.ca.us</u> or calling the Deputy Clerk (831) 623-4661 during normal business hours.

1. Call to Order Pledge of Allegiance Roll Call

2. 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.

3. Consent Items

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

- A. Adopt a Resolution of the City Council of the City of San Juan Bautista Making Findings and Determinations Under Government Code §54953 for Continuing Virtual and Hybrid Meetings
- B. Approve the Affidavit of Posting Agenda
- C. Adopt 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
- 4. Presentations, Proclamations, Informational Items and Reports
 - A. Proclamation for Binational Health Week for the San Benito Health Foundation
 - **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. Kimley Horn Report
- 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
 - 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
 - C. Professional Services for Historic Preservation
 - 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
 - E. Consider Making Appointment to the Planning Commission, or Decide Whether to Wait to take Action

- 6. Discussion Items
 - 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

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

Resolution No. 2022-XX Page Two

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).

Resolution No. 2022-XX Page Three

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 inperson 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 18th day of October 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 14th DAY OF OCTOBER 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 14th DAY OF OCTOBER 2022.

TRISH PAETZ ACTING ADMINISTRATIVE SERVICES MANAGER

ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA 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 CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The City Council finds and determines as follows:

A. Section 22500 ("Prohibited stopping, standing, or parking") of the California Vehicle Code includes in its listing of prohibited acts subsections (e)(1) (no parking in front of public or private driveway), and subsection (f) (no parking on or over sidewalks or portions of sidewalks). Each of the subsections authorizes local authorities, by ordinance, to enact specified exceptions to said prohibited acts.

B. This Council, in the interest of public safety and convenience, desires to exercise the authority included in each of the noted Vehicle Code subsections, (1) to provide that certain vehicles may park in front of driveways for strictly limited purposes, and (2) to provide that certain vehicles (described by reference to California Vehicle Code Section 21114.5) may park on sidewalks, all as more particularly described in the additions to the Municipal Code written below.

SECTION 2: Sections 7-4-106 and 7-4-107 are hereby added to the San Juan Bautista Municipal Code, to read as follows:

"7-4-106. Parking in front of driveways. It shall be unlawful for the operator of a vehicle to stop, park or leave standing said vehicle in front of a public or private driveway, whether attended or unattended, except that a bus engaged as a common carrier, school bus, or a taxicab may stop in front of a public or private driveway to load or unload passengers."

"7-4-107. Parking on sidewalks. It shall be unlawful for any person to stop, park, or leave standing any vehicle, whether attended or unattended, on any portion of a sidewalk, or with the body of said vehicle extending over a portion of a sidewalk, except for (1) electric carts operated by physically disabled persons, (2) electric carts operated by persons 50 years of age or older, or (3) while in the course of their employments electric carts operated by employees of the United States Postal Service, state and local government, utility companies, on public sidewalks. Disabled persons and persons 50 years or age or older, in order to qualify for their exceptions hereunder, shall apply for and obtain from the City Manager a permit to operate on and over sidewalks, and an identification sticker. Such permits and stickers shall become void once and if the permit holder ceases to operate, own or lease the cart."

SECTION 3: Environmental determination. In the exercise of their independent judgment, this Council hereby determines that enactment of this ordinance is exempt from California Environmental Quality Act (CEQA) review and therefore not required, because there is no possibility that enactment will or may have a significant effect on the environment, and that enactment is therefore not a project because it will not cause a direct judgment physical change on the environment.

SECTION 4: Effective date. This Ordinance shall take effect 30 days after its adoption the City Council.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 20th day of September , 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the _____ day of _____, 2022, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

Mayor Leslie Q. Jordan

ATTEST:

Don Reynolds, City Manager Acting Deputy City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney

Item #3D City Council Meeting October 18, 2022

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING STREET CLOSURES FOR TEATRO CAMPESINO DIA DE LOS MUERTOS PROCESSION

BE IT RESOLVED that El Teatro Campesino is authorized to have a rolling street closure for a procession that will begin at 705 Fourth Street, proceed down Fourth Street to Washington Street, jog over to and proceed up Third Street, make a left on Polk Street and a right on Fourth Street and end at El Teatro Campesino, on Wednesday, November 2, 2022 from 6:00 P.M. to 8:00 P.M.

PASSED AND ADOPTED this 18th day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Jordan, Mayor

ATTEST:

Don Reynolds, Acting Deputy City Clerk

1

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 18th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Leslie Q. Jordan

ATTEST:

Don Reynolds, Acting Deputy City Clerk

Attachment 1 Resolution 2022 - 37

City of San Juan Bautista Economic Development Citizens Advisory Committee

Name	Affiliation	Appointed	Expires		
Beverly Meamber	Community Foundation	12/31/21	12/31/24		
Luke Kerbs 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; 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-xxx

MEMBERSHIP:

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

Membership requirements or considerations include the following:

1

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.

2

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

3

Applicant's Name

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

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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.

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

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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?

(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 <u>www.fppc.ca.gov</u>.

Signature of Applicant

Date

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

Parma. Applicant's Name

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

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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.

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Signature of Applicant

Date

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

Item #3F City Council Meeting October 18, 2022



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Authorize Submittal of Permanent Local Housing Allocation Years 1 through 3 Application and Five Year PLHA Plan

MEETING DATE: October 18, 2022

SUBMITTED BY: Brian Foucht, AICP

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION:

- 1. Conduct a public meeting to consider comments on the Permanent Local Housing Allocation Program Year 1 through Year 3 Application, and Five Year PLHA Plan;
- 2. Approve the Permanent Local Housing Allocation Program Year 1 through Year 3 Application, and Five Year PLHA Plan in the form of Attachment 1;
- 3. Adopt Resolution authorizing the submittal of the PLHA Application and adopting the PLHA Plan for The Permanent Local Housing Allocation Program in the form of Attachment 2.

BACKGROUND INFORMATION:

In 2017, Governor Brown signed a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it included the Building Homes and Jobs Act (SB 2, 2017), which established a \$75 recording fee on real estate documents to increase the supply of affordable homes in California.

The State of California Housing and Community Development Department (State) created several new grant programs to disburse the funding collected, including the Permanent Local Housing Allocation (PLHA) program for allocation of the funds to local governments. Of the PLHA funds, 90 percent will be distributed to Entitlement Jurisdictions, based on the 2017 Community Development Block Grant (CDBG) Formula Allocation, with the remaining 10 percent to be disbursed in a competitive process to Non-Entitlement Jurisdictions. The City of San Juan Bautista is eligible to apply for the Formula Allocation as a Non-Entitlement Jurisdiction to receive PLHA funds from the State based on the 2017 CDBG Formula Allocation.

On February 26, 2020, the State released a Notice of Funding Availability (NOFA) for the Year 1 Allocation of PLHA funds. The Year 1 allocation for San Juan Bautista is \$75,999. The PLHA Five-Year Plan amount is \$455,999. This amount is an estimate, since it is based on the number of real estate transactions recorded in each county that varies from year to year, causing the revenues collected in each year to fluctuate.

On May 3, 2021, the State released a NOFA for the Year 2 Allocation of PLHA funds. The Year 2 allocation for San Juan Bautista is \$114,549. On August 18, 2022, the State released a NOFA for the Year 3 allocation, of which the amount for San Juan Bautista is \$122,280. The total PLHA funding that San Juan Bautista is applying for is \$312,828.

The City was recently advised by the State that is an application was not submitted during this application period, that the Year 1 allocation would revert back to the State to be used for the Multifamily Housing Program, and there would be no guarantee that the funds collected in San Benito County would be available to the City of San Juan Bautista, or the County of San Benito. Therefore, it is extremely important that an application is submitted by the application deadline, which is October 31, 2022.

While the PLHA Program allows funding for 10 eligible activities, the City of San Juan Bautista has chosen to undertake two eligible activities. The first activity is under Section 301(a)(2) of the PLHA Guidelines that allows for rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of Area Median Income (AMI), or 150 percent of AMI in High-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.

The City of San Juan Bautista has created an Accessory Dwelling Unit (ADU) Compliance Program to assist owners who have noncompliant ADUs by bringing them up to building code by addressing health and safety violations. For the first three years, all (100%) of the PLHA funding will be allocated to the Program which will provide grants of up to \$15,000 to homeowners of noncompliant ADUs to pay for necessary repairs. Funding will also be used for program delivery costs including inspection, write up, and project management. In Year 4 and Year 5, fifty percent (50%) of the PLHA funds will be allocated to this program. This program is intended to help low-income homeowners, by increasing their income through the rental proceeds of the ADU. In addition, as a requirement of the program, these units will be required to be affordable to low-income rental households for five years, for no less than 30 days and will be evidenced by a deed restriction thereby providing more affordable housing stock to low-income renters in the City.

The second eligible activity is under Section 301(a)(6) of the PLHA Guidelines which includes: Assisting persons who are experiencing homelessness or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation and preservation of permanent and transitional housing. San Juan Bautista will fund case management and supportive services for individuals experiencing homelessness and those at risk as part of its effort to address homelessness under this activity. This activity would be provided in Year 4 and Year 5 of the Plan period. This will allow the City of San Juan Bautista, the County of San Benito, and/or its homeless services provider (subrecipient) to execute an agreement during the third year for the activities to be provided with the use of San Juan Bautista's PLHA funds. The City envisions that fifty percent (50%) of the PLHA funding for Year 4 and Year 5 will be used for homeless supportive services/case management for individuals experiencing homelessness, whose previous domicile, or location they experienced homelessness was in San Juan Bautista. By funding this activity, those clients staying at the shelter provided by the County of San Benito would receive supportive services/case management that would assist them in obtaining and retaining permanent housing.

If at any time over the five-year period, the City reallocates of more than 10 percent of its funds among activities, San Juan Bautista will be required to obtain approval granted by the governing body at a publicly noticed public meeting, and approval from the State for any amendment to the Plan.

San Juan Bautista is also allowed to use no more than five percent of the PLHA funding for costs related to the administration of activities for which the allocation was made. For Year 1 through Year 3, this amount is \$15,641 to administer PLHA activities.

Staff recommend approval of the Plan, and the resolution authorizing the submittal of the Application to the State for PLHA funds.

FISCAL IMPACT:

The City will receive \$312,828 for Year 1, Year 2 and Year 3 allocation of PLHA funds. Of those funds, \$297,187 will be available for the Accessory Dwelling Unit Compliance Program and the remaining \$15,641 will be of administration of the PLHA funds.

ATTACHMENTS:

- 1. Permanent Local Housing Allocation Program Year 1 through Year 3 Application, and Five Year PLHA Plan
- 2. Resolution authorizing the submittal of the PLHA Application and adopting the PLHA Plan for The Permanent Local Housing Allocation Program

RESOLUTION NO. 2022-06

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL DIRECT THE CITY MANAGER TO INCORPORATE AN ACCESSORY DWELLING UNIT (ADU) IDENTIFICATION AND ENFORCEMENT PROGRAM AS A COMPONENT THE CITY'S STRATEGIC PLAN

WHEREAS, the City Council adopted ordinance 2021-03 amending the San Juan Bautista Municipal Code to add 11-04.5 to incorporate standards regulating accessory dwelling units in compliance with current California law pertaining to accessory dwelling units (as defined by Government Code Sections 65852.2 and 65852.22); and

WHEREAS, accessory dwelling units and junior accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others; and

WHEREAS, the City of San Juan Bautista has regulated Second Residential Units to provide such housing;

WHEREAS the Planning Commission is concerned regarding the public health safety and welfare of residents who reside in ADUs that pre- or post-date adoption of the referenced ordinance with respect to street addresses and Residential Building Code and Uniform Fire Code compliance.

NOW, THEREFORE, BE IT RESOLVED that Planning Commission requests that the City Council direct staff to prepare a study to identify existing, non-conforming or illegal ADUs with the intent of ensuring that such units comply with Building Code and Uniform Fire Code regulations.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista at a regular meeting duly held on the 6th day of September 2022, by the following vote:

AYES: Delgado, Morris-Lopez, Correia

NOES: Medeiros

ABSENT: None

ABSTAIN: None

ATTEST:

Trish Paetz, Planning Commission Secretary

Yolanda Delgado, Chairperso

Permanent Local Housing Allocation (PLHA) Formula Allocation

2022 Application for New Applicants



State of California Governor, Gavin Newsom

Lourdes Castro Ramírez, Secretary Business, Consumer Services and Housing Agency

Gustavo Velasquez, Director Department of Housing and Community Development

Program Design and Implementation, PLHA Program 2020 West El Camino Avenue, Suite 150, Sacramento, CA 95833 PLHA Program Email: <u>PLHA@hcd.ca.gov</u>

> Final Filing Date: October 31, 2022 at 4:00 P.M. PST

		Instructions				
	This applica	ation form is limited to Applicants who did not apply to the	Rev. 2/16/22			
		2020 and 2021 Formula Allocation NOFA				
Applications must laming convention eceived by HCD	enabled. Enabling macros is ne t be submitted electronically to the ons, are described in the application no later than 4:00 p.m. on:	te top may appear with a button that says "Enable Content". It is essential that you click this box so that the scessary for full worksheet functionality. Macros do not work with Microsoft's Excel version for Apple Mac. Department's website. Requirements for uploading the Application Workbook and required supporting documentation n instructions available at https://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml. All applicable information Monday, October 31, 2022 d cannot be altered or modified by the Applicant, Excel forms must be in Excel format and 'save as' .xls or .xlsx, Do	on, including n must be			
		the application, please fill out the Application Support worksheet and email the entire workbook to Application Support	ort at			
	ca.gov and PLHA@hcd.ca.gov	idance are given throughout the Formula Allocation Application in "red" text and in cell comments.				
Guideline refere	nces are made with "8" and the	corresponding guideline section number.				
		ide the required attachments and documentation will disqualify your application from consideration. ughout the Supplemental Application. Failure to provide the required attachments and documentation may disqualif				
204.	n, Electronically attached files mus are indicated in "blue" cells.	t use the naming convention in the PLHA Application, For Example: "App1 Payee Data" for Applicant 1 Payee Data	Record/STD			
'Red" shaded cell	s indicate the Sponsor has failed to	o meet a requirement of the program.				
Applicant must	complete the following workshee	ets in the PLHA Formula Allocation Application.				
Formula Allocati	on Application					
302(c)(4) Plan						
egislative Cont	acts					
		Checklist				
Threshold Electronic Eile Name						
Requirement						
Requirement X	Application and Adopting the PLHA Plan (2019-2023 Allocations) Reso	Pursuant to section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for 2019-2023 allocations is attached to this resolution, and Applicant certifies compliance with all public notice, comment, and hearing requirements in accordance with the Guidelines.	Included			
	PLHA Plan (2019-2023 Allocations) Reso App1 TIN	this resolution, and Applicant certifies compliance with all public notice, comment, and hearing requirements in	Included			
	PLHA Plan (2019-2023 Allocations) Reso	this resolution, and Applicant certifies compliance with all public notice, comment, and hearing requirements in accordance with the Guidelines. 0 Legally binding agreement between Delegating and Administering Local Governments (sample provided—just click on icon in row 17, column Al)				
x	PLHA Plan (2019-2023 Allocations) Reso App1 TIN Applicant Delegation	this resolution, and Applicant certifies compliance with all public notice, comment, and hearing requirements in accordance with the Guidelines. 0 Legally binding agreement between Delegating and Administering Local Governments (sample provided—just	Included			

Disclosure of Application (California Public Records Act Statutes of 1968 Chapter 1473): Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act Statutes of 1968 Chapter 1473, As such, any materials provided will be disclosable to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank accounts, personal phone numbers and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

Eligible Are	Loc	al Government Formula Allocation for N	ew Applicants		Rev	v 2/16/22		
Local Gove	nment Recipient of PLHA Formula		San Juan Bautista					
2020 PLHA	NOFA Formula Allocation Amount:	\$75,999	2020 NOFA Allowable Local A	Admin (5%):	\$3,80	00		
	NOFA Formula Allocation Amount: NOFA Formula Allocation Amount:	\$114,549	2021 NOFA Allowable Local A	Admin (5%):	\$5,72			
Instructions	If the Local Government Recipient of t	\$122,280 he PLHA Formula Allocation delegated its PLHA formu	2022 NOFA Allowable Local A	Fried as is south and in	\$6,11			
uie Applical	t (for which montation is required being	w) is the Local Housing Trust Fund or administering Lo is responsible for meeting all program requirements thr	cal Covernment The DLUA eword w	III he made to the Ar-II	cant (upo	on		
Anostious ar	out what precise activities are planned	st choosing one or more of the Eligible Activities listed b Some specific activities, such as providing downpayn Please only choose one of those Activities; don't list t	ant applicance to lower income hour	oboldo fee envirition -	s a series of an affor	s of rdable		
If the PLHA	unds are used for the same Activity bu	t for different Area Median Income (AMI) level, select th ocated to the Activity in only the first Activity listing to av	a same Activity twice (or more times	and the different AMI	level the	Activity		
		al 100% annually including the allowable administra	tive costs of up to 5%.	ation				
§300(a) and counties allo	(b) Eligible Applicants for the Entitleme cated a grant for the federal fiscal year	Eligible Applicants §300 ent and Non-Entitlement formula component described 2017 pursuant to the federal CDBG formula specified i	in Section \$100/b)(1) and (2) are limit	ed to the metropolitan	cities and	d urban		
Applicant: Address:	San Juan Bautista 319 Third St.				nents,			
	Juan Bautista State;	CA Zip: 95045 County	San Benito		_			
Auth Rep Na	me: Don Reynolds Title:		nanager@san-juan-bautista.ca.us	Phone:	(831) 63	23-4661		
Address: Contact Nam	311 Second St - P.O. Box 1420	City: San Juan Bau	itista State: C/			045		
Address:	311 Second St P.O. Box 1420	Asst. City Manager/ CD Dire Contact Email: ACM City: San Juan Bau vernment to administer on its behalf its formula allocation	itista State C		331) 623- 950	045		
		Applicant attached the legally binding agreement requi	A same	ble agreement can be by double clicking on the icon to the right	W ANRE-Legaly	No		
ile Name:	Application and Adopting the PLH. Plan (2019-2023 Allocations) Reso	allocations is attached to this resolution, and Applicar	t certifies compliance with all public	Yes Upload	ed to	Yes		
ile Name:	App1 TIN	secondarios with the housing requirements in accordance with the Guidelines.						
ile Name:	Applicant Delegation Agreement	Legally binding agreement between Delegating and A (sample provided—just click on icon in row 17, column	administering Local Governments In Al)	Uploaded t Uploaded t		Yes N/A		
201/a) Ellal	the activities are limited to the falle	Eligible Activities, §301						
301(a)(1) Th	ble activities are limited to the follow e predevelopment, development, acqu	ning: isition, rehabilitation, and preservation of multifamily, re	eldoptiol live week, restel hereine the	. C. C. Martin Martin C.	Inc	luded?		
Autentiety IOW	-very low-, Low-, or woderate-income	Rouseholds, including necessary operation subsidies.			L L	YES		
301(a)(2) Th Inits (ADUs),	e predevelopment, development, acqu	isition, rehabilitation, and preservation of affordable rer rkforce earning up to 120 percent of AMI, or 150 percen	tal and ownership bousing lashuding	Accessory Dwelling all be available for	ম	YES		
301(a)(3) Ma	tching portions of funds placed into Lo	cal or Regional Housing Trust Funds.			Г	YES		
301(a)(4) Ma	tching portions of funds available thro	ugh the Low- and Moderate-Income Housing Asset Fur	nd pursuant to subdivision (d) of HSC	Section 34176	Г	YES		
		cted to the preservation and creation of new permanent				YES		
canagement :	services that allow people to obtain an ehabilitation, and preservation of perm	or At-risk of homelessness, including, but not limited to, d retain housing, operating and capital costs for naviga anent and transitional housing.	providing rapid re-housing, rental as: tion centers and emergency shelters,	sistance, supportive/ca and the new	ته ^{ee}	YES		
	cessibility modifications in Lower-incor				Г	YES		
	orts to acquire and rehabilitate foreclos				Г	YES		
		but not limited to, down payment assistance,				YES		
unty fiscal in	an anoruable nousing development Pr		as made an equal or greater investmo Aatching funds investments by both the	ant in the Desired The		YES		
02(a) The A	oplicant's Housing Element and Deleg on submittal date subsequently deterr	Threshold Requirements, §3 ating Local Government's Housing Element (if applicab nined to be in substantial compliance with state Housin	(a) was hunte adapted by the Least C	overnment's governing ent Code Section 6558	body 5.	Yes		
evelopment p	ursuant to Government Code Section				-	Yes		
02(c)(2) App 02(c)(3) App	licant certified in the Resolution submi	ted with this application that submission of the application	tion was authorized by the governing	board of the Applicant.		Yes		
car governm	ern's selection process riad no conflict	tted with this application that, if the Local Government s of interest and was accessible to the public.		ctivity to another entity	the	Yes		
02(c)(4) App 02(c)(4)(D) A	licant certified in the Resolution submit opplicant certified in the Resolution sub-	tted with this application that the application include a F printed with this application that the Plan was authorized	Plan in accordance with §302(c)(4)?	ncal Government and I	hat the	Yes		
02(c)(5) App	licant certified in the Resolution submi	ted with this application that the Plan submitted is for a				Yes		
02(c)(6) App	icant certified in the Resolution submi	n each succeeding year of the term of the Plan.				Yes		
enabilitation	or for-sale housing projects or units w	ithin for-sale housing projects.				No		
unsur or the	ust and a Regulatory Agreement shall	ted with this application that it will ensure that the PLH, opment of an Affordable Rental Housing Development, restrict occupancy and rents in accordance with the Lo	The loan shall be ovidenced through	a Dramingen Mate	accessed and	No		
		reuse plan describing how repaid loans or accrued inte	prest will be reused for all albe and with	or enotified in Continu	2012	No		
	leuse Plan	Program Income Reuse Plan describing how repaid loa for eligible activities in Section 301.	ans or accrued interest will be used	Narrative up		Na No		

	Administration		
Applicant agrees to adhere to §500, Accounting Records.			Yes
Applicant agrees to adhere to §501, Audits/Monitoring of	Project Files.		Yes
Applicant agrees to adhere to §502, Cancellation/Termine	tion.		Yes
Applicant agrees to adhere to §503, Reporting.			Yes
	Certifications		
On behalf of the entity identified below, I certify that: The i correct and I possess the legal authority to submit this ap		cluded in this application are, to the best of my knowledge and the signature block.	t belief, true and
Don Reynolds	City Manager		
Authorized Representative Printed Name	Title	Signature	Date

				du la facto de la co	ş	802(c)(4)	Plan								Rev. 2/16/22
§302(c)(4)(A) Describe the main During the first, second and allocated to one eligible activity growing workforce earning up to occupancy for a term of no less For the fourth and fifth year 301(a)(2), and 2) Forty-Five Pe case management services tha transitional housing.	third year of Section 30 5 150% of A than 30 day of the PLHA rcent (45%)	f the Perma 1 (a)(2) for rea Median /s. The rema program, t will be alloc	nent Local the rehabili Income (Al aining Five he City of S ated for Se	Housing Al tation and p /II), due to S Percent (59 San Juan Ba section 301(a	lowcation (preservatio San Juan E %) will be a autista plan ()(6) Assist	PLHA) 5-Ye n of affordal autista bein llocated for s to use its ng persons	ole rental a ng located i Administra PLHA fund who are ex-	nd ownersh San Benit live costs s for two eli	ip housing o County II gible activi	including Anathas been ties 1) Fifty	percent (50	welling Unit d a high co 0%) of the I	ts (ADUs), I ost area. AD PLHA fundir	hat meets the Us shall be a ng will be allo	needs of a vailable for cated to Sectio
§302(c)(4)(B) Provide a descrip	tion of the v	vay the Loca	al governme	ent will prior	nitize inves	ments that	increase th	a supply of	houcing fo	boucobold	e with incom		0.0		
(AMI) Homeowners who participat they will be required to rent thes All clients who receive supp	e in the ADU	J Compliand to rental h	e Program	would rece	ive a grant	of up to \$1	5,000 to br	ing their A)Us Health	and Safety	issues into	compliance	e with City's	Building Coo	
§302(c)(4)(C) Provide a descrip In 2019, the City revised its noncompliant ADUs up to the C renters in the City for a period o While the City of San Juan E homelessness, since no facility service assitance and case man	Second Unit ty's Building f five years Bautista's 20 nas been co	: Ordinance Code. In a 19-2023 Ho nstructed in	to comply a ddition, the pusing Elem the city, th	with all state se ADUs with nent rezone e City inten	e law regul III have res d for home	aling ADUs, trictions reg less shelter 21 HA funds	as stated arding own	n the 2019 ership and	2023 Houi	sng Elemen , and will be	required to	provide at	ffordable pr	iced housing	to low income
A 301(a)(2) The predevelopment prowing workforce earning up to	ctivities D developme 120 percen	nt, acquisiti	on, rehabili	tation, and	preservatio	on of Affords	able rental	and ownere	hin housin	including	Accordance	Dunallina LL	alle (ADI to)	, that meets t	ne needs of a
302(c)(4)(E)(i) Provide a detail Dwnership Housing Activity The City of San Juan Bautist										Affe	ordable Ov	vner-occup		orce Housing	
nealth and safety violations. For necessary repairs. Funding will a This program is intended to help iffordable to low income rental h City. Complete the table below for ea ne level of Area Median Income ne time (to avoid double counting	low income ouseholds f ch proposec	homeowne or five years	s, for no les	asing their s than 30 d	ays and w	on, write up ough the rer ll be eviden	and project and proceed ced by a deced by	ct manager ds of the AI ed restricti	ment. In ye	pars four and tion, as a re providing m	d five, 50% quirement nore afforda	of the PLH of the progr able housir	A funds will am, these ung stock to t	be allocaed inits will be re ow income re	to this program equired to be nters in the
unding Allocation Year	2019	2020	2021	2022	2023										
ype of Affordable Housing clivily	ADU	ADU	ADU	ADU	ADU					the second					
302(c)(4)(E)(i) Percentage of unds Allocated for Each ffordable Housing Activity	100%	100%	100%	50%	50%										
								1 78.4		22 0 3	(M. 0)		The has	and the second	
302(c)(4)(E)(ii) Area Median come Level Served	80%	80%	80%	80%	80%							16.00 h			TOTAL
102(c)(4)(E)(ii) Area Median	80%	80%	BO%	80% N/A	80%										O

§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	5	5	5	5	5										
§302(c)(4)(E)(iii) A description of	major steps	actions ar	id a propos	ed schedule	e for the im	olementatio	n and comp	letion of ea	ich Affordat	le Rental a	ind Owners	hip Housin	g project		
Through the approval of the P noncompliant ADU units. Once the to be efigible, an inspection will be recorded. The 2019-2023 Housing participate, the City will prioritize the has been awarded.	e program f e done to de g Element d	lyer has be etermine the emographi	en finalized e work nece cs show tha	, it will be in essary. A wo it many of th	ncluded in t ork write up ne resident	he utility bill will be prov al units are	mailer to a ided, contr owned by I	II househol actor will b ower incom	ds in the C e chosen by ie househo	ty, as a wa / the home ds, It is ant	y to market owner, cons icipated tha	the program truction will at while man	n, Once an I be comple iy househol	applicant h ted, and de ds would be	as been found ed restriction a eligible to
§301(a)(6) Assisting persons who people to obtain and retain housic housing.	are experie g, operatin	encing or A g and capit	t risk of horr al costs for	nelessness navigation	including, centers and	but not limit 1 emergency	ed to, provi 7 shelters, a	ding rapid i Ind the nev	ehousing, constructi	ental assis on, rehabili	tance, supp tation, and	ortive/case preservatio	manageme n of permar	ent services tent and tra	that allow
\$302(c)(4)(E)(i) Provide a detailed The activities proposed under provider (subrecipient) to execute funding for years 4 and 5 will be u was in San Juan Bautista, By func retaining permanent housing. Complete the table below for each the Activity as many times as none	Section 30 an agreem sed for hom ing this act	1(a)(6) will ent during I neless supp ivity, those Activity to b	not begin u the third yea portive servi clients stay pe funded w	ntil the Four ar for the ac ices/case m ring at the C ith 2019-20	rth PLHA A stivitles to b anagermer county of S 23 PLHA a	Ilocation Ye e provided y at for individ an Benilos s Ilocations 1	ar. This wil with the use uals experi- sheller wou f a single A	allow the of San Ju- encing hom d receive s	an Bautista elessness, upportive s e assisting	s PLHA fur whose pre ervices/cas household	ids. The Cit vious domic e managen s at more th	y envisions file, or loca nent that co nan one lev	that fifty period for they exputed assist the el of Area M	ercent (50% perienced h nem in obta nedian Incor) of the PLHA omelessness ning and ne please list
the Activity as many times as need	ied to capit			2022	2023		w the perc	entage of a		ng allocate	a to the Act	Ivity one Ir	ne (to avoid		nting).
Type of Activity for Persons Experiencing or At Risk of Tomelessness				Supportive /Case Managem ent Services	Supportive /Case Managem ent Services										
302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Activity				50.00%	50.00%			11.00							
;302(c)(4)(E)(ii) Area Median ncome Level Served				30%	30%								N THE P		TOTAL
302(c)(4)(E)(ii) Unmet share of he RHNA at AMI Level Jote: complete for years 2019, 1020, 2021 only				N/A	N/A				A CARA			「日本の			0
302(c)(4)(E)(ii) Projected lumber of Households Served				25	25			And a							50
302(c)(4)(E)(iv) Period of Mordability for the Proposed Activity (55 years required for				N/A	N/A			A LAN					E PO		

§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity. The City of San Juan Bautista, County of San Benito, and/or homeless services provider will execute an agreement for the provision of Section 301(a)(6) activities at the County of San Benitos shelter. This shelter is within five miles from the City of San Juan Bautista. The fully executed agreement will be submitted with the PLHA Year 4 Allocation application. Once the application has been awarded, and the standard agreement executed, homeless supportive services will be provided to clients at the shelter who were previously homeless in the City of San Juan Bautista.

RESOLUTION 2022-XX

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

A necessary quorum and majority of the City Council of the City of San Juan Bautista, a municipality, ("Applicant") hereby consents to, adopts, and ratifies the following resolution:

A. WHEREAS, the State of California (the "State"), Department of Housing and Community Development ("Department") is authorized to provide up to \$335 under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2));

B. WHEREAS, the Department issued a Notice of Funding Availability ("NOFA") dated August, 17, 2022, under the Permanent Local Housing Allocation ("PLHA");

C. WHEREAS, San Juan Bautista is an eligible Local government who has applied for program funds to administer one or more eligible activities; and

D. WHEREAS, the Department may approve funding allocations for the PLHA Program, subject to the terms and conditions of the PLHA Program Guidelines, NOFA, Program requirements, the Standard Agreement, and other contracts between the Department and PLHA grant recipients;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.

2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA <u>\$455,999.00</u> in accordance with all applicable rules and laws.

3. Applicant hereby agrees to use the PLHA funds only for Eligible Activities as approved by the Department and in accordance with all Program requirements, PLHA Program Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement, its Application, and other contracts between the Applicant and the Department.

4. Pursuant to Section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for the 2019-2023 Allocations is attached to this resolution, and Applicant hereby adopts this PLHA Plan and certifies compliance with all public notice, public comment, and public hearing requirements in accordance with the Guidelines.

5. Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator, but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation.

6. Applicant certifies that its selection process of subgrantees where applicable was or will be accessible to the public and avoided or shall avoid any conflicts of interest. accessible to the public and involved no conflicts of interest.

7. Applicant's certification in this resolution, the PLHA funds will be expended only for Eligible Activities, as defined in PLHA Program Guidelines, and consistent with all program requirements.

8. Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of Accessory or Junior Accessory Dwelling units, the Applicant shall record a deed restriction against the property that will ensure compliance that the unit will be affordable to income eligible household for a minimum of 30-day rental occupancy for five years.

9. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines, and any other applicable SB 2 guidelines published by the Department.

10. Don Reynolds, City Manager or designee is/are authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the City Council of San Juan Bautista this 18th day of October, 2022 by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

ATTEST:

Leslie Q. Jordan, Mayor

Don Reynolds, Acting Deputy City Clerk



AGENDA TITLE:

CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

CHANGE ADMINISTRATIVE LEAVE POLICY

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION:

It is recommended that the City Council adopt the attached Resolution changing RULE X "Other Leave" Section 5.11 "Administrative Leave" of the Personnel Policies ("Policies") by changing the title to Management Leave, and changing the way it is calculated and administered.

BACKGROUND INFORMATION:

RULE. X "Other Leaves" defines various types of leave benefits offered to employees, and defines when leave without pay is considered. Some of these policies are required by State and Federal laws as they may apply to family leave, and other specific needs.

Section 5.11 is a leave benefit intended for employees who work for salaries, rather than be paid per hour. It is referred to as "Administrative Leave." But this term is commonly used for leave with pay, when the agency causes the leave in order to perform an employee investigation for allegations that require the employee to not be on the jobsite while the investigation is occurring. This type of leave is not defined in the Policies, but will need to be added later. This deficiency was only uncovered when changes were proposed to the way the Administrative Leave is calculated and administered.

Section 5.11 describes how a "management employee" will be compensated for authorized overtime work, attending meetings, seminars, special events or working on a special project. The employee will earn 8 hours per month. But the length of months varies from 27 days to 31 days, and this makes the benefit calculation confusing.

Section 5.11 leave must be used within the year it is earned. It is earned monthly, making it difficult to use the leave earned in December. At the end of each year, trying to use all this benefit without losing it is complicated.

DISCUSSION:

The first change recommended in the attached Resolution is to change the title of Section 5.11 from "Administrative Leave" to "Management Leave" and define those City positions it applies to. The three positions on salary include the City Manager, Assistant City Manager and Administrative Services Manager/Deputy City Clerk. The Resolution defines these three positions as being those entitled to the benefits of Section 5.11.

The Resolution also changes the way the benefit is calculated from *monthly* to *pay period*. If approved, the benefit will be calculated (carned) at 4 hours per 80 hours pay period. New employees will start work on the first day of the next pay period, and typically, employees leaving employment will leave at the end of the pay period. Shifting the calculation to *pay period* makes it clear and simple to calculate the benefit, and pro-rate the benefit for new hires and terminations. The benefit only applies to new hires that pass the 90-day probation. This change does increase the benefit 8 hours per year from 8 hours per 12 months, (96 hours) to 4 hours per 26 pay periods (104 hours).

Unlike sick leave, or vacation leave, the leave in Section 5.11 must be used during the year it is earned. The attached Resolution does not change this, it only makes the leave anticipated to be earned during the year, available January 1 of each year. That way when time off- is planned, or more importantly for unplanned extended leaves, (a long-term illness that exhausts an employee's accrued sick leave for example), the full benefit can be realized before using earned vacation time-off. That will eliminate the confusion around the pay period of the year, when employees are trying to use 100% of a benefit they are not allowed to access until the end of the December. That last 8-hours of the year is often discarded and remains unused, while vacation and other leaves are taken since this leave has not accrued yet. In the event an employee terminates at mid-year, the pro rata use would be applied.

FISCAL IMPACT:

There will potentially be a cost increase attributable to 8 additional hours of Section 5.11 leave accrued for three positions (24 hours total). This is less than \$2,000.

ATTACHMENTS:

Resolution and Policy

Amended Personnel Policy

RULE X. LEAVE Section 5 "Other Leaves" 5.11 Management Leave

Management Employees may at times be required to attend meetings, trainings, and seminars, and to work on special projects. This includes the City Manager, Assistant City Manager and Administrative Services Manager/Deputy City Clerk. To provide compensation for the additional time necessary to attend such meetings, or work on special projects, the City provides 102 hours of management leave for the City Manager, Assistant City Manager and the Administrative Services Manager/Deputy City Clerk. This Leave is credited for the forthcoming twelve-month period on the 1st day of each calendar year (January 1) and is accrued at four (4) hours per pay period, or four (4) hours for every 80 hours worked for 26 pay periods.

Each January 1, the City Manager, Assistant City Manager and Administrative Services Manager/Deputy City Clerk receive credit of 106 hours that must be used before December 31 of the same year. Administrative leave cannot be cashed out nor carried over into the next year and must use accrued compensatory time off by the end of the 26th pay period after the pay period during which it was earned.

Above referenced Management employees who end probation or terminate from employment will be credited by the appropriate pro-rata calculation based on number of pay periods worked within this 12-month period.

Item #3H City Council Meeting October 18, 2022



AGENDA TITLE:

CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

BILINGUAL TESTING AND PAY POLICY

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION:

It is recommended that the City Council adopt the attached Resolution adding Section 3 to Rule XIV of the Personnel Policies ("Policies"), establishing a Bilingual Testing and Pay Policy.

BACKGROUND INFORMATION:

For many years employers of all types and kinds have used bilingual pay incentives to attract new employees who better communicate with customers. In 1959, the California Civil Rights Act was passed, assuring that "accessibility" is all inclusive and equitable. "Accessible Language" is one of these criteria, along with the many other protected classes common in disability law. "Accessible Language" is defined as language that accommodates people of all ages and abilities, including those with cognitive disabilities, people with low literacy skills, and speakers of English as a foreign language.

In 1973, the State adopted the Dymally-Alatorre Bilingual Services Act., as amended to its current version in 2005. It establishes Chapter 17.5 in the California Government Code Sections 7290-7299.8 "the use of a foreign language in public services." Section 7293 requires that every local public agency serving a substantial number of non-English speaking people, shall employee a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. If the non-English speaking population being served is more than 5% of the population, than bilingual services are required. The 2020 census estimates more than 25% of the persons living in San Juan Bautista speak Spanish.

The City's Personnel Policies adopted by Resolution 2018-26 as amended, do not address the matter of bilingual services, nor are these skills required in any of the City's job descriptions. Yet, a significant number of citizens paying their water bills in cash at the front counter speak Spanish, as well as those that rent the Community Hall. City staff that are in daily contact with Spanish speakers include the staff helping to answer questions at City Hall, answering the phones at City Hall, and the maintenance staff working at public City facilities and parks.

DISCUSSION:

The City does not currently contract for translation services, and relies on its employees for much of its Spanish translation services both verbally, and in writing. Almost all translation services needed while working for the City are in Spanish. Currently, translations are occurring more frequently than in the past, but not with every City communication. When the need arises, staff that speaks Spanish fluently help citizens understand directions, new City policies, interpret water bills and rate increases, City Community Hall contracts, and other forms of common inquiry. The maintenance staff is frequently consulted simply due to their public visibility.

The City is required to have staff available for translation services. Therefore, the City needs to attract Spanish speaking employees and retain them. The attached policy requires that employees that will be relied upon for translation are tested to assure that they are fluent. Regional Government Services can administer the test. The City will then pay a 5% stipend to them for providing these services. If the employee transfers to a position that does not require Spanish speaking, then the stipend will end. Annually, during the employee evaluation, the evaluator must confirm continuation of the requirement and the stipend.

The bilingual stipend then is directly connected to the City position being served, which includes all clerical and accounting staff, accounting staff, library, Deputy City Clerk, Code Enforcement, and maintenance staff. This policy applies to all eligible classification; fulltime and part time positions.

FISCAL IMPACT:

There will potentially be a cost increase of 5% to as many as 6 current staff positions. Less than \$15,000 annually.

ATTACHMENTS:

Resolution and Policy

RESOLUTION NO. 2022- XX

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA AMENDING ITS PERSONNEL POLCIES ("POLICIES") ADDING SECTION 3 TO RULE XIV BILINGUAL TESTING AND PAY

WHEREAS, the City's Council adopted Resolution 2018-26 on June 19, 2018, and established formal Personnel Policies for City staff; and

WHEREAS, these comprehensive policies guide the City through the legally complicated framework of State and Federal fair labor practices, recruitment, and staff expectations;

WHEREAS, over the past year, the City has been updating the Policies and making them more equitable for current employees, improving employee retention efforts, and broadening job descriptions to make them more inclusive to attract more applicants; and

WHEREAS, these changes are presented as amendments to the Personnel Policies as proposed by the attached Resolution; and

WHEREAS, the proposed new Bilingual Testing and Pay Policy to be considered is required by the State of California Civil Rights Act that provides access by citizens to benefits without regard to the beneficiaries' race, color, national origin, or ethnic group; and

WHEREAS, first proposed policy change Overtime Pay for employees work on a holiday, do not work on an observed City Holiday but then work extra time on weekends, or evenings, by changing Holiday Pay to count as "hours worked," for the purpose of calculating overtime; and

WHEREAS, the proposed Bilingual Testing and Pay Policy is also required by the State Bilingual Services Act, that requires local agencies to provide language access services to limited English proficient speakers; and

WHEREAS, the Policy recommends a compensation incentive of 5% premium pay for those employees that pass the language proficiency test and use these skills at least 10% of the time on their job; and

WHEREAS, the City Council agrees that the proposed Bilingual Test and Pay Policy will help the City serve and accommodate a more diverse segment of the population and incentive City staff to retain bilingual skills to serve the public better.

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

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.

- 2. It agrees that the attached four proposed amended Personnel Policies are needed to better recruit and retain employees, and encourages employees to grow and learn while working of the City.
- 3. Approves the attached Bilingual Testing and Pay Personnel Policies, adopts them, and amends the Policies adding Section 3 to Rule XIV.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 18th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Don Reynolds, Acting Deputy City Clerk

Policy: Bilingual Testing and Pay

Reference: Adding Section 3 to Rule XIV. SALARY ADJUSTMENTS

Date Adopted:

Purpose

The California Civil Rights Act prohibits discrimination by agencies that receive state funds and requires them to provide equal access to benefits without regard to the beneficiary's race, color, national origin, or ethnic group identification among other factors. The Bilingual Services Act requires local agencies to provide language access services to limited English-proficient speakers. Accordingly, the City has adopted the Bilingual Testing and Pay Policy.

Policy

The City recognizes the value of employees who can communicate with residents and customers in languages other the English. It is the City's policy to compensate employees who use their bilingual skills to better serve the public.

Scope

This policy applies to all City employees being considered for bilingual pay. The employee must use bilingual skills on a continuous basis and average 10 percent or more of their total work time using bilingual skills.

Procedure

Departments may request bilingual pay differential for an employee based on the employee's use of a non-English language, including American Sign Language, as part of their regular job duties. Requests may be based on oral translation duties only or oral and written translations. Requests for bilingual testing and pay will be made by the City Manager or their delegate by completing a Personnel Action Form submitted to and approved by the City Manager.

The City has contracted with a qualified firm to administer the development of examination content and rating criteria to evaluate an employee's ability to speak or write a non-English language. The Contractor on behalf of the City is also responsible for administering and scoring the examination.

The test results will be forwarded to the employee and the City Manager or their delegate. If the employee has successfully participated in the testing process, with a score of 70% or higher, and has been certified, the City Manager will complete the Personnel Action Form and will initial the processing for bilingual pay.

Any employee who leaves a position in which they are receiving bilingual pay will cease to receive the pay. This will occur whenever an employee is transferred, promoted, reassigned, or otherwise leaves the specific position for which the pay was authorized.

Eligibility will be reviewed on an annual basis at the same time as the annual performance review is completed, by the City Manager or their delegate to verify whether employees receiving bilingual pay are performing duties that require utilization of a non-English language.

Bilingual Pay will not be considered as part of an employee's salary for retirement calculation purposes.

Compensation will be calculated at 5% of the hourly rate compensated and paid as a stipend for those who are certified. Payment will start the first day of the next pay period after passing the exam. The City Manager or their delegate will be responsible for determining the need and cessation of bilingual skills in the department.

If an employee is receiving bilingual pay and subsequently takes and fails the test, they will no longer qualify for bilingual pay. Candidates who have failed the test may re-test once every six months.



Item #31 City Council Meeting October 18, 2022



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE:

AWARD CONTRACT FOR CITY ENGINEERING SERVICES TO MNS ENGINEERS INC.

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S):

It is recommended that the City Council adopt the attached Resolution and authorize the City Manager to execute a Professional Services Agreement for a 3-year term, with the option for up to four one-year extensions for City Engineering services with MNS Engineers, Inc.

BACKGROUND INFORMATION:

City engineering services are critical for all cities, and especially for those with their own utilities. The position of "City Engineer" is an official title that can be found in the State Government Code and Subdivision Map Act. The City is required by law to have an official qualified city engineer and surveyor on call. Most City Engineers are licensed Civil Engineers.

The role of the San Juan Bautista City Engineer has varied over the past decade. For many years, the City Manager was also the City Engineer. Before then, Hanna & Brunetti Associates from Gilroy was the City's contract service provider. Following the dual role of City Manager/Engineer, the City hired Harris and Associates to provide the City's engineering services. In July 2019, CSG assumed the responsibility. These firms served the City well.

With CSG on board, the City accomplished many great projects, starting with Fourth Street Speed Humps, then the reconstruction of a portion of Third Street. They helped the City navigate the Water and Wastewater compliance projects and managed the design of the force-main to Hollister. The City resumed its inspections of the public works projects completed by the developers in Copperleaf and Rancho Vista, and completed the roundabout at First Street and Lavagnino Drive. They completed the City's new well and treatment plant and subsequently expanded the capacity of the Dias Lift Station. They managed the Verutti Park restroom installation and the development of the park at Franklin Circle.

CSG and the City met in January and again in June to discuss the future of engineering in San Juan Bautista. Unfortunately, CSG is currently unable to fill the role of City Engineer for the 20 hours

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per week as they planned in 2019. CSG recommends the City hire a City Engineer as part of the staff, and contract for support services, because the job is very demanding. They recommend that the City hire a Public Works Director or City Engineer, and then rely on a firm like theirs to provide the technical assistance. They encouraged the City to issue a Request for Proposals (RFP) to see what the market can deliver.

One serious concern between the eventual exit of CSG and bringing a new firm on board, is to negotiate a smooth transition. This was not the case when Harris & Brunetti Associates left, and the stakes are higher now. The City will negotiate to keep CSG on board for inspection services and technical support related to the two very large projects on the horizon; the Pavement Management Plan (Street Improvements) and the Force Main to Hollister. Construction Management Service, budgeted at \$500,000 for the force main project, is critical and must be arranged as soon as possible. The Force Main project bid documents are almost ready. The Pavement Management Bids were closed October 12, 2022. This project is ready to start soon as well.

DISCUSSION:

On August 19, 2022, the City issued an RFP for City Engineering Services. The Notice Inviting Bidders was sent directly to several firms including large firms like Harris and Associates, and Wildan and Associates, and smaller, local firms. The Notice was published in the local chapters of the American Public Works Association and the Civil Engineer's Society list serve.

Staff received several positive calls and questions about the City's needs for engineering services. There were no addenda issued by the deadline September 21, 2022. Before the 2:00 PM September 27, deadline the City received three proposals from CSG, MNS Engineering and Hanna & Brunetti Assoc.

Retired Public Works Director and City Project Manager Karl Bjarke, Assistant City Manager Brian Foucht and City Manager Don Reynolds formed a "selection committee" and evaluated the proposals. CSG was not invited to an interview because as anticipated, their proposal was focused on support for a City Engineer, rather than to be the San Juan Bautista City Engineer. MNS Engineers Inc. and Hanna & Brunetti Assoc. were invited to interviews October 12, 2022.

After contacting references from other small cities in the area, the Selection Team unanimously agrees that MNS Engineers is the best fit for the City. MNS Engineers has been serving only public agencies since 1962. They serve several smaller cities as their City Engineer, and have staff available fill the City's needs now. They recommend filling the City's role of City Engineer with a retired Public Works Director that will be here at the City 20-24 hours per week, and on-call. This point of contact has access to a full array of experienced engineers specializing in drinking water, sewer systems, and construction management. This firm can provide the construction management services for the Force Main project and the Pavement Management Program, without having to conduct another RFP and award a second or third contract.

MNS Engineers serve as the City Engineer for Greenfield and Soledad, and both City Managers recommend their services. In Greenfield, they use the same software for permit processing as the City and 4-Leaf. The Assistant City Manager used to work with them in Greenfield and supports their services for the City. The City Manager worked with the lead engineer while he was at Monterey County Public Works. He has a wide span of knowledge that fits the City's current and future needs. MNS applied for the job after being urged to do so by San Juan Bautista's former City Engineer that now works for Gonzales.

FISCAL IMPACT:

The City has City Engineering services in its budget for \$180,000. Approximately 1/3 of the total costs are directly billed to developers, or to the CIP.

ATTACHMENTS:

A) Resolution- w/Agreement and Proposal

RESOLUTION NO. 2022- XX

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

WHEREAS, the City is required to have a professional civil engineer on-call to support its infrastructure, utility, and development services; and

WHEREAS, since July 2, 2019, these services have been provided by CSG Consultants; and

WHEREAS, CSG can no longer provide 20-hours per week of qualified, dedicated City Engineering services to the City; and

WHEREAS; the City issued a Request for Proposals (RFP) for City Engineering Services on August 19, 2022; and

WHEREAS, the proposals for Engineering Services were due to the City before 2:00 P.M. Wednesday September 27, 2022, and before the deadline, three proposals were received; and

WHEREAS, two of the firms that sent responsive proposals were interviewed and references were checked on October 12, 2022 by a three member Selection Team consisting of the City Manager, Assistant City Manager and Project Manager (retired Public Works Director); and

WHEREAS, after its evaluation, the Selection Team unanimously concluded that although both firms are very qualified, that MNS Engineering would be the best fit for the City; and

WHEREAS, since 1962, MNS Engineering specializes in serving only public agencies, currently serves the cities of Greenfield and Soledad, and was recently awarded the contract for the City of Salinas, and has committed to dedicating at least one of its team to serve the City on-site between 20-24 hours per week, as presented in the proposal attached to the proposed Agreement; and

WHEREAS, the City Council has considered the associated staff report and the recommendation of the Selection Team, and agrees to award the professional services contract for City Engineering services to MNS Engineering.

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. That it agrees with the Selection Team that MNS Engineering is the best fit for the City's Engineering Services Agreement.
- 3. That it authorizes the City Manager to execute a professional services contract in much the same form as that attached, to include by reference the MNS Engineers, Inc. Proposal, for a term of three years with the ability to extend the Agreement for up to four additional one-year terms.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 18th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Don Reynolds, Acting Deputy City Clerk

Attachment: Proposed Professional Services Agreement and MNS Engineers Inc Proposal

CITY OF SAN JUAN BAUTISTA PROFESSIONAL SERVICES AGREEMENT FOR CITY ENGINEER AND ENGINEERING SERVICES

THIS AGREEMENT is made and entered into on October 18, 2022, by and between the City of San Juan Bautista, a California general law city, hereinafter referred to as the "City," and ______, a _____, a _____, hereinafter referred to as the "Contractor." City and Contractor are sometimes individually referred to as "party" and collectively as "parties" in this Agreement.

Recitals

- A. On August 18, 2022, the City issued a Request for Proposal for Civil Engineering services. Proposals were received until 2:00 p.m. PDT on September 27, 2022.
- B. City desires to retain Contractor provide the dedicated hours necessary to be the City Engineer, and to provide associated engineering services as described in Exhibit A "Proposal to Provide Engineering Services," hereinafter referred to as the "Project."
- C. Contractor represents and warrants that it has the qualifications, experience and personnel necessary to properly perform the services as set forth herein.
- D. City desires to retain Contractor to provide such services.

Terms and Conditions

For of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and in consideration of the mutual promises contained herein, City and Contractor agree to the following terms and conditions:

1. Scope of Work.

(a) Contractor is hereby hired and retained by the City to work in a cooperative manner with the City to fully and adequately perform those services set forth in **Exhibit** "**A**" attached hereto ("Proposal to Provide Engineering Services"), to include the duties of City Engineer, various other engineering duties described therein, be "On-Call" and available for public City meetings as needed, and by this reference made a part hereof. City will utilize the various engineering services indicated in Exhibit A as needed through-out the term of this Agreement. Each task will be assigned a Task Order to bill against.

(b) Contractor shall perform all such work with skill and diligence and pursuant to generally accepted standards of practice in effect at the time of performance. Contractor shall provide corrective services without charge to the City for work which fails to meet these standards and which is reported to Contractor in writing within sixty days of discovery. Should Contractor fail or refuse to perform promptly its obligations under this

Agreement, the City may render or undertake the performance thereof and the Contractor shall be liable for any expenses thereby incurred.

(c) If services under this Agreement are to be performed by a design professional, as that term is defined in California Civil Code §2782.8(b)(2), design professional certifies that all design professional services shall be provided by a person or persons duly licensed by the State of California to provide the type of services described in Section 1(a). By delivery of completed work, design professional certifies that the work conforms to the requirements of this Agreement and all applicable federal, state and local laws, and the professional standard of care in California.

(d) Contractor is responsible for making an independent evaluation and judgment of all relevant conditions affecting performance of the work, including without limitation site conditions, existing facilities, seismic, geologic, soils, hydrologic, geographic, climatic conditions, applicable federal, state and local laws and regulations and all other contingencies or considerations.

(e) City shall cooperate with Contractor and will furnish all information data, records and reports existing and available to City to enable Contractor to carry out work outlined in Exhibit "A." Contractor shall be entitled to reasonably rely on information, data, records and reports furnished by the City. However, the City makes no warranty as to the accuracy or completeness of any such information, data, records or reports available to it and provided to Contractor which were furnished to the City by a third party. Contractor shall have a duty to bring to the City's attention any deficiency or error it may discover in any information provided to the Contractor by the City or a third party.

2. <u>Term of Agreement & Commencement of Work</u>.

(a) Unless otherwise provided, the term of this Agreement shall begin on the date of its full execution and shall expire on October 17, 2025, unless extended by amendment or terminated earlier as provided herein. The date of full execution is defined as the date when all of the following events have occurred:

(i) This Agreement has been approved by the City's Council or by the board, officer or employee authorized to give such approval; and

(ii) The office of the City Attorney has indicated in writing its approval of this Agreement as to form; and

(iii) This Agreement has been signed on behalf of Contractor by the person or persons authorized to bind the Contractor hereto; and.

(iv) This Agreement has been signed on behalf of the City by the person designated to so sign by the City's Council or by the officer or employee authorized to enter into this Contract and is attested to by the San Juan Bautista City Clerk.

(b) Contractor shall commence work on the Project on or by October 18, 2022. This Agreement may be extended upon written agreement of both parties, for as many as three one-year term extensions.

3. <u>Compensation</u>.

(a) City liability for compensation to Contractor under this Agreement shall only be to the extent of the present appropriation to fund this Agreement. For services to be provided under this Agreement City shall compensate Contractor in an amount not to exceed ______ Dollars (\$______.00) in accordance with the provisions of this Section and the Fee Schedule attached hereto as Exhibit B and incorporated herein by this reference.

(b) Invoice(s) in a format and on a schedule acceptable to the City shall be submitted to and be reviewed and verified by the Project Administrator (see Section 5(a)) and forwarded to the City's Finance Department for payment. City shall notify Contractor of exceptions or disputed items and their dollar value within fifteen days of receipt. Payment of the undisputed amount of the invoice will typically be made approximately thirty days after the invoice is submitted to the Finance Department.

(c) Contractor will maintain clearly identifiable, complete and accurate records with respect to all costs incurred under this Agreement on an industry recognized accounting basis. Contractor shall make available to the representative of City all such books and records related to this Agreement, and the right to examine, copy and audit the same during regular business hours upon 24-hour's notice for a period of four years from the date of final payment under this Agreement.

(d) Contractor shall not receive any compensation for Extra Work without the prior written authorization of City. As used herein, "Extra Work" means any work that is determined by the City to be necessary for the proper completion of the Project but which is not included within the Scope of Work and which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Compensation for any authorized Extra Work shall be paid in accordance with Exhibit B.

(e) Expenses not otherwise addressed in the Scope of Services or the Fee Schedule incurred by Contractor in performing services under this Agreement shall be reviewed and approved in advance by the Project Administrator (Section 5(a)), be charged at cost and reimbursed to Contractor.

(f) There shall be no charge for transportation within San Benito, Monterey, and Santa Cruz Counties required for the performance of the services under this Agreement; travel to other locations must be approved in writing and in advance by the City, mileage will be charged at the then current standard rate for business travel as set by the U.S. Internal Revenue Service for such approved travel.

4. <u>Termination or Suspension</u>.

(a) This Agreement may be terminated in whole or in part in writing by either party in the event of a substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten days written notice of intent to terminate, and (2) provided an opportunity for consultation with the terminating party prior to termination.

(b) If termination for default is effected by the City, an equitable adjustment in the price provided for in this Agreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due the Contractor at the time of termination may be adjusted to cover any additional costs to the City because of the Contractor's default. If after the termination for failure of Contractor to fulfill its contractual obligations, it is determined that the Contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the City.

(c) The City may terminate or suspend this Agreement at any time for its convenience upon not less than thirty days prior written notice to Contractor. Not later than the effective date of such termination or suspension, Contractor shall discontinue all affected work and deliver all work product and other documents, whether completed or in progress, to the City.

(d) If termination for default is effected by the Contractor or if termination for convenience is effected by the City, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for termination shall provide for payment to the Contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by Contractor relating to written commitments that were executed prior to the termination.

5. Project Administrator, Project Manager & Key Personnel.

(a) City designates as its Project Administrator the City Manager, or his or her designee, who shall have the authority to act for the City under this Agreement. The Project Administrator or his/her authorized representative shall represent the City in all matters pertaining to the work to be performed pursuant to this Agreement.

(b) Contractor designates______as its Project Manager who shall coordinate all phases of the Project. The Project manager shall be available to City at all reasonable times during the Agreement term.

(c) Contractor warrants that it will continuously furnish the necessary personnel to complete the Project on a timely basis as contemplated by this Agreement. Contractor, at the sole discretion of City, shall remove from the Project any of its personnel assigned to the performance of services upon written request of City. Contractor has represented to City that certain key personnel will perform and coordinate the work under this Agreement. Should one or more of such personnel become unavailable, Contractor may substitute other personnel of at least equal competence upon written approval of the City. In the event that City and Contractor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause. The key personnel for performance of this Agreement are as follows:

.

6. Delegation of Work.

(a) If Contractor utilizes any subcontractors, consultants, persons, employees or firms having applicable expertise to assist Contractor in performing the services under this Agreement, Contractor shall obtain City's prior written approval to such employment. Contractor's contract with any subcontractor shall contain a provision making the subcontract subject to all provisions of this Agreement. Contractor will be fully responsible and liable for the administration, completion, presentation, and quality of all work performed. If such persons are utilized, they shall be charged at cost. City reserves its right to employ other contractors in connection with this Project.

(b) If the work hereunder is performed by a design professional, design professional shall be directly involved with performing the work or shall work through his, her or its employees. The design professional's responsibilities under this Agreement shall not be delegated. The design professional shall be responsible to the City for acts, errors or omissions of his, her or its subcontractors. Negligence of subcontractors or agents retained by the design professional is conclusively deemed to be the negligence of the design professional if not adequately corrected by the design professional. Use of the term subcontractor in any other provision of this Agreement shall not be construed to imply authorization for a design professional to use subcontractors for performance of any professional service under this Agreement.

(c) The City is an intended beneficiary of any work performed by a subcontractor for purposes of establishing a duty of care between the subcontractor and the City.

7. <u>Skill of Employees</u>. Contractor shall ensure that any employees or agents providing services under this Agreement possess the requisite skill, training and experience to properly perform such services.

8. <u>Confidential and Proprietary Information</u>. In the course of performing services under this Agreement Contractor may obtain, receive, and review confidential or proprietary documents, information or materials that are and shall remain the exclusive property of the City. Should Contractor undertake the work on behalf of other agencies, entities, firms or persons relating to the matters described in the Scope of Work, it is expressly agreed by Contractor that any such confidential or proprietary information or materials shall not be provided or disclosed in any manner to any of Contractor's other clients, or to any other third party, without the City's prior express written consent.

9. Ownership of Data. Unless otherwise provided for herein, all documents, material, data, drawings, plans, specifications, computer data files, basis for design calculations, engineering notes, and reports originated and prepared by Contractor, or any subcontractor of any tier, under this Agreement shall be and remain the property of the City for its use in any manner it deems appropriate. Contractor agrees that all copyrights which arise from creation of the work pursuant to this Agreement shall be vested in the City and waives and relinquishes all claims to copyright or intellectual property rights in favor of the City. Contractor shall provide two (2) sets of reproducible of the above-cited items, except for the computer data files which shall consist of one (1) set. Contractor shall use all reasonable efforts to ensure that any electronic files provided to the City will be compatible with the City's computer hardware and software. Contractor makes no representation as to long-term compatibility, usability or readability of the format resulting from the use of software application packages, operating systems or computer hardware differing from those in use by the City at the commencement of this Agreement. Contractor shall be permitted to maintain copies of all such data for its

files. City acknowledges that its use of the work product is limited to the purposes contemplated by the Scope of Work and, should City use these products or data in connection with additions to the work required under this Agreement or for new work without consultation with and without additional compensation to Contractor, Contractor makes no representation as to the suitability of the work product for use in or application to circumstances not contemplated by the Scope of Work and shall have no liability or responsibility whatsoever in connection with such use which shall be at the City's sole risk. Any and all liability arising out of changes made by the City to Contractor's deliverables is waived against Contractor unless City has given Contractor prior written notice of the changes and has received Contractor's written consent to such changes.

10. <u>Conflict of Interest.</u>

(a) Contractor covenants that neither it, nor any officer or principal of its firm has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of the City or which would in any way hinder Contractor's performance of services under this Agreement. Contractor further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the City Manager. Contractor agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of the City in the performance of this Agreement. Contractor shall represent the interest of the City in any discussion or negotiation with developers, contractors or any tier, suppliers of labor or materials, and as such, may not accept compensation, commission or payment of any type from any such parties or such parties' agents.

(b) City understands and acknowledges that Contractor may be, as of the date of commencement of services under this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Contractor is unaware of any stated position of the City relative to such projects. Any future position of the City on such projects may result in a conflict of interest for purposes of this section.

(c) No official or employee of the City who is authorized in such capacity on behalf of the City to negotiate, make, accept, or approve, or take part in negotiating, making accepting or approving this contract, shall become directly or indirectly interested in this contract or in any part thereof. No officer or employee of the City who is authorized in such capacity and on behalf of the City to exercise any executive, supervisory, or similar function in connection with the performance of this contract shall become directly or indirectly interested personally in this contract or any part thereof.

11. <u>**Disclosure**</u>. Contractor may be subject to the appropriate disclosure requirements of the California Fair Political Practices Act, as determined by the City Manager.

12. Non-Discrimination

(a) During the performance of this Agreement the Contractor shall comply with the applicable nondiscrimination and affirmative action provisions of the laws of the United States of America, the State of California and the City. In performing this Agreement, Contractor shall not discriminate, harass, or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (including cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave. Contractor shall give written notice of its obligations under this clause to labor organizations with which it has a collective bargaining or other agreement.

(b) Contractor shall include the nondiscrimination and compliance provisions of this Section in all subcontracts.

13. Indemnification.

(a) Other than in the performance of professional services by a design professional, which shall be solely as addressed by subsection (b) below, and to the full extent permitted by law, Contractor shall (1) immediately defend (with independent counsel reasonably acceptable to the City) and (2) indemnify the City, its Council, boards, commissions, employees, officials and agents ("Indemnified Parties" or in the singular "Indemnified Party") from and against all liabilities regardless of nature or type arising out of or resulting from Contractor's performance of services under this contract, or any negligent or wrongful act or omission of the Contractor or Contractor's officers, employees, agents or subcontractors. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines and judgments, associated investigation and administrative expenses; defense costs including but not limited to reasonable attorney's fees; court costs; expert witness fees; and costs of alternate dispute resolution ("Liabilities"). The Contractor's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an Indemnified Party, the Contractor's indemnification obligation shall be reduced in proportion to the established comparative liability of the Indemnified Party.

(b) For Liabilities alleged to arise from design professional's negligent performance of professional services, Indemnified parties shall have no liability to design professional or any other person for, and design professional shall indemnify and hold harmless Indemnified Parties or any Indemnified Party from and against, any and all Liabilities that Indemnified Parties or any Indemnified Party may suffer or incur or to which Indemnified Parties or any Indemnified Party may become subject by reason of or arising out of any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise to the extent occurring as a result of design professional's negligent performance of any professional services under this Agreement, or by the negligent or willful acts or omissions of design professional, its agents, officers, directors, subcontractors or employees, committed in performing any of professional's professional services, design professional's defense obligation to Indemnified Parties or any Indemnified Parties or any Indemnified Parties or any and attorneys' fees to the extent caused by design professional's negligence.

(c) The foregoing obligations of design professional shall not apply to the extent that the Liabilities arise from the sole negligence or willful misconduct of City or its elected and appointed boards, officials, officers, agents, employees and volunteers. (d) In any and all Claims against City by any employees of the design professional, anyone directly or indirectly employed by it or anyone for whose acts it may be liable, the indemnification obligation under this Section 13 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the design professional under worker's compensation acts, disability benefit acts or other employee benefit acts.

(e) All obligations under this section are to be paid by Contractor as incurred by City. The provisions of this Section are not limited by the provisions of sections relating to insurance including provisions of any worker's compensation act or similar act. Contractor expressly waives its statutory immunity under such statues or laws as to City, its employees and officials. An allegation or determination of comparative active negligence or willful misconduct by an Indemnified Party does not relieve the Contractor from its separate and distinct obligation to defend the City. Contractor agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this section from each and every subcontractor, sub tier contractor or any other person or entity involved by, for, with or on behalf of Contractor fails to obtain such indemnity obligations from others as required here, Contractor agrees to be fully responsible according to the terms of this section. Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder.

(f) If any action or proceeding is brought against any Indemnified Party by reason of any of the matters against which the Contractor has agreed to defend the Indemnified Party, as provided above, Contractor, upon notice from the City, shall immediately defend any Indemnified Party at Contractor's expense by counsel reasonably acceptable to the City. An Indemnified Party need not have first paid for any of the matters to which it is entitled to indemnification in order to be so defended.

(g) The review, acceptance or approval of the Contractor's work or work product by any Indemnified Party shall not affect, relieve or reduce the Contractor's indemnification or defense obligations. This obligation to indemnify and defend City, as set forth herein, is binding on the successors, assigns, or heirs of Contractor and shall survive the completion of the services or the termination of this Agreement or this Section.

14. Insurance & Performance Bond.

(a) As a condition precedent to the effectiveness of this Agreement and without limiting Contractor's indemnification of the City, Contractor agrees to obtain and maintain in full force and effect at its own expense the insurance policies set forth in **Exhibit "C"** "Insurance" attached hereto and made a part hereof. Contractor shall furnish the City with original certificates of insurance, manually autographed in ink by a person authorized by that insurer to bind coverage on its behalf, along with copies of all required endorsements. All certificates and endorsements must be received and approved by the City before any work commences. All insurance policies shall be subject to approval by the City Attorney and Risk Manager as to form and content. Specifically, such insurance shall: (1) protect City as an additional insured for commercial general and business auto liability; (2) provide City at least thirty days written notice of cancellation, material reduction in coverage or reduction in limits and ten days written notice for non-payment of premium; and (3) be primary with respect to City's insurance program. Contractor's insurance is not expected to respond to claims that may arise from the acts or omissions of the City.

(b) City reserves the right at any time during the term of this Agreement to change the amounts and types of insurance required herein by giving Contractor ninety days advance written notice of such change. If such change should result in substantial additional cost of the Contractor, City agrees to negotiate additional compensation proportional to the increased benefit to City.

(c) All required insurance must be submitted and approved the City Attorney and Risk Manager prior to the inception of any operations by Contractor.

(d) The required coverage and limits are subject to availability on the open market at reasonable cost as determined by the City. Non availability or non affordability must be documented by a letter from Contractor's insurance broker or agency indicating a good faith effort to place the required insurance and showing as a minimum the names of the insurance carriers and the declinations or quotations received from each. Within the foregoing constraints, Contractor's failure to procure or maintain required insurance during the entire term of this Agreement shall constitute a material breach of this Agreement under which City may immediately suspend or terminate this Agreement or, at its discretion, procure or renew such insurance to protect City's interests and pay any and all premium in connection therewith and recover all monies so paid from Contractor.

(e) By signing this Agreement, Contractor hereby certifies that it is aware of the provisions of Section 3700 *et seq.*, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provision of that Code, and that it will comply with such provisions at all such times as they may apply during the performance of the work pursuant to this Contract. Unless otherwise agreed, a waiver of subrogation in favor of the City is required.

(f) Contractor will furnish to the City, at the City's option, one of the following forms of security: a surety bond issued by a surety authorized to do business in California ad approved by the City, an endorsed certificate of deposit or a money order or a certified check conditioned upon the faithful performance of this Agreement. The security shall be in the amount of 100% of the not to exceed amount set forth in Section 3.a. herein.

15. <u>Independent Contractor</u>. The parties agree that Contractor, its officers, employees and agents, if any, shall be independent contractors with regard to the providing of services under this Agreement, and that Contractor's employees or agents shall not be considered to be employees or agents of the City for any purpose and will not be entitled to any of the benefits City provides for its employees. City shall make no deductions for payroll taxes or Social Security from amounts due Contractor for work or services provided under this Agreement.

This Agreement shall not constitute, and it is not intended to constitute, either party as an employer, employee, agent, partner or legal representative of the other party for any purpose, or give either party any right to supervise or direct the functions of the other party. Except as specifically provided herein, neither party shall have authority to act for or obligate the other party in any way or to extend any representation on behalf of the other party. Each party agrees to perform under this Agreement solely as an independent contractor and neither party shall have any right, power, or authority, nor shall they represent themselves as having any authority to assume, create, or incur any expense, liability or obligation, express or implied, on behalf of the other party for any purpose. Each party agrees not to permit its employees or agents to do anything that might be construed or interpreted as acts of the other party.

16. <u>**Claims for Labor and Materials**</u>. Contractor shall promptly pay when due all amounts payable for labor and materials furnished in the performance of this Agreement, so as to prevent any lien or other claim under any provision of law from arising against any City property (including reports, documents, and other tangible matter produced by the Contractor hereunder), against the Contractor's rights to payments hereunder, or against the City, and shall pay all amounts due under the Unemployment Insurance Act with respect to such labor.

17. <u>**Discounts**</u>. Contractor agrees to offer the City any discount terms that are offered to its best customers for the goods and services to be provided herein, and apply such discounts to payment made under this Agreement which meet the discount terms.

18. <u>Cooperation; Further Acts.</u> The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

19. Dispute Resolution. If any dispute arises between the parties as to proper interpretation or application of this Agreement, the parties shall first meet and confer in a good faith attempt to resolve the matter between themselves. If the dispute is not resolved by meeting and conferring, the matter shall be submitted for formal mediation to a mediator selected mutually by the parties. The expenses of such mediation shall be shared equally between the parties. If the dispute is not or cannot be resolved by mediation, the parties may mutually agree (but only as to those issues of the matter not resolved by mediation) to submit their dispute to arbitration. Before commencement of the arbitration, the parties may elect to have the arbitration proceed on an informal basis; however, if the parties are unable so to agree, then the arbitration shall be conducted in accordance with the rules of the American Arbitration Association. The decision of the arbitrator's written decision, any party files an action in court. Venue and jurisdiction for any such action between the parties shall lie in the Superior Court for the County of Monterey.

20. Compliance with Laws.

(a) Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California and the City including but not limited to laws regarding health and safety, labor and employment, wage and hours and licensing laws which affect employees. This Agreement shall be governed by, enforced and interpreted under the laws of the State of California. Contractor shall comply with new, amended or revised laws, regulations or procedures that apply to the performance of this Agreement.

(b) If the Project is a "public work," or prevailing wages are otherwise required, Contractor shall comply with all provision of California Labor Code section 1720 *et seq.*, as applicable, and laws dealing with prevailing wages, apprentices and hours of work.

(c) Contractor represents that it has obtained and presently holds all permits and licenses necessary for performance hereunder, including a Business License required by the City's Business License Ordinance. For the term covered by this Agreement, the Contractor shall maintain or obtain as necessary, such permits and licenses and shall not allow them to lapse, be revoked or suspended.

21. <u>Assignment or Transfer</u>. This Agreement or any interest herein may not be assigned, hypothecated or transferred, either directly or by operation of law, without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

22. <u>Notices</u>. All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, sent by facsimile ("fax") or certified mail, postage prepaid with return receipt requested, addressed as follows:

To City:

City Manager City of San Juan Bautista 311 Second Street San Juan Bautista, CA 95045 Fax: (831) 623-4093

To Contractor:

Fax (____) _____

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three days after deposit in the custody of the U.S. Postal Service. A copy of any notice sent as provided herein shall also be delivered to the Project Administrator and Project Manager.

23. <u>Amendments, Changes or Modifications</u>. This Agreement is not subject to amendment, change or modification except by a writing signed by the authorized representatives of City and Contractor.

24. Force Majeure. Notwithstanding any other provisions hereof, neither Contractor nor City shall be held responsible or liable for failure to meet their respective obligations under this Agreement if such failure shall be due to causes beyond Contractor's or the City's control. Such causes include but are not limited to: strike, fire, flood, civil disorder, act of God or of the public enemy, act of the federal government, or any unit of state of local government in either sovereign or contractual capacity, epidemic, quarantine restriction, or delay in transportation to the extent that they are not caused by the party's

willful or negligent acts or omissions, and to the extent that they are beyond the party's reasonable control.

25. <u>Attorney's Fees</u>. In the event of any controversy, claim or dispute relating to this Agreement, or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

26. <u>Successors and Assigns.</u> All of the terms, conditions and provisions of this Agreement shall apply to and bind the respective heirs, executors, administrators, successors, and assigns of the parties. Nothing in this paragraph is intended to affect the limitation on assignment

27. <u>Authority to Enter Agreement</u>. Contractor has all requisite power and authority to conduct its business and to execute, deliver and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and bind each respective party.

28. <u>**Waiver**</u>. A waiver of a default of any term of this Agreement shall not be construed as a waiver of any succeeding default or as a waiver of the provision itself. A party's performance after the other party's default shall not be construed as a waiver of that default.

29. <u>Severability.</u> Should any portion of this Agreement be determined to be void or unenforceable, such shall be severed from the whole and the Agreement will continue as modified.

30. <u>Construction, References, Captions.</u> Since the parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. The captions of the various sections are for convenience and ease of reference only, and do not define, limit, augment or describe the scope, content or intent of this Agreement.

31. <u>Advice of Counsel.</u> The parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and that the decision of whether or not to seek the advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each of the parties hereto. This Agreement shall not be construed in favor or against either party by reason of the extent to which each party participated in the drafting of this Agreement.

32. <u>**Counterparts**</u> This Agreement may be signed in counterparts, each of which shall constitute an original.

33. <u>**Time.**</u> Time is of the essence in this contract.

34. <u>Entire Agreement</u>. This Agreement contains the entire agreement of the parties with respect to the matters as set forth in this Agreement, and no other agreement, statement or promise made by or to any party or by or to any employee, officer or agent of any party, which is not contained in this Agreement shall be binding or valid.

IN WITNESS WHEREOF, Contractor and the City by their duly authorized representatives, have executed this Agreement, on the date first set forth above, at San Juan Bautista, California.

CITY OF SAN JUAN BAUTISTA

CONTRACTOR

By:	
Name:	
lts:	
Date:	

By:	
By: Name:	
Its:	8
Date:	

Attest: (Pursuant to Reso: 20____- - ____)

By:

City Clerk

Approved as to form:

By:

City Attorney

INSERT EXHIBIT A

Section 1 (a)

- SCOPE OF WORK -

[Include Work Schedule if required.]



6 Section 6. Fee Schedules

PROJECT/PROGRAM MANAGEMENT

Principal-In-Charge\$	320
Senior Project/Program Manager	295
Project/Program Manager	255
Assistant Project/Program Manager	215
Senior Project Coordinator	175
Project Coordinator	145

ENGINEERING

Principal Engineer	280
Lead Engineer	245
Supervising Engineer	235
Senior Project Engineer	220
Project Engineer	200
Associate Engineer	
Assistant Engineer	

SURVEYING

Principal Surveyor \$260
Lead Surveyor250
Supervising Surveyor
Senior Project Surveyor195
Project Surveyor
Senior Land Title Analyst
Associate Project Surveyor
Assistant Project Surveyor
Party Chief (PW)170
Chainperson (PW)
One-Person Survey Crew (PW)210

CONSTRUCTION MANAGEMENT

Principal Construction Manager \$305
Senior Construction Manager275
Senior Resident Engineer
Resident Engineer240
Structure Representative
Construction Manager
Assistant Resident Engineer
Sr. Construction Inspector (PW)
Construction Inspector (PW)
Office Administrator

TECHNICAL SUPPORT

CADD Manager \$195
Supervising Technician165
Senior Technician155
Engineering Technician

ADMINISTRATIVE SUPPORT

Senior Management Analyst	\$180
Management Analyst	155
IT Technician	
Graphics/Visualization Specialist	
Administrative Assistant	

GOVERNMENT SERVICES

City Engineer	\$240
Deputy City Engineer	215
Assistant City Engineer	205
Plan Check Engineer	
Permit Engineer	
City Inspector	
Senior City Inspector (PW)	
City Inspector (PW)	
Principal Stormwater Specialist	175
Senior Stormwater Specialist	
Stormwater Specialist	155
Stormwater Technician	140
Building Official	
Senior Building Inspector	
Building Inspector	160
Planning Director	215
Senior City Planner	
Assistant Planner	
Senior Grant Writer	
Grant Writer	165
Grant Associate	145
Grant Assistant	

DIRECT EXPENSES

Use of outside consultants as well as copies, blueprints, survey stakes, monuments, computer plots, telephone, travel (out of area) and all similar charges directly connected with the work will be charged at cost plus fifteen percent (15%). Mileage will be charged at the current federal mileage reimbursement rate. Expert Witness services will be charged at three (3) times listed rate.

PREVAILING WAGE RATES

Rates shown with Prevailing Wage "(PW)" annotation are used for field work on projects subject to federal or state prevailing wage law and are subject to increases per DIR.

ANNUAL ESCALATION

Standard fee rates provided for each classification are subject to annual escalation appropriate for the prevailing economic conditions.

OVERTIME

Overtime for non-exempt employees will be charged at 1.5 x hourly rate; overtime for exempt employees and other classification will be charged at 1 x hourly rate.

Exhibit C -- Insurance

Exhibit C

Insurance Requirements for Professional Services

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

(Not required if consultant provides written verification it has no employees)

4. Professional Liability (Errors and Omissions) Insurance appropriates to the Consultant's profession, with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work. A copy of the claims reporting requirements must be submitted to the Entity for review.

If the Consultant maintains broader coverage and/or higher limits than the minimums shown above, the Entity requires and shall be entitled to the broader coverage and/or higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Entity.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions: The Entity, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts, or equipment furnished in connection with such work or operations.

General liability coverage can be provided in the form of an endorsement to the Consultant's insurance at least as broad as one of the following ISO ongoing operations Forms: CG 20 10 or CG 20 26 or CG 20 33 (not allowed from subcontractors), or CG 20

38; **and** one of the following ISO completed operations Forms: CG 20 37, 2039 (not allowed from subcontractors), or CG 20 40.

Primary Coverage

For any claims related to this contract, the Consultant's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

Consultant shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required polices are reduced; (3) or the deductible or self-insured retention is increased. In the event of any cancellation or reduction in coverage or limits of any insurance, Consultant shall forthwith obtain and submit proof of substitute insurance.

Waiver of Subrogation

Consultant hereby grants to Entity a waiver of any right to subrogation which any insurer of said Consultant may acquire against the Entity by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the Entity has received a waiver of subrogation endorsement from the insurer. However, the Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the Entity for all work performed by the Contractor, its employees, agents and subcontractors.

Self-Insured Retentions

Self-insured retentions must be declared to and approved by the Entity. The Entity may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or Entity.

Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Entity.

Verification of Coverage

Consultant shall furnish the Entity with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to Entity before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The Entity reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that Entity is an additional insured on insurance required from subcontractors.

Special Risks or Circumstances

Entity reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer coverage, or other special circumstances.



CITY OF SAN JUAN BAUTISTA

September 27, 2022

PROPOSAL TO PROVIDE Civil Engineering Services

CISJB.22038!

525 Strawberry Road | Royal Oaks, CA 95076 | 805.787.0326 Office Jeff Edwards, Vice President | jedwards@mnsengineers.com mnsengineers.com 805.331.4848



September 27, 2022

City of San Juan Bautista **Attention: Don Reynolds, City Manager** 248 Main Street Soledad, CA 93960

RE: Statement of Qualifications for Civil Engineering Services

Dear Mr. Reynolds:

Thank you for the opportunity to submit this Statement of Qualifications (SOQ) to provide Civil Engineering Support Services for the City of San Juan Bautista (City). Since 1962, MNS Engineers, Inc., (MNS) has provided quality infrastructure consulting services to the transportation and government service markets throughout California. We specialize in the core services of civil engineering, construction management, and land surveying. As City Engineer and City Surveyor to a number of agencies, we have a unique understanding comprised of both the engineering and the municipality perspectives. Our first-hand knowledge and experience with municipal engineering allows us to maintain long-term municipal clients. Having served Caltrans and local public agencies within the region for numerous years, MNS presents our team to provide the City with these key advantages:

Our Team's Core Benefits

Professional and Qualified Team

Leading the MNS team is Paul Greenway, PE, Principal Project Manager. Paul has over 31 years of civil engineering experience in public infrastructure projects and program management. As the former Assistant Director of Public Works and Road Commissioner for the County of Monterey Department of Public Works, Paul brings a depth of understanding of the requirements and importance of delivering a Capital Improvements Program. Paul will be responsible for working directly with the City's staff to ensure the MNS staff possesses the expertise specific to the task or project at hand, resulting in providing the City with the best results.

Similar Project Experience

Our firm understands agencies expect quality services that remain on schedule and budget, and MNS is committed to providing construction management and inspection services to the City. MNS has held over 150 municipal on-call contracts with over 70 agencies, each with multiple projects. As a testament to our quality of work, we have provided engineering, surveying, government services, construction management, and/or inspection services to the following Northern/Central California public agencies:

 Cities of Belmont, South San Francisco, Brisbane, San Carlos, Daly City, East Palo Alto, Sunnyvale, Berkeley, Dublin, Fremont, Morgan Hill, Newark, Pittsburg, San Jose, Santa Cruz, Arroyo Grande, Buellton, Carpinteria, Goleta, Greenfield, Grover Beach, Marina, Monterey, Paso Robles, Salinas, San Luis Obispo, Santa Barbara, Solvang, and Watsonville

MNS DETAILS

Legal Name MNS Engineers, Inc.

Firm Ownership Type C-Corporation

Year Firm Established 1962

California Department of Industrial Relations (DIR) No. 1000003564

Corporate Office

201 N. Calle Cesar Chavez, Suite 300 Santa Barbara, CA 93103

805.692.6921 Office/Fax www.mnsengineers.com

Project Office

525 Strawberry Road Royal Oaks, CA 95076

805.787.0326 Office

Project Contact

Paul Greenway, PE Principal Project Manager

831.400.8964 Office paul@g7ei.com

Authorized Signature

Jeff Edwards Vice President

805.331.4848 Mobile 805.697.1401 Office jedwards@mnsengineers. com



- Counties of Alameda, Contra Costa, Humboldt, Monterey, Napa, Sonoma, San Benito, San Luis Obispo, Santa Barbara, Santa Clara, and Santa Cruz
- Special Districts such as Alameda County Flood Control and Water Conservation District, BATA, Metropolitan Transportation Commission, MidPeninsula Regional Open Space District, Peninsula Corridor Joint Powers Board, San Francisco County Transportation Authority, San Mateo County Transportation Authority, Alameda County Transportation Commission, San Joaquin Regional Rail Commission, Santa Clara Valley Transportation Authority, Santa Cruz County Regional Transportation Commission, and Santa Maria Valley Water Conservation District
- Caltrans Districts 3, 4, 5, 6, 7, and 59 (Structures)

Comprehensive Engineering Services

Diversified Experience. Our firm's experience, coupled with our knowledge of municipalities, makes MNS an easy addition to provide professional on-call services. We are able to draw from our highly qualified staff with expertise and resources in the areas of civil engineering, land surveying, and construction management—always finding precisely the right skillset and personality fit for the job. We have included subconsultants to support us with other services that may be required such as environmental, scheduling, and appraisals and acquisitions.

San Benito County Area Experience. MNS has extensive experience working with Caltrans and the various agencies within San Benito County.

Best of Both Worlds. MNS is a full-service firm delivering superior quality and offering a depth of resources—ranging from engineering planning and design to construction management. Our ability to tackle large-scale endeavors without driving up costs or sacrificing personalized service makes us stand out as a client favorite.

Authorized Representative. I am hereby authorized to negotiate and contractually bind MNS and will serve as the firm and project contact:

Jeff Edwards, Vice President

805.331.4848 (mobile) | 805.697.1401 (office) | jedwards@mnsengineers.com

Thank you for the opportunity to submit this SOQ to provide Civil Engineering Services for the City of San Juan Bautista. We are excited about the opportunity and are committed to service the City for the duration of this contract, including option renewals. Please feel to contact me (805.331.4848 or jedwards@mnsengineers.com) or Paul Greenway (831.400.8964 or paul@g7ei.com) with any questions regarding this proposal. Thank you for your consideration.

Sincerely, MNS Engineers, Inc.



Jeff Edwards Vice President

Affirmations

Authorized to Practice in California

MNS affirms we are a California Corporation, in good standing. We also affirm our staff are California Licensed Engineers.

Independent

MNS affirms we independent of the City of San Juan Bautista and no member of our team, or family, is an employee of the City.







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Section 1. Qualifications and Experience

Firm Details

MNS Engineers, Inc. (MNS)				
Local Address	525 Strawberry Road Royal Oaks, CA 95076			
Other Offices	Santa Barbara (HQ), Antioch, Buellton, Oakland, Ontario, San Francisco, San Luis Obispo, and Thousand Oaks, and San Jose, CA.			
Employees	182			
Firm Type	C-Corporation			
Established 1962				
DIR	No. 1000003564			
Point of Contact	Jeff Edwards, Vice President Ph 805.692.6921 jedwards@mnsengineers.com Paul Greenway, PE, Principal Project Manager Ph 831.242.0058 paul@G7ei.com			

Firm Qualifications About MNS

Established in 1962, MNS is a C-Corporation that provides quality infrastructure consulting services to the transportation, water resources, and government service markets throughout California. **Specializing in the core services of civil engineering, construction management, and land surveying, MNS' reputation has been built on clear and direct communication and quality services.** We completely understand the technical, environmental, and regulatory aspects that may be required for any project. We are experienced and knowledgeable with utility and multiagency coordination.

Firm Expertise

Municipal City Engineering

Our experienced licensed civil engineers and technical support staff are available for your project needs. Our engineers utilize the latest computer-aided design (CAD) equipment and technologies to prepare plans, specifications, and estimates (PS&Es). Our engineering and technical teams stay current with material and construction method developments, and public agency specification and code requirements. We offer in-depth project experience and a high level of engineering design skill. We cover design services for all project phases:

- Preliminary engineering studies
- Preparation of contract documents—plans, specifications, and estimates
- Plan check and peer review
- · Coordination with project stakeholders and utilities
- Stormwater Pollution Prevention Plan (SWPPP) preparation
- Pre-bid and bid phase assistance
- Permitting with the counties, cities, Caltrans, and other regulatory agencies
- Environmental regulations and permitting
- Requirements for funding from federal, state, and local resources
- Construction administration
- Construction cost estimates
- Report preparation

Land Surveying

Our Land Surveying department is comprised of the following components:

• **Municipal Surveying services.** Our Municipal Surveying Services division provides a substantial amount of private development review, conducting map checking and document review services for tract maps, parcel maps, lot line adjustments, mergers, and certificates of compliance. We also support many cities with their real estate needs such as easement research, roadway



vacation services including resolution preparation, determining fee or easement status of road rightsof-way, annexation mapping and descriptions, and preparation of various documents including grant deeds, easement deeds, and quitclaim deeds.

- **Right-of-Way (R/W) Engineering services.** Our R/W Engineering division has significant expertise in supporting the R/W acquisitions and dispositions required for capital improvement projects. We have very good working knowledge of policies and procedures regarding R/W acquisition and typically tailor our products to match their requirements, often with modifications to suit local agencies. We also have experience in providing early project support preparing the R/W Datasheet and the associated cost estimates. We provide monument preservation services. This is typical for roadway construction projects.
- **Design Surveying services.** Our Design Surveying division has extensive experience in R/W, boundary and easement retracement, ground, aerial and bathymetric topographic mapping, utility mapping, as-builts, and 3-dimensional (3D) scanning survey data collection. Typical projects include roads, highways, bridges, parking lots, pipelines, and other municipal projects including water, recycled water, and wastewater processing and treatment plants.
- **Construction Surveying services.** Our Construction Surveying division has significant experience in providing construction surveying for roads, highways, bridges, retaining walls, pipelines, water processing facilities, and multiple story buildings. We provide stability monitoring for projects requiring excavation near adjacent structures.

Municipal Services

MNS offers assistance to cities, counties, and districts that require program management, review of private development projects, special engineering expertise, or to supplement full-time or part-time staff members during periods of heavy workload.

Public Works Administration Functions

- Preparation of staff reports, attending/presenting at Council meetings
- Public works permit administration: plan review, fee collection, and permit inspection

Development Review

- Entitlement reviews
- Environmental review
- Environmental impact report (EIR) and specific plan review
- Preliminary review/Plan check review
- · Development project condition preparation
- Permit issuance and inspection
- Traffic control plans
- · Compliance with approved plans and specifications
- · Bonding review and cost analysis

Stormwater Compliance

- Wastewater management plans
- · Stormwater quality management plans
- Stormwater pollution control plans
- SWPPP

Construction Management and Inspection

- Construction inspection
- Scheduling and CPM review
- Claims avoidance
- · Construction phase surveying and staking
- Contract administration
- · Constructability review
- SWPPP compliance
- Code compliance
- · Multiparty and contractor coordination
- Utility relocation and coordination
- Regulatory agency coordination
- Environmental compliance and restricted work windows
- Funding administration: local, state, and federal

City Surveyor

- R/W engineering
- Plan and map check
- Easement and R/W research
- · Tentative and final map review and sign-off

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Professional and Qualified Team

The key to a successful project is a highly qualified and well-managed team. We are confident we have the best, reputable team to provide the City with quality services to effectively design, manage, and control this project. Our team was assembled to meet all the specific elements and needs for the project. We work with the following key objectives in mind:

- · Quality service and project deliverables
- Time and budget efficiency
- · Adherence to quality assurance standards
- Constant communication
- · Application of technical and practical expertise

Team Organization

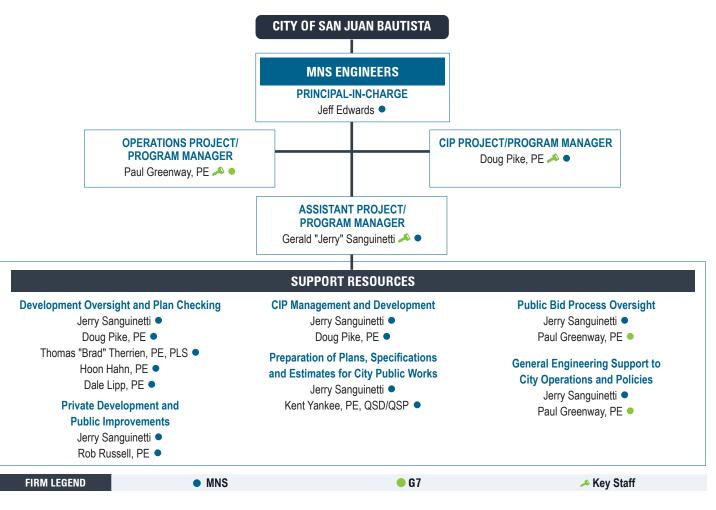






TABLE 2.A.Team Members

Team Resumes. Key staff resumes are available in Appendix A.

Staff/Role	Credentials	Firm	Yrs Exp
 Paul Greenway, PE A Operations Project/Program Manager Public Bid Process Oversight General Engineering Support to City Operations and Policies 	 License/Certifications Professional Civil Engineer, CA No. 52314 Real Estate Broker, CA No. 01384794 QSD, CA No. 52314 Education BS, Civil Engineering, University of Michigan, MI BA, Economics, University of Michigan, MI Affiliations American Public Works Association South Central Coast County Engineers (former Director) 	G7	31
 Doug Pike, PE A CIP Project/Program Manager Development Oversight and Plan Checking CIP Management and Development 	 License/Certifications Professional Civil Engineer, CA No. 43330 California Emergency Management Agency (OES) Safety Assessment Program Education MS, Construction Engineering Management/ Business Administration, Oregon State University, OR BS, Civil Engineering, University of California, Berkeley, CA Affiliations American Council of Engineering Companies, San Luis Obispo Chapter American Public Works Association, Channel Islands Chapter Vice President American Society of Civil Engineers UC Santa Barbara Economic Forecast Project, Board President 	MNS	39
 Jerry Sanguinetti, PE A Assistant Project/Program Manager Development Oversight and Plan Checking Private Development and Public Improvements CIP Management and Development Preparation of Plans, Specifications and Estimates for City Public Works Public Bid Process Oversight General Engineering Support to City Operations and Policies 	 License/Certifications Six Sigma Blackbelt Certification Lean, DMAIC Education Public Policy Credential, Harvard Kennedy School, Cambridge, MA MA, Public Administration, University of California, Santa Barbara, CA MS, Organic Chemistry, University of California, Santa Barbara, CA BS, Molecular Biology, University of California, Santa Barbara, CA 	MNS	17

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TABLE 2.A.Team Members

Staff/Role	Credentials	Firm	Yrs Exp
Brad Therrien, PE, PLS Development Oversight and Plan Checking	 License/Certifications Professional Civil Engineer, CA No. 37301 Professional Land Surveyor, CA No. 5519 Emergency Response, Assessment and Recovery HAZWOPPER CA State Registered Disaster Responder Education BS, Civil Engineering, Minor in Environmental Engineering, University of Rhode Island RE Academy 	MNS	31
Hoon Hahn, PE Development Oversight and Plan Checking	 License/Certifications Professional Civil Engineer, CA No. 60003 Education BS, Civil Engineering, University of California, Los Angeles, CA Affiliations Past Director, High Desert Chapter, American Public Works Association 	MNS	27
Dale Lipp, PE Development Oversight and Plan Checking	 License/Certifications Professional Civil Engineer, CA No. 36789 Education BS, Engineering Design, Brigham Young University, UT Affiliations American Society of Civil Engineers American Public Works Association National Society of Professional Engineers 	MNS	52
Rob Russell, PE Private Development and Public Improvements	 License/Certifications Professional Civil Engineer, CA No. 42871 Education BS, Civil Engineering, California State University, Chico, CA Affiliations American Society of Civil Engineers American Public Works Association 2012 APWA Person of the Year Award, Monterey Bay Chapter 	MNS	35



TABLE 2.A.

Team Members

Staff/Role	Credentials	Firm	Yrs Exp
Kent Yankee, PE, QSD/QSP A Preparation of Plans, Specifications and Estimates for City Public Works	 License/Certifications Professional Civil Engineer, CA No. 74570 Qualified SWPPP Developer, CA No. 74570 Nuclear Gauge Safety Residential/commercial AdvanTex design for Septic Systems Confined Space Awareness Education BS, Architectural Engineering, California Polytechnic State University, San Luis Obispo, CA Affiliations 2010 APWA Young Professional of the Year Award, Central Coast Chapter 	MNS	20



TABLE 2.B.Team Member Municipal Experience

ON-CALL ENGINEERING PLAN CHECKING SUPPORT TEAM

-

	Paul Greenway, PE	Doug Pike, PE 🔵	Jerry Sanguinetti	Brad Therrien, PE 🔵	Hoon Hahn, PE	Dale Lipp, PE	Rob Russell, PE	Kent Yankee, PE
TYPICAL PRIVATE DEVELOPMENT REVIEW SERVICES								
Agreement Management	✓	✓						
Attending Meetings with City Staff and/or Developer's Design Team	~	~	~					
Entitlement Reviews and Preparation of Project Conditions	✓	~	~					
Review of Public Improvement Plans	✓	~	~	✓	✓	~		~
Review of Street/Roadway Plans	✓	~	~	✓	~	~		
Review of Water, Sewer, and Recycled Water Plans	✓	~	~	✓	✓	~		✓
Review of Private Improvements Plans	✓	~	~	✓	✓	~		✓
Review of Grading and Drainage Plans	✓	~	~	✓	✓	~		✓
Review of Storm Drain Plans and Hydrology/Hydraulic Reports	~	√	√	√	√	√		√
Review of Permanent Stormwater Compliance Plans and Calculations	~	~	~	~	~	~	~	~
Review of SWPPP and Other Temporary Construction Stormwater Compliance Plans	~	~	~	~	~	~	~	~
Review of Engineer's Construction Cost Estimate	✓	~	~	✓	~	~		~
Review of Retaining Wall Plans and Structural Design Calculations				✓		~		~
Tenant Improvement Reviews	✓	✓	✓	✓	✓	✓		✓
Constructability Reviews	✓	✓	✓	✓	✓	~	✓	~
Development Projects Construction Inspection	✓	✓	√	✓		✓	√	





Section 3. Similar Engagements with Other Government Entities

TYPE OF SERVICES

On-Call Public

Agency Experience	On-Call Services	Bike/Pedestrian Facilities	Drainage Improvements	Land Development Support	Facilities Improvements	Water/WW Infrastructure Upgrades	Street Improvements	Parks and Recreation Improvements	Construction Inspection/ Management
AGENCY	_								
City of Arroyo Grande	✓	✓				✓	✓		✓
City of Buellton	✓	✓	✓	✓	✓	✓	✓	✓	✓
City of Goleta	 ✓ 	✓	✓	✓	✓		✓	✓	✓
City of Greenfield	✓	✓	✓	✓	✓	✓	✓	✓	✓
City of Monterey	 ✓ 						✓		✓
City of Newark	✓						✓		✓
City of Pittsburg	✓		✓	✓	✓		<		<
City of Salinas	✓		√						
City of San Jose	✓								✓
City of San Luis Obispo	 ✓ 					✓	✓		✓
City of San Mateo	✓								✓
City of Seaside	 ✓ 						✓		✓
City of Watsonville	✓					✓	✓	✓	1
County of Monterey	✓	✓			✓		✓	✓	¥
County of San Benito	✓						✓		✓
County of San Luis Obispo	✓					✓	✓		✓
County of Santa Cruz	 ✓ 							✓	✓
Carmel Area Wastewater Dist.	✓					✓			✓
Castroville Community Services Dist.	 ✓ 				✓	✓			✓
Nipomo Community Services Dist.						✓			✓
Pajaro/Sunny Mesa Community Services Dist.	✓					✓			✓
Santa Maria Valley Water Conservation Dist.	√					√			~



Reference Project Experience

	On-Call Engineering Services
Client	City of Buellton
Contact	Rose Hess, Director of Public Works/City Engineer 805.688.5177 roseh@cityofbuellton.com
Staff	Jeff Greenway, PE
Allocated Hours	40 Hours per week
Date	1992-current



Since 1992, MNS has provided development review and survey services, along with developing and refining the standards, forms, submittal, and review checklists and processes used by private development engineers and surveyors for designing private development projects within the City. We coordinate with the Public Works and Planning Departments who rely upon us to provide professional guidance with regard to any land development activities. Sample services include:

Private Development Reviews. Our Development Review team has plan checked residential and commercial project civil plans, including private and public improvements and managed the permit issuance system. We have reviewed National Pollutant Discharge Elimination System (NPDES) compliance calculations, SWPPP reports, hydrology/hydraulic calculations, and other stormwater-related studies. We have also performed construction inspection of private and public utility installation, roadway improvement construction, traffic control issues, and stormwater compliance items.

Municipal Surveying and Map Checking. Our Municipal Survey team provides all aspects of private development review, including tentative and final map review, along with the development and refining of map statements, dedication, and acceptance language. We have established the standards, forms, and processes used by private development surveyors for development within the City. Using our experience with the California Streets and Highway Code, we recently prepared a Council Resolution for the vacation of portions of an unused road R/W along with the supporting documents including legal descriptions, exhibits, and quitclaim deeds typically needed with these projects.

	On-Call Engineering Services
Client	City of Greenfield
Contact	Paul Wood, CPA, City Manager 831.674.5591 pwood@ci.greenfield.ca.us
Staff	Doug Pike, PE
Allocated Hours	24 Hours per week
Date	2014-current



Since 2014, MNS has been providing city engineering, development plans and map review services, development inspection services, facilities support, Special Assessment District Engineering services, and Building Department services, including staff augmentation. We have prepared development review checklists and worked with the City to update their standards, fees, forms, and review processes. Services include:

Private Development Reviews. Our Development Review team has been providing comprehensive development review services to the City, including review of commercial and residential private development projects construction plans, such as grading and drainage plans, utility plans, street improvement, water supply/distribution plans, sewer systems, storm drains, stormwater detention/retention calculations, Stormwater SWPPP, and erosion control plans. In addition to development reviews, MNS coordinates with other City departments to finalize the plan checking process and permit management. As part of permit management, we provide inspection services for private and public

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improvements including utilities, paving, grading, water systems, sewers, traffic control, and construction BMPs.

Municipal Surveying and Map Checking. MNS provides the City's on-call survey review services, including review of all tentative and final maps such as signing and sealing the maps for technical accuracy, review of lot line adjustments, voluntary mergers, and certificates of compliance. We work directly with the staff in the Planning and Development and Public Works departments. We are often called upon to provide templates for certain easement or R/W grants, quitclaims, and roadway vacations. With our decades of experience with California municipalities, we have developed a library of forms used for these tasks saving the City time and money by accessing those documents for their use. We prepare and maintain a unique and easy to use spreadsheet for tracking the receipt of project submittals and their subsequent review dates. This is critical organization given the State-mandated review time period. We typically target the reviews to be completed within 10 days of receipt in order to ensure the reviews are completed well within the allowed time.

	On-Call Engineering Services
Client	City of Pittsburg
Contact	Dick Abono, Director of Public Works 925.252.4930 rabono@ci.pittsburg.ca.us
Staff	Jeff Greenway, PE
Allocated Hours	40 Hours per week
Date	2015 - current



MNS was selected in 2015 to provide on-call professional civil engineering and surveying services for the City and re-selected for an additional three years of on-call services. Services included transportation, survey, street, waterline, sewer, and storm. Sample relevant projects include:

BART Pedestrian and Bicycle Connectivity Project.

Contract: \$134,000. This project connects the existing trails and surrounding neighborhoods with a planned Bay Area Rapid Transit (BART) transit station and multimodal transfer facility located at the State Route 4/Railroad Avenue freeway interchange. The project is also in close proximity to several retail and commercial businesses—City Hall, City park, County Superior Court, and within one mile of seven different schools. This project provides a safer and user-friendly corridor to encourage more bicycle and pedestrian use with a wide, paved Class 1 multiuse trail or Class IV buffered bikeway. Improvements include trail lighting, intersection improvements, and additional parking. MNS provided grant writing services as well as plans, specifications, and estimates.

West Leland Road Safety Improvements. Contract:

\$265,000. MNS supported the City with obtaining grant funding and ultimately designing this \$2.6M project administered by the Highway Safety Improvement Program. This project encompassed 11 intersections and was designed for directional median openings, leftturn phasing, new raised medians, pedestrian safety improvements, and new striping.

	On-Call Engineering Services
Client	City of Goleta
Contact	Charlie Ebeling, Director of Public Works 805.961.7569 cebeling@cityofgoleta.org
Staff	Jeff Greenway, PE
Allocated Hours	40 Hours per week
Date	2008-current



MNS has provided staff members to address the various needs of the City from water, wastewater, surveying, civil/traffic engineers, and construction management/ inspection personnel. MNS has provided services to the City since 2008. Services include:



Private Development Reviews. Our development review team is currently providing full service plan check, drainage report review, SWPPP review, encroachment permit, and land development review (impact evaluation, report evaluation, conditions of approval, etc.), traffic count data collection, pavement striping/ signing, and construction traffic control designs.

Municipal Surveying and Map Checking. Our municipal survey team provides services such as reviewing and signing of all parcel maps, tract maps, lot line adjustments, certificates of compliance, and mergers. Additionally, we have provided standardized procedures and document formats and support them with acquisitions, relinquishments, and roadway vacations.

Additional Project Experience

Dev	velopment Review and Inspection Services
Client	City of Salinas
Date	2016 - current

The City selected MNS in 2016 to provide City Surveyor services as they pertain to private development review. We were specifically chosen, in part, for our depth of experience in this field, and also because they value our approach to the review process. This process ensures efficiency by conducting a large part of the review using qualified staff; we ensure quality by requiring the signer of the map for the City review to provide the map and comments prior to delivering the review to the City. As with all new City clients, we begin our process by reviewing the City's Subdivision Ordinance and several final maps that were recently filed in order to understand the conventions and statements typically used. We also discussed the specific process used from start to finish with subdivision maps. The City also values the fact we do not provide private development services, which avoids the potential for conflict of interest.

Surveying. MNS completed map review services for the phased Monte Bella subdivision, a 200-acre subdivision to ultimately be comprised of 853 units.

Stormwater Inspection Services. MNS previously provided NPDES Permit Compliance Support, stormwater compliance inspections, review of submitted documents to SMARTS, and on-site review of the SWPPP documents for private development projects on an as-needed basis.

Development Review and Inspection Services

Client	City of Arroyo Grande
Date	2014 - current



MNS provides on-call services for map checking, private development reviews, and construction inspection services:

Private Development Reviews. Our Development Review team is currently providing development reviews for the City. Our reviews include grading, stormwater compliance, hydrology report, sewer and water design, structural design and calculations, flood control issues, certificate of no rise in flood elevation, and other private and public improvements.

Municipal Surveying and Map Checking. Our Municipal Survey team has reviewed parcel maps and tract maps as well as mergers and lot line adjustments for the City over the past three years. We also have reviewed legal descriptions for easements related to the development process; along the way we have been reviewing, improving, and standardizing the map statements and the documents used for lot line adjustments, mergers, and other processes. Because we also provide plan review for the same projects, the survey reviewers coordinate with the design reviewers to ensure certain plan components are consistent with final map components, particularly with regard to easement dedications and locations.

	On-Call Engineering Services
Client	City of Gonzales
Date	2020 – current

MNS was selected in 2020 to provide land development and stormwater services. We are currently providing assistance to the City of Gonzales (City) to address Stormwater Management Plan (SWMP) issues for implementation and reporting to the Regional Water Quality Control Board (RWQCB). As part of the City's



requirements under its General Permit with the RWQCB, MNS is assisting with components of its stormwater guidance document. Services include:

- Program Management
 - Review Enforcement Response Plan including enforcement actions and incidents log/database and provide update recommendations.
- Illicit Discharge Detection and Elimination
 - Review Spill Response Plan and provide update recommendations.
- Construction Site Stormwater Runoff Control
 - Review construction site inventory and provide update recommendations.
- Post Construction Stormwater Management
 - Review construction site inventory, structural control measures, PCR regulated projects, construction site inspection and enforcement inventory, and provide update recommendations.
- Annual Reporting Program
 - Prepare and submit Phase II Small MS4 Annual Report and Central Coast Post-Construction Stormwater Management Requirements Annual Report (2019-2020 and 2020-2021) and address City comments prior to submitting the Annual Report through SMARTS. Prepare a consolidated SWMP Annual Report for upload onto the City's web page and for use during public meetings (annually).

			-	.
Client	County of Co	ontra Costa		
Date	2017 - current	t		

On-Call Land Development Engineering Services

MNS is providing professional engineering services in compliance with the latest editions of design standards and engineering practices, including and without limitation, Ordinance Code Provisions, Project Conditions of Approval, Caltrans Highway Design Manual, Floodplain Management Ordinance, Stormwater Management and Discharge Control Ordinance, Municipal Separate Storm Sewer System, NPDES permit, and Public Works Department Landscape Design, Construction, and Maintenance Standards and Guidelines.

	On-Call Engineering Services
Client	City of Newark
Date	2016 - current

MNS was selected in 2016 to provide on-call professional engineering services. Services include:

Private Development Reviews. MNS is reviewing private development construction plans and associated studies such as street/roadway improvements, grading and drainage plans, storm drains, hydrology/hydraulic reports, stormwater compliance, C.3/C.6 plan review, temporary and permanent best management practices (BMPs), SWPPP, erosion control plans, and other NPDES permit compliance.

On-Call Engineering Services				
Client	City of Carpinteria			
Date	1980-present			
5-120	MARCEL STONIG			



MNS has been providing numerous staff members to address the various needs of the City from water, wastewater, surveying, civil/traffic engineers, and construction management/inspection personnel. MNS has provided services to the City since 1980. Sample services include:

 Full service plan check, drainage report review, Stormwater Pollution Prevention Plan (SWPPP) review, encroachment permit, and land development review (impact evaluation, report evaluation, conditions of approval, etc.)



- Field inspection of permitted public works and private land development projects.
- Traffic count data collection, pavement striping/ signing, and construction traffic control designs.

As City Surveyor for over three decades, MNS provides services such as reviewing and signing of all parcel maps, tract maps, lot line adjustments, certificates of compliance, and mergers. Additionally, we have provided various standardized procedures and document formats and support them with acquisitions, relinquishments, and roadway vacations.

On-Call Development Review Services Client City of Ventura, Ventura Water Department



MNS has been providing engineering and administrative services to the Ventura Water Department for review of private development projects. We manage and provide staff support for interdepartmental meetings, entitlement reviews, project conditioning, and plan review services for potable and recycled water and wastewater system improvements of land development projects.

On-Call Project Management Services

Client	Santa Cruz County Regional Transportation Commission
Date	2020-present



The Santa Cruz County Regional Transportation Commission (RTC), in cooperation with Caltrans and the Federal Highway Administration (FHWA), is analyzing alternative investments to relieve congestion on State Route 1 (Highway 1) in Santa Cruz County. The Highway 1 program is comprised of Tier I and Tier II stages. Tier I is a long-term, program-level analysis for the future of the Highway I corridor between the Cities of Santa Cruz and Aptos. The Tier I concept for the corridor will be built over time through a series of smaller incremental projects (referred to as Tier II projects). Tier II is a projectlevel analysis of a smaller incremental project within the Tier I corridor which would move forward based on available funding. Each of the Tier II projects would have independent utilities and benefits to the public and Highway I operations. MNS' Project Manager, Martha Dadala, PE, is currently assisting the RTC with three Highway I, Tier II projects, including:

- Highway I Northbound and Southbound Auxiliary Lanes, between 41st Avenue and Soquel Drive. This project includes improvements to Highway I, a pedestrian/bicycle overcrossing at Chanticleer Avenue, and bus-on-shoulder facilities.
- Highway 1 Auxiliary Lanes and Bus-On Shoulder, from Bay Avenue/Porter Street to State Park Drive. This project includes the demolition of the Capitola Overcrossing and the preparation of project approval and environmental documents (PA&ED) for improvements to Highway 1.
- Highway 1 Auxiliary Lanes and Bus-On Shoulder, between State Park Drive and Freedom Boulevard Interchanges. The Highway 1 Project included improvements in the unincorporated area of Santa Cruz County and proposes the construction of a segment of rail trail. The project proposes to replace the two existing railroad bridges over Highway 1 and widen the bridge over Aptos Creek and Spreckels Drive.





During the past five years, MNS has no past or pending lawsuits, litigation, arbitration, or claims to disclose.



Section 5. Specific Project Approach

Project Management Approach

In the 60 years that MNS has been providing On-Call Engineering services, we have developed methodical, effective procedures for delivering our services in a cost-effective and professional manner. The keys to organizational success are well-thought-out processes and welldocumented, quality communications.

1 Design Initiation

Initial Contact Regarding Projects. The Principal Project Manager, Paul Greenway, PE, will be the initial point-of-contact for all engineering services initiated by the City. Paul is available to discuss and evaluate project scope and will determine which of the MNS Project Engineers will be assigned to the services based upon the scope of work and availability to meet the City's desired schedule for project deliverables.

Preliminary Scoping Meeting. Paul will attend the preliminary scoping meeting with the City which will take place either at the City offices or at the project site to determine the full desires of the City staff person and project scope. The schedule of work will be determined at the preliminary scoping meeting as well as number of design reviews, nuances of the work, areas of concern and emphasis, and anticipated challenges. MNS will schedule and devote an optimal, cost-effective project team to oversee and complete the design effort on behalf of the City. **Prepare Detailed Work Scope.** Paul Greenway will prepare detailed scope of services for the project based upon the following:

- · Our understanding of the project
- Information supplied by the City at the preliminary scoping meeting
- Our own evaluation of the project site and services required

Necessary subconsultants will also be retained at this time for any portion of the work for which MNS does not maintain adequate depth of technical expertise. Detailed scope of services by task and subtask, project deliverables, and preliminary project schedule will be prepared by MNS. The project schedule will identify necessary reviews by the City, building plan check, and outside reviewers. Estimated staff utilization and fee will be prepared on a task-by-task basis. Scope and fee will be formatted for presentation to the City as a letter or submitted in City format as a task order request.

Assistance with Funding Management and

Administration. MNS has extensive experience in administering and managing state, federal, and local funding for capital improvement projects. We can assist in tracking, documenting, and reporting the expenditure of these funds and creating the appropriate audit trail.

Quality Control and Assurance. Quality assurance and project review is pertinent to a successful project. Project approach, technical content and accuracy, project layout and appearance, conciseness, completeness, value engineering, and constructability will be carefully considered. The MNS Principal Project Manager will be in close contact with appropriate City staff during the review process and will facilitate incorporation of City comments throughout the entire design process. An internal Quality Assurance/Quality Control (QA/QC) team of specialized engineers and construction managers is available to review and comment on the project prior to key submittals throughout development of the project design.



2 Preliminary Design

Project Research. Project research consists of detailed site/facility investigation, utility notification, preparing initial utility letters requesting atlas sheets, locating record drawings, and other research regarding project standards and requirements. Detailed site investigation depends greatly upon the type of project and facility involved. Project investigation for a traffic signal modification will be much different from pavement rehabilitation. Initial utility notification will be based upon utility operators known to the City and identified by preplanning requests made to the Underground Service Alert. Notification letters that explain the project and project limits will be sent. MNS will maintain a utility matrix that identifies the status of the correspondence, replies, and known conflicts. Record drawings for existing facilities will be obtained by researching the City archives, making public records requests with Caltrans for state highway plans, and other sources as appropriate to the specific project. Depending upon the project, research may be completed prior to initiating design or may continue through the preliminary design.

Preliminary Project Reports. Preliminary project reports are prepared by the project team to evaluate existing conditions and make recommendations for the project. Examples of preliminary project reports include:

- · Hydrology and hydraulic studies
- · Geotechnical investigations
- Structure type selection
- Traffic impact studies
- Parking supply demand studies
- Preliminary pavement evaluations and recommendations
- Fact sheet for design exceptions, traffic signal warrants, traffic modeling, traffic studies, and project study reports
- Other traffic engineering studies (speed surveys, crash analysis, etc.)

Preliminary and final environmental studies, including boundary of area of potential environmental effect, may also be performed in conjunction with this task. For all projects, construction and post-construction stormwater requirements will be evaluated and a preliminary compliance strategy will be developed in conjunction with one of our in-house Qualified SWPPP Developers (QSDs). Draft preliminary project reports will be transmitted to the City Project Manager for review and comment.

Engineering Services Design. We will provide a wide variety of services related to engineering services. This includes, but not limited to:

- Preparation of 35% plans or geometric approval drawings to define the project and provide a basis for technical and environmental review.
- Planning, design, construction assistance, and technical review of efforts directed to roadway design, traffic signals, roadside safety features, signage and striping programs, pavement maintenance programs, and related features and activities.
- Design and preparation of construction documents for traffic signal designs, signal and sign warrants, pavement markings and sign placement, construction area traffic control plan preparation, crash data analysis and evaluation, sight distance analysis, etc.
- Coordinated review which involves working with civil engineering companies and City staff on roadway design as related to traffic engineering design principles.

Permitting and Coordination. We will assist City staff with processing projects with Caltrans and other regional/ state agencies that require permitting of transportationrelated improvement projects. We have a good working relationship with the various divisions within Caltrans, such as permits, traffic operations, electrical operations, and design.

Public Review. The level of project review depends upon the type of project. Projects such as pavement sealcoating and underground utility replacement may have very limited public review and may only include public notification of the proposed project. Projects such as bikeways, creek bank modifications, and new structures will require design review, neighborhood meetings, and in some cases, approval by the planning commission. The MNS Principal Project Manager will determine the appropriate public review for each project during the initial scoping with the City.

Prepare 65% Draft Plans, Specifications, and Estimate. The MNS Principal Project Manager will communicate with the City during the preparation of the plans,



specifications, and estimates, while the MNS Principal Project Manager will assist with the quality assurance. As required, CAD base backgrounds will be developed for the preparation of project plans and documents. The CAD base backgrounds will be used throughout project development. Field review will be conducted to check the CAD base backgrounds and determine specific site features that must be integrated into the project design. Detailed preliminary (65% complete) design plans and work tabulations will be prepared as necessary for the specific type of work. Plans may likely include sections and details for all project elements. All design calculations and evaluations will be completed at this time. Construction and post-construction stormwater designs and details will be developed as recommended by the QSD to be appropriate to the project. To assist in project review, technical specifications outline or draft technical specifications will be prepared as part of the 65% project submittal. A list of project bid items and unit costs will be prepared for the project estimate. Unit costs will be based upon recent bid prices for similar agency work.

Notice to Utilities. With preliminary plans complete, affected utilities will be notified again of the project and asked to review the plans for the appropriate location of underground facilities and evaluation of conflicts. Utilities will be requested to confirm that no conflicts exist with the proposed work. All utility correspondence and responses will be tracked in the utility matrix.

Project Review Meeting. During the City's review of the 65% submittal, the MNS Principal Project Manager will schedule a review meeting or teleconference with the appropriate City staff person to discuss the project and communicate comments regarding the design submittal.

3 Final Design

Complete 95% Draft PS&E. Comments provided by the City Project Manager will be evaluated and incorporated into the project design as appropriate. Coordination will be performed with the City to clarify intent, resolve conflicts, and reach closure on comments as appropriate. Written responses will be prepared for each comment. Final project plans and technical documents will be prepared by incorporating comments and completing remaining detailing and additional plan sheets required to adequately communicate design intent. For projects requiring submittal of a SWPPP to the State Board, this document will be prepared during this task. Technical specifications and formal bid packages will be prepared based upon the City templates and City standards. Estimates prepared for the 65% submittal will be revised to reflect changes during the 95% design and new costing information available. Quality assurance review of the 95% deliverable will be coordinated by the MNS Principal Project Manager prior to submittal of review sets to the City Project Manager.

Project Review Meeting. During the City's review of the 95% submittal, the MNS Principal Project Manager will schedule a review meeting or teleconference with the appropriate City staff to discuss the project, and communicate comments regarding the design submittal and strategy to move the project forward to bidding and construction.

Final PS&E Revisions. Final comments from the City will be reviewed and incorporated into the 95% draft PS&E package. Following any necessary external review, final wet sealed/signed documents in reproducible hard copy and PDF format are prepared and delivered to the City Project Manager for bidding. Final CAD files are archived and transmitted to the City.

Utility Relocation Notices. Utilities that require relocation will be identified. Notification letters will be prepared to inform utility operators and provide a timeline for each required relocation.

Bid and Construction Support

4

Bid Support. The MNS Principal Project Manager will assist in soliciting bids for the advertised design project. This will include attending City meetings as necessary and coordinating with other City staff to publish requests for bids in local newspapers, as well as contacting plan rooms and specific contractors to inform them of the upcoming project. MNS will facilitate the submission of plans and specifications in electronic format as necessary. MNS can take the lead on pre-bid meetings and assist in fielding inquiries and coordinating responses from the consultants. During bidding, MNS will prepare responses to bidder questions that are submitted to our Principal Project Manager through the City. Responses will be made to the City for distribution



to the bidder's list. Questions that can be resolved through references within the contract documents will be addressed via e-mail. Those questions that require a more detailed response will result in preparation of a draft bid addenda. MNS will assist, as desired, with addenda to the bid documents. The Principal Project Manager will be available to attend the bid opening and assist in summarizing the results and determining the apparent low bidder. MNS will assist in the selection of the Contractor, including calling listed references and ensuring all contract proposal conditions have been met in accordance with the State Contracting Code. This information will then be submitted to the City and a draft agenda report will be prepared for the Council's approval of the contract.

Design Support During Construction. The MNS Principal Project Manager will continue to work with the City and Resident Engineer to prepare the Notice of Award and send the contractor a notification to prepare proper documentation such as insurance, and coordinate scheduling of the now awarded project. During construction, our engineering team will be available to attend project meetings, conduct onsite reviews, review contractor submittals, respond to contractor RFIs, and participate in project closeout and punch list preparation. Written responses will be prepared for all submittals and RFIs as forwarded by the Resident Engineer. The specific level of support will vary depending upon the complexity of the project and experience of the City's Resident Engineer.

Public Notices and Construction Coordination. The MNS Principal Project Manager will ensure that contract provisions regarding public coordination are met, and coordinate with media as necessary. We will ensure implementation and correctness of any and all proper notices to the public for upcoming work in the area of the project.

Record Drawings. MNS will update the electronic CAD files and prepare plotted mylar, PDF electronic, and AutoCAD electronic copies of the project plans from the bid set AutoCAD files—to reflect changes shown on a single official project redlined plan set maintained jointly by the Resident Engineer and the contractor staff during the project construction. It is important this redlined plan submittal clearly represents the changes to be shown on the project record drawings. When the redlined set is ready for record drawing preparation, we will meet to review the drawing changes and this scope of services with the Resident Engineer. When redlines have been implemented, we will return draft paper plots to the Resident Engineer for review and approval. With the City's approval, we will prepare final mylar and electronic drawings for engineer approval and archiving.

Schedule Management Approach

The MNS team will accurately manage and track the restrictive elements of time and resources throughout the project. The development of an accurate, detailed, and realistic baseline schedule is critical for a successful implementation of a clear and concise path to achieve project milestones. We will utilize Microsoft Project as the scheduling tool to illustrate and measure our plan to achieve schedule milestones. Several key elements are critical to the development and management of engineering schedules. We will use the following key elements in our schedule development to protect the success of the plan.

Identify Key Project Stakeholders



We will identify the key project stakeholders and how their participation in the project impacts planning such as the City of Salinas and Monterey City and other

authorities with jurisdiction, local community involvement, environmental considerations, etc.

Risk Assessment



We will create a detailed and formal risk assessment of those potential issues that could significantly impact the planned schedule. This is a critical part

of our planning process and may involve formal risk assessment techniques.

Team Member Agreement



We will gain agreement with all entities involved in the design process to both the logic and durations of activities contained in the schedule. Our experience indicates

this "buy-in" from those involved is critical to the success of the schedule plan. While simple in concept, this is one of the most difficult elements to achieve in the planning process.



Face to Face Communication



Our Principal Project Manager is located in the region, facilitating face-to-face communication. Having a local presence near the City offices offers reduced cost

of travel and provides for enhanced communication. Once developed and published, MNS will manage the schedule as a living document that must be accurately updated and proactively used as a management tool. Measurement of the progress on a monthly basis will provide good control of items that are lagging behind projected finish dates. This will then impact successor logic in such a manner that the schedule becomes totally inadequate. By maintaining updates, problems are quickly identified and corrective measures are put into place immediately so a potential delay is mitigated as soon as practical.

MNS will issue direction for the design team to implement any needed corrective measures including adding additional team members, working extra days or hours, etc. MNS will reach out to senior management to correct the situation or find other firms to assume portions of that work. MNS considers no design firm or individual will be given the opportunity to negatively impact the project plan.

The MNS team has extensive experience in dealing with changes from owner-initiated changes, unforeseen conditions, environmental impacts, and other unanticipated issues. MNS will submit a time impact analysis for any issue with the potential to delay the overall progress of work. MNS will seek ways to mitigate any potential delay as a first course of action. We maintain an ongoing partnering approach between all stakeholders. This enables creative solutions to potential delay issues as they arise. A team approach to delay mitigation can involve such things as expedited submittal review, re-sequencing of work, and other measures requiring participation from each member of the team. MNS strives to foster an ongoing positive working relationship between team members to facilitate creative time management solutions.

Schedule Format

We will incorporate the current adopted standard the City of Monterey utilizes for scheduling projects to ensure the project fits seamlessly within reports that City staff present in summary to department meetings. This format will include major categories such as Project Initiation, Environmental, Design Engineering, Utilities, Right-of-Way, Permits, Advertise and Award, Construction and Environmental Mitigation, along with the many subtasks of these categories depending on the specifics of the project.

Cost Management Approach

		-
PLAN	EXECUTE	MONITOR
Establish budget for	Empower teams t	o Develop trend
each work package	perform their task	s report to analyze
		progress

Our cost management approach provides assurance the design budget will be managed and controlled appropriately. Three major components of cost management involve managing:

- Design budget costs to the scope and limits established at the start of the project
- Estimated construction cost to allowable budget
- Actual construction cost by limiting the potential for change orders

Development of the activities to establish a defined project scope of work and project budget will be essential for each project. Once the early budgets are established, ongoing evaluation of the solutions developed during the collaboration process must be checked against the agreed budget. For each decision, the established construction budget must be maintained; and after the alternatives analysis phase, no changes to design solutions will be implemented without understanding the cost, collaboratively agreeing to the approach, and then establishing the new forecast for the individual element of work once it is agreed upon.

MNS Accounting System

The MNS accounting system will be used to report project financial information and assist the Principal Project Manager in assessing the budget status of the project. The system is updated as costs are entered, providing the management team with real-time financial information. Any budget issues can be quickly identified and corrected before they become problems.



Another element of our cost management strategy is a change management log—a tool used to track all potential and actual changes during design. The agency will understand potential cost and schedule impacts of design changes before they occur.

MNS will provide detailed monthly invoices, which include the following: current period and cumulative expenditures to date, estimated cost of completion, estimated date of completion, approved contract amount by task, and comparison of task budget with an estimate of the costs to complete the task.

The MNS team will provide a progress report including a narrative summary of the specific accomplishments achieved during the billing cycle, problems encountered or anticipated, plans for resolving problems, and anticipated milestones to be achieved during the following billing cycle. Using a standard template, each invoice will be accompanied by a progress report.

Cost Estimating

Providing a sound basis for cost control is the quality of our cost estimating.



KEY BENEFIT

Project financials are available in real time. As such, budget issues can be identified and resolved early.

Our approach in estimating features four stages as follows:

- Each component of the project will be estimated by the design team
- The design team estimates will be vetted by the team's project controls estimators who will estimate the work independently throughout the process and have experience in the field
- Plans, specifications, and estimates (PS&Es) review for constructability to minimize change orders
- Value engineering to achieve construction savings

The project management team will monitor this process closely and drive the project to ensure the design meets the intended construction budget. This is the essence of design-to-budget.



KEY BENEFIT

A comprehensive and independent cost estimate process provides a good level of confidence without surprises.

The design package will have a constructability review by experienced construction management staff. Minimizing change orders focuses on the clarity of contract documents and how the project risk is described and allocated in the contract.



KEY BENEFIT

We will incorporate the current adopted standard the City utilizes for a monthly project budget summary. This budget summary will fit seamlessly within reports the City staff present in summary to department meetings.

Staff Hour Allocation

When establishing work hours for the City, MNS will establish a work plan with an emphasis on base of needs. Some of these priorities are the upcoming streetscape project and the sewer project on the immediate horizon followed by next year's water project to name a few. We'll also gauge the amount of traffic and daily work items that appear each day, currently we are looking at twenty four hours a week consisting of Tuesday, Wednesday and Thursday. Once we are established, we will have a better feel for the city's needs and will adjust up or down as needed.

Having well over one hundred years of experience in municipal engineering, our team has fully understands what can and will appear at any time and are well equipped to make recommendations, apply innovations and to keep the city informed at all times. MNS Engineers is a pro-active company and puts an emphasis on seeing any potential issues before they occur.

We are proposing a cost savings measure with regards to this proposal with a lower priced employee on the ground presently scoped at twenty four hours a week and are quite comfortable with this employees capabilities. When a registered engineer is required we have broken that into two expertise's. The first is operations consisting of administrative duties and



the other would be CIP related operations. This cost savings would equate to roughly \$75,000 each year. We anticipate these professional engineer to contribute on average two to five hours a week depending on the needs of the City.

Also MNS engineers only works for government agencies and therefore will never have a conflict with any land developer. This always avoids any conflicts that we would have to excuse ourselves from.





As instructed, MNS rates will be submitted in a separate email.





Team Members

Name	Role	Firm	PG
Paul Greenway, PE, QSD 📣	Operations Project/Program Manager	G7	A-2
Doug Pike, PE 📣	CIP Project/Program Manager	MNS	A-4
Jerry Sanguinetti 📣	Assistant Project/Program Manager	MNS	A-6
Brad Therrien, PE	Development Oversight and Plan Checking	MNS	A-8
Hoon Hahn PE	Development Oversight and Plan Checking	MNS	A-10
Dale Lipp, PE	Development Oversight and Plan Checking	MNS	A-12
Rob Russell, PE	Private Development and Public Improvements	MNS	A-14
Kent Yankee, PE, QSD 📣	Supervising Engineer/Structural Engineer	MNS	A-16



Paul Greenway, PE, QSD Operations Project/Program Manager



Firm

G7ei Inc.

Areas of Expertise

- Transportation projects
- Sewer and water projects
- Land development
- Project management
 Construction management and administ
- Construction management and administration
- Years of Experience
- 32

Licensing

- Professional Civil Engineer, CA No. 52314
- Real Estate Broker, CA No. 01384794
- QSD, CA No. 52314

Education

- BS, Civil Engineering, University of Michigan, MI
- BA, Economics, University of Michigan, MI

Affiliations

- American Public Works Association
- South Central Coast County Engineers (former Director)

Mr. Greenway has over 32 years of civil engineering experience in public infrastructure projects including roads, bridges, buildings, storm drains, water systems, and land development entitlement processing. Prior to MNS, Paul served as Assistant Director and Road Commissioner for the County of Monterey Department of Public Works. His responsibilities in executive management included managing teams of staff and consultants to prepare engineering reports, cost estimates, plans, specifications, and construction administration and management. During his tenure with the County of Monterey, Paul worked on capital projects with a combined value of \$300M and land development projects valued over \$1B.

Paul acted as the Public Works Manager responsible for ensuring the following land development projects were implemented and consistent with general plans, specific plans, municipal codes, California Environmental Quality Act (CEQA) engineering standards, and the appropriate conditions and mitigation measures. His experience includes:

Main Street Bridge Replacement, City of Watsonville,

CA. *Construction Engineer.* This \$10M bridge project provides a vital transportation link for residents of Watsonville traveling south over the Pajaro River. Paul role was to oversee construction activities and communicate with stakeholders on the project status. The project was delivered on time with minimal impact to the community.

Elkhorn Road Emergency Storm Damage Repair, County of Monterey, CA. Project Manager. As a result of heavy rain during the 2016-2017 storm season, portions of Elkhorn Road near Castroville were severely damaged from erosion and landslides. The County of Monterey selected MNS to provide overall project management, design, construction management, and construction inspection for this important project. MNS also coordinates with the environmental subconsultant to obtain all necessary permits from several agencies and with the geotechnical subconsultant for the Geotechnical Report, laboratory testing, earthwork observation, and testing.

Mar Vista Storm Damage Slope Failure Emergency Repair, City of Monterey, CA. *Project Manager*. For this emergency storm damage repair project, MNS evaluated slope failures and prepared engineering sketches for the City and contractor in order to expedite the necessary



repairs. MNS also monitored construction progress and coordinated with the environmental subconsultant to obtain required permitting from several agencies and with the geotechnical subconsultant for the Geotechnical Report, laboratory testing, earthwork observation, and testing.

2016 Big Sur Emergency Watershed Protection

Measures, County of Monterey, CA. *Consulting Engineer.* MNS provided field review of six locations eligible for federally-funded emergency watershed protection measures. In 2016, the Sobranes fire burned 132,000 acres of land in the Big Sur area.

Blackie Road Emergency Storm Damage Repair,

County of Monterey, CA. *Project Manager.* As a result of the 2016-2017 winter storms, Blackie Road was flooded and damaged. The County of Monterey selected MNS to provide project management, design, construction management, and construction inspection of the required repairs. MNS also coordinates with the environmental subconsultant to obtain all necessary permitting from several agencies and with the geotechnical subconsultant for the Geotechnical Report, laboratory testing, earthwork observation, and testing.

Springfield Water System Improvements, Pajaro/Sunny Mesa Community Services District, CA.

Project Manager. This project involves planning and designing upgrades to the Springfield Water System to provide a high quality water source and long-term water supply reliability for the community. The existing Springfield system was fed by a single shallow well, which has documented water quality problems for a number of contaminants including nitrates, salinity, and sulfate. The proposed system will include a new water supply from a well or adjacent system, water treatment, water storage tank, booster pump station, back-up generator, and water transmission mains. In addition, this project will replace water service laterals from the existing distribution mains to each residence currently receiving water from the system. Individual water meters will be provided for each service connection as individual service connections are unmetered. MNS is providing engineering design services, including an engineering planning study and developing complete engineered construction plans.

Critical Water Supply Improvements, Pajaro/Sunny Mesa Community Services District, CA. *Project*

Manager. This ongoing project involves planning, design and construction management for water storage improvements for a disadvantaged community in northern Monterey County. Design elements include a new 600,000-gallon bolted steel potable water storage tank, system integration, controls, and a variety of site improvements to transform a greenfield site to a municipal facility.

Arsenic Removal Treatment Facility, Castroville

Community Services District, CA. *Project Manager.* MNS served as the Program and Construction Manager for the Well 5 Treatment System for the Castroville Community Services District. Well 5 was established to meet the increasing demand on the water system which produced acceptable water until the State reduced the maximum contaminant level (MCL) for arsenic to 10 µg/l. MNS provided an alternatives analysis for treatment options, providing the operating standards for the treatment system, coordinating with the Integrated

Regional Water Manager Grant Administrator for Proposition 84 funding, establishing the contract basis and procurement of the design-build services, negotiating the guaranteed maximum price for the project, and acting as the owner's representative during construction.

Public Infrastructure Projects

- Thorne Road Bridge Replacement, Soledad
- Arroyo Seco Road Bridge Replacement, Soledad
- State Route 68 at San Benancio Road Intersection Improvements, Monterey
- San Juan Road Safety Improvements and Overlay, Pajaro
- San Miguel Canyon Road at Hall Road Traffic Signal, Prunedale
- Toro Park Wastewater Feasibility Study, Salinas
- Harris Road Overlay, Salinas
- Blanco Road Overlay, Salinas
- Carmel Valley Road Overlay, Carmel Valley
- Castroville Boulevard Overlay and Safety
 Improvements, Castroville
- Schulte Road Bridge Replacement, Carmel Valley
- Sandholdt Road Bridge Replacement, Moss Landing
- Pajaro Storm Drain Improvements, Pajaro
- Boronda Storm Drain Improvements, Boronda
- East Alisal Soil Remediation, Salinas
- Reservation Road Emergency Slide Repair, Salinas
- Davis Road Bridge Replacement, Salinas
- Peach Tree Road Bridge Replacement, King City
- Nacimiento Lake Drive Bridge Replacement, Bradley
- King City Pedestrian Bridge Replacement, King City
- Castroville Boulevard Pedestrian and Bike Bridges, Castroville
- Moss Landing Bike Trail and Bridge, Moss Landing
- Elkhorn Road Tide Gate and Culvert, Las Lomas



Doug Pike, PE CIP Project/Program Manager



Firm

• MNS Engineers, Inc.

Areas of Expertise

- Street improvement projects
- Water and wastewater systems
- Infrastructure site development
- Project management

Years of Experience

• 39

Licensing

Professional Civil Engineer, CA No. 43330

Certification

California Emergency Management Agency (OES) Safety
 Assessment Program

Education

- MS, Construction Engineering Management/Business Administration, Oregon State University, OR
- BS, Civil Engineering, University of California, Berkeley, CA

Affiliations

- American Council of Engineering Companies, San Luis
 Obispo Chapter
- American Public Works Association, Channel Islands Chapter Vice President
- American Society of Civil Engineers
- UC Santa Barbara Economic Forecast Project, Board President

Mr. Pike brings an impressive career experience in the areas of public works project management, engineering management, water resources, and transportation engineering. Previously, Doug contracted as City Engineer for the City of Solvang, and Assistant City Engineer for the City of Buellton. As interim Public Works Director for Solvang, he supervised \$3.5M in capital improvement projects. Doug also spent nine years with the City of Santa Barbara where he managed over 60 capital improvement projects for a total construction cost of over \$25M. His experience includes:

Active Transportation Project (ATP) Grant Sidewalk

Improvement and Bike Lane, City of Greenfield, CA. *Project Manager.* This sidewalk and bike lane improvement project constructed new curb, gutter, and sidewalks; traffic calming islands; bike lane improvements; and enhanced pedestrian crosswalks to support safe access to two schools and a park. The project connected the west end of the City of Greenfield to the downtown area and involved significant coordination with schools, utility companies, and the public. Unique features included 8-foot-diameter school thermoplastic school pride medallion mascot logos applied to intersections in front of the schools. Funding came from local and special grant sources and was administered per Caltrans Local Assistance Procedure Manual (LAPM).

Union Valley Parkway Extension at State Route 135, City of Santa Maria, CA. QA/QC Engineer. This \$2.5M project designed an extension of Union Valley Parkway, a four-lane secondary arterial. Project elements included a signalized intersection, roadway lighting, landscape architecture, realigned frontage road, roadway median, drainage facilities that regulated storm flows to preproject levels and promoted maintenance of existing wetlands, and pedestrian and bicycle facilities. This project required extensive utility coordination and County and Caltrans encroachment permit applications.

Pedestrian Improvements and City Hall Bioswale, City of Arroyo Grande, CA. *Project Manager*. This project featured sidewalk improvements and in-fill at various locations in the City to complete Safe Routes to School and general pedestrian safety. Additionally, this project designed the associated drainage improvements and a bioswale.



Allan Hancock College Bikeway, Phase II, City of

Lompoc, CA. *Project Manager.* This project featured a flood study and hydraulic analysis (Caltrans location hydraulic study) for the design of bicycle and pedestrian improvements between the H Street Bridge (State Route 1) and Allan Hancock College.

District Engineering Services, Mission Hills

Community Services District, CA. *District Engineer.* Responsibilities included providing engineering assistance, including development of revised water and sewer standard details and construction standards; water and sewer modeling and master planning; designing water and wastewater capital improvements; advising the District on development impacts to the infrastructure; regularly attending Board of Director meetings to present findings and to make recommendations for improvements as well as other Board actions; and directing volunteer efforts to benefit the District, including a donated design and survey for a new basketball court for one of the District's parks.

Doug prepared the most recent Standard Plans update to the "Mission Hills Community Services District Standards for Construction of Sewer Mains" and the "Mission Hills Community Services District Standards for Construction of Water Mains." These standards were updated to incorporate new technologies and materials, but with the intent to remain similar in general format to those used by the City of Lompoc whose standards were used for comparison. The Standards language was improved and clarified, and inconsistencies removed. All submittal deadlines for review were met.

Regional Open Space Park and Regional Landfill Permit Implementation and Compliance, City of Santa

Maria, CA. *Program Manager.* This \$1.5M engineering project involves negotiating and obtaining permits with the Regional Water Quality Control Board and Army Corps of Engineers for development of a large regional park (1,700 acres) and landfill (900 acres) development for the City. The project includes groundwater protection, verification of closure or re-closure of abandoned oil wells, BMPs and all aspects of environmental compliance for these projects.

Commercial Water System Development, CA.

Engineer-in-Charge. Project experience includes:

- Santa Maria Veterans Affairs Clinic Site Development Plan, including water and fire water design
- Grassini Winery Water and Fire Water Development Plan, including storage and system pumps

 Foxen Canyon Winery Water and Fire Water Development Plan, including storage and system pumps

City of Santa Barbara, CA. *Project Manager/Engineerin-Charge.* Doug's experience includes nine years with the City overseeing over 60 capital improvement projects for a total construction cost of over \$25M. Projects included numerous pavement maintenance, traffic, bridge, drainage, utility, and water resources projects:

- Gibraltar Dam Gates Seismic Retrofit
- Gibraltar Dam FEMA funded repairs 1995 Storms
- Gibraltar Dam miscellaneous maintenance projects including log-boom replacement, inspections, and taking piezometer readings
- Skofield Reservoir Replacement and Site Plan
- Various Reservoir Corrosion Repair and Painting Projects
- Garden Street Extension
- Cliff Drive Sewer Force Main Replacement
- Hidden Valley Sewer Realignment
- Hollister Avenue Bridge Replacement
- Hollister Avenue and Bath Street Bridge Replacements

City of Santa Barbara, CA. *Supervising Civil Engineer.* Doug's experience includes nine years with the City overseeing over 60 capital improvement projects for a total construction cost of over \$25M. Projects included numerous pavement maintenance, traffic, bridge, drainage, utility and water resources such as the following:

- Skofield Reservoir Replacement
- Garden Street Extension
- Cliff Drive Sewer Force Main Replacement
- Hidden Valley Sewer Realignment
- Castillo/ Montecito Intersection Improvements
- Hollister Avenue Bridge Replacement
- Annual Chip Seal, Slurry Seal Projects
- Annual Overlay Projects

City Engineer, City of Solvang, CA.

- State Water Turnout
- Annual Chip Seal, Slurry Seal Projects
- Annual Overlay Projects



Gerald "Jerry" Sanguinetti Assistant Project/Program Manager



Firm

• MNS Engineers, Inc.

Areas of Expertise

- State legislative and external affairs
- Public policy
- Land use
- Permitting
- Code Compliance
- · Finance and budget compliance
- · Bond issuance
- Debt capacity/management investments

Years of Experience

• 17

Certification(s)

 Public Policy Credential, Harvard Kennedy School, Cambridge, MA

Education

- MA, Public Administration, University of California, Santa Barbara, CA
- MS, Organic Chemistry, University of California, Santa Barbara, CA
- BS, Molecular Biology, University of California, Santa Barbara, CA

Professional Development

Six Sigma Blackbelt Certification Lean, DMAIC

Award(s)

- Mayor's Office of Small Business Excellence Award (2x-Parklet Program, Mobile Food Facilities)
- AT&T President's Club Award
- AT&T Pinnacle Award

Mr. Sanguinetti has 17 years of experience in a wide range of organizational expertise including public administration, code enforcement, emergency management, large scale capital development and rightof-way regulatory management. Jerry's background includes navigating through local government regulations and bureaucracy with particular emphasis related to the following:

- Strategic expertise in all phases of entitlements, financing, budgeting, economic and workforce development and community investment
- Land use, permitting, code compliance,
- Building inspection operations, personnel/labor relations, department administration
- Finance, budget; bond issuance, debt capacity/management investments

His experience includes:

Transbay Transit Center, City of San Francisco, CA.

Project Manager. Transbay Transit Center is a modern transportation hub in downtown San Francisco. Extending three city blocks, this five-level transit center includes a Train Station platform, Lower Concourse Level, primary circulation hub at the Ground Level. Second Level with administrative offices and retail space, Bus Deck Level and a 5.4-acre rooftop public park. The Grand Hall features a dramatic light column that brings natural light into the structure. This project also includes two pedestrian bridges and a host of public artworks throughout the facility. As Principal right-of-way interagency coordinator for the \$2.2B Transbay Transit Center Program, Jerry and his team managed the processing of all required street vacation, encroachment and excavation permit applications. Jerry's team managed the design, permitting and construction of all public and private utility relocation and reconnections within the 22-block project area. The project required coordination of all permit applications with authorities having jurisdiction, such as Department of Public Works general excavation, utility excavation, and night noise permits, and Department of Parking and Traffic special traffic permits. Utility and infrastructure coordination responsibilities included assessing the development's impact on existing utility infrastructure and coordination with responsible agencies to determine options to mitigate these impacts, management of utility and civil designs and coordination of site utility connections among the design team and affected agencies, such as PG&E, AT&T, Verizon, Comcast and the SFPUC's



domestic water, auxiliary water supply and sewer systems, and the negotiation and management of joint trench and service agreements with utility agencies serving the development.

Yerba Buena Island/Treasure Island (TI/YBI) Phase 1 Development, City of San Francisco, CA. Project Manager. The project repurposes the abandoned Naval Base on Treasure Island into commercial, retail. residential and park land under a master plan developed by the City and County of San Francisco (CCSF), the Treasure Island Development Authority (TIDA), and the Treasure Island Community Development (TICD). Jerry served as the owner's representative for the Yerba Buena Island/Treasure Island Phase 1 Development, including infrastructure optimization, design management, permitting and agency coordination, construction management and infrastructure acceptance on behalf of the master developer. Project and construction management roles and responsibilities span from pre-construction, construction and close-out phases of work. Key services consist of owner's representative for the infrastructure development and management of the Project's infrastructure team, while maintaining focus on safety, cost, schedule and quality; oversight of the developer's financial interests and risk management to reduce potential claims, active change management for undue costs and schedule delays; leveraging existing relationships to ensure both City and non-City regulatory agencies commitment for the approval of proposed infrastructure including formal Infrastructure Acceptance by the County Board of Supervisors; all while maintaining existing utilities and traffic to minimize disruption to existing residents and businesses.

Pier 70 Redevelopment, City of San Francisco, CA.

Project Manager. Pier 70 is a 28-acre site located along San Francisco's historic southern waterfront. Once redeveloped, this part of the waterfront will become an asset to the surrounding community by blending together a variety of uses, including arts and creative spaces, housing across the spectrum of affordability, lightmanufacturing, local retail, 9 acres of waterfront parks, all carefully designed to prevent any new building out of scale with historic structures on the site. Jerry led the interagency project coordination team for horizontal infrastructure supporting the 28- acre waterfront development site (a subset of the 35-acre SUD). In that capacity, Jerry's team was responsible for coordinating approval of the Projects' subdivision maps and street improvement permits, monitoring construction progress, costs and issues on behalf of the Port of San Francisco and bringing infrastructure to acceptance within the timelines outlined within the Projects' Land Disposition and Development Agreement and Phase Applications.

Candlestick Park Redevelopment, Candlestick Point **Developments and FivePoint, City of South San** Francisco, CA. Project Manager. The project redeveloped the existing athletic stadium into a regional retail and entertainment district. The project included offsite transportation improvements and associated housing surrounding site. The \$100M project included, stadium abatement and demolition, site clearing, grading, surcharge, wet and dry utility installations, roadway construction, streetlights, landscaping, and other streetscape improvements. As construction manager for the Candlestick Point Developments, Phases 1, 2, 3, 4, and 5, Jerry7 led the efforts for infrastructure coordination, permitting, construction management, and acceptance support for the master developer, FivePoint. The first major phase construction project included abatement, stadium demolition and clearing of Lots 1, 2, 3, and streets surcharge of adjacent development sites. In addition to infrastructure coordination and infrastructure construction management, Jerry's team also managed the design team (civil engineering), coordinated San Francisco regulatory agencies and 3rd party utility sign offs, construction inspections, and was principal liaison with City inspection representatives. Additionally, Jerry's responsibilities included coordination of utilities excavation, special traffic permits for work in the right-of-way, coordination with BAAQMD representatives, and other environmental consultants. Administratively. Jerry provided leadership on construction administration; preparation, review, and management of project schedules; change order review and negotiation; and coordination of final city and 3rd party utility acceptance for completed phase.

Additional experience includes:

- Hope Potrero Hill, San Francisco
- San Francisco International Airport Wastewater Treatment Plant Redevelopment
- San Francisco International Airport Terminal 1
 Boarding Area B redevelopment
- Sunnydale Hope, City of San Francisco
- San Francisco International Airport Terminal 3 West Expansion project
- Bay Area Rapid Transit (BART) Entrance Canopy design/build
- Hunters Point Shipyard redevelopment, San Francisco



Brad Therrien, PE, PLS Development Oversight and Plan Checking



Firm

• MNS Engineers, Inc.

Areas of Expertise

- Construction management and inspection
- · Caltrans, Local Agency
- Bridges
- Roadways
- · Water and sewer
- Public agency coordination
- Public/Business Liaison

Years of Experience

• 31

Licensing

- Professional Civil Engineer, CA No. 37301
- Professional Land Surveyor, CA No. 5519

Education

- BS, Civil Engineering, Minor in Environmental Engineering, University of Rhode Island
- RE Academy
- Emergency Response, Assessment and Recovery
- HAZWOPPER
- CA State Registered Disaster Responder

Mr. Therrien is an experienced Construction Manager with a professional background including construction management, engineering, surveying, and public agency management. Brad's project experience includes bridges, highway and local roads, water resource, and sewage facilities. Brad has served as a Construction Manager/Resident Engineer Caltrans type projects and has acted as agency liaison to Caltrans, US Army Corps of Engineers, and Los Angeles County working on freeway and river projects in five California communities. He is familiar with Caltrans specifications, methods, and procedures as well as local agency standards. His background includes extensive public sector experience serving as City Engineer and Public Works Director in several Southern California communities. He has personnel management, budget preparation and control, and department program management experience. His experience includes:

Lost Canyon Development Project, City of Santa

Clarita, CA. *Construction Observer*. Brad recently completed a two-year assignment for the City of Santa Clarita representing the City on a major private development project. As full-time construction observer Brad watched the construction of significant drainage and sewer facilities along with 18,000 feet of soil cement river levy, dual inverted sewer syphons, 1,500,000 cubic yards of grading with 500,000 cubic yards of dirt import over public roads. The effort required significant liaison skills to deal with the residents and drivers in the area as well as the ability to represent City issues to the developer.

Railroad Avenue Streetscape, Signal and Bridge Improvement Project, City of Santa Clarita, CA. *Construction Manager*. Brad completed the Railroad Avenue Improvement project consisting of significant landscape, irrigation, stamped concrete medians, signal and box culvert modifications. This project was conducted in a heavily traveled business, residential and commuter zone requirement complex traffic handling techniques. The project also required constant liaison skills with the business owners and utility company in the area.

Old Town Newhall Streetscape Project, Phase 3, Newhall Roundabout Project, City of Santa Clarita, CA. Construction Manager. The project involved the removal of a four-legged, signalized intersection and replacing it with an urban roundabout with extensive landscape, street amenities and nostalgic theme street lighting. This project demanded a high level of public



outreach and involves six months of street closures with significant traffic detour requirements in a heavily traveled business community with a high volume of commuter traffic. Brad also served as Construction Manager on the highly acclaimed first two phases of this project which received the APWA Project of the Year Award. This third phase project garnered an additional APWA Project of the Year Award.

Old Town Newhall Streetscape and Roadway Improvements, City of Santa Clarita, CA. Brad served as Construction Manager on phases 1, 2, and 3 for this revitalization project in downtown Newhall. The project consisted of the complete removal and reconstruction of public facilities in an older business community. Work included brick paver sidewalks, extensive landscaping, colored concrete curb and gutter, new pavement with enhanced traffic features, significant utility relocations and coordination, a new storm drains systems and traffic signals, nostalgic street lighting and public amenities. Brad performed extensive public outreach functions and served as liaison to the community and business owners before, during and after construction. Brad was instrumental in keeping the project on track and minimizing project and community impacts through continual coordination with all involved. Maintaining access to the businesses was critical on this project. Brad's responsibilities included contract administration, inspection, grade checking, quantity control, negotiating change orders, coordination with numerous agencies, and records management.

New Well Project, Golden State Water Agency, Ojai, CA. Construction Observer and Agency Representative. The project added a new well in an existing well field. The project consisted of the installation well head structure, electronic well controls, piping systems and complete replacement of the well field electrical and mechanical system.

State Route 246 Streetscape Improvements, City of Buellton, CA. Resident Engineer. Brad completed this streetscape improvement project within the Caltrans right-of-way on State Route 246. The project included reconstruction of sidewalks and pavement, installation of median improvements, signal modifications, landscaping, and enhanced lighting features. The project required extensive public outreach and coordination of temporary traffic modifications.

Old Town Newhall Streetscape, Phases 1 and 2, City of Santa Clarita, CA. *Construction Manager*. Brad served as Construction Manager on phases 1 and 2 of this 3-phase revitalization project in downtown Newhall. The project consisted of the complete removal and reconstruction of public facilities in an older business community. Work included brick paver sidewalks, extensive landscaping, colored concrete curb and gutter, new pavement with enhanced traffic features, a new storm drains systems and traffic signals, nostalgic street lighting and public amenities. Brad performed extensive public outreach functions and served as liaison to the community and business owners before, during and after construction. Brad's responsibilities included contract administration, inspection, grade checking, quantity control, negotiating change orders, coordination with numerous agencies and records management.

Douglas Road Bridge at the San Luis Rey River, San

Diego, CA. *Construction Manager*. This emergency bridge repair project included replacement of abutment piles and pile extension piers for this multi-span slab bridge that was damaged by storms. Construction also included reconstruction of portions of bridge deck, abutments, armored abutment protection, rock slope protection. Brad's responsibilities included contract administration, inspection, grade checking, quantity control, negotiating change orders, coordination. The project was constructed per Caltrans specifications and the Caltrans Construction Manual per FEMA requirements.

College Avenue Toll Bridge at the San Luis Rey

River, San Diego, CA. Construction Manager. This bridge repair project was constructed in accordance with Caltrans specification, methods, and procedures. Project included replacement of concrete piling, reconstruction of reinforced concrete abutments, construction of a 60-foot by 80-foot concrete debris pier wall, 440 feet of type "W" sheet piling with type "H" soldier pile shoring/retaining wall. 24 inch-restrained joint steel sewer pipe attached to the sheet piling and installed 440 foot by 120 foot rip-rap armor invert stabilizer. Additional items included falsework, shoring, installing a temporary sewer pumping facility to replace destroyed 24-inch gravity pipe in riverbed. Brad was responsible for all documentation, administration, pay requests, field engineering, and inspection of the project in accordance with Caltrans and FEMA disaster requirements.



Hoon Hahn, PE

Development Oversight and Plan Checking



Firm

• MNS Engineers, Inc.

Areas of Expertise

- Public works management
- Project management
- Capital improvement projects
- Development review

Years of Experience

• 27

Licensing

• Professional Civil Engineer, CA No. 60003

Education

 BS, Civil Engineering, University of California, Los Angeles, CA

Affiliations

Past Director, High Desert Chapter, American Public Works Association

Mr. Hahn has over 27 years of experience in the civil engineering industry working for municipalities. Hoon's well-rounded experience has given him the opportunity to work closely with the City Manager, City Council, Department of Public Works, and Traffic Commission as well as with consultants and contractors. Prior to MNS, Hoon focused on managing the Capital Improvement Program (CIP) projects for the last 14 years. He served as City Engineer for the Cities of Oxnard and La Cañada Flintridge. He spent most of his career with the City of Santa Clarita where he served as Senior Engineer for the Department of Public Works' CIP. He is also well-versed with development review services where he was responsible for managing the plan check process, writing conditions for the City's entitlement process, and training plan checkers. Hoon is known for his demonstrated leadership, project management especially for highprofile projects, effective interdepartmental and outside agency communication, and ability to maintain a strong team environment. He has been acknowledged as a creative staff member, engineer, and supervisor. His experience includes:

Department of Public Works, City of Oxnard, CA. City

Engineer. Responsibilities included managing the inspection, design, and construction groups; training, mentoring, and developing the project management team; and successfully addressing follow-up questions from citizens and Council members. Notable accomplishments and projects included: creating the first Department of Public Works Agenda Forecast list; initiating the development of the first Capital Improvement Program (CIP) list; and serving as one of the team members to complete the 2019-2024 CIP. Hoon also supervised the following projects: Rice Avenue and 5th Street Grade Separation; City's street resurfacing program; City's wastewater treatment facility upgrade design and construction projects; Hueneme Road Recycle Water Line, Phase II; and Seawall Project.

Department of Public Works, City of La Cañada

Flintridge, CA. *City Engineer.* Responsibilities included creating a long-term plan for the Department of Public Works; managing the day-to-day operations; updating City Council about Capital Improvement Program (CIP) projects during City Council meetings; attending the Planning Commission Meetings to support City Planning staff; preparing and presenting agenda items to the City Council and the Public Works and Traffic Commission; facilitating the Public Works and Traffic Commission meetings; managing the National Pollutant Discharge

Elimination System (NPDES) program which included the annul permit report, Enhanced Watershed Management Program (EWMP) and representing the City in the Upper Los Angeles River (ULAR) Enhanced Watershed Management Group; and serving as a member of the City Hall Renovation Committee.

Notable projects where Hoon served as Project Manager included: Foothill Boulevard Link Bikeway and Pedestrian Greenbelt project and Sound Wall Phase II at Interstate 210.

City of Santa Clarita, CA. *Various Roles.* Hoon's 21year career at the City provided the foundation to develop and hone his management and civil engineering expertise. He worked for the Capital Improvement Program and Development Services Departments:

Senior Engineer, Capital Improvement Program. Hoon served as a senior staff member in this department where served as Project Manager responsible for writing Requests for Proposals (RFPs) and Council Agenda Reports; hiring consultants for environmental clearance and plans, specifications, and estimates (PS&Es); preparing projects for bid and award process; and managing construction contracts. He directly supervised five project managers; and four indirectly. Notable projects where Hoon served as Project Manager included: \$50M New Sheriff Station, \$15M Newhall Parking Structure (Bridging document), \$30M Golden Valley Road Bridge over the Santa Clara River, \$11M McBean Parkway Bridge Widening, \$250K Brighton Lane Street Rehabilitation; \$275K 8th Street Rehabilitation; and \$1.2M Activity Center Tenant Improvements.

Senior Engineer, Development Services. At the time, Santa Clarita was the fastest growing area in Los Angeles County which enabled Hoon to gain extensive experience in the Transportation and Engineering Services Department. Responsibilities included supervising the City's grading and infrastructure plan check and permitting process; supervising, mentoring, training, and developing Development Services plan check staff; negotiating key elements of major development projects; representing Development Services in the City's Development Review Committee (Entitlement Process) and at Planning Commission meetings; and training the Planning Division on understanding grading plans.

Notable projects included: Robinson Ranch Golf Course, Woodlands Community, Gate King Development, Creekside/Bridgeport, Alta Vista, Stetson Ranch, Golden Valley Ranch, River Village Development, and Rye Canyon Business Park.

Associate Engineer, Development Services. Responsibilities included serving as the lead hillside grading plan checker; reviewed all infrastructure plans associated with major developments; and trained and developed staff on floodplain related developments.

Assistant Engineer, Development Services. Hoon began his career with the Transportation and Engineering Services Department. Responsibilities included plan checking all improvement plans and reports associated with development; executing lot line adjustment, certificates of compliance, and final maps; and serving as a public counter support engineer.



Dale Lipp, PE

Development Oversight and Plan Checking



Firm

• MNS Engineers, Inc.

Areas of Expertise

- Plan check and review
- Public works projects
- Land development

Years of Experience

• 52

Licensing

Professional Civil Engineer, CA No. 36789

Education

· BS, Engineering Design, Brigham Young University, UT

Affiliations

- American Society of Civil Engineers
- American Public Works Association
- National Society of Professional Engineers

Mr. Lipp is a seasoned civil engineer with experience in planning, designing and managing a wide variety of projects. During his career he has performed work for many area agencies including the Cities of Carpinteria, Buellton, Solvang, Ventura, Calabasas, and Seaside; Santa Barbara County and UC Santa Barbara. Plan review has been a major part of this work, including both subdivision plan check and review and comment on plans for public works projects. This experience has provided Dale with the opportunity to develop a solid understanding of the issues of real concern in the condition of approval and plan review process. His experience includes:

Seaside Highlands Tract, City of Seaside, CA. Plan

Check Engineer. Dale was the Plan Check Engineer for the City of Seaside Public Works Department for the 380 lot Seaside Highlands tract. This included plan checking of the grading, storm drain, street, structural improvement plans with respect to conformance of the 72 conditions of approval, the EIR, and the vesting tentative map. Dale was responsible for coordinating and addressing all concerns related to plan and map checking with the public works and community development department, Marina Coast Water District, City contract environmental support staff, the developer and his project engineer. He also managed the map checking and was responsible for preparation of construction permits and on-going supplemental inspection support during the construction phase.

City of Seaside, CA. *Plan Check Engineer.* Responsible for the 380 lot Seaside Highlands tract. Tasks included plan checking of the grading, storm drain, street, structural improvement plans with respect to conformance of the 72 conditions of approval, the EIR, and the vesting tentative map. Dale was responsible for coordinating and addressing all concerns related to plan and map checking with the public works and community development department, Marina Coast Water District, City contract environmental support staff, the developer and his project engineer. He also managed the map checking and was responsible for preparation of construction permits and on-going supplemental inspection support during the construction phase.

Cities of Buellton, Solvang, and Carpinteria, CA.

Senior Project Manager/Deputy City Engineer. Responsible for coordinating project designs, disaster recovery response work and plan checking for several agencies from small subdivisions (50 lots) to large



subdivisions (175 lots). His services include coordination and management of land development projects by performing plan and map checking, issuance of grading, excavation and street construction permits, assisting with the preparation of conditions of approval for tentative maps, and inspection of infrastructure improvements within the public right-of-way and erosion control. Dale has recently performed plan and map checking for various size tracts in the City of Buellton. This included preparation of grading, street construction, and excavation permits with respect to implementing of BMPs for erosion control per NPDES requirements, and directing acquisition of permits from the various environmental, federal, state, and county jurisdictions.

City of Calabasas, CA. City Engineer. Responsible for supervising two public works inspectors, one assistant civil engineer, four private contract civil engineers and four private contractors. As a member of the City's Development Review Committee, Dale coordinated and prepared conditions of approval for tentative tract and parcel maps. This included implementing of public works infrastructure and environmental conditions required by EIRs and negative declaration reports. Dale also managed and coordinated plan and map checking, and public works inspection of large subdivisions (200-500 lots) including phasing within each subdivision. He also prepared and presented agenda reports to the Citv Council and advised the City Manager and City Council on technical issues regarding engineering and public works matters.

Bike Route Project Study Reports (PSRs), County of Santa Barbara. *Project Engineer.* Dale has prepared PSRs for Santa Barbara County Public Works Department:

- Carpinteria Class I Bike Path-Santa Claus Lane onramp to Carpinteria Avenue off-ramp adjacent to US 101 (0.5 mile).
- San Jose Creek Class I Bike Path-Camino Real to the Atascadero Creek Bike Path at Goleta Beach County Park (1.5 miles).
- North Jameson Lane Class II Bike Lane-Olive Mill Road to Sheffield Drive (2 miles).

His preparation included coordinating with affected utility companies, Caltrans and City agencies; reviewing all environmental permitting requirements including historical preservation; traffic circulation elements; conceptual design and engineering; surveying and preparing topographic maps and sketches; preparing cost estimates for funding purposes; and close coordination with the Santa Barbara County Environmental and Transportation Planning Divisions. Winter Storm Recovery, Goleta Water District, CA.

Project Manager. The District's facilities sustained widespread damage including District access roads, water line, and culvert/bridge crossings of major creeks, drainage structures, and distribution mains, which included a 42-inch transmission line. Dale was immediately involved in preparing and coordinating the District's Exhibit "B", conducting DSR team visits with FEMA and OES, and managing all phases of construction including interfacing of environmental emergency and permanent repair permits and inspections with the US Army Corps of Engineers, Regional Water Quality Control Board, State Fish & Wildlife, Fish & Wildlife, Santa Barbara County Planning & Development Department, CEQA, NPDES and NEPA.

City of San Buenaventura, CA. *Project Manager.* In this capacity, Dale designed and prepared plans, specifications, and cost estimates for sanitary sewer systems, storm drains, streets, reclaimed water lines and other public works projects. His duties also included plan checking of improvement plans and parcel/tract maps prepared by private engineers and developers to ensure compliance with City standards, local ordinances, approved conditions and the State Map Act. Dale also coordinated and managed two Clean Water Grants through planning and design, totaling \$12.7M worth of construction.



Rob Russell, PE

Private Development and Public Improvements



Firm

• MNS Engineers, Inc.

Areas of Expertise

- Project/program management
- Capital improvement programs
- Engineering design
- Transportation improvements
- Water resources projects

Years of Experience

• 35

Licensing

Professional Civil Engineer, CA No. 42871

Education

 BS, Civil Engineering, California State University, Chico, CA

Affiliations

- American Public Works Association
- American Society of Civil Engineers

Awards

 2012 APWA Person of the Year Award, Monterey Bay Chapter Mr. Russell has over 35 years of civil engineering experience working for a public agency. While at the City of Salinas, Rob worked in numerous roles; the last 16 years were spent as Deputy City Manager, Deputy City Engineer, Engineering/Transportation Services Director, City Engineer, and Deputy Public Works Director. His direct experience gives him an intimate understanding of a public works environment and managing a capital improvement program (CIP). Rob's expertise includes program/project management, engineering design for CIP projects, and inspection. He is also well versed with various funding and grant resources. His experience includes:

Department of Public Works, City of Salinas, CA.

Various Roles. Rob spent his civil engineering career with the City of Salinas (City) where he honed his skills in various roles. Responsibilities included:

- Overseeing all engineering and traffic/transportation operations within the department for seven years (including traffic/transportation, CIP design/inspection, and private development proposal reviews as related to engineering- and public worksrelated issues, and reviewed California Environmental Quality Act [CEQA] documents)
- Directly supervising upper-level staff members (three senior civil engineers)
- Approving final designs for all capital projects placed out for public bidding (12 years)
- City Engineer duties including designation as City Traffic Engineer, Floodplain Administrator, ADA Coordinator, TFO interpreter, and serving as the City's alternate representative on regional transportation boards (TAMC Board, Executive Committee, Rail Policy Committee; and MST Board)
- Preparing plans/specifications for a variety of capital improvement projects
- Reviewing numerous private development proposals and conditioning those proposals for public works/engineering-related issues via Engineer's reports
- Building permit and planning level permit processes
- Field surveying (design and construction)
- Reviewing/approving final designs for all City-related capital projects and approving changes to plans/specifications via contract change orders



Rob Russell, PE | RESUME PG 2

Sample City experience:

Rico Assessment District. Project Manager.

Responsibilities included designing street pavement section and City-standard street improvements and sanitary sewer/storm drain systems for 1,500 feet of new streets. Rob prepared and reviewed specifications and construction cost estimates; and monitored the project schedule.

Homestead-Wilson-Villa Assessment District. Project Manager. This project was similar to Rico Assessment District, but involved more sidewalk, and curb and gutter repairs; and new pedestrian access ramps per City standards; and design of a lime-treated street pavement section to reduce construction/assessment costs.

Miscellaneous Drainage Improvements. *Project Manager.* To successfully complete this project, Rob met with Maintenance Supervisor to identify greatest drainage maintenance liabilities/biggest maintenance problems in the City. He designed a comprehensive project to address deficiencies requiring the greatest time and effort each year. He coordinated improvements with

the City Storm Drain Master Plan Priority List.

Harden Ranch Assessment District. Project Manager.

Responsibilities included reviewing the design of the Harden Ranch Planned Community backbone infrastructure and reviewed technical studies related thereto (SD/SS systems and detention pond designs); coordinating the backbone infrastructure with individual subdivision improvement plans to ensure consistency and correctness; and confirming EIR mitigation measures were incorporated into designs as applicable.

High School No. 5 Street Improvements. *Project Manager.* Responsibilities included reviewing the design of the Rogge Road Improvements as related to Salinas High School #5; ensuring consistency with City standards and the certified CEQA document; reviewing the Low Impact Development design along the street improvements and consistency of street improvements with the Future Growth Area's (FGAs) expected Specific Plan design standards.



Kent Yankee, PE, QSD

Preparation of Plans, Specifications, and Estimates for City Public Works



Firm

• MNS Engineers, Inc.

Areas of Expertise

- · Grading and drainage
- · Hydrology and hydraulic
- Street improvement projects
- Infrastructure design

Years of Experience

• 20

Licensing

• Professional Civil Engineer, CA No. 74570

Certifications

- Qualified SWPPP Developer, CA No. 74570
- Nuclear Gauge Safety
- Residential/commercial AdvanTex design for septic systems
- Confined Space Awareness

Education

• BS, Architectural Engineering, California Polytechnic State University, San Luis Obispo, CA

Awards

- 2017 APWA Monterey Bay Chapter BEST Award, Environmentally Sensitive Projects Category, Elkhorn Road Emergency Storm Damage Repair
- 2017 Transportation Agency of Monterey County (TAMC) Transportation Excellence Award, Elkhorn Road Emergency Storm Damage Repair
- 2010 APWA Young Professional of the Year Award, Central Coast Chapter

Mr. Yankee is a proficient design engineer with a high level of skill in creating site and grading plans, construction plan sets, project specifications and estimates. Kent's skills in AutoCAD and background in structural calculations offer a great combination of services. He is also competent in all aspects of field work including construction observation, and with his background in materials testing, has a keen eye on projects as they progress. Kent has excelled at roles in project management by handling the contract documentation and project implementation of a wide variety of complex projects and meeting time sensitive project deadlines. His experience includes:

2016 - 2019 Annual Road Maintenance, City of

Buellton, CA. *Project Engineer.* MNS has been maintaining the City Pavement Management Plan for over 25 years and performs annual maintenance on the City's roadways to extend the life of the transportation network. The City and MNS performed assessment with the proper information necessary in the Plans, Specifications, and Estimate (PS&E) for concrete repairs in the annual projects.

2020 – 2021 Road Maintenance, City of Buellton, CA.

Project Engineer. MNS prepared Plans, Specifications, and Estimates (PS&Es) for the road maintenance project for the fiscal year. The City had skipped maintenance on selected streets for several years due to private development in those areas, and MNS performed reassessment of the roadway conditions scheduled for treatment.

Municipal Engineering Services, City of Buellton, CA.

Deputy City Engineer. Kent has been involved in various aspects of work for the City of Buellton including creation of traffic control and construction plans for various street improvements along with engineers cost estimating for multiple projects. Using his knowledge from field work and design he has assisted in updating the City of Buellton Standard Details. Kent has also been intimately involved with mapping of City easements and collecting and mapping data regarding the City's stormwater, sewer, and water systems. His involvement in the City's infrastructure has led him to be involved in the preparation of the City-wide Stormwater Management Plan and updates to Federal Highway Administration (FHWA) designated routing.



Municipal Services/Private Development, City of

Buellton, CA. *Deputy City Engineer.* Kent was one of the main contacts for issuing small permits within the City as well as issuing permits for Private Development Projects and Capital Improvement Projects. He would meet with owners and contractors, review plans and calculations, and make assess City regulations, standards and ordinances were met or exceeded in the process. Kent would collect fees and perform intermediate inspections regarding the grading and drainage, storm drain, sewer, water and other infrastructure elements as well as perform final inspection for permit clearance.

Pavement Maintenance CIP, City of Buellton, CA.

Deputy City Engineer. Kent has been involved in the annual C.I.P. project involving city road maintenance and rehabilitation. He manages the projects from inception to notice of completion. Using his experience, Kent is able to access city streets and make proper plans, specifications and estimates to execute projects in a timely and long-lasting manner. Road conditions are accessed and treatments ranging from crack seal to full depth reclamation are recommended and used to prepare bid documents. Kent works closely with City staff to address other small projects/repairs needed throughout the City to incorporate within the annual project. Kent has used his experience and skills to coordinate the maintenance program and phases necessary of improvements.

Salinas Stormwater Inspections, City of Salinas, CA.

Project Engineer. MNS was contracted by the City of Salinas to conduct stormwater inspections on a multitude of Private Development Projects in response to a Notice of Violation to the City from the Regional Water Quality Control Board. MNS had to do thorough inspections and reports under intense review from the City and the Water Board. Kent played an integral part as the QA/QC for the reporting process making sure the data was accurate and correct for regulatory reporting standards.

Quick Bid and City Standards Updates, City of

Watsonville, CA. *Project Engineer.* Kent used his experience with standard specifications, special provisions, and contract documents to assist the City in updating their existing standards to utilize for their Quick Bid process. The Quick Bid process is utilized by the City for projects under a certain value. Kent was responsible to make sure the documents referenced current standards as well as all applicable contract codes, laws, and regulations. Kent was able to utilize his knowledge to provide recommendations to the City allowing for a more efficient and thorough process.

State Route 246 Pedestrian Lighting, City of Buellton,

CA. Deputy City Engineer. Working in close coordination with a Caltrans CAPM project correcting and adding deficient features of the main thoroughfare through Buellton, Kent directed the installation of much needed pedestrian lighting. Collaboration between Caltrans and their contractor was pertinent for the success of the project as well as clear communication with PG&E. In the same project, the City was able to advocate updating the existing highway lanes to consider complete streets. Kent led the team that created striping plans with designated bike lanes and proper signage and striping at intersections on a very tight timeline.

Hampton Inn, City of Buellton, CA. Deputy City Engineer. Kent worked with the private development team to go over final punch list items and as-builts to make sure the updates from the field inspections and changes in the field necessary for stormwater compliance and infrastructure layout were documented appropriately.

Flying Flags RV Park Expansion, City of Buellton,

CA. *Deputy City Engineer.* As a private development project, Kent has worked with the development team to ensure the City infrastructure and drainage facilities are properly installed for long lasting service. He worked diligently with the team to have quick responses to requested changes and additions to the work all the while protecting the City of Buellton's infrastructure.

Pedestrian Safety Improvements, City of Buellton,

CA. Deputy City Engineer. Kent led a coordinated effort to apply and be awarded an ATP Cycle 3 Grant utilizing concept plans created by MNS to improve the needed safety of crossing State Route 246. The project involves many traffic calming devices and coordination efforts with Caltrans to create a Safe Routes to School crossing. Once funds were allocated, Kent implemented multiple phases of safety improvements along the residential corridor split by State Route 246. The project culminated in installing a flashing beacon system at Sycamore Drive. Kent was a Lead Designer creating plans, specifications and estimates as well as attaining a Caltrans encroachment permit and working through construction as the Project Manager. Kent performed all reported necessary for grant funding as well as before and after studies as required through Caltrans Local Assistance. The project was opened and incorporated not only the flashing beacons but many other safety elements such as curb bulb outs, curb ramps, and signage and striping.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

ITEM TITLE:

CLAIM AGAINST THE CITY FILED ON SEPTEMBER 30, 2022 BY MICHAEL HUMPHREY

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: Trish Paetz, Acting Administrative Services Manager

BRIEF DESCRIPTION:

A claim against the City was filed by Michael Humphrey on September 30, 2022.

RECOMMENDED ACTION:

Staff recommends denial of this claim and seeks authorization to send the notice of rejection to the claimant.

DEPARTMENT SUMMARY:

A claim against the City was field by Michael Humphrey on September 30, 2022 (Attachment 1). Staff has sent a copy of this claim to the City's Risk Manager/Claims Adjuster and recommends denial of the claim. Staff further requests authorization to send the Notice of Rejection of Claim to the Claimant.

FISCAL IMPACT:

Unknown.

ATTACHMENTS:

1. Michael Humphrey Claim Against City

THIS REPORT WAS REVIEWED BY THE CITY MANAGER WHO CONCURS WITH THE STAFF RECOMMENDATION

Don Reynolds, City Manager

CITYOF SAN JUAN BAUTISTA CLAIM FORM

OFFICE OF THE CITY CLERK

FILLE CITY OF SAN JUAN BAUTISTA

SEP 3 0 2022

A CLAIM SHALL BE PRESENTED BY THE CLAIMANT OR BY A PERSON ACTING ON HIS/HER BEHALF. PLEASE ANSWER ALL QUESTIONS. OMITTING INFORMATION MAY MAKE YOUR CLAIM LEGALLY INSUFFICIENT. PLEASE PRINT LEGIBLY ON THIS FORM.

1. Print the complete name, postal address and phone number of the claimant in the spaces provided below:

Michael Homphrey Name: Joan Anwahrees Address: Son Foon Dartista Phone ()

2. List the date, place and other circumstances of the occurrence or transaction, which gave rise to the claim asserted:

June Bate: To Sept. 2022 Place: Z AHWAHNEE ST

Tell what happened giving complete information: _______

- our nieghborhood spray water on vehicels causing extreme water spots on paint and connot be washed off. (Picture's Taken after cleaning truck Before Butt 508)
- 3. Give a general description of the indebtedness, obligation, injury, damage or loss incurred so far as it is known at the time of this claim:

water deporits among paint up to windows ing bumpers & wheels (2013 F-150) have to be buffed out w/ power tools by professional at a cost of \$350.00

4. Give the name of the city employee or employees causing the injury, damage or loss:

mage crossed by sprinkles high pressure spray

5. Show the amount claimed as of the date of presentation of claim, including the estimated amount of injury, damage, or loss insofar as it may be know at this time, together with the basis of computation of the amount claimed:

side 350 - T. B. Pictores includ Truck my 10 AM 2202 30 Time Date: **Relation to Claimant:** Signatures

Note: This form is provided for your convenience and is not required in order to file a claim; any written claim, which satisfies the requirements of CGC Sections 910 and 910.2 may be submitted



CITY OF SAN JUAN BAUTISTA STAFF REPORT

AGENDA TITLE: AWARD OF CONTRACT FOR THE 2022-23 PAVEMENT MANAGEMENT PROGRAM PROJECT (REBID)

MEETING DATE: October 18, 2022

SUBMITTED BY: Nidal Samhouri, PE City Engineer

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S):

City Staff recommends City Council to approve the following actions for the proposed **2022 Pavement Management Program Project (Rebid)**:

- 1. Accept the bid received from McKim Corporation.
- 2. Authorize City Manager to sign the contract for the 2022-23 Pavement Management Program Project.
- 3. Adopt the attached resolution awarding the contract for the **2022-23 Pavement Management Program Project** to McKim Corporation, the lowest bidder, for an amount of \$1,313,965.40
- 4. Approve a project contingency fund of \$186,015.00 and authorize the City Manager to approve potential contract change orders within said fund.

BACKGROUND INFORMATION:

Project Description

The proposed 2022-2023 Pavement Management Program Project ("Project") will remove and replace damaged and deteriorated roadway, construct new curb and gutter, remove and replace existing damaged curb and gutter, install new sidewalks, retrofit existing pedestrian ramps, remove and replace striping and pavement markings, and perform needed utility adjustments. The Project is located on the following streets, and shown in Attachment 1: Franklin St., North St., Monterey St., The Alameda, Polk St., Second St., Fourth St., Fifth St., Sixth St., Seventh St., and Church Street.

ADVERTISING, BID PROCESS AND RESULTS

The bid was advertised. The bid documents and estimate were prepared by CSG Consultants. A Notice to Bidders was published in the Free Lance newspaper. City Staff sent the Notice to Bidders to eight Builders Exchanges, covering Alameda County, Santa Clara County, Contra Costa County, the Peninsula area, and the San Francisco Bay Area.

Five (5) bids were received and opened on October 12, 2022, and the bids results are as follows:

Granite Rock	\$1,462,755.00
Don Chapin Company	\$1,488,070.00
Monterey Peninsula Engineering	\$1,473,902.00
McKim Corporation	\$1,313,965.40
Radius Earthwork	\$1,347,700.00

The low bid is determined by the total base of bid. The lowest responsible and responsive bidder is McKim Corporation who has experience providing roadway reconstruction and utility installation projects. Based on the references provided, McKim Corporation has performed acceptable pavement work for other neighboring jurisdictions.

RECOMMENDATIONS

Staff recommends that the City Council accept the bid received from McKim Corporation.

Staff recommends awarding a construction budget that includes a contingency to address potential unforeseen conditions during construction, construction inspection and design engineer. Breakdown of Project construction costs is as follows:

Construction Contract	\$ 1,313,985.00	
Construction Contingency	\$ 186,015.00	
Total Estimated Construction Contract	\$ 1,500,000.00	ۍ ته

FISCAL IMPACT:

A total of \$1.5 million was appropriated for the Project as part of the "Measure G" funds, a special sales tax measure, and ______. No additional appropriation is needed for this project.

SCHEDULE:

The following is the tentative schedule for this project. Actual schedule will be developed and confirmed with the contractor based on the completion of the required contract documents, approval of pre-submittals, and their availability.

Award Construction Contract	October 2022
Begin Construction	October/November 2022
Construction Completion	May 2023

ATTACHMENTS

- 1. Project Location Map
- 2. Resolution

RESOLUTION 2022 – XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AWARDING A CONTRACT FOR THE PAVEMENT MANAGEMENT PROGRAM PROJECT

WHEREAS, the City budgeted funds for the Pavement Management Program Project (CIP 21.22) in Fiscal Year 2022/23; and

WHEREAS, the estimated cost of the project was \$1,100,160 when bids were formally solicited in October 2022; and

WHEREAS, during the bidding, a clarifying addendum was prepared and made part of the bid package; and

WHEREAS, the bidding closed October 12, 2022, and five responses were received and publicly opened as summarized in the attached bid tabulation; and

1. WHEREAS, the City Engineer for the City of San Juan Bautista analyzed the bid results and recommends that the contract for said project be awarded to the lowest responsible bidder, McKim Corporation for an amount of \$1,313,965.40; and

WHEREAS, the City Engineer recommends that funds for \$186,015.00 be made available for construction and contingency; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Juan Bautista that;

1. The City Manager is hereby authorized to award a contract to the lowest responsible bidder, McKim Corporation in an amount not to exceed \$1,313,965.40.

2. The City Manager is hereby authorized to approve contract change orders in an amount not to exceed \$186,015.00.

PASSED AND ADOPTED at a regular meeting of the San Juan Bautista City Council on the 18th day of October, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Don Reynolds, Acting Deputy City Clerk

WAIVER OF READING OF ORDINANCES

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

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

GC36934

PROCLAMATION

Honoring Binational Health Week

WHEREAS, the Secretariats of Health and of the Foreign Affairs of Mexico, the Ministries of Foreign Affairs for Guatemala, Honduras, Columbia and Peru, the United States – Mexico Border Health Commission, the Health Initiative of the Americas, and the University of California at Berkeley School of Public Health, have recognized the necessity of improving access to health services for the underserved Latino population in the United States; and

WHEREAS, according to the United States Census in 2017 this country is home to more than 57 million people of Latino origin; and

WHEREAS, improving the health of mobile populations requires multiple approaches in service design, deliver, funding priorities, and most fundamentally, requires strong binational commitment; and

WHEREAS, from 2001 through 2017 the Health Initiative of the Americas, and partnering organizations convened seventeen Binational Health Weeks, an unprecedented effort overseen by multi-agency taskforces, which conducted health promotion and education activities for the underserved Latino population in the United States and over 4 million people has benefited from the health activities; and

WHEREAS, Binational Health Week reflects coordinated efforts between the United States, Mexico, Canada, Guatemala, Honduras, Columbia and Peru, to improve the quality of the underserved populations by expanding their access to health care, increasing their health insurance coverage, and reducing their unmet health needs; and

WHEREAS, the Health Initiative of the Americas, and the consular network in the Unites States, Mexico, Guatemala, Honduras, Columbia and Peru, are coordinating the Eighteenth Annual Binational Health Week and activities throughout the country that will be centered in the regions with a high level of community health needs; and

WHEREAS, the San Juan Bautista City Council, acknowledges the many organizations and volunteers collaborating in the organization of health fairs and educational health workshops; and

WHEREAS, Binational Health Week provides an opportunity to highlight critical health needs in the City of San Juan Bautista, as well as throughout the United States, and will serve as the basis for future bilateral efforts; and

NOW, THEREFORE, in honor of those efforts to improve public health, the San Juan Bautista City Council proclaims October 2022 as Binational Health Week in the City of San Juan Bautista.

Treasurer's Report

For the Two Month Period Ended August 31, 2022

(17% of fiscal year)

General Fund ~

General revenues are running at 26% for the year to date. Correspondingly, general fund expenditures are at 12% for the year to date. The net effect is a positive change in general fund balance of \$435k.

Water Enterprise Fund ~

The water enterprise fund revenues are running at 18% for the year to date, and expenses are at 19%. The net effect is a positive change in the water enterprise fund of \$65k.

Sewer Enterprise Fund ~

The sewer enterprise fund revenues are running at 22% for the year to date, and expenses are at 14%. The net effect is a positive change in the sewer enterprise fund of \$136k.

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City of San Juan Bautista Expenditures ~ Budget Vs. Actual

Item #4D City Council Meeting October 18, 2022

For the Two Month Period Ended August 31, 2022

EXPENDITURES	FY22	FY23	Annual	-	YTD	
Fund	<u>Actuals</u>	Actuals	Budget	Variance	<u>17%</u>	Note
General Fund	327,995	281,414	2,425,349	(2,143,935)	12%	
Special Revenue Funds:						
Capital Projects Fund	58,497	451,439	525,708	(74,269)	86%	Α
Community Development	84,975	120,084	671,289	(551,205)	18%	
COPS	16,667	16,667	100,000	(83,333)	17%	
Parking & Restroom Fd	2,410	373	2,500	(2,500)	0%	Α
Gas Tax Fund	2,458	2,647	19,000	(16,353)	14%	
Valle Vista LLD	14,694	5,563	26,529	(20,966)	21%	В
Rancho Vista CFD	5,165	6,984	66,521	(59,537)	10%	
Copperleaf CFD	3,226	4,709	22,650	(17,941)	21%	
Development Impact Fee Funds						
Public/Civic Facility	450	450	2,700	(2,250)	17%	
Library	740	740	4,440	(3,700)	17%	
Storm Drain	572	572	3,432	(2,860)	17%	
Park In-Lieu	50	50	300	(250)	17%	
Public Safety	142	142	852	(710)	17%	
Traffic	72	72	432	(360)	17%	
Enterprise Funds:						
Water:						
Operations	133,068	150,127	805,232	655,105	19%	
Capital	49,444	6,396	79,350	72,954	8%	Α
Sewer						
Operations	128,963	124,839	923,911	799,072	14%	
Capital	125,504	22,759	484,352	461,593	5%	
TOTAL Funds	676,611	914,240	6,164,547	5,250,307	15%	

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.

 $\mathbf{B} \sim \text{Cost}$ are greater than budget due to one time maintenance, paid through assessment reserves.

City of San Juan Bautista Revenues ~ Budget Vs. Actual For the Two Month Period Ended August 31, 2022

REVENUES	FY22	FY23	Annual		YTD	
Fund	Actuals	Actuals	Budget	Difference	<u>17%</u>	<u>Notes</u>
General Fund	471,132	716,344	2,737,935	(2,021,591)	26%	Α
Special Revenue Funds:						
Capital Projects Fund	58,497	451,439	525,701	(74,262)	86%	С
Community Development	22,603	32,626	404,514	(371,888)	8%	B
COPS	26,735	29,334	100,000	(70,666)	29%	
Parking & Restroom Fd	2,246	8,164	26,000	(17,836)	31%	
Gas Tax Fund	14,843	17,637	98,520	(80,883)	18%	
Valle Vista LLD	3,517	4,422	26,529	(22,108)	17%	
Rancho Vista CFD	10,755	11,087	66,521	(55,434)	17%	
Copperleaf CFD	3,493	3,775	22,650	(18,875)	17%	
Internal Service Funds:						
Blg Rehab. & Replace	6,333	6,333	38,000	(31,667)	17%	
Vehicle Replacement	10,000	10,000	60,000	(50,000)	17%	
Enterprise Funds:						
Water						
Operations	207,245	215,009	1,213,800	(998,791)	18%	
Capital	*	-	79,350	(79,350)	0%	С
Sewer						
Operations	240,622	260,479	1,185,000	(924,521)	22%	
Capital	-	-	484,352	(484,352)	0%	С
TOTAL Funds	606,889	1,050,305	7,068,872	6,018,567	15%	

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

 $B \sim These$ 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.

Warrant Listing

As of September 30, 2022

Date	Num	Name	Amount
101.000 · Union Bank			Anodin
101.001 · Operating	Acct. 1948		
09/12/2022	215996	California Consulting, Inc.	-3,570.00
09/12/2022	215997	Local Government Commision	-36,375.02
09/12/2022	215998	ACWA Health Benefits Authority	-11,600.61
09/12/2022	215999	All Clear Water Services	-4,100.00
09/12/2022	216000	Bartle Wells Associates	-1,609.78
09/12/2022	216001	Bear's Hideaway, LLC.	-1,600.00
09/12/2022	216002	BFC and Co.	-1,125.00
09/12/2022	216003	Biz2Biz Services.	-1,600.00
09/12/2022	216004	Bliss Blendz	-1,125.00
09/12/2022	216005	California Consulting, Inc.	-4,331.25
09/12/2022	216006	Charter Communications	-572.13
09/12/2022	216007	Christina Paredez.	-400.00
09/12/2022	216008	Clark Pest Control	-102.00
09/12/2022	216009	СМАР	-1,045.52
09/12/2022	216010	Country Cuts.	-1,600.00
09/12/2022	216011	Credo Studio.	-1,600.00
09/12/2022	216012	Diana Carr, RDHAP	-1,600.00
09/12/2022	216013	Duffy's Industrial Services	-385.00
09/12/2022	216014	Edenscape Creations & Design	-1,125.00
09/12/2022	216015	El Teatro Campesino.	-1,600.00
09/12/2022	216016	Empowered Solutions & Concepts, LLC	-1,125.00
09/12/2022	216017	Fool's Gold Vintage Collectique	-1,600.00
09/12/2022	216018	Gularte Landscaping-	-1,600.00
09/12/2022	216019	Hollister Auto Parts, Inc.	-488.24
09/12/2022	216020	Inaka Japanese Restaurant, LLC	-1,600.00
09/12/2022	216021	J&S Barrels	-1,125.00
09/12/2022	216022	Jacqueline Ramos.	-700-00
09/12/2022	216023	James Eisner.	-33.42
09/12/2022	216024	Jan's Top Rock Shop.	-1,600.00
09/12/2022	216025	KBA Docusys	-593.82
09/12/2022	216026	KK Chess	-1,125.00
09/12/2022	216027	Landscape Design By Rosemary Bridwell CCN	-250.00
09/12/2022	216028	Local Government Commision	-19,041.50
09/12/2022	216029	Lolla.	-1,600.00
09/12/2022	216030	Madgal Design Co	-1,125.00
09/12/2022	216031	Margot's Ice Cream Parlor	-1,600.00
09/12/2022	216032	Mc Kinnon Lumber Co., Inc.	-244.07
09/12/2022	216033	Mind, Music, Body & Spirit Connections.	-1,125.00
09/12/2022	216034	Monterey Bay Analytical Services	-3,757.80
09/12/2022	216035	Mrs. B's Z-Place LLC.	-1,600.00
09/12/2022	216036	Notably Noble Co	-1,125.00
09/12/2022	216037	Noviembre 84 Boutique	-1,125.00
09/12/2022	216038	Quadient Leasing USA, Inc.	-473.47

City of San Juan Bautista Warrant Listing As of September 30, 2022

Date	Num	As of September 30, 2022 Name	Amount
09/12/2022	216039	Rachell Shingai.	-24.96
09/12/2022	216040	Regional Government Services	-6,994.75
09/12/2022	216041	Rx-Tek	-794.00
09/12/2022	216042	San Juan Bakery & Market, Inc.	-1,600.00
09/12/2022	216043	San Juan Bautista Committee	-6,600.00
09/12/2022	216044	San Juan Bautista Rotary	-1,600.00
09/12/2022	216045	SEAL ROCK, INC.	-1,125.00
09/12/2022	216046	Shahin Espinosa Photography	-1,125.00
09/12/2022	216047	SJB Business Association Inc.	-1,600.00
09/12/2022	216048	Sweet Cheeks Candy Co	-1,125.00
09/12/2022	216049	Thankful Co.	-1,125.00
09/12/2022	216050	The Wellness Studio By Vina Statua	-1,125.00
09/12/2022	216050	TroubleMaker Toys & Comics	-1,125.00
09/12/2022	216051	United Site Services of California, Inc.	-368.65
09/12/2022	216052	Vintage Rose Antiques & Collectibles	-1,600.00
09/12/2022	216055	Wallace Group	-1,131.50
09/12/2022	216054	Wendy L. Cumming, CPA	-3,918.75
09/12/2022	216055	Monterey Bay Water Works Association	-3,918.75
09/12/2022	216057		
09/12/2022	216057	Brigantino Irrigation, Inc. Uline	-243.76
09/12/2022	216058	US Bank	-131.31
09/12/2022			-6,025.93
	216060	Sweet Pea Antiques.	-1,600.00
09/14/2022	216061	The Guatemalan Boutique, LLC	-1,600.00
09/16/2022	216062	Wallace Group	-9,714.54
09/16/2022	216063	att.com	-72.08
09/16/2022	216064		-250.66
09/16/2022	216065	Computershare Corporate Trust	-485,867.47
09/16/2022	216066	CSG Consultants, Inc.	-52,858.75
09/16/2022	216067	Cypress Water Services	-11,175.00
09/16/2022	216068	Harris & Associates	-2,150.00
09/16/2022	216069	HydroPro Solutions	-7,710.16
09/16/2022	216070	Iconix Waterworks (US) inc.	-713.03
09/16/2022	216071	J.C.J. Electric Corp.	-1,025.67
09/16/2022	216072	J.V. Orta's Rent A Fence	-225.00
09/16/2022	216073	PG&E	-16,488.61
09/16/2022	216074	Pacific Crest Engineering Inc.	-723.75
09/16/2022	216075	Ready Refresh	-153.01
09/16/2022	216076	Smith & Enright Landscaping	-440.00
09/16/2022	216077	Sprint	-445.60
09/16/2022	216078	Wallace Group	-1,706.75
09/23/2022	216079	4Leaf, Inc.	-847.50
09/23/2022	216080	AFLAC	-210.58
09/23/2022	216081	at&t	-101.85
09/23/2022	216082	Downey Brand	-129.00
09/23/2022	216083	EMC Planning Group Inc.	-30,669.82

City of San Juan Bautista Warrant Listing As of September 30, 2022

Data	Num	AS OF September 30, 2022	
	-	Name	Amount
09/23/2022	216084	First Alarm	-461.97
09/23/2022	216085	Hamner Jewell Associates	-1,539.25
09/23/2022	216086	Licet Zepeda Aceves	-700.00
09/23/2022	216087	Mandell Municipal Counseling	-406.00
09/23/2022	216088	Monterey Bay Analytical Services	-3,661.00
09/23/2022	216089	Monterey Peninsula Engineering	-207,266.25
09/23/2022	216090	Pet Waste Co	-246.33
09/23/2022	216091	Regional Government Services	-2,215.94
09/23/2022	216092	Sentry Alarm System	-477,00
09/23/2022	216093	Univar Solutions	-545.37
09/23/2022	216094	US Bank Equipment Finance	-249.61
09/23/2022	216095	Valero Wex Bank	-1,379.29
09/23/2022	216096	Wellington & Rathie	-12,441.00
09/28/2022	216097	Alliant Insurance Services	-182.00
09/29/2022	216098	4Leaf, Inc.	-10,308.00
09/29/2022	216099	Alliant Insurance Services	-1,575.00
09/29/2022	216100	Animal Damage Management Inc	-250.00
09/29/2022	216101	CALNET	-283,85
09/29/2022	216102	Data Ticket Inc.	-400.00
09/29/2022	216103	PG&E	-910.97
09/29/2022	216104	Pacific Highway Rentals, LLC	-5,830.00
09/29/2022	216105	Rx-Tek	-1,340.00
09/29/2022	216106	Smith & Enright Landscaping	-4,050.00
09/29/2022	216107	Staples	-670,34
09/29/2022	216108	State Compensation Insurance Fund	-5,338.75
09/29/2022	216109	The Rotary Club of San Juan Bautista	-645.00
09/29/2022	216110	California Rural Water Association	-675.00
09/29/2022	216111	Industrial Machine Shop	-1,318.60
09/29/2022	216112	JR Fencing	-82,635.00
1.001 · Operati	ing Acct. 194	8	-1,136,147.59
0 ^{°,} Union Bank			-1,136,147.59
			-1,136,147.59
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TOTAL

4.D City Manager's Monthly Report

Report from the Fire Chief

Initiating work on the TI's for the Polk Street Apparatus Bay Report from the Sheriff – met October 6th

> Working together on License Plate Reading "LPR" Cameras Trying to get pricing in time for the FY 23/24 Budget

CHP help with traffic Enforcement

Sheriff Contract Review- Council sub-committee?

4.D City Manager's Monthly Report

Special Event Review

Working on templates for each discipline

Fire Dept uses the Incident Command System

Putting a Sheriff template together

Solid Waste

City Engineer

Emergency Preparedness

Staff attended 6-different trainings in September w/County OES FEMA Reimbursement Support and wrap-up (COVID-19)

4.D. City Manager Monthly Report

Staffing

Deputy City Clerk applications close 10.14 6-Applications received so far Thank you Trish Paetz for steeping briefly out of retirement! New City Engineer RFP Closed at the end of September Recommendation on this Agenda

4.D. City Manager Monthly Report

Round About

Scheduling temporary message boards at Prescott Report of its safety due in draft November 7

Invited the engineer to tonight's meeting

Loayza Subdivision Agreement needs to be amended

having trouble securing the funds for the public imporvements

creative solutions, and willing lenders

Council in Novenber, to be approved before 12.31.22

4.D. City Manager Monthly Report

Status on City contributions to homeless and utility assistance

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4.D. City Manager Monthly Report

UGB- SOI Sub-Committee

Sent 80-letters to property owners

Adjacent to the City Limits

Or within the 2016 SOI that was never adopted

Meeting with two significant property owners so far

Scheduling the 4-member Sub Committee with first week in November

4.D. City Manager Monthly Report

WATER

Well status Well 1 Well 6 Import water Working on two Agreements District re-starting design Discussed Permitting with District and DWD of the Water Board Pursuing Grants and low interest loans Waste Water Ready to Bid

Tying up loose ends with permit USDA and funding Update



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE:

ACTION ITEM REGARDING A RESOLUTION APPROVING A FIRST AMENDMENT TO THE REIMBURSEMENT AGREEMENT FOR CONSTRUCTION OF A RIGHT TURN LANE ON STATE ROUTE 156 AT ITS INTERSECTION WITH THE ALAMEDA

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: CITY MANAGER/CITY ATTORNEY

RECOMMENDED ACTION:

It is recommended that the City Council adopt the attached Resolution, subject to final review and approval of the City Manager and the City Attorney, and authorize and direct the Mayor to execute the First Amendment to the Reimbursement Agreement on behalf of City.

BACKGROUND INFORMATION:

On February 4, 2014, the Planning Commission approved, on an application received from Mr. Harbhajan (Harvey) Dadwal on behalf of SJB Development, LP ("SJB Development"), Conditional Use Permit 2014-11 for a project consisting of one single-story building comprising a 2,980 square foot convenience store, a separate 3,342 square foot quick-serve restaurant, and a gas station with 12 fuel dispensing stations (the "Project") on the property then owned by SJB Development located at 404-408 The Alameda (APN 002-52-012) at the south-west corner of The Alameda and State Route 156.

On November 18, 2014, the City Council denied an appeal of the Project and approved Conditions of Approval for the Project. The Council's Conditions of Approval differed slightly from those adopted by the Planning Commission. City Council Condition of Approval No. 18 provided for SJB Development to contribute \$200,000 for the City's construction of an eastbound right turn lane ("Right Turn Lane") on the south side of State Highway 156 at its intersection with The Alameda ("Intersection") and to enter into a Reimbursement Agreement for reimbursement of SJB Development for its costs in excess of the Project's fair share. Condition 18 provided for construction of the Right Turn Lane to commence prior to or concurrent with the construction of the Project.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

The original traffic study was completed in 2014 to determine the cumulative traffic impact on the Intersection resulting from the Project. That analysis determined the impact from the Project and from prospective future development would not result in the need for construction of the Right Turn Lane until 2035, hence the construction in conjunction with the Project at the time the Reimbursement Agreement was entered into was determined to be over capacity.

On August 18, 2015, the City Council approved Resolution 2015-37 with SJB Development and the City entered into a Reimbursement Agreement to provide for the City to construct the Right Turn Lane and to be reimbursed by SJB Development in the amount of \$200,000 and for SJB Development to be reimbursed in turn from fees and exactions imposed upon prospective future development which contribute to the cumulative impact of traffic on the Intersection, such that SJB Development's payment to the City would be equal to the Project's fair share cost for the Right Turn Lane. At the time the Reimbursement Agreement was entered into the cost of the Right Turn Lane was estimated to be \$240,000. The Copperleaf Development subsequently contributed 16.67% (\$40,000) of this amount to the Right-Hand Turn Lane.

Unfortunately, the Project was subsequently subject to delays due to litigation. On October 18, 2016, the City Council adopted Resolution 2016-47, that approves per court Order, the project, the CEQA review and the 44 Court Findings in its Exhibit A. Finding 13 reasserts the following:

 Mitigation measures also require that Applicant shall enter into an agreement that includes a traffic study and preliminary design for a deceleration lane on the south side of State Highway 156, and that includes a requirement to participate in a fair share of the cost of the improvements.

Finding 18 requires the following:

- The Applicant shall enter into an agreement for the construction of a deceleration and right turn lane on the south side of State Highway 156 at The Alameda intersection. The agreement shall require the construction of improvements for an eastbound right turn lane conforming to Caltrans standards when the cumulative conditions warrant the implementation of the improvements. See condition 18.
- When the lanes are constructed, mitigation measures require that Applicant will be required to obtain all necessary encroachment permits required by Cal Trans, and Applicant must construct per all state laws and standards.

Earlier this year SJB Alameda Enterprises, LLC, ("Alameda Enterprises"), for which Dr. Devan Dalla and Mr. Harman Bhullar serve as managing members, succeeded to SJB Development's interest in the property and to this fully entitled Project. Alameda Enterprises' efforts to commence construction of the Project have been further delayed by the negotiations regarding payment for the Right Turn Lane, allocation of the City's development fees, and by the



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

California Department of Transportation's (Cal Trans) review of the Right Turn Lane design. The Project has been approved for its building permit since December 2021 In consideration of these issues, the fact that Alameda Enterprises has agreed to fund the construction costs for the Right Turn Lane over a 20-year period without charging interest staff proposes a credit be extended to Alameda Enterprises in the amount of \$16,000 representing one-half of the Traffic Impact fee due for the Project. Alameda Enterprises would pay the remaining one-half at the time the first occupancy permit is issued for the Project. Cal Trans had the completed building plans at its District 5 Office for four months but then decided to send them to Sacramento for approval. Cal Trans previously halted their review in 2021 when the SJB Development was unable to acquire the right-of-way required for the Right Turn Lane.

In September 2022, at Alameda Enterprises' expense, a new traffic study was completed by Mr. Keith Higgins, Traffic Engineer, ("Higgins Traffic Analysis") which included an estimated¹ cost allocation, based upon development within the City and an estimate of the present cost to construct the Right Turn Lane of \$830,000. The Higgins Traffic Analysis, with the Traffic Impact fee credit described above, allocates responsibility for the \$830,000 cost to Alameda Enterprises, in the estimated amount of \$373,118; a portion to the City in the estimated amount of \$144,788 due to the 2022 right turn volume traffic counts which establish that the Right Turn Lane is currently needed; with the estimated balance of \$296.094 allocated to future development of properties within the City as identified in the Higgins Traffic Analysis for which development imposes an impact on the Intersection and for which the City would collect the Traffic Impact fees identified in the Higgins Traffic Analysis². The remainder of \$16,000 will be paid to the City by Alameda Enterprises when Alameda Enterprises pays the traffic impact fee for the Project upon issuance of the first occupancy permit.

The First Amendment provides for the City to make annual payments, without interest, over the term of the First Amendment (that is, for twenty years through October 1, 2042 unless extended) in twenty equal installment payments estimated to each be in the amount of \$20,844.10. The City could utilize any source of funds for these payments including traffic impact fees and exactions generated by future development and by the Project, street improvement funds, grant funds and funds received from Cal Trans, and sales tax including sales tax generated by the Project. The first payment to Alameda Enterprises due in October 2023 would be in the estimated amount of \$60,844.10 to include the estimated annual installment of \$20,844.10 plus the prior contribution in the amount of \$40,000 which the City received from the Copperleaf Development which the City now holds in its Traffic Impact fee account.

¹ Reference to "estimated" amounts in this staff report and in the First Amendment refer to the need to determine the final cost after construction of the Right Turn Lane in allocating final fair share contributions.

²² The First Amendment provides for the City to revisit the cost allocations every five years based on any changes to the City's sphere of influence.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

In summary, the 2015 Reimbursement Agreement remains in force but has become outdated by the passage of time and no longer addresses the objectives, obligations and commitments of the parties. The Project was approved and is fully entitled by Resolution 2016-47, including the requirement that a reimbursement agreement be executed based on the now outdated premise that the RTL is being built over-capacity and that the developer will only be required to pay their fair share with anticipated future development, which also has a nexus to the impact on the intersection, to also pay its fair share This now court ordered requirement transfers to Alameda Enterprises as the new owner.

The purpose of this background information is to assist in answering the fundamental question before the City Council: is the proposed First Amendment to the Reimbursement Agreement good for the City? Dr. Dalla, Mr. Bhullar and the attorney for Alameda Enterprises, Mr. Cody Phillips, are expected to be present to assist in answering Councilmembers' questions.

DISCUSSION

Developing this vacant lot at the gateway of the City will have numerous advantages to the City. It brings business types to the City that it currently does not have. It will upgrade the intersection at Highway 156 and The Alameda making it safer, as now warranted based on recent traffic counts. It brings to the City the opportunity to develop electric vehicle charging stations and will offer diesel fuel. It will attract more visitors to the City. It will bring additional revenues from property and sales taxes. These are but a few of the reasons why approving and executing this First Amendment to the Reimbursement Agreement at this time is in staff's opinion good for the City.³

The City has committed to constructing concurrently and completing the Right Turn Lane on or about the time the Project is completed. Cal Trans and Alameda Enterprises now wish to continue to provide for the Right Turn Lane to be constructed prior to or concurrent with the Project, with the costs to be allocated in accordance with the Higgins Traffic Analysis which establishes the construction of the Right Turn Lane at this time is no longer in excess of capacity, and that the costs of construction have increased substantially since 2015 to an amount estimated to be possibly in excess of \$830,000 and may be expected to continue to increase in the future.

Accordingly, the City Council may wish to discuss and consider amending the Reimbursement Agreement in accordance with the First Amendment (attached hereto as **Exhibit B**) to extend its term to October 31, 2042, unless otherwise extended or terminated earlier, to provide for the City to construct the Right Turn Lane and to initially be reimbursed by Alameda Enterprises for the City's full cost of construction and for the City to continue to, in turn over the term of the First Amendment, reimburse Alameda Enterprises, without interest for Alameda Enterprises' payment to the City in excess of Alameda Enterprises' fair share as conclusively determined by

³ Absent an amendment, the 2015 Reimbursement Agreement would remain in effect.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

the Higgins Traffic Analysis, as adjusted by the final construction cost for the Right Turn Lane. These payments to be made from City funds including from fees and exactions imposed on future development identified in the Higgins Traffic Analysis which contribute to the cumulative traffic impact on the Intersection, until such time as Alameda Enterprises has been reimbursed so that Alameda Enterprises' unreimbursed payment to the City is equal to the Alameda Enterprises' fair share.

To restart and conclude the Cal Trans review in May 2022 the City retained the services of Hamner, Jewel & Associates, a real property acquisition consultant for an amount not to exceed \$16,500, to assist in securing the acquisition of the necessary right-of-way from the adjacent property owner. c Hamner, Jewel & Associates are familiar with the process dictated by Cal Trans. The First Amendment to the Reimbursement Agreement stipulates the cost of the right of way acquisition consultant and the cost of acquisition of all interests in real property required for the construction of the Right Turn Lane are included in the total construction costs.

Payment by Alameda Enterprises of other impact fees for the Project, estimated to be \$53,000 (that apply to schools, public safety, parks, libraries, etc.) would be deferred until the Project obtains its first occupancy permit so those fees can be paid by Alameda Enterprises through permanent financing rather than the short-term construction loan, thereby reducing the amount of the short-term construction loan required for the Project.

The parties agreement concerning these terms is now the critical path for the Project to start construction.

Progress by the Alameda Enterprises has stalled due to this need to reconsider the outdated 2015 Reimbursement Agreement and the final disposition of the cost to reimburse Alameda Enterprises for all but its fair share contribution

FISCAL IMPACT:

Because the traffic volumes now exceed thresholds with no new development linked to the increase, if all goes according to plan, the remaining share of the estimated cost to construct the Right Turn Lane of \$830,000, after deducting Alameda Enterprises fair share contribution in the amount of \$389,118, the contribution the City is holding from the Copperleaf Development in the amount of \$40,000, and application of a credit to Alameda Enterprises for one-half of the Project Traffic Impact fee in the amount of \$16,000, would be \$416,882 based upon existing traffic volumes at the Intersection and contingent upon future development within the City limits. These cost allocations will be subsequently modified and adjusted to be based upon the final total cost for construction of the Right Turn Lane. The First Amendment provides for the City to make annual installment payments, without interest, to Alameda Enterprises over the term of the First Amendment of \$20,844.10. Provided sufficient future new development on the properties identified in the Higgins Traffic Analysis takes place within the term of the First Amendment, and interest has been expressed in the future development of the industrial property along the



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

San Juan Hollister Road and Lang Street corridors, this amount would be offset by the fair share contributions of these and other developments and this revenue stream could contribute substantially to the City's obligation make Alameda Enterprises whole for the amount spent in excess of Alameda Enterprises' fair share. The contribution from Alameda Enterprises to pay all the City's construction costs for the Right Turn Lane is offered without interest or penalties, but with a guarantee that Alameda Enterprises will be made whole after 20-years (or as that period may be extended under the terms of the First Amendment).

At the present times, the second largest generation of sale tax comes to the City from its only gas station. Adding this second gas station to the collection of sales tax, could easily generate \$100,000 per year for the City's General Fund. As stated above, the City could utilize any source of funds for the annual payments to Alameda Enterprises including Traffic Impact fees and exactions generated by future development and by the Project, from street improvement funds, from grant funds and from, funds received from Cal Trans, and from sales tax including sales tax generated by the Project

CEQA: Exempt per Section 15061(b) (3) of State CEQA Guidelines. The First Amendment merely sets forth the roles of the Parties with respect to funding of the Project. Therefore, it can be seen with certainty that there is no possibility that the execution of the First Amendment may have a significant effect on the environment.

ATTACHMENTS:

Exhibit A - Proposed Resolution Exhibit B - First Amendment to the Reimbursement Agreement

RESOLUTION NO. 2022-XX

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

WHEREAS, on February 4, 2014, the Planning Commission approved Conditional Use Permit 2014-11 for one single-story building consisting of a 2,980 square foot convenience store, a separate 3,342 square foot quick-serve restaurant, and a gas station with 12 fuel dispensing stations ("Project") on the property then owned by SJB Development, LP. located at 404-408 The Alameda (APN 002-52-012) at the corner with State Route 156; and

WHEREAS, on November 18, 2014, the City Council denied an appeal of the Project and approved Conditions of Approval for the Project; and

WHEREAS, City Council Condition of Approval No. 18 provided for SJB Development to contribute \$200,000 for the construction of a deceleration and right turn lane ("Right Turn Lane") on the south side of State Highway 156 at its intersection with The Alameda ("Intersection") and to enter into a Reimbursement Agreement with the City for reimbursement to SJB Development for its contribution found to be in excess of the Project's fair share cost; and

WHEREAS, the traffic analysis for the Project determined the cumulative traffic impact on the Intersection resulting from the Project and from prospective future development would not result in the need for construction of the Right Turn Lane until 2035, hence construction in conjunction with the Project was determined to be over-capacity; and

WHEREAS, on August 18, 2015, SJB Development and the City entered into a Reimbursement Agreement to provide for the City to construct the Right Turn Lane and to be reimbursed by SJB Development and in turn for SJB Development to be reimbursed for its contribution from fees and exactions imposed upon prospective future projects which contribute to cumulative impact of traffic on the Intersection such that SJB Development's contribution to the City was equal to the Projects fair share cost for the Right Turn Lane; and

WHEREAS, on January 26, 2022, by Grant Deed, SJB Alameda Enterprises, LLC, ("Alameda Enterprises) has succeeded to SJB Development's interest in the property and the Project; and

WHEREAS, Condition 18 has to be met, the California Department of Transportation (Cal Trans"), Alameda Enterprises, and the City wish to continue to provide for the Right Turn Lane be constructed competed before the occupancy of the project can be granted, provide for a new traffic analysis to be completed, and recognize excess of capacity of the design to accommodate traffic estimates through 2035, and that due to the need to incorporate design changes required by Cal Trans, cost of construction materials and other various reasons, the cost of construction of the Right Turn Lane at this time have increased substantially since 2015 and are expected to continue to increase in the future; and

1 | RTL Resolution

WHEREAS, Alameda Enterprises and the City now desire to amend the Reimbursement Agreement to extend its term to August 31, 2042, unless otherwise extended or terminated earlier, to provide for the City to construct the Right Turn Lane and to be reimbursed for the full cost of construction by Alameda Enterprises and for the City to in turn reimburse Alameda Enterprises for Alameda Enterprises' payment of construction costs in excess of Alameda Enterprises fair share, to be conclusively determined by the new traffic analysis, of the cost for the Right Turn Lane from fees and exactions imposed on future development within a benefit area as defined by the new traffic analysis which contribute to the cumulative traffic impact on the Intersection and if necessary, from a portion of the sales tax revenue generated by the Project.

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

SECTION 1. This Council hereby approves the "First Amendment to Reimbursement Agreement" (the referenced seven page (without exhibits), subject to final review and approval of the City Manager and the City Attorney, and authorizes and directs the Mayor to sign the First Amendment on behalf of City.

THE FOREGOING RESOLUTION WAS ADOPTED at a special meeting of the San Juan Bautista City Council duly called and held on the 20th day of September, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Don Reynolds, City Manager/Acting City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney

2 | RTL Resolution

FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT

This FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT ("Amendment") is made and entered into as of October ____, 2022, (the "Effective Date") by and among CITY OF SAN JUAN BAUTISTA (the "City"), a California general law city, and SJB ALAMEDA ENTERPRISES, LLC, a California limited liability company ("Alameda Enterprises"). The City and Alameda Enterprises may be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

WHEREAS, the City and SJB Development, LP, entered into a Reimbursement Agreement, dated as of August 18, 2015 (the "Agreement") which is attached hereto as Exhibit "A" and incorporated by reference; and

WHEREAS, Alameda Enterprises by operation of a Grant Deed dated January 26, 2022 (a copy of which is attached hereto as **Exhibit "B"**), succeeded to all interest of SJB Development, LP, in the Property, the Project, and to SJB Development, LP's interest under the Agreement; and

WHEREAS, the Agreement provides that the City will be responsible for the construction of an eastbound Right Turn Lane (the "RTL") on the south side of State Highway Route 156 (SR 156) at its intersection with The Alameda (the "Intersection") which is also to act as a deceleration lane including obtaining all necessary permits and approvals to construct the same. At the time the Agreement was entered into it was estimated that the RTL would cost an estimated \$240,000 to construct; and

WHEREAS, as a Condition of Approval for Alameda Enterprises' Fuel Station, Convenience Store and Quick Serve Restaurant to be located at the corner of SR 156 and The Alameda (the "Project"), the Agreement required that SJB Development, LP, contribute \$200,000 towards the construction of the RTL and that the City would reimburse SJB Development, LP, for the amount of that contribution found to be in excess of SJB Development, LP's, Fair Share of the RTL Construction Cost; and

WHEREAS, based upon the "SR 156/The Alameda Intersection Study" for the Project prepared by Hatch Mott MacDonald, dated July 1, 2014, the cumulative traffic impact on the Intersection resulting from the Project and from the potential for additional development would not necessarily result in the need for construction of the RTL until the year 2035; and

WHEREAS, in accordance with the SR 156/The Alameda Intersection Study the requirement in the Agreement to construct the RTL prior to 2035 was in excess of capacity; and

WHEREAS, both Parties continue to desire the construction of the RTL be completed prior to or concurrent with the completion of the Project; and

WHEREAS, it is estimated that the RTL will now cost approximately \$830,000 to construct, of which Alameda Enterprises' Fair Share will be as established in accordance with Attachment 5 to the "Eastbound Highway 156/The Alameda Cost Allocation, San Juan Bautista, California" prepared by Mr. Keith Higgins, Traffic Engineer, dated September 2, 2022, for buildout within

existing City limits ("Cost Allocation") attached hereto as **Exhibit C** and incorporated herein by this reference, which allocations the Parties intend will be subsequently adjusted by the actual RTL Construction Cost; and

WHEREAS, "Fair Share" in context of the RTL shall mean a developer's obligation to pay an equitable portion of the City's RTL Construction Cost through fees and exactions levied upon a project to mitigate the project's reasonably related and proportionate impact on the Intersection; and

WHEREAS, in order to ensure that the RTL is completed prior to or concurrent with the completion of the Project, the City and Alameda Enterprises now wish to amend the Agreement to provide for Alameda Enterprises to reimburse the City for the City's total cost of the RTL Construction Cost including, but not necessarily limited to, design; construction; obtaining all permits including the CalTrans Permits; real property acquisition including the engagement of a right of way acquisition consultant; undergrounding of utilities; utility connections; site control; inspections; construction management; and maintaining safety standards during construction (collectively, the "RTL Construction Cost"); and

WHEREAS, as further described in this Amendment the City agrees to collect and commits to use funds to reimburse Alameda Enterprises for the amount of Alameda Enterprises' payments to the City that exceed Alameda Enterprises' Fair Share of the RTL Construction Cost. Such funds may be generated from, but are not limited to, the Fair Share contributions from Traffic Impact fees assessed and collected by the City for other development due to the impact of such development on the Intersection from traffic generated by the individual development or from exactions imposed on such development through a development agreement, and from such other revenue sources as the City in its sole discretion may determine; and

WHEREAS, by entering into the Agreement and this Amendment the City makes no commitment to approve future development.

NOW, THEREFORE, in consideration of the foregoing, the promises and mutual covenants contained herein, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Paragraph 1 of the Agreement is hereby deleted and replaced in its entirety to read as follows:

"1. Alameda Enterprises Reimbursement of the RTL Construction Cost. Alameda Enterprises shall reimburse the City for the RTL Construction Cost in the manner described in this Section 1.

1.1 Selection of Contractor. The City will contract with the lowest responsive and responsible bidder (the "Low Bidder") to undertake construction of the RTL pursuant to the plans and specifications as approved by the California Department of Transportation (the "RTL Plans and Specifications") after notice to bidders inviting bids in accordance with the Uniform Public Construction Cost Accounting Act, Sections 22000 - 22045 of the California Public Contract Code, and following award of a contract to the Low Bidder for the Project by

the City Council in the amount of the low bid together with any accepted bid alternatives ("Contract Award Amount").

1.2 **Construction of Right Turn Lane.** The City shall be responsible for obtaining all permits and approvals for construction of the RTL pursuant to the RTL Plans and Specifications. The City has engaged Hamner, Jewell & Associates, a right of way acquisition consultant, to prepare for and proceed with the acquisition of all interest(s) in real property necessary for the construction of the RTL. The not-to-exceed cost of \$16,375 for the engagement of the right of way acquisition consultant and the cost of acquisition of all interest in real property necessary for the construction of the RTL shall be included in the RTL Construction Cost and are eligible for reimbursement to Alameda Enterprises, pursuant to the process set forth in Section 2 of this Amendment. The City will use all reasonable efforts to plan, undertake and complete construction of the RTL concurrent with Alameda Enterprises' construction of the Project. The Parties intend that the RTL shall be completed on or about the time of final completion of the Project.

1.3 **Invoices.** Upon the City's periodic payments to its contractors and subcontractors of any tier for the RTL Construction Cost the City shall provide to Alameda Enterprises a copy of the invoice(s) paid and proof(s) of payment by the City (the "City Payment Proof"). The Parties acknowledge that in accordance with Section 1720 et seq. of the California Labor Code, due to the City's use of public funds to construct of the RTL payment of prevailing wage is required for construction of the RTL.

1.4 **Payment of RTL Construction Cost**. Alameda Enterprises will reimburse the City in full for the amount of each City Payment Proof provided to Alameda Enterprises. Reimbursement shall be made by Alameda Enterprises to the City within thirty (30) days of Alameda Enterprises' receipt of the City Payment Proof.

1.5 Alameda Enterprises' Fair Share. Alameda Enterprises' Fair Share of the RTL Construction Cost will be as determined by the Cost Allocation, adjusted by the actual RTL Construction Cost, which shall conclusively establish Alameda Enterprises' Fair Share of the RTL Construction Cost. Alameda Enterprises agrees to be bound by the Fair Share determination established by the Cost Allocation adjusted by the actual RTL Construction Cost. In no event shall Alameda Enterprises' unreimbursed contribution to the RTL Construction Cost exceed its Fair Share.

1.6 Increase In the Contract Award Amount. If the amount of the RTL Construction Cost increases for any reason by an amount equal to or greater than 15% of the Contract Award Amount but less than 20% of the Contract Award Amount, the City agrees to notify Alameda Enterprises in writing of the cost increase. In the event of such an increase the New Term will be extended by an additional five (5) years, that is, to 2047. If the amount of the City's RTL Construction Cost increase for any reason by an amount equal to or in excess of 20% of the Contract Award Amount the New Term will be extended by ten (10) years, that is to 2052. Any such extension to be documented in a writing signed by both parties with the City Manager having the authority to act in an administrative capacity for the City."

2. Paragraph 2 of the Agreement is hereby deleted and replaced in its entirety to read as follows:

"2. City's Reimbursement of Alameda Enterprises.

(a) During the New Term and throughout any extension, the City agrees to provide reimbursement to Alameda Enterprises for Alameda Enterprises' payment of the RTL Construction Cost that exceeds Alameda Enterprises' Fair Share as determined by the Cost Allocation adjusted by the actual RTL Construction Cost until Alameda Enterprises' contribution to the RTL Construction Cost has been reduced to an amount equaling its Fair Share. During the New Term and any extension the City agrees to make payments on an annual installment basis to reimburse Alameda Enterprises in an amount not less than 5% of the total RTL Construction Cost less: (1) Alameda Enterprises Fair Share¹; (2) a credit in the amount of one-half of the Project's Traffic Impact fee (see Sec. 2.1(a)); and (3) the Traffic Impact fee paid previously by Edenbridge Homes for the Copperleaf development (see Sec. 2.1(b)) which will be paid to Alameda Enterprises with and in addition to the first annual installment payment. Annual installment payments will be due commencing one (1) year from the Effective Date of this Amendment and shall continue each year thereafter for the duration of the New Term If the New Term is extended as provided by Sec. 1.6 the annual installment payment amount and the number of payments will be adjusted to conform to the extended term. The City may utilize any source of funds including, but not limited to, impact fees or exactions generated by other development as described in Sec. 2(b), grant funds, sales tax (generated by the project or otherwise), and street improvement funds to provide such reimbursement to Alameda Enterprises, so long as the annual reimbursement is provided to Alameda Enterprises.

As an exemplar, using the estimates provided by the Cost Allocation and otherwise in accordance with the provisions set forth in this Amendment, the annual payment to reimburse Alameda Enterprises for a portion of the RTL Construction Cost could be calculated as follows:

\$830,000	Estimated RTL Construction Cost
<\$389,118>	Alameda Enterprises' Estimated Fair Share
\$ 16,000	Credit for One-Half Alameda Enterprises Estimated Traffic Impact Fee (see Sec. 2.1(a) below
<\$ 40,000>	Copperleaf Development's Fair Share Paid with the First Annual Installment

[Continued]

¹ Alameda Enterprises' Fair Share to be as determined by the Cost Allocation adjusted by the actual RTL Construction Cost

- <\$416,882> Estimated Amount Required to Make Alameda Enterprises Whole; To be Paid by the City in 20² Equal Annual Installments, Estimated to be \$20,844.10 Each, Commencing on or before the First Anniversary of the Effective Date in 2023, with an Estimated Payment of \$60,844.10 due on that date (Annual Installment Plus Copperleaf Development's Fair Share), with Annual Installment Payments in the amount of \$20,844.10 to Continue Each Year Thereafter on or before the Anniversary of the Effective Date with the Last Payment Due on October 1, 2042, unless the New Term is extended as provide by Sec. 1.6.
 - -0- Balance Due at the End of the New Term Including Any Extension(s).

The first payment by the City would be due on before the first anniversary of the Effective Date and each succeeding year thereafter in the minimum amount of \$29,844.10.

(b) Future development will be required to contribute its proportionate Fair Share to the RTL Construction Cost. In no event shall such development contribute more than the cost of the RTL less Alameda Enterprises' Fair Share. The City shall collect Traffic Impact fees, based upon a nexus study to establish the reasonable relationship and proportionality of the development's impact on the Intersection, and may impose exactions for Fair Share contributions under development agreement(s) with future developer(s) including, but not necessarily limited to, those identified in the Cost Allocation, for the purpose of reimbursing Alameda Enterprises from such fees and exactions proportional to each future development's traffic impact on the Intersection commencing as of the Effective Date and continuing through October 31, 2042 (the "New Term") and as the New Term may be extended as provided herein, or until such time as Alameda Enterprises has been reimbursed such that Alameda Enterprises' unreimbursed payment to the City is equal to Alameda Enterprises' Fair Share.

(c) The City shall include the RTL in its 20.03 Capital Improvement Program (CIP) and in all future CIPs until the City's obligation to reimburse Alameda Enterprises has been satisfied in full.

(d) The City shall revisit the Cost Allocation every five years following the Effective Date based on any changes in the interim to the City's sphere of influence. The City may, but is not required to, establish a separate account to set aside funds to reimburse Alameda Enterprises for its payment of the RTL Construction Cost less Alameda Enterprises' Fair Share.

2.1 Application of the Project Traffic Impact Fee.

(a) City agrees to apply one-half of Alameda Enterprises' obligation to pay to the City a Traffic Impact fee attributable to the Project, as an immediate prospective payment in partial satisfaction of the City's obligation to reimburse Alameda Enterprises for Alameda Enterprise's payment of the RTL Construction Cost in excess of Alameda Enterprises' Fair Share. An estimate of the Traffic Impact fee attributed to the Project's impact on the Intersection is Thirty-Two Thousand

² The amount and the number of annual installments is subject to increase if the New Term is extended as provided by Sec. 1.6.

Dollars (\$32,000) of which an estimated Sixteen Thousand Dollars (\$16,000) would be credited to Alameda Enterprises payment of its Fair Share of the RTL Construction Cost. .

(b) City agrees to apply the Traffic Impact fee paid previously by Edenbridge Homes for the Copperleaf residential subdivision's obligation to pay to the City Traffic Impact fees attributable to that project's impact on the Intersection in partial satisfaction of the City's obligation to reimburse Alameda Enterprises for Alameda Enterprise's payment of the RTL Construction Cost in excess of Alameda Enterprises' Fair Share. The Traffic Impact fee attributed to the Copperleaf development's impact on the Intersection is Forty Thousand Dollars (\$40,000)³ With this amount payable to Alameda Enterprises with and in addition to the first annual installment payment.

2,2 **Deferral of Development Impact Fees for the Project.** City agrees to defer the Project's obligation to pay one-half of the Project's Traffic Impact fee and all other Development Impact Fees imposed by the City due for the Project until such time as Alameda Enterprises receives the first occupancy permit for the Project. An estimate of the Development Impact fees, including one-half the Traffic Impact fee attributed to the Project, is Sixty-Nine Thousand Dollars (\$69,000).

2.3 Grant Funds. If the City is able to secure grant funding for the RTL, if not in conflict with the terms of the grant(s), such grant funds shall be applied in the same percentage as Alameda Enterprises' Fair Share contribution to the actual RTL Construction Cost to reimburse Alameda Enterprises for Alameda Enterprises' reimbursement of the RTL Construction Cost in excess of Alameda Enterprises' Fair Share. The City has no obligation to secure grant funding and will allow Alameda Enterprises to consult with the City's Grant Consultant or to retain its own grant consultant to assist the City in attaining available grants for the RTL."

3. Paragraph 3 of the Agreement is hereby deleted and replaced in its entirety to read as follows:

"3. **Notices** All notices, communications and deliveries hereunder shall be made in writing signed by the Party making the same, shall specify the Section hereunder or in the Agreement pursuant to which it is given or being made, and shall be deemed given or made on either 1) the date delivered if delivered in person, 2) on the date delivered if delivered by a nationally recognized overnight courier service, or 3) on the date the other Party signs as accepting delivery if mailed by registered or certified mail (return receipt requested) (with postage and other fees prepaid) addressed or directed as set forth below.

City: City of San Juan Bautista 311 Second Street / Post Office Box 1420 San Juan Bautista, CA 95045

³ The Fair Share for the Copperleaf subdivision was calculated and collected in accordance with the "SR 156/The Alameda Intersection Study" prepared by Hatch Mott MacDonald, dated July 1, 2014.

Attention: City Manager

Alameda Enterprises: Alameda Enterprises 1889 E. Bella Rosa Avenue Fresno, CA 93730 Attention: Mr. Harman Bhullar

4. Paragraph 12 of the Agreement is hereby deleted and replaced in its entirety to read as follows:

"12. Entire Agreement and Term. The Agreement together with this Amendment contains the entire agreement among the Parties respecting the matters set forth, and supersedes all prior agreements between the Parties respecting these matters. The Agreement and this Amendment shall remain in place for the New Term, that is, until October 31, 2042 or until such time as Alameda Enterprises has been reimbursed such that Alameda Enterprises' unreimbursed payment to the City is equal to Alameda Enterprises' Fair Share, whichever occurs first, and shall thereupon expire, unless renewed or extended as provided herein."

5. **Issuance of Permits**. The City acknowledges the building plans and specifications for the Project ("Project Plans and Specifications") have been approved by the City. Alameda Enterprises is therefore permitted to start construction of the Project during the process of designing, acquiring real property, and constructing the RTL as described in this Amendment. If the RTL has not been completed upon completion of construction of the Project and provided all work associated with the Fuel Station and Convenience Store is complete to the City's satisfaction per the Project Plans and Specifications, the City agrees to issue an occupancy permit for the Fuel Station and Convenience Store only (i.e., not for the Quick Serve Restaurant), at which time the Development Impact Fees deferred in accordance with Section 2.2. will be due and payable. Upon completion of the RTL, which is estimated to be approximately one year following the execution of this Amendment and provided the work is complete per the Project Plans and Specifications, the City shall consider issuing any remaining occupancy and other permits necessary for full operation of the Project.

6. **Prevailing Wage**. Alameda Enterprises acknowledges the requirements of Chapter 1 (beginning at Section 1720 et seq.) of Part 7 of Division 2 of the California Labor Code, as well as Title 8, Section 16000 et seq. of the California Code of Regulations ("Prevailing Wage Laws") which require the payment of prevailing wage rates and the performance of other requirements on a "public work." The construction of the RTL described in the Agreement and this Amendment is being performed by the City as a public work as defined by the Prevailing Wage Laws and as such the City and its contractors and subcontractors shall fully comply with the Prevailing Wage Laws for workers employed and for any other parties to whom such laws are applicable.

7. **Expedited Review**. City agrees to expedite its review of all elements of the Project and expedite processing and issuance of all necessary permits for the Project.

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8. **Defined Terms**. Unless otherwise define herein, capitalized terms used herein shall have the meanings given herein and in the Agreement.

9. Effectiveness of this Amendment. This Amendment shall become effective as of the date first written above.

10. Advice of Counsel. The parties have both been advised by counsel with respect to the negotiations, terms and conditions of this Amendment. This Amendment shall not be construed in favor or against either party by reason of the extent to which each party participated in the drafting of this Amendment.

11. Severability. Should any portion of this Amendment or the Agreement be determined to be void or unenforceable, such shall be severed from the whole and the Agreement as amended will continue as modified.

12. **Relationship to Agreement**. Except as expressly modified by this Amendment, the Agreement shall continue to be and remain in full force and effect in accordance with its terms.

13. **Counterparts**. This Amendment may be executed in any number of counterparts, each of which shall constitute an original, but all of which when taken together shall constitute but one instrument.

14. **Signatures**. This Amendment may be executed by electronic signature, including scanning in pdf format with signature(s) affixed, and each such signature shall be treated in all respects as having the same effect as an original signature.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be duly executed and delivered by their respective officers thereunto duly authorized as of the dates written below.

CITY OF SAN JUAN BAUTISTA

By:

Leslie Q. Jordan Mayor

Date: _____, 2022

SJB ALAMEDA ENTERPRISES, LLC

By::_

Harman Bhullar, Its: Manager & Member Date: _____, 2022

EXHIBIT A: Reimbursement Agreement (2015)

EXHIBIT B: Grant Deed, SJB Development, LP to Alameda Enterprises, LLC.

EXHIBIT C: Eastbound State Route 156/ The Alameda Cost Allocation, San Juan Bautista, California prepared by Mr. Keith Higgins, Traffic Engineer, dated September 2, 2022.

ORDINANCE NO. 2022-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA RESCINDING SECTION 5-1-165 ('FIREWORKS") OF CHAPTER 5.1 ("CALIFORNIA FIRE CODE – 2001 EDITION") AND RESCINDING CHAPTER 5-16 ("FIREWORKS"), OF THE SAN JUAN BAUTISTA MUNICIPAL CODE; AND ADDING A NEW CHAPTER 5-16 ('FIREWORKS") TO THE SAN JUAN BAUTISTA MUNICIPAL CODE TO PROHIBIT THE SALE, USE, POSSESSION AND DISCHARGE OF ALL FIREWORKS WITHIN THE CITY OF SAN JUAN BAUTISTA AND IMPOSING HOST LIABILITY FOR ALLOWING SAME

WHEREAS, by Ordinance No. 2003-04 this Council added Section 5-1-165 ("Fireworks") to the San Juan Bautista Municipal Code; and

WHEREAS, by Ords. 2 (no date), 27a this Council added Chapter 5-16 ("Fireworks") to the San Juan Bautista Municipal Code; and

WHEREAS, the City of San Juan Bautista may adopt regulations to protect the health, safety, and welfare of the public under California Constitution Article XI, §7 and California Government Code §37100, and thereby is authorized to declare what use or condition constitutes a public nuisance; and

WHEREAS, the City of San Juan Bautista has the authority under California Government Code §53069.4 to issue administrative citations for violation of the City's ordinances, and

WHEREAS, pursuant to Section 5-1-165 (Fireworks) and Section 5-16-100 (Fireworks) the City of San Juan Bautista has prohibited the sale, possession and use of "dangerous fireworks," as defined by state law, within the City but permitted the sale and discharge of legal "safe and sane" fireworks, as defined by sate law, within the City only during certain days and hours in connection with the July 4th Independence Day holiday; and

WHEREAS, the City Council periodically reviews City ordinances to ensure they are achieving their aims, while continuing to adhere to legal requirements; and

WHEREAS, the City Council of the City of San Juan Bautista finds that due to the continued threat of wildland fire and wind events that increase fire risk to properties within and adjacent to the City limits there is no assurance that a fire from whatever source will not exceed the capabilities of the fire services and reach catastrophic proportions; and

WHEREAS, the City Council of the City of San Juan Bautista finds the goal of eliminating a risk of fire resulting from the use of dangerous or of safe and sane fireworks, and thereby protect the public health, safety and welfare, would be best served by holding responsible not only those individuals who use fireworks in violation of the San Juan Bautista Municipal Code but also those individuals who allow such illegal use on property that they either own or control; and

WHEREAS, the City Council of the City of San Juan Bautista desires to amend and update the City of San Juan Bautista Municipal Code to reflect the current needs of the City and to ensure the health, safety and welfare of the public and the fire protection and law enforcement personnel who serve and protect the citizens of the City of San Juan Bautista public and the general public.

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

SECTION 1: Section 5-1-165 ('Fireworks") of Chapter 5.1 ("California Fire Code – 2001 Edition") of the San Juan Bautista Municipal Code is hereby rescinded.,

SECTION 2: Chapter 5-16 of the San Juan Bautista Municipal Code hereby is hereby rescinded.

SECTION 3: Chapter 5-16 is hereby added to the San Juan Bautista Municipal Code to read in its entirety as shown on **Exhibit A**, attached hereto and incorporated herein by reference.

SECTION 4: CEQA. The City Council hereby finds that the action to adopt this Ordinance to rescind Section 5-1-165 and Chapter 5-16 and to add a new Chapter 5-16 and the implementation of that Chapter are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of Chapter 5-16 may have significant effects on the environment.

SECTION 5: Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

SECTION 6: Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 18th day of October , 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the _____ day of _____, 2022, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

Mayor Leslie Q. Jordan

ATTEST:

Don Reynolds, City Manager, Acting Deputy City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney

EXHIBIT A

Chapter 5.16 FIREWORKS

Sections:

5-16.100 Purpose and Findings.

5-16-200 Definitions.

5-16-300 Prohibition.

5-16-400 Seizure of Fireworks.

5-16-500 Host Liability.

5-16-600 Exceptions.

5.-16-700 Violation Penalty.

5-16-800 No Mandatory Duty of Care.

5-16-100 Purpose and Findings.

(A) Fireworks present a significant hazard to the City of San Juan Bautista, the environment and the safety of its citizens.

(B) It is in the city's best interest to prohibit the sale, use, possession and discharge of fireworks, including illegal and "dangerous fireworks" and legal fireworks also known as "safe and sane fireworks."

(C) The purpose of this chapter is to establish a prohibition on the sale, use, possession and discharge of fireworks in the city of San Juan Bautista.

(D) California Health and Safety Code Section 12500 et seq. provides for regulation of the manufacture, classification and, in part, sales of safe and sane fireworks by the California State Fire Marshal and California Health and Safety Code Sections 12541 and 12541.1 allow local jurisdictions to prohibit or otherwise regulate sale based upon local conditions.

(E) In 2022 and previously, California has experienced devastating wildfires. The City of San Juan Bautista is surrounded by brush-covered lands so that fireworks present a significant fire hazard to the environment and the safety of its citizens.

(F) Many jurisdictions elsewhere have already banned fireworks.

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5-16-.200 Definitions

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

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

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

5-16-300 Prohibition.

The sale, use, possession and discharge of fireworks, including, but not limited to legal fireworks, sometimes also known as safe and sane fireworks, and dangerous fireworks, are prohibited within the city of San Juan Bautista. It shall be unlawful for any person to sell, offer for sale, purchase, discharge or otherwise use fireworks within the City of San Juan Bautista except as provided in this Chapter. Each day of recurrence of any violation shall constitute a separate offense and may be treated as such pursuant to this Section.

5-16-400 Seizure of Fireworks.

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

5-16-500 Host's Liability.

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

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

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

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

5-16-600 Exceptions.

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

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

5.-16-700 - Violation Penalty.

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

(B) Notwithstanding the provisions of Chapters 13-1 or 2-7, the amount of the bail schedule for citations for enforcement of a violation of this Chapter shall be set by the City Council by resolution. As of June 29, 2021, per Resolution 2021-34A the bail schedule upon adoption of his ordinance is one thousand dollars (\$1,000.00) for the first violation, two thousand five hundred dollars (\$2,500.00) for a second violation within twelve months of a first violation, and five thousand dollars (\$5,000.00) for a third or subsequent violation within twelve months of the last violation. The above-listed amounts may be changed by the City Council by resolution.

(C) In the event the fireworks are confiscated and have to be disposed of by the County Sheriff of County Fire Department, there shall be an additional charge of two hundred and fifty dollars (\$250.00) assessed for disposal fee.

(D) Any person who violates Section 5-16-300 and any host who violates Section 5-16-500 shall be liable for the response costs relating to the violation. All hosts who violate Section 5.16.500 in the same incident are jointly and severally liable for the response costs relating to the violation. The amount of response costs constitutes a debt owed to the city.

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

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

The address of the private property where the incident occurred;

The date and time of the response;

The law enforcement, fire, or other emergency response personnel who responded; and An itemized list of the response costs.

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

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

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

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

5-16-800 No Mandatory Duty of Care.

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

Item #5C City Council Meeting October 18, 2022



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA ITEM:

PROFESSIONAL SERVICES: HISTORIC PRESERVATION PROGRAM

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: Brian Foucht, Community Development Director

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to execute a contract for professional services related to the City's Historic Preservation Program.

INFORMATION:

The scope of services generally corresponds to the historic preservation activities, policies and regulations established in the General Plan Historic Preservation and Community Design Element, the City's Historic Preservation Ordinance, Design Guidelines and Historic San Juan Bautista Plan. While staff is able to administer the City's program, expert advice and consultation will save time and avoid errors as we work to ensure the integrity of the City's historical character, fabric and ambience. Knowledgeable, reliable and consistent expert assistance should be hallmarks of this extremely important City program.

The Historic Resources Board (October 4, 2022) recommended the following overall three – part scope of services:

- 1. An assessment of documents and current practices regarding historic preservation;
- 2. On-call services to assist staff in advising applicants regarding application of standards and guidelines; and
- 3. Recommendations regarding maintenance of our CLG status.

1. Document Assessment

The following historic preservation documents will be reviewed, and recommendations will be provided regarding their implementation:

- a. The San Juan Bautista Design Guidelines, April 20, 2004
- b. The 2006 Cultural Resource Inventory and Context Statement
- c. The 1981 Cultural Resource Survey

- d. The Certified Local Government Agreement and Reporting Requirements
- e. The Historic Preservation Ordinance (Chapter 11.06)
- f. The Historic Preservation related sections of the San Juan Bautista Plan
- g. Coordination with the Historical Society

2. On-Call Historic Preservation Services

- a. Conduct historic assessments and evaluations
- b. Peer review historic assessments, evaluations and reports prepared by others
- c. Prepare historic preservation reports at the City's request
- d. Provide staff support during public meetings as needed
- e. Meet with or consult with staff and/or applicants to address issues with historic buildings and/or existing City policies or procedures related to historic preservation
- f. Assist staff with inspecting historic buildings for damage due to neglect, misuse, or environmental catastrophe
- g. Establish Maintain a list of qualified consultants for individual applicant use and referral as required in SJB MC 11-06-040 (C)

3. CLG status

- a) Assist the HRB and staff in preparing the annual status report to SHPO;
- b) Recommend useful CPF and other training for HRB members;
- c) Maintain the list of qualified Architectural Historians in accordance with the Historic Preservation Ordinance;
- d) Review and recommend for use by the City any tools and techniques such Historic Preservation Easements and tax incentive programs.
- e) Recommend and advise staff regarding funding sources to enhance preservation activities and resources.

Staff is carefully considering a sole source professional services agreement with a "uniquely qualified" consultant for this purpose. Unique qualifications will include:

- M.A. in Historic Preservation
- Broad and varied consulting experience as Architectural Historian of record
- Significant experience in local government Historic Preservation programming and support, including work with Historic Resources Review and Resources Boards
- Substantial working knowledge of Secretary of the Interior Standards and Guidelines for the Treatment of Historic Properties
- Qualifications as Historian and Architectural Historian under the Secretary of Interior's Professional Qualifications Standards (36 CFR Part 61).

FISCAL IMPACTS:

Portions of the budget for services will be directly expensed to applicants for services related to both major and minor Historic Resources Review. Other related general services will be funded from the Planning Services Operational Budget. Approximately 97% of the \$100,000 Budget remaining. Staff anticipates approximately \$25,000 during the first year, followed by an evaluation of services and alternative funding sources.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: CONSIDERATION OF RESOLUTION DECLARING A PUBLIC NUISANCE TO EXISTS AT 451 SAN JUAN HOLLISTER ROAD AND DIRECTING THE CITY MANAGER TO POST AND PUBLISH A NOTICE OF HEARING TO CONSIDER ABATEMENT.

MEETING DATE: OCTOBER 18, 2022 DEPARTMENT HEAD: CITY MANAGER, CITY ATTORNEY & ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR

RECOMMENDED ACTION:

It is recommended that the City Council adopt the attached Resolution together with the Notice to Abate Nuisance referenced therein, declaring that a public nuisance exists upon a parcel of land located at 451 San Juan Hollister Road (APN 002-550-008), and directing the City Manager to initiate proceedings pursuant to Articles 4 of Chapter 13 of the San Juan Bautista Municipal Code to include posting and publishing a notice of a public hearing to consider abatement by the City.

BACKGROUND INFORMATION:

This matter concerns an ongoing enforcement action at the property located at 451 San Juan-Hollister Road owned by Kulta Farms, a California limited liability company (the "Owner"). The Managing Member of the LLC is Ms. Cynthia Orozco. The property also serves as the location of Midnight Express Transportation, Inc. Information on this matter was previously provided to the City Council during a properly noticed closed session held on July 19, 2022.

Commencing in 2019 several conditions were identified on the property, which is located within a FEMA special flood hazard area, constituting violations of both the City's Floodplains and Zoning Ordinances. Violation of the Floodplains Ordinance that occurred in 2019 were the focus of remediation activities in 2020. In 2021 the U.S. Army Corps of Engineers made a determination that the wetlands on the property may be subject to the Corps' authority under the federal Clean Water Act. However, verification of remediation on that occasion was not submitted to the City as required to closeout this violation. This violation has now been functionally superseded by a second continuing violation that occurred in 2022.

Significant grading occurred during 2022 without permits having been obtained and this activity was similar to the 2019 violation for which a violation was also issued by the California Department of Fish and Wildlife (CDF&W). Accordingly, the 2022 violation may be considered

a repeat violation with respect to the overall floodplain and a new violation with respect to unpermitted grading and deposition of spoils adjacent to and within the San Juan Creek watershed.

With the Owner's cooperation City Code Enforcement, Planning, Engineering, Fire Department staff and the City's civil engineering consultant and CDF&W staff have all conducted off and on-site inspections of the property. During these inspections the effects of unpermitted grading and significant deposition and placement of imported fill and grading spoils was observed in the floodplain hazard area adjacent to and within San Juan Creek (see attached photographs).

To date, the City has issued two Stop Work "red tags," five Compliance Orders, two Notices of Violation, and 18 Administrative citations in connection with the conditions and activities on the property (see attached). This matter is also under review by the Central Coast Regional Water Quality Control Board, CDF&W, the U.S. Army Corps of Engineers, and complaints have been received from a neighboring property (see correspondence attached).

Violations of the Zoning Ordinance were also observed following the Stop Work order to correct the grading violation including the storage of automobiles and heavy equipment, as well as use of the property as a contractor's yard. Both of these uses require a use permit.

CDF&W is expected to issue a report following completion of a study characterizing the grading violation and the City will involve CDF&W and the Central Coast Regional Water Quality Control Board to assist in determining the appropriate remediation for the impacts on San Juan Crcck watershed following removal of the illegally placed grading spoils from that area.

The Owner's cooperation in working with the City to identify and remediate conditions on the property has unfortunately been inconsistent. The Owner has granted the City a Right of Entry and gave permission for a drone overflight. Very recently, and with notice that the City would be pursuing a nuisance abatement remedy, on October 13, 2022, the Owner submitted an application for a Development Permit (see attached), a discretionary permit required in order to abate the violation of the Floodplain Ordinance. However, the Owner's application has been determined to be incomplete. Staff will work with the Owner to achieve a complete application but based upon the repeated and lengthy duration of the violations and the Owner's history of fitful cooperation with the City this may not be achievable. The City Attorney was very recently advised that the Owner's previous attorney has terminated his representation. Hence staff is recommending that while continuing to work with the Owner, a second enforcement track be initiated under the provisions of Title 13, "Violations," Article 4, "Noticed Nuisance Abatement Procedures" of the Municipal Code. If the Owner and the City are successful in a cooperative effort the City can suspend or terminate its nuisance abatement remedy, however, the nuisance abatement provisions provide an independent avenue to the City to abate the nuisance on the property if the Owner fails to do so expeditiously and to recover all its costs to do so as a special assessment upon the property in the event the Owner and the City cannot reach agreement reimbursing the City for its cost to abate the nuisance.

The City previously engaged the consulting civil engineering firm of Schaaf & Wheeler to provide a technical memorandum for the City's use in identifying the effect of the placement of

fill and spoils and the resulting volumetric displacement of the floodplain compared to preexisting contours established by a baseline topographic study. However, that study is presently suspended and is unavailable to the Owner due to Owner's subsequent refusals to execute a reimbursement agreement with the City for the cost of the study.

The approaching rainy season, hopefully starting soon, and the recent unpredictable changes in weather patterns makes it imperative that overall contours of the site be returned to their pregrading violation condition and the creek morphology and habitat be restored as expeditiously as possible. Issuance of a Development Permit in accordance with the Floodplains Ordinance is the fundamental remedy for this violation. Time is short to determine if the Owner is able and willing to complete the application and move quickly to take the necessary actions to abate the violations. If not, should the City Council approve the Resolution before you this evening the City can and should take those actions.

The Municipal Code makes a property owner responsible for the City's cost incurred in remediating and abating violations of the Municipal Code. Through August 19, 2022, invoices in a total amount of \$46,360.04 were provided to the Owner for charges incurred by the City and its consultants: CSG Engineering, 4-Leaf, Inc., Harris & Associates, San Benito Engineering & Surveying, and Wellington Law Offices in connection with this matter. The Owner has disputed certain of these invoices and in July and August the Owner made payments in the total amount of \$12,900, making the total due through August 2022 the amount of \$33,460.04. Additional costs have been incurred since that time and will continue to be incurred. The cost for the Schaaf & Wheeler study, for which the Owner has not agreed to pay, is \$27,030. The Owner has been advised that any independent engineering studies undertaken on the Owner's behalf will require peer review which will be for the Owner's account.

Several attempts to negotiate payment of past-due and future costs in context of a reimbursement agreement with the Owner have not been successful and in that effort the City has recently prepared and proffered to the Owner two such agreements, including an agreement based almost entirely upon terms suggested by the Owner which provided for the City to secure its prior costs through a security interest in the property and for the Owner to pay future invoices within 30 days, all in the unsuccessful attempt to address the Owner's professed lack of ability to immediately pay sums due and becoming due through Development Permit process.

Due to the lack of action by the Owner to correct the violation and the incomplete nature of the present pending Development Permit, the staff now suggests that the City Council consider:

1. Declaring that a public nuisance presently exists on the property located at 451 San Juan Hollister Road (APN 002-550-008) in the City as a result of the violations of the Floodplains Ordinance and the maintenance of illegal uses by the business(es) or the owner currently in operation on the property; and

2. Directing the City Manager to cause the Notice to Abate Nuisance to be published and posted on the property as provided by the Municipal; Code; and

3. Scheduling a public hearing, after notice to the Owner and the public as provided in the Municipal Code, for Tuesday, November 15, 2022, to consider all objections to the proposed abatement of the public nuisance.

Respectfully submitted:

Don Reynolds, City Manager Robert Rathie, City Attorney Brian Foucht, Assistant City Manager/Community Development Director

Attached:

Resolution Declaring a Public Nuisance Notice to Abate Violation Photos - 451 San Juan Hollister Road 2019, 2021, 2022 Red Tags, Compliance Orders, Notices of Violation, Administrative Citations 2020-22 Correspondence CDFW, USACE, City staff Development Permit Application October 13, 2022.

RESOLUTION NO. 2022-

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.

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 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 regular meeting of the San Juan Bautista City Council on the 18th day of October 2022, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Don Reynolds, Acting Deputy City Clerk

APPROVED AS TO FORM:

City Attorney



City of San Juan Bautista

The "City of History"

NOTICE TO ABATE NUISANCE

NOTICE IS HEREBY GIVEN that on October 18, 2022, the City Council of the City of San Juan Bautista, by Resolution No. 2022-__, 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.

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

- 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.
- h) Provide a performance bond with the City of San Juan Bautista as the obligee in the amount of the Engineer of Record's estimate of completing the remedial actions plus 15% contingency and administration.

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.

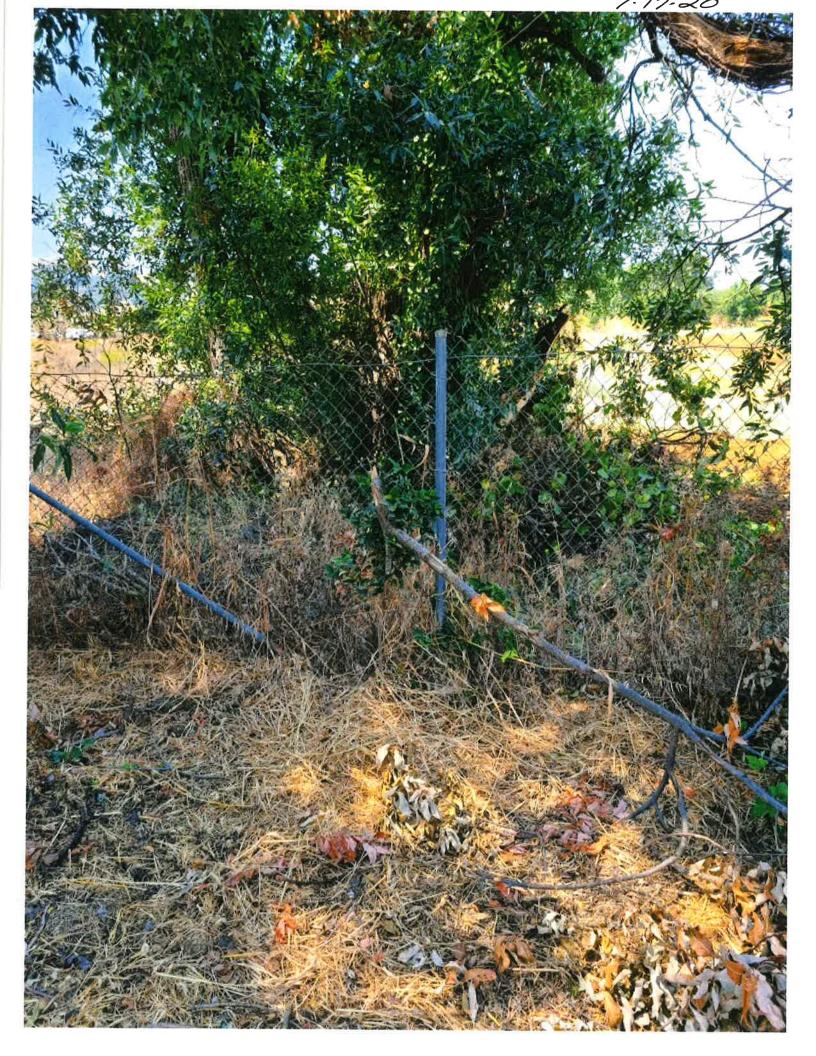
Upon failure to abate such public nuisance through the corrective actions described herein, the nuisance will be abated by the City of San Juan Bautista and all costs of abatement will be assessed against the property on which the nuisance exists and will constitute a special assessment upon and against 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-__) is on file in the Office of the San Juan Bautista City Clerk.

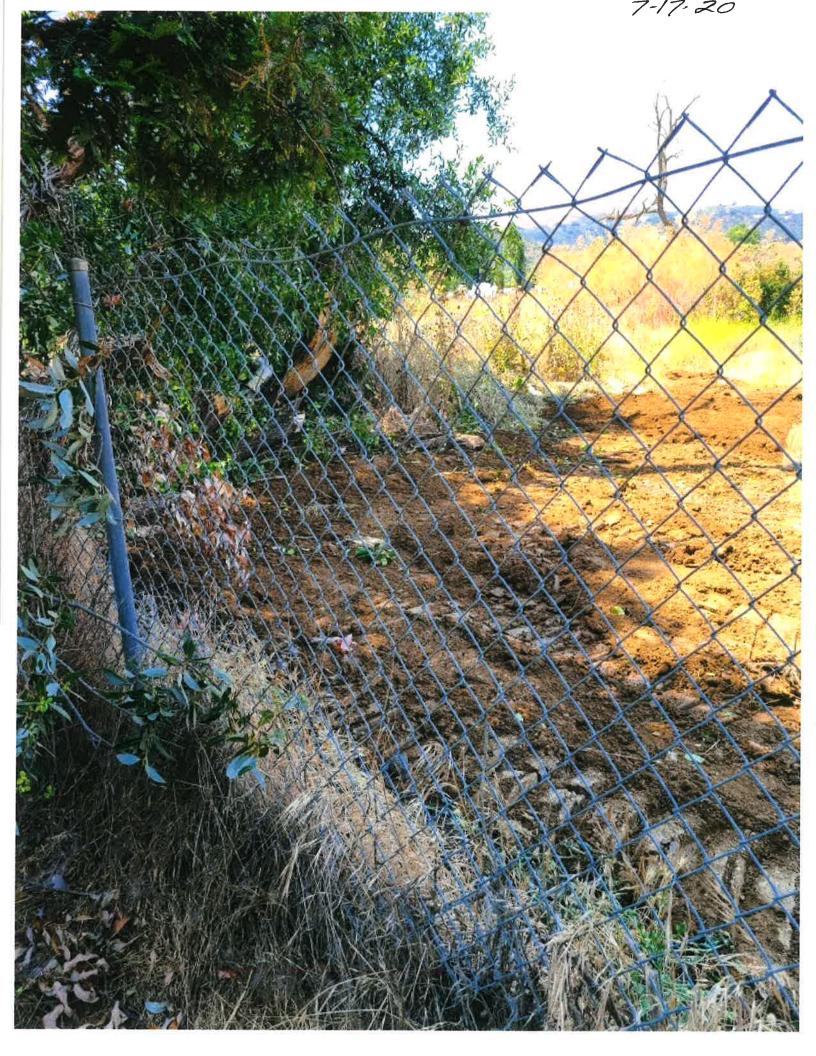
Any property owner or other person(s) objecting to the proposed abatement by the City of San Juan Bautista is hereby notified to attend a meeting of the City Council of the City of San Juan Bautista to be held on November 15 2022, commencing at 6:00 p.m., at the San Juan Bautista City Hall, 311 Second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

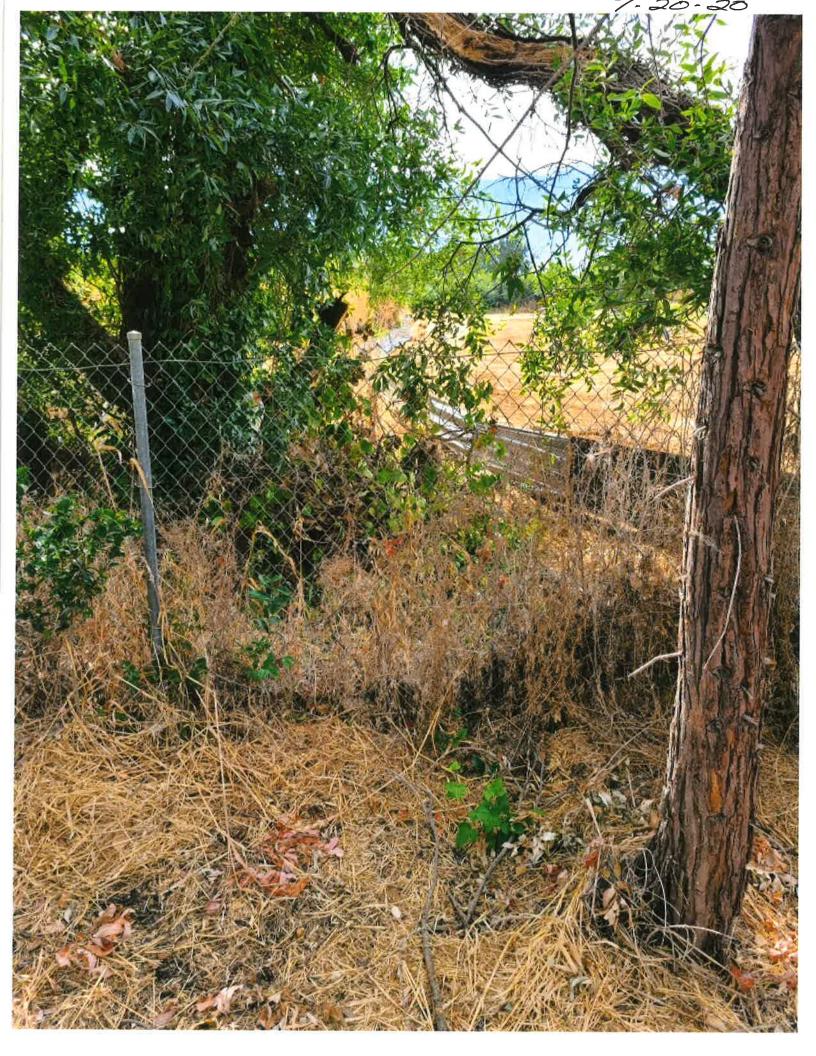
Dated this _____ day of _____, 2022.

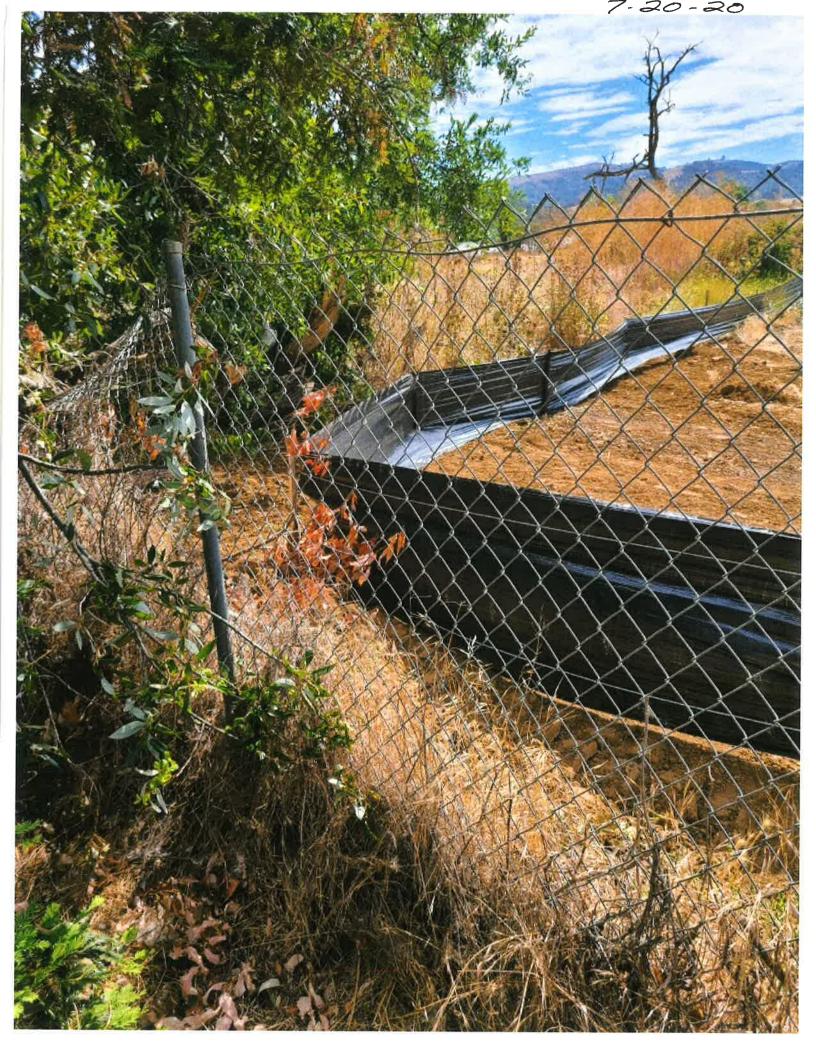
Don Reynolds City Manager City of San Juan Bautista

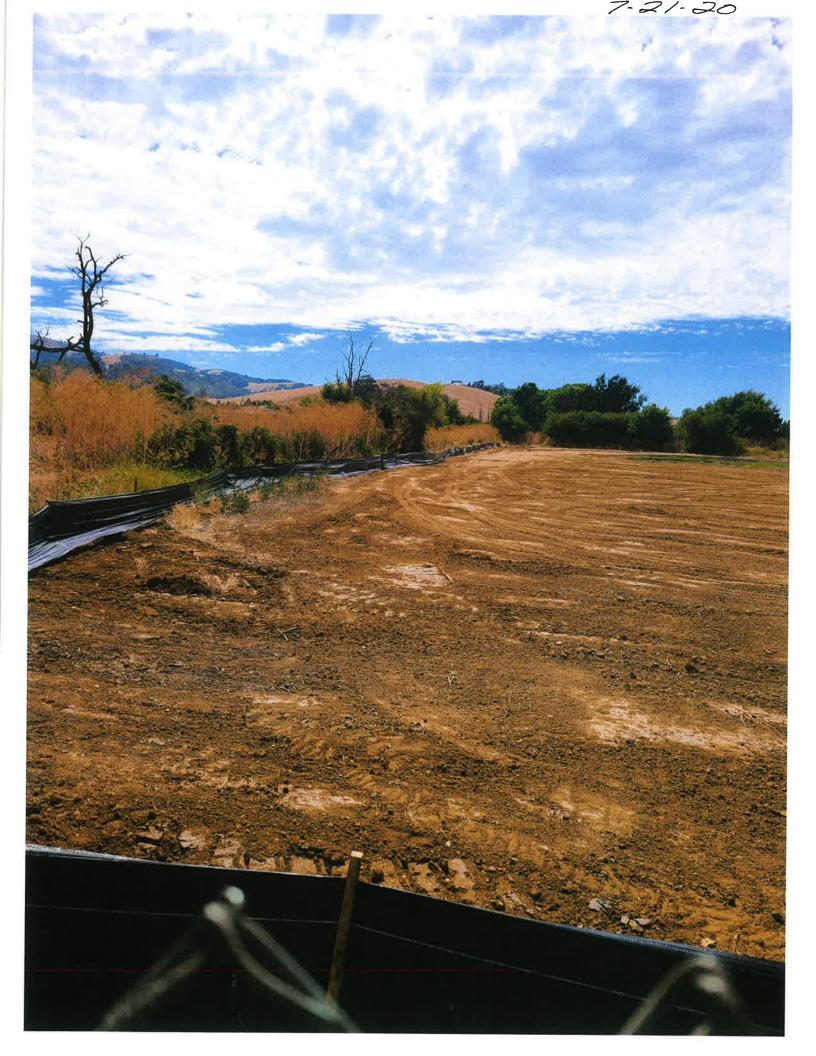


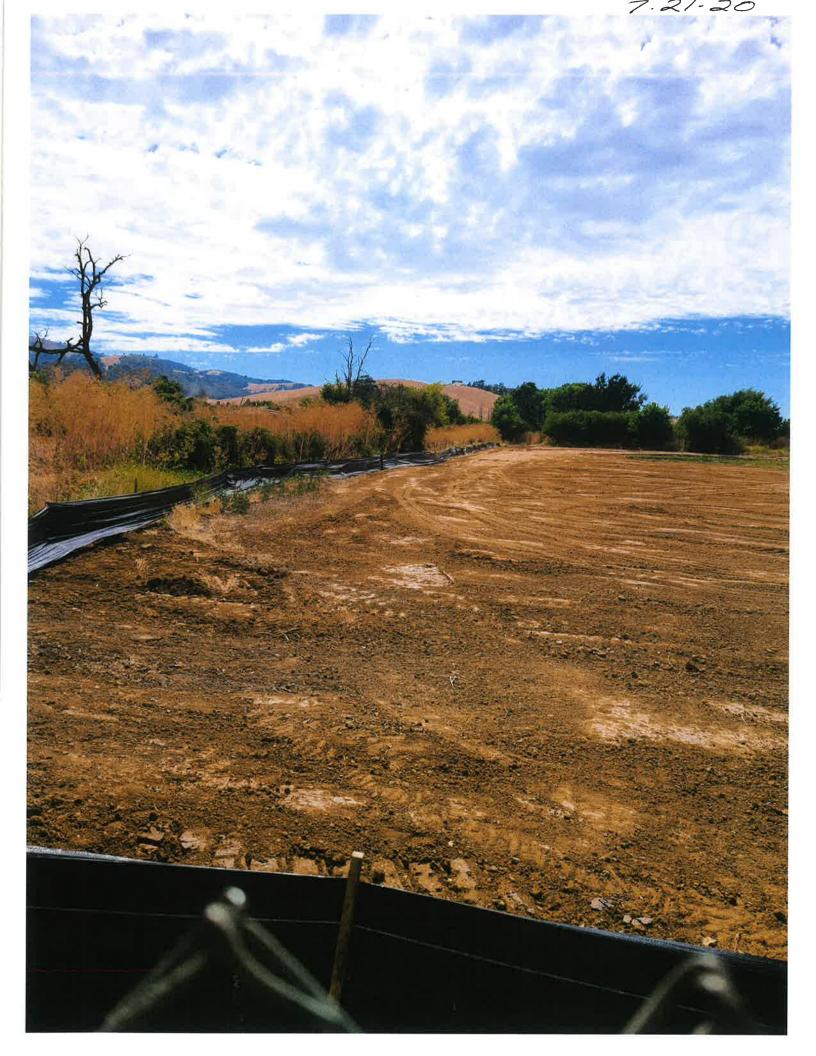


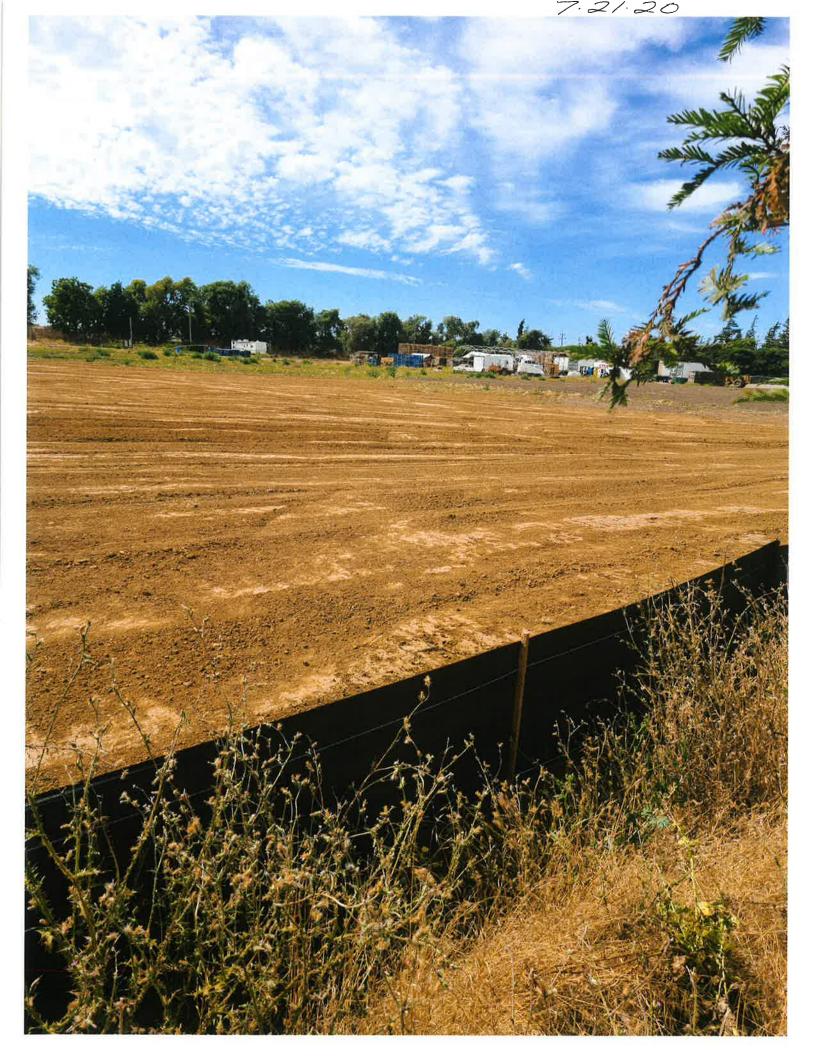












Rich Brown

From:	Rich Brown
Sent:	Sunday, July 26, 2020 10:35 PM
То:	'Cynthia Orozco'
Cc:	Don Reynolds; 'David Mack'
Subject:	RE: Red tag on property for 451 old San Juan Hollister Road

Cynthia, you brought up several issues in your email but I'm only going to respond to the Stop Work Notice at this time and will review the others at a later date. In regards to the Stop Work Notice, unfortunately Warden Sommer informed me he could not say for certain if there was a violation. In addition, he did point out that the wetlands report that I provided him with was generated by the U.S. Fish and Wildlife Service and that agency may have final jurisdiction. I have contacted a representative from that agency and he is researching the matter. As soon as I receive documentation that the area in question is not a wetland and no restoration is required the Stop Work Notice may be removed.

Sincerely,

Rich Brown

Code Enforcement City of San Juan Bautista 831-623-4661

From: Cynthia Orozco <cynthia@midnightexpress.company>

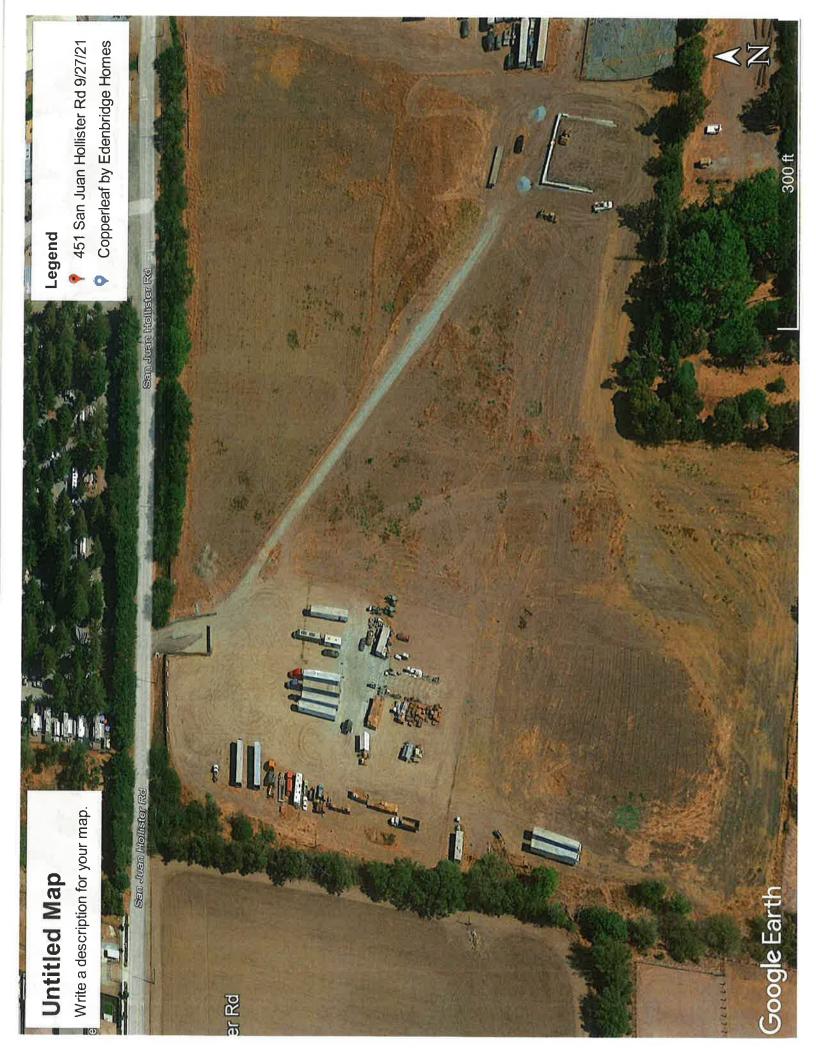
Sent: Thursday, July 23, 2020 3:11 PM

To: Don Reynolds <citymanager@san-juan-bautista.ca.us>; Rich Brown <CodeEnforcement@san-juan-bautista.ca.us> Subject: Red tag on property for 451 old San Juan Hollister Road

Good afternoon Don and Rich, hope all is well. Fish and wildlife agent Kyle Sommer was out on our property yesterday to see if he can determine any kind of violation in regards to wetlands. As per our conversation July 17, 2020 out on our property Rich stated that our red tag would be cleared as soon as fish and game notified that there was no violation. I am more than certain that Kyle has already contacted the city about there being NO violation on our property filed by them. I will take this as our red tag has been cleared since that was the exact thing Rich brown code enforcement officer said he needed to clear the Red Tag. I email you today just to make sure that we are all on the same page in regards to this red tag. I really need this project to continue as time is of essence. The more delay and holdups the more unlikely this project will be completed. This delay also continues the loss of money due to confusion within the city. I would like to address the flood zoning and elevation of property again. I am in no rush to be in battle with the city and I'm hoping the city feels the same about us. But as I addressed before if there are state laws that we need to follow in regards to flood zoning then I'm assuming the city needs to also follow the same laws. No one is above the law.... Since you were all out at our property on July 17, 2020 I still continue to see truckloads of dirt coming to the Cities property adjacent to ours. It is obvious that the city is elevating the property out of the flood zone (without state or FEMA Permission) which will result in impacting the water flow and putting more water into my property. I by no means I am enthused by the idea that the Moore's property and the Ramsey property behind me, the city on the Adjacent side to us and then the RV park in front of us are all either dumping water into my property or detaining the natural water flow off our property. This is putting us at higher risk that the next storm that comes through we'll end up with a lake. I am asking you to address this situation before it becomes a legal matter, which will result in unnecessary loss of money. Please let me know how the problem with both the red tag and the elevation of flood zoning will be resolved. Thank you both. Have a great day.







STOP WORK

831-623-4661 San Juan Bautista, CA 95045 311 Second Street + P.O. Box 1420 Building Inspection Office ATSITUAB NAUL NAS 30 YTID

NOTICE

ON THIS STRUCTURE. REFORE DOING ANY FURTHER WORK CONTACT BUILDING INSPECTION OFFICE

DATE: - INSPECTOR

DO NOT REMOVE THIS NOTICE

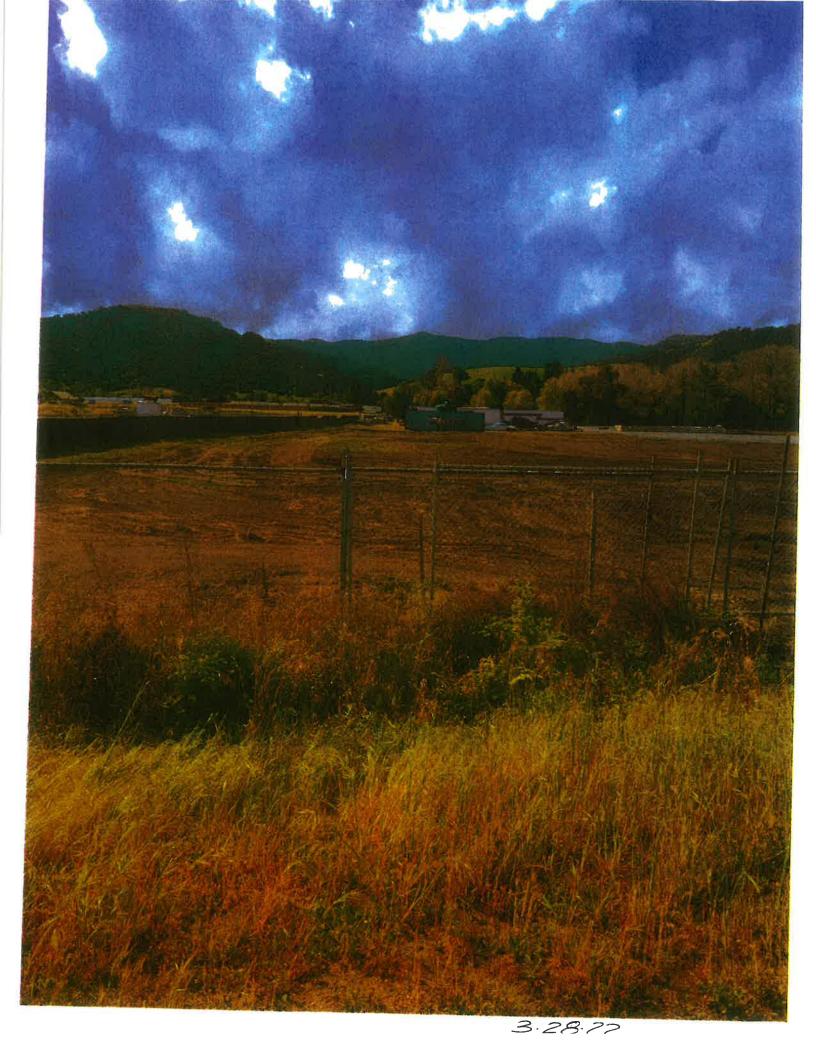
PORTION OF CARD WITH YOU. DETACH AND BRING THIS

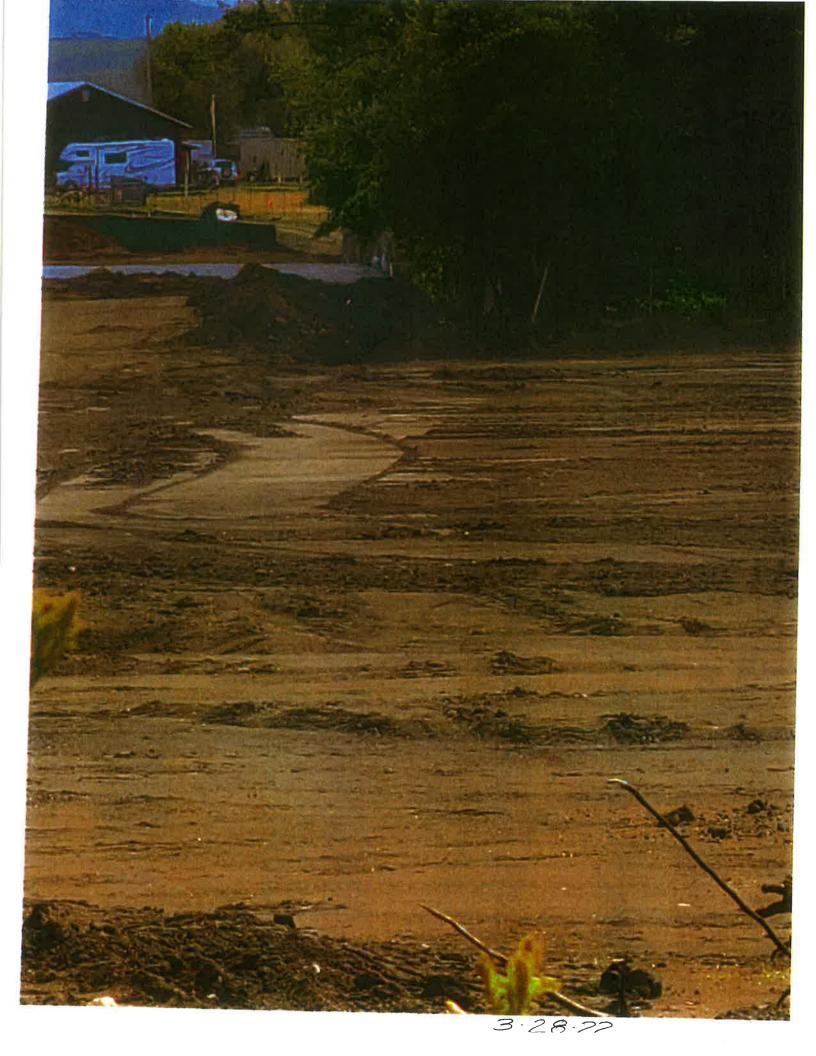
Location:

Dates

TYPE OF VIOLATION:

INSPECTOR:

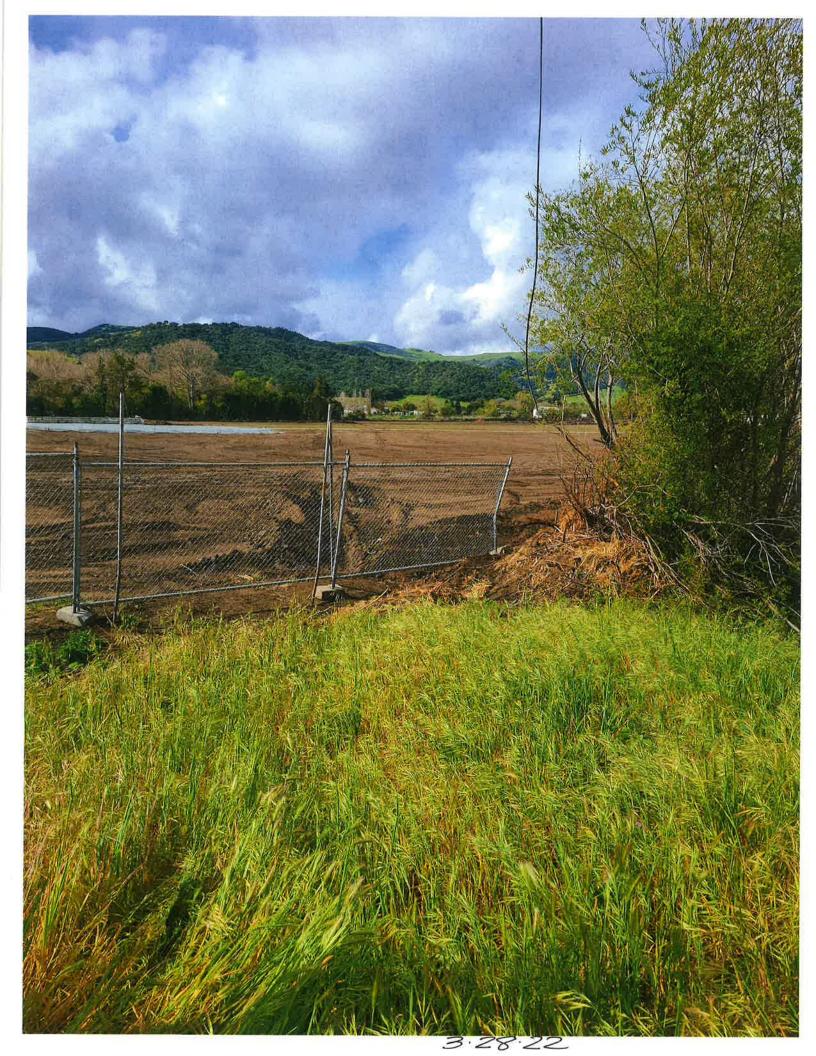


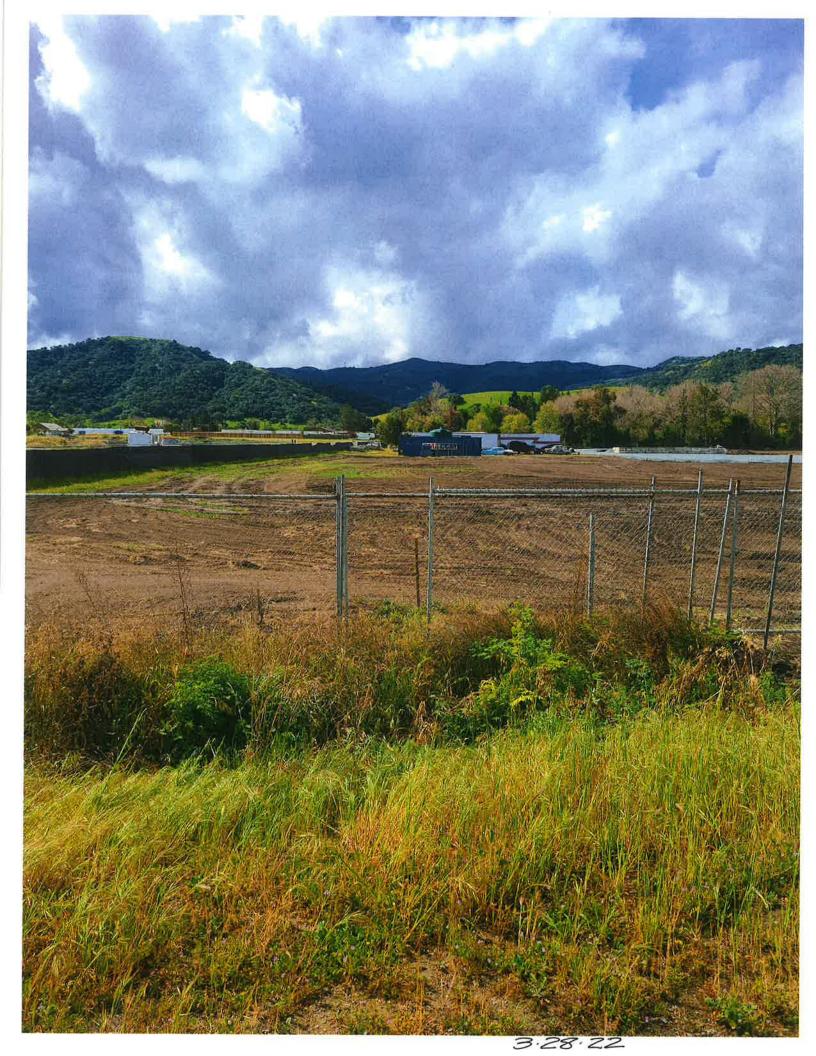




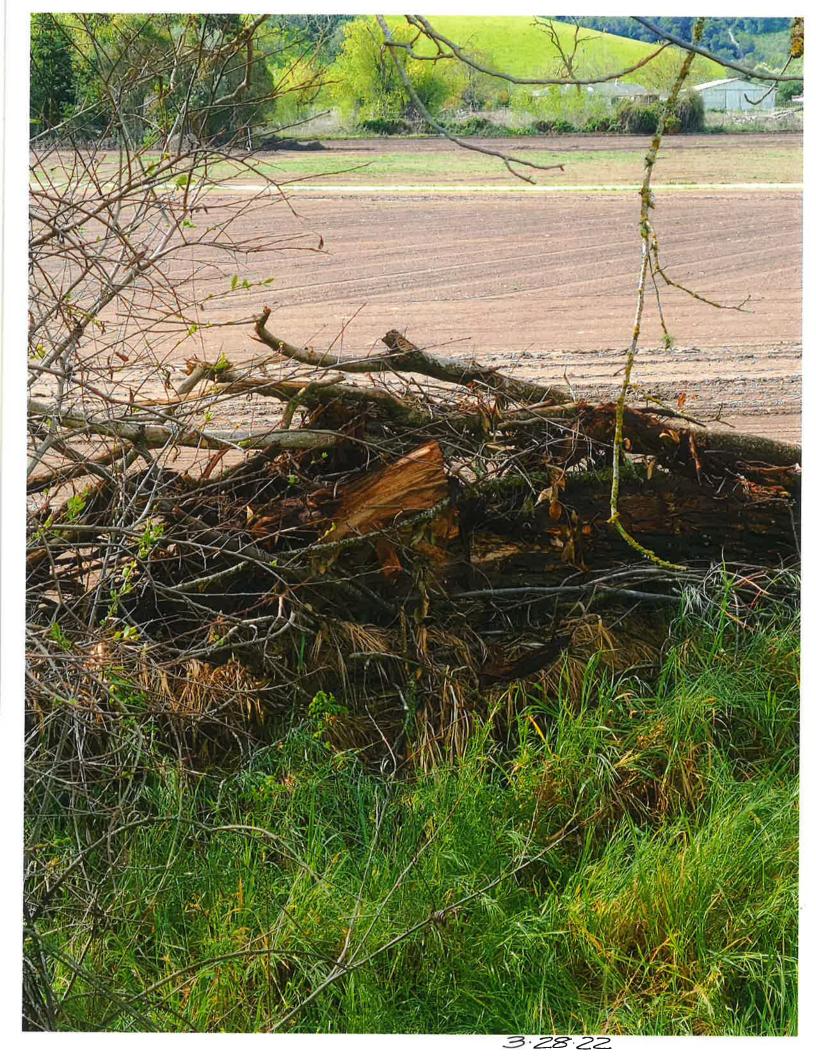






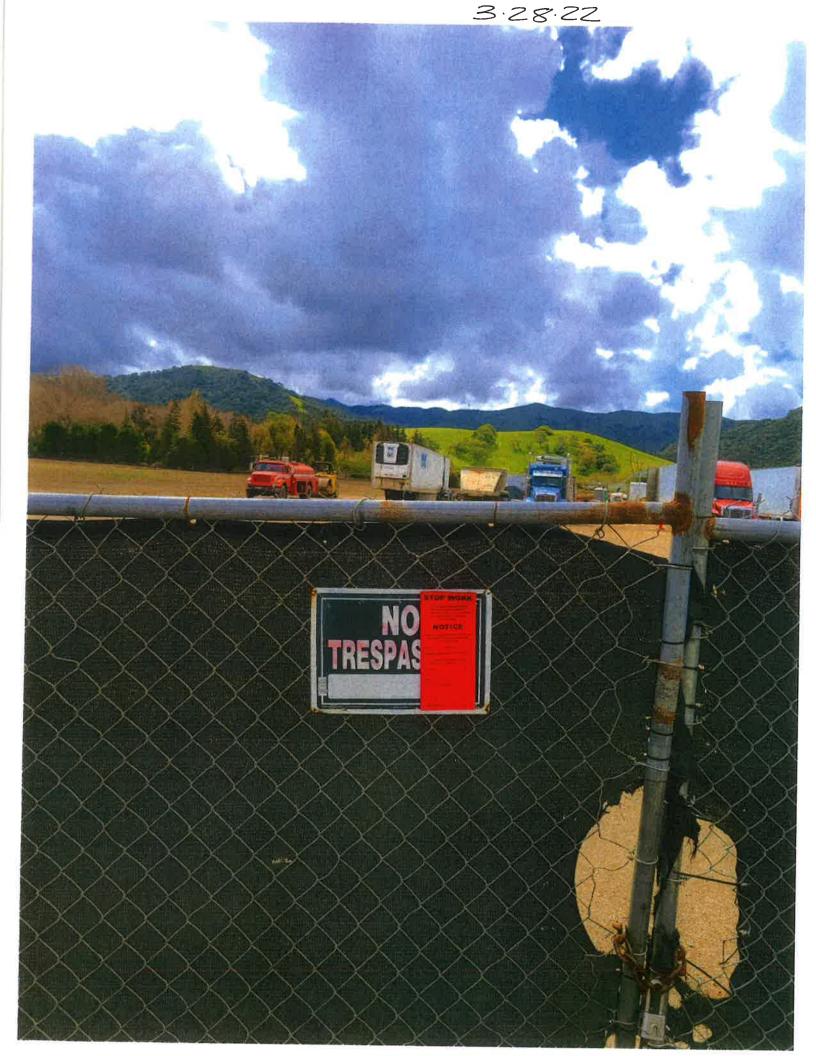


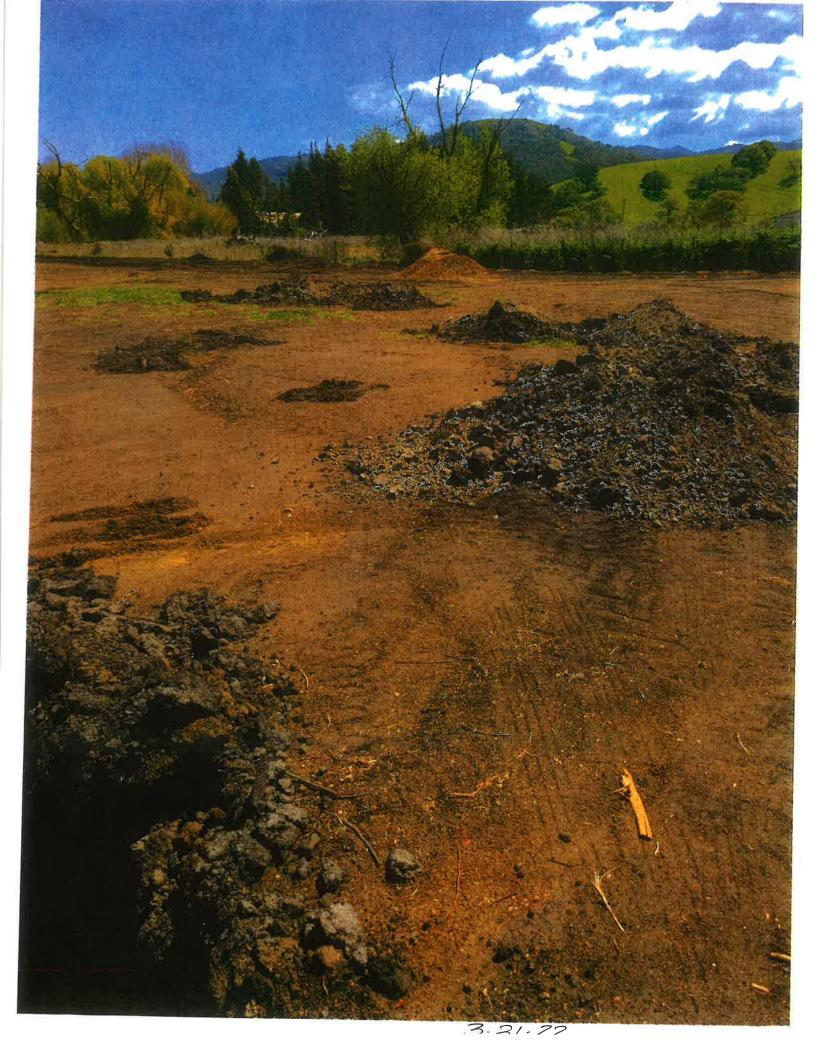


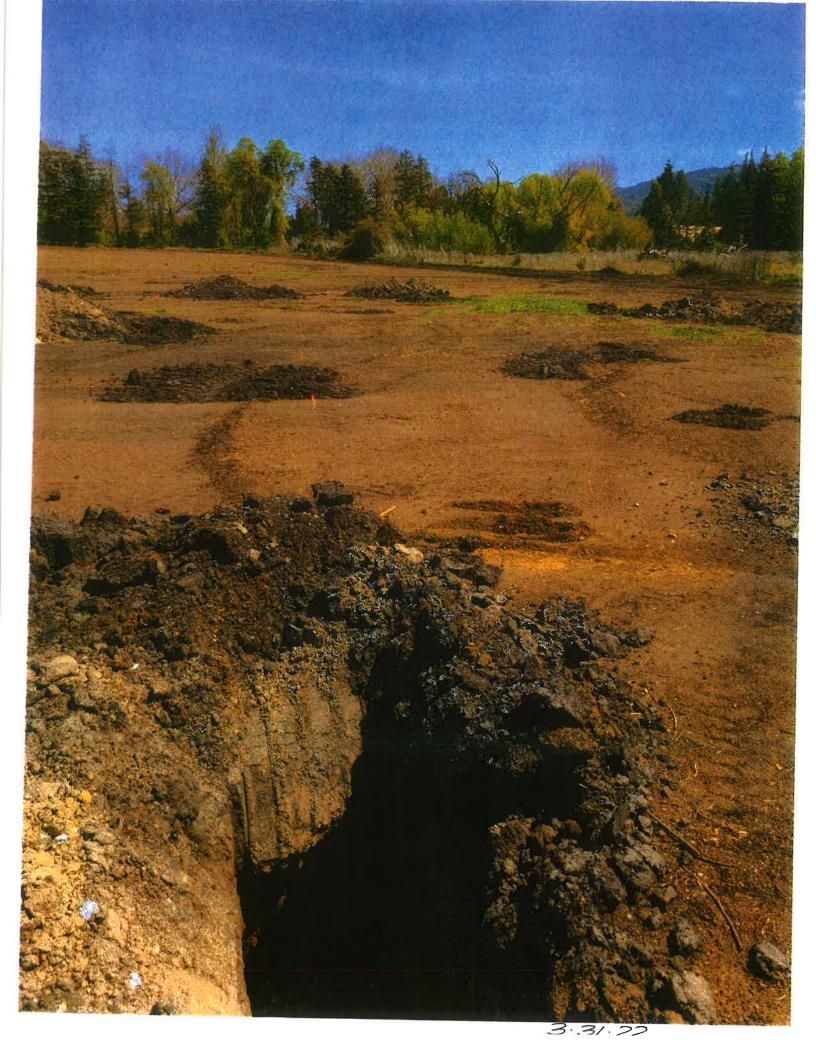


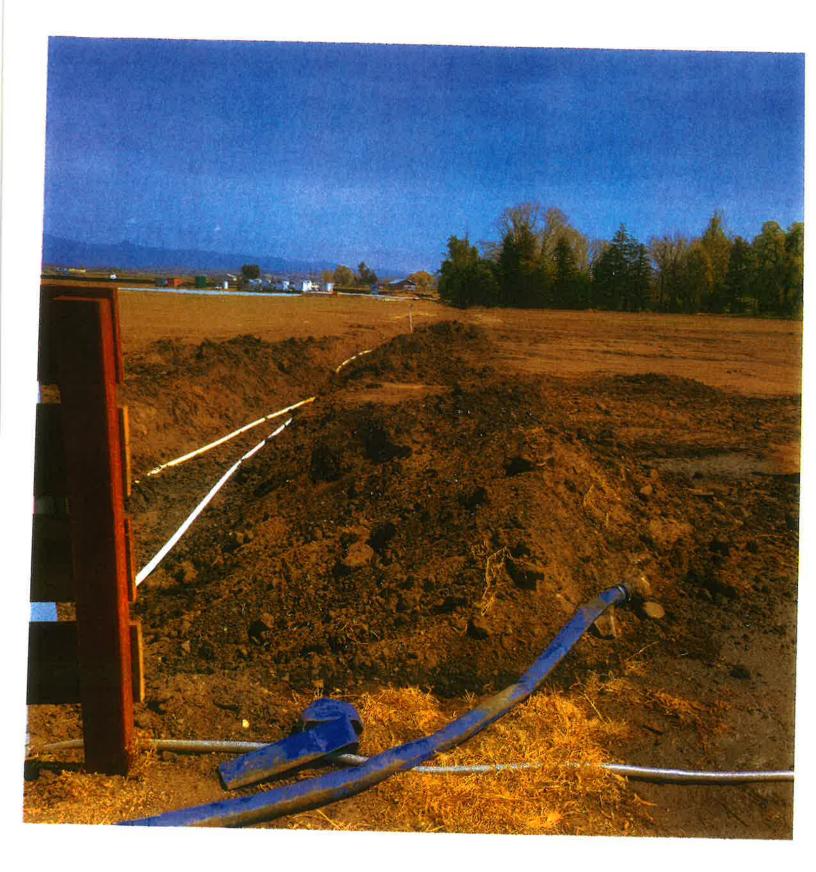




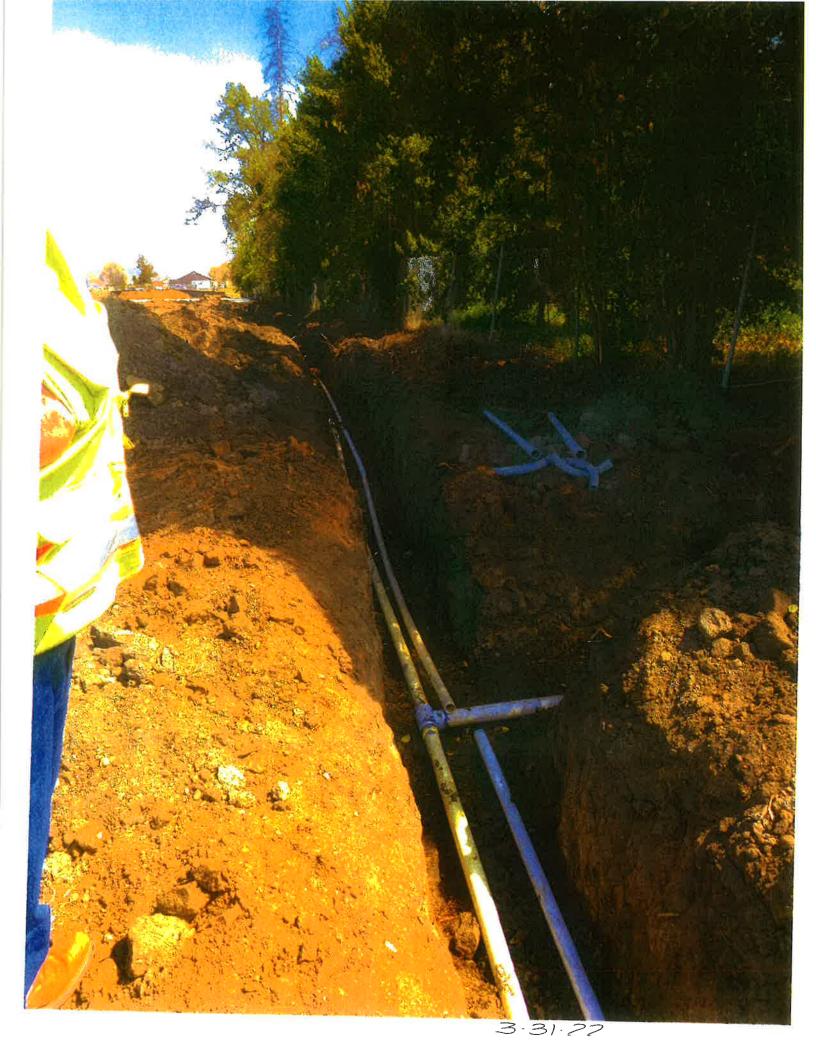






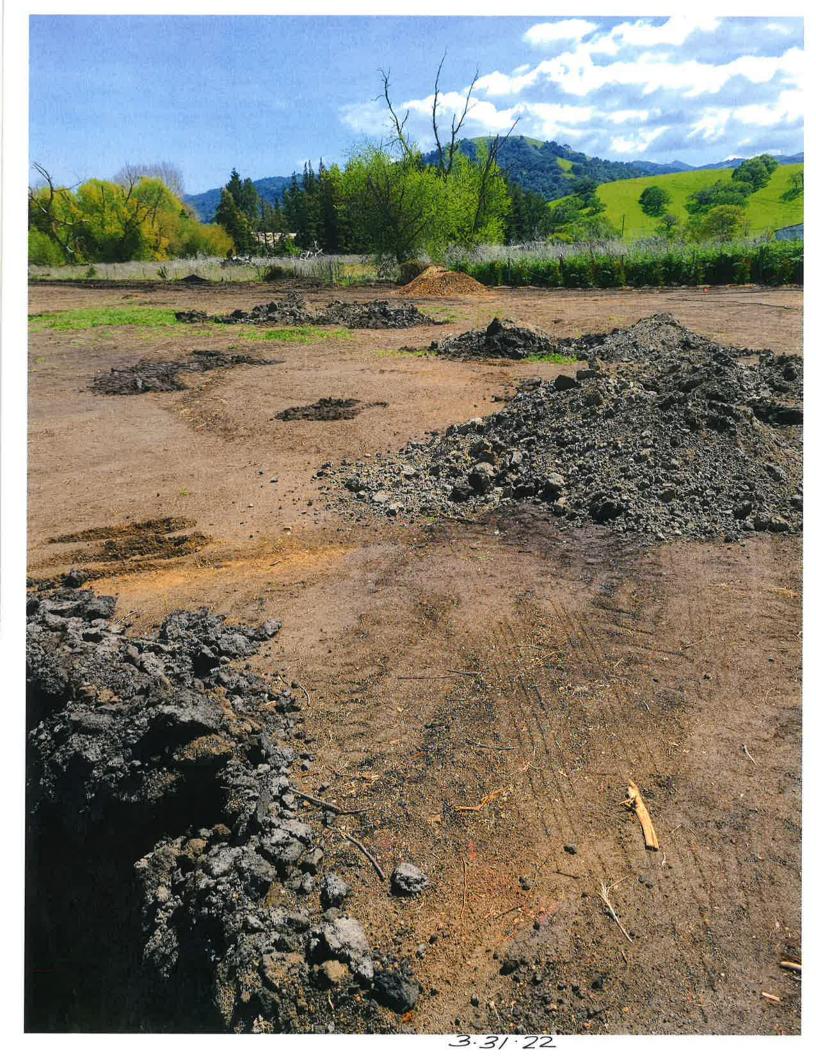


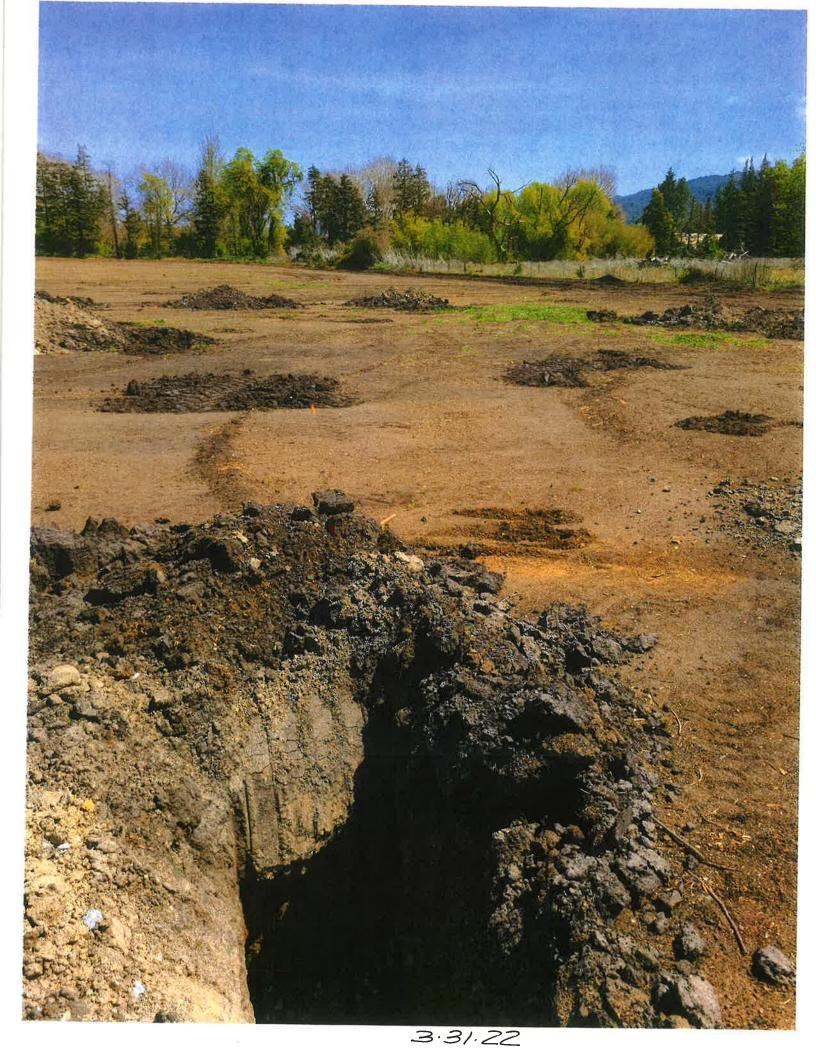






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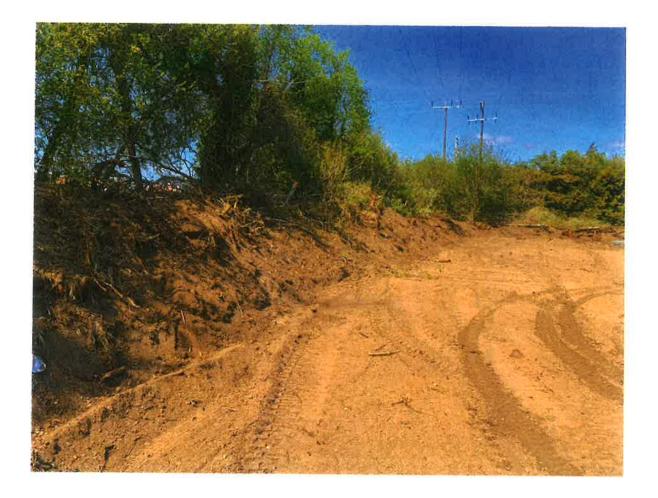


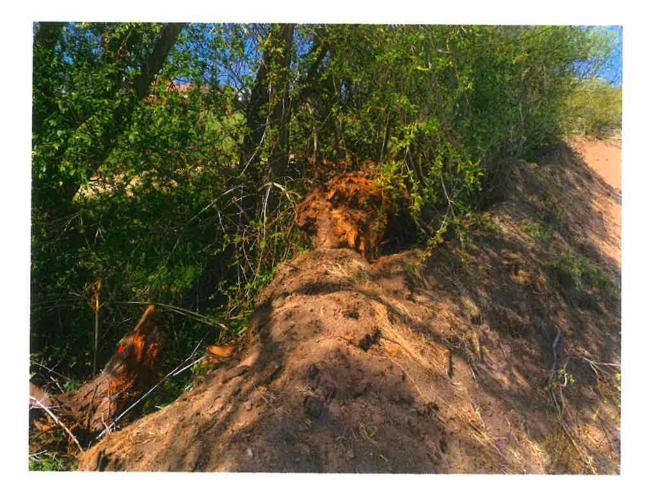


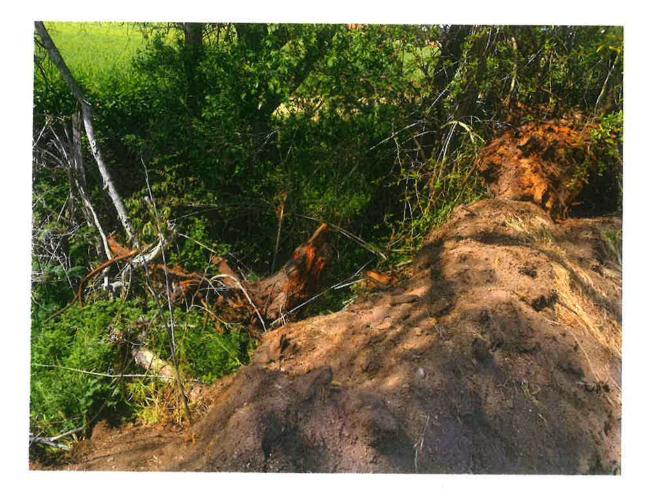


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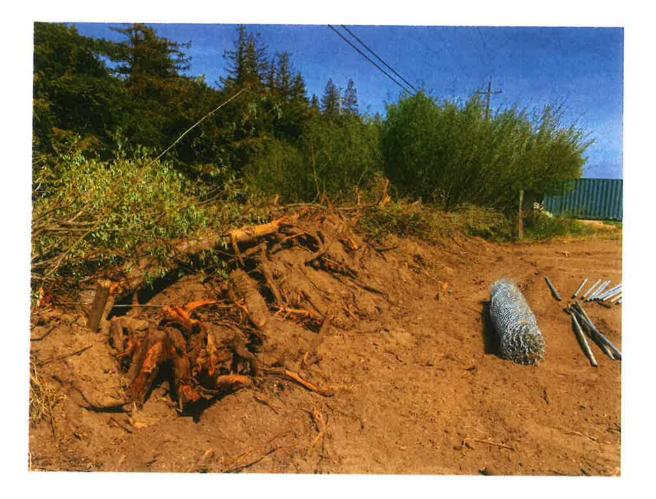






















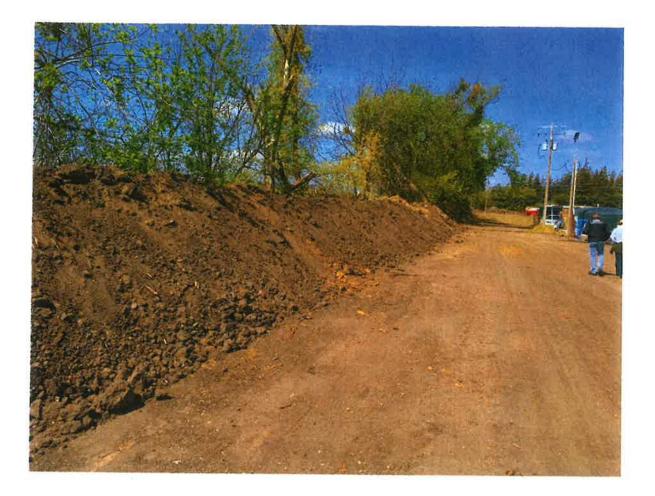






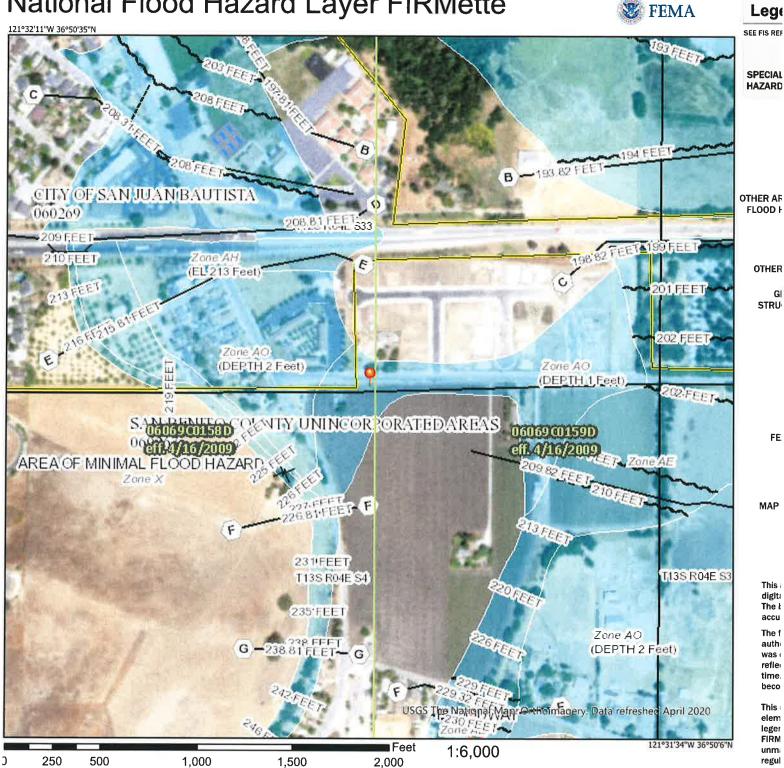








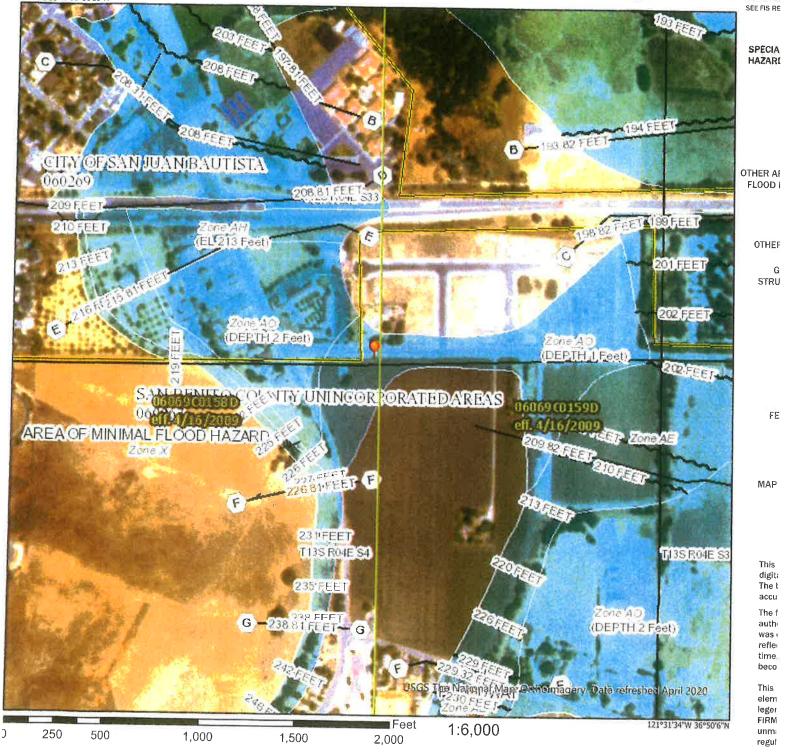
National Flood Hazard Layer FIRMette



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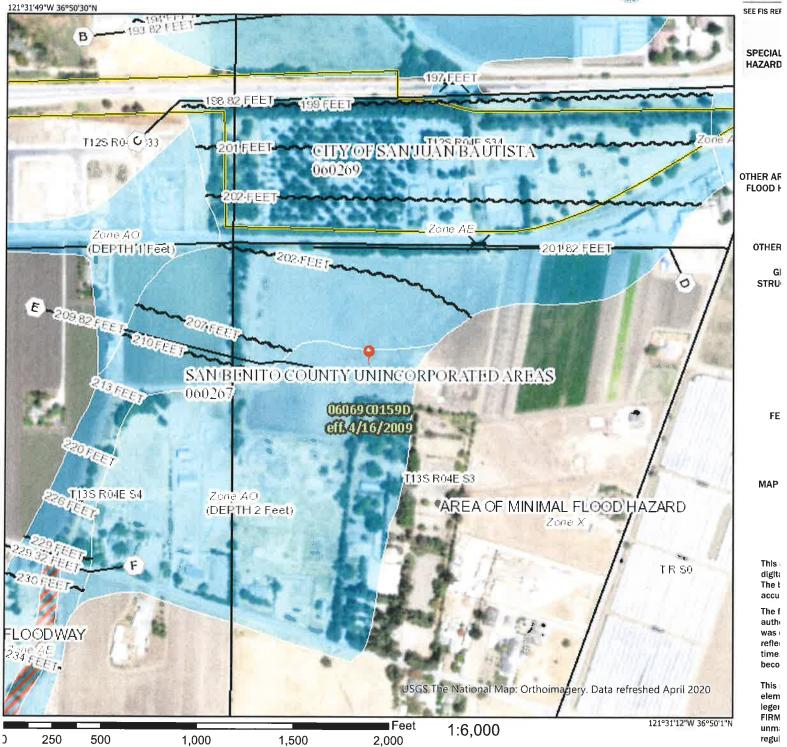
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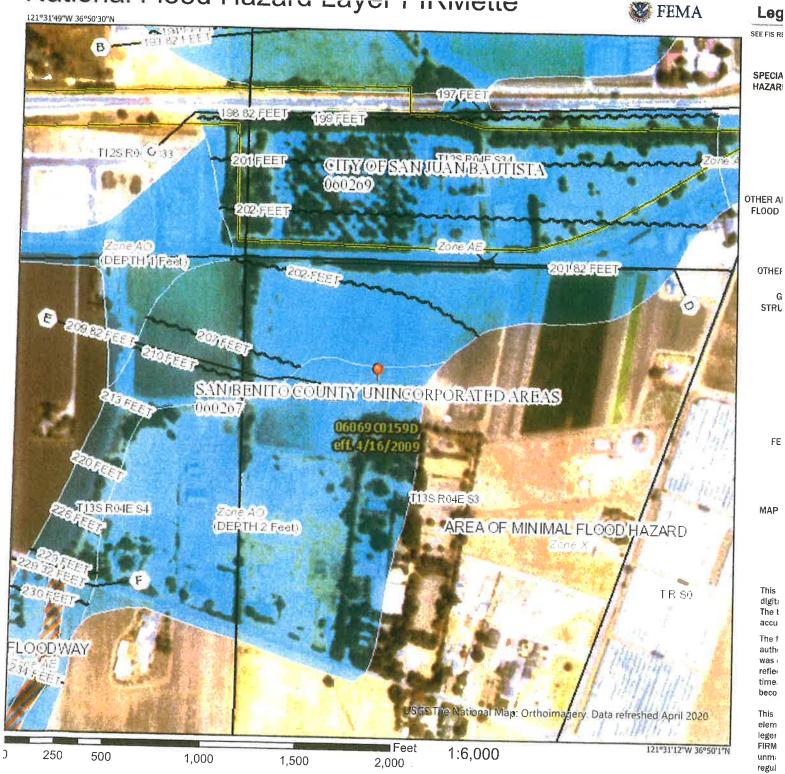
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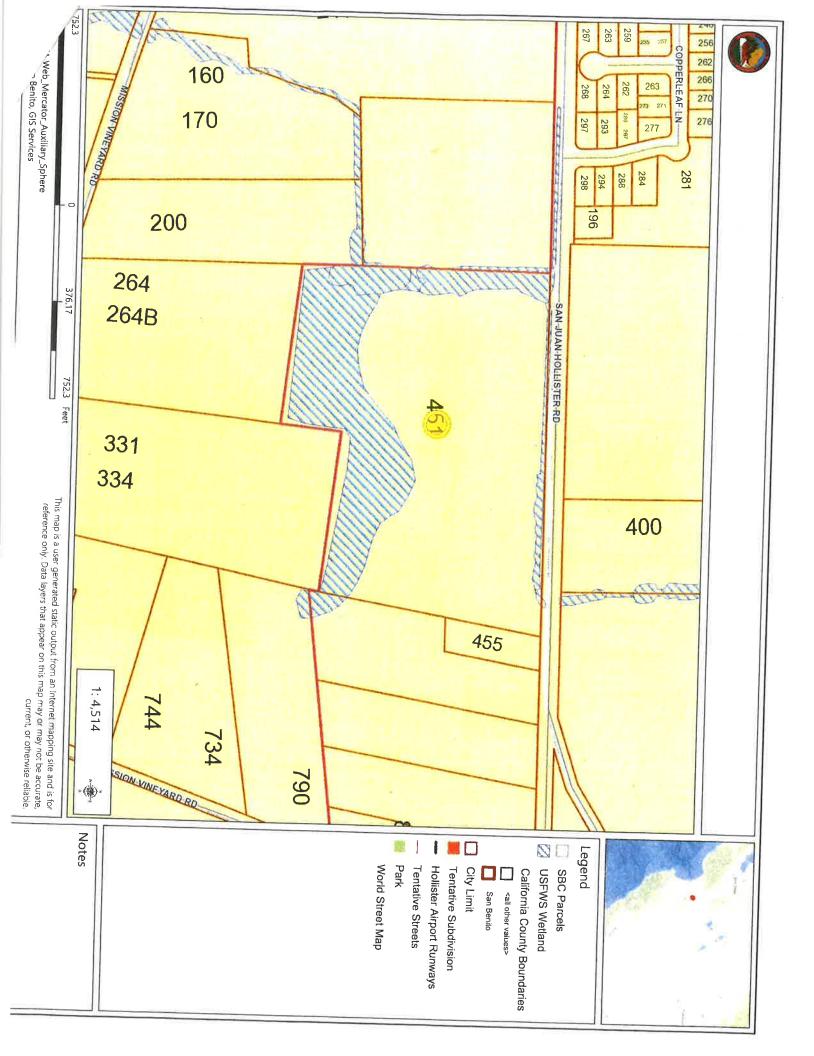
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The "City of History"

City of San Juan Bautista Compliance Order

October 5, 2020

Owners: Orozco Flores Luis Ramon ET UX & Maria Cynthia Location: 451 San Juan Hollister Road Violation(s): SJBMC 12-1-080.

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

Dear Cynthia Orozco,

We have been in contact with several agencies involving several jurisdictions and have not been able to come to a consensus in regards to who will be the lead agency regarding the enforcement of the wetland's violation. Rather than waiting any longer, the City is enforcing the violation of San Juan Bautista Municipal Code Section 12-1-080 (Copy attached) which regulates methods of reducing flood losses. You have placed materials in the floodplain as delineated by the attached maps.

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) this report must be submitted by October 19, 2020.

Your cooperation in this matter is greatly appreciated.

Sincerely, SAUX

Rich Brown Code Enforcement - City of San Juan Bautista Office Phone 831-623-4661 Cell Phone 831-902-0615

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

12-1-080 Methods of reducing flood losses.

In order to accomplish its purposes, this Chapter includes methods and provisions to:

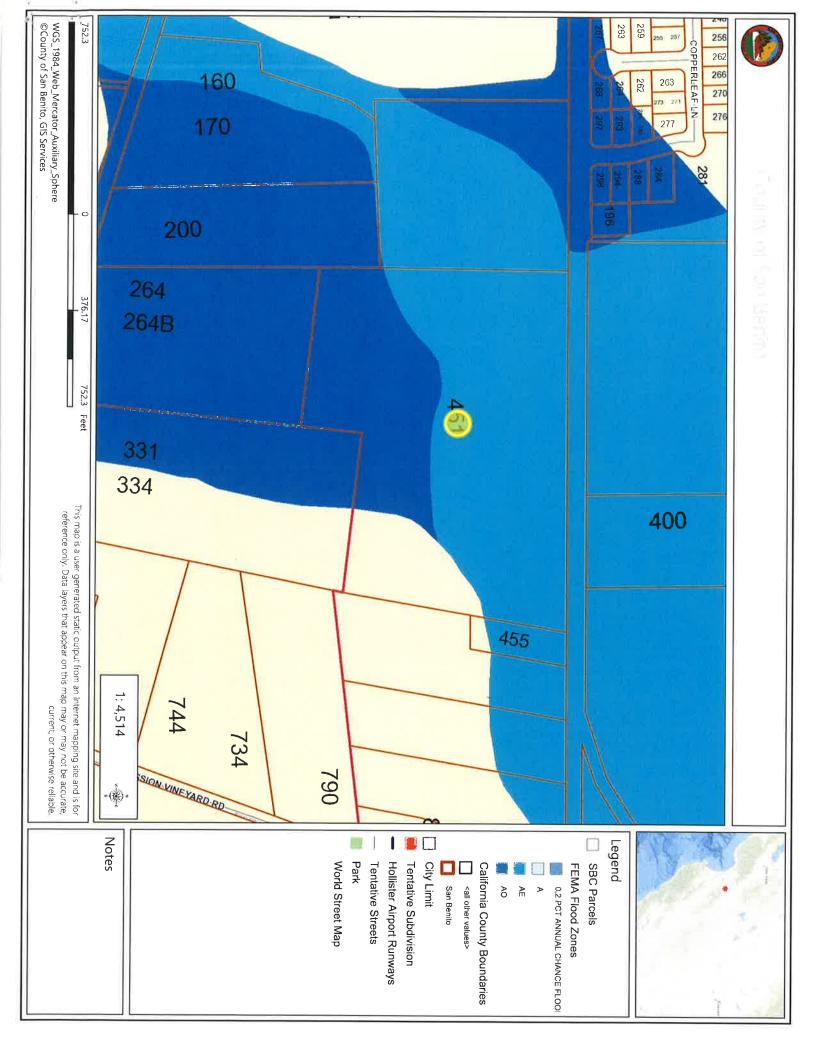
(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

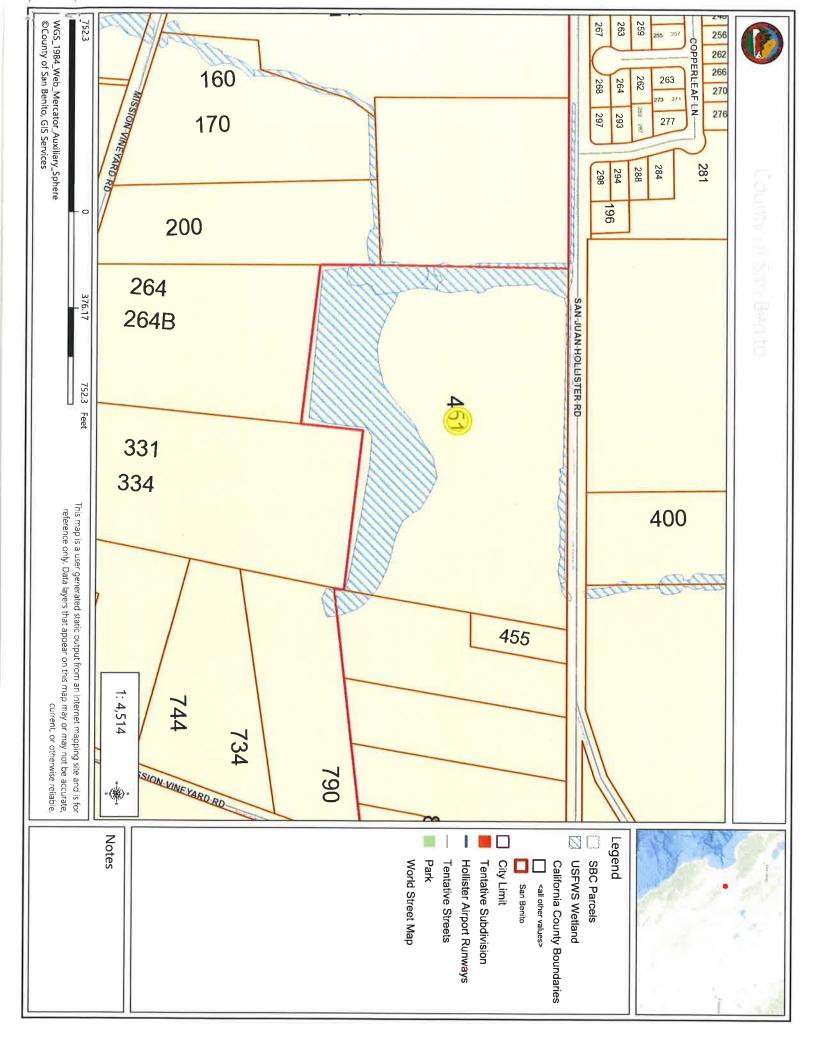
(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

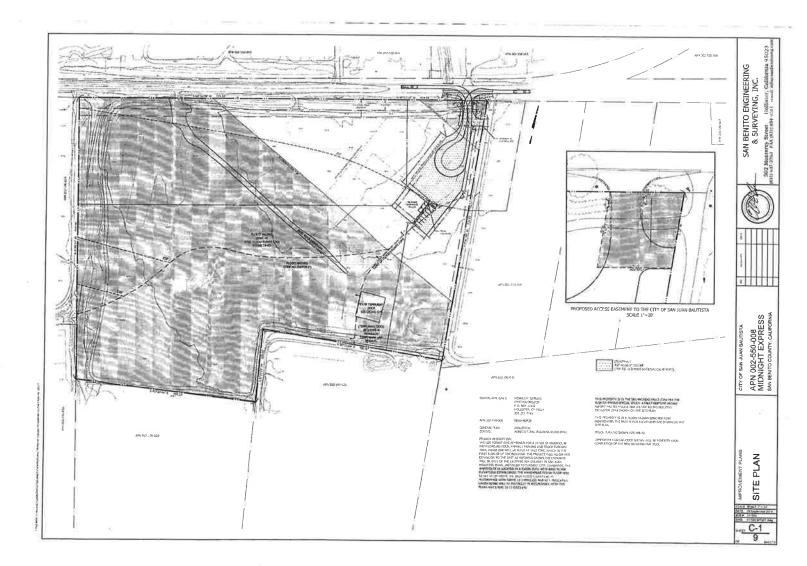
(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(D) Control filling, grading, dredging, and other development which may increase flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.







ŝ,





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 Second Compliance Order

October 23, 2020

Owners: Orozco Flores Luis Ramon ET UX & Maria Cynthia Location: 451 San Juan Hollister Road Violation(s): SJBMC 12-1-080.

Cynthia Orozco PO Box 1712 Hollister, CA 95024

Dear Cynthia Orozco,

This office sent you a Compliance Order dated October 5, 2020 with a deadline of October 19, 2020 to submit an engineered report to be approved by the City, outlining how the imported materials will be removed and the land restored to its historical condition. As of the date of this Second Compliance Order we have not received the required report. In order to process any new permits for the property all violations must be cleared. In order to go forward with any new permit applications other than those that may be required to clear the violations and avoid any future enforcement action by the City, you must submit the required report by October 30 2020.

I have attached a copy of SJBMC Section 12-1-210 Compliance for your review.

Your cooperation in this matter is greatly appreciated.

Sincerely, soun

Rich Brown Code Enforcement - City of San Juan Bautista Office Phone 831-623-4661 Cell Phone 831-902-0615



The "City of History"

City of San Juan Bautista Third/Final Compliance Order

November 12, 2020

Owners: Orozco Flores Luis Ramon ET UX & Maria Cynthia Location: 451 San Juan Hollister Road Violation(s): SJBMC 12-1-080.

Cynthia Orozco PO Box 1712 Hollister, CA 95024

Dear Cynthia Orozco,

This office sent you two Compliance Orders one dated October 5, 2020 with a deadline of October 19, 2020 and a second dated October 23, 2020 with a deadline of October 30, 2020 to submit an engineered report to be approved by the City outlining how the imported materials will be removed and the land restored to its historical condition. As of the date of this Third Compliance Order we have not received the required report. In order to process any new permits for the property all violations must be cleared. In order to go forward with any new permit applications other than those that may be required to clear the violations and avoid any future enforcement action by the City, you must submit the required report immediately to prevent legal action.

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

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

12-1-210 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall, at the City's discretion, constitute an infraction or misdemeanor pursuant to the California Penal Code. Nothing herein shall prevent the City of San Juan Bautista from taking such lawful action as is necessary to prevent or remedy any violation.

Any person filling, grading, or constructing within a designated flood hazard area shall obtain all necessary permits prior to commencement of these activities. If a landowner or other individual places fill or structures within a designated floodway or flood hazard area without proper permits, the City shall issue a notice of violation to remove said fill or structures. If fill and/or structures are not removed within the time limit given by the City the City shall begin abatement procedures to remove said nuisance. The landowner will be charged for the cost of abatement.



The "City of History"

City of San Juan Bautista Compliance Order

May 20, 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,

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

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

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

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

Your cooperation in this matter is greatly appreciated.

Sincerely,

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

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

City Council Mayor Mary Vazquez Edge

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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 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



The "City of History"

10-DAY NOTICE OF VIOLATION

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

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

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Councilmember Dan DeVries

City Manager Don Reynolds

City Clerk Laura Cent

City Treasurer Chuck Geiger

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Use (Commercial)	R-1	R-2	R-3	С	MU		Р	PF	A
Bed and breakfast inns		Р	Р	Р	С				
Bars, nightclubs				С	С				
Bicycle sales, rentals and service				Р	P	P			
Blueprinting services			<u>E</u>			С			-
Boat sales, new/used						С		9	
Bowling alleys				С		С			
Breweries			-	С		С			
Building materials, services						С			
Business services				P	Р				
Cannabis facilities			0			С			
Card rooms				С		С	-		-
Catering services				Р		Р			1
Cemeteries, public and private						1		P, S	
Commercial recreation and entertainment						С	С		С
Communication facilities						С		С	С
Community gardens	С	С	С					С	
Contractor's yards						C			
Convenience stores, retail				С	С				
Dance studios, gymnasium, music studios				С		С			
Drug stores, retail				P	Р				
Equipment sales, services, and entals		1					С		С
eed stores				С		P, S			P, S
inancial institutions				Р	P				
ood and beverage sales, /holesale				Ρ	Р				
ortunetelling				С	С				
uneral services				С		С			
Galleries, arts, crafts, and artist tudios					Ρ			-	
iolf courses								С	
rocery stores and delis				P	Р				
e cream shops				P	P	,			

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

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

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Use (Commercial)	R-1	R-2	R-3	С	MU	1	P	PF	A
Adult entertainment						С			
Agricultural machinery sales and service						P			
Agricultural processing facilities, when processing products raised on the same property									С
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									С
Alcoholic beverage, off-site sales		9		Р	Р	Р			*
Alcoholic beverage, on-site sales				C, P	C, P	С			
Ambulance services				С		Р		P	
Animal boarding and services						С			С
Animal hospitals/veterinary offices						С			
Antennas and telecommunications facilities				С	С	С		С	С
Antique and collectible shops				Р	P	P			
Assembly use/public assembly	С	С	С	С	P		С	С	
Auction houses				С	С	С			С
Automated teller machines (ATMs)				С	С				
Automobile sales, new/used						С			
Automobile service stations, repair				С		С			
Automobile parts				Р		Ρ			
utomobile storage						(C./			С
utomobile washing				С		С			
akeries, retail				Р	Р				
akeries, wholesale						P			
anks				Р	P	-			

https://www.codepublishing.com/CA/SanJuanBautista/#!/SanJuanBautista11/SanJuanBautista1102.html

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

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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

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,

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 onsite 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 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,

Brown

Rich Brown

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



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 subsequence 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,

hAux) 1

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

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Councilmember Cesar Flores

Councilmember John Freeman

Councilmember Dan DeVries

City Manager Don Reynolds

City Clerk Laura Cent

City Treasurer Chuck Geiger

9/16/22, 1:23 PM

Chapter 13-1 ENFORCEMENT

After the City Council has confirmed the report of costs to abate the nuisance, and if such costs have not been paid in full, the City Clerk shall transmit a copy of the report together with a copy of the resolution confirming the same to the County Tax Collector, who shall add the amount of abatement costs, or unpaid portion thereof, to the next regular tax bill as a special assessment for municipal purposes levied against the property on which the nuisance was maintained or from which said nuisance extended. The amount of the assessment shall be collected at the time and in the manner as ordinary municipal taxes. If such assessment is delinquent, the amount shall be subject to the same interest and penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

13-1-560 Taxes paid in error – Refunds – Claims.

The City Council may order refunded all or any part of a tax paid pursuant to the provisions of this Article if the City Council finds that all or any part of the tax has been erroneously levied. A tax, or any part thereof, shall not be refunded unless a claim is filed with the City Clerk on or before March 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax or his guardian, executor, administrator, personal representative or successor interest.

Legislative History: Ord. 96-02 (5/21/96).

9/16/22, 1:23 PM

Chapter 13-1 ENFORCEMENT

NOTICE OF ABATEMENT OF NUISANCE AND FIXING OF SPECIAL ASSESSMENT

NOTICE IS HEREBY GIVEN that the City of San Juan Bautista has caused to be removed from _______, a public place, certain encroachments thereon or obstructions therein described as _______ which constituted a public nuisance. An itemized written report showing the costs of such removal is on file in the Office of the City Clerk. Reference is hereby made to such report for further particulars. It is the intention of the City Council of the City of San Juan Bautista to make the costs of such removal a special assessment against the property on which said nuisance was maintained or from which said nuisance extended, said assessment to be collected at the same time and in the same manner as ordinary municipal taxes. The property to be assessed is described as follows:

Any property owner objecting to the proposed special assessment is hereby notified to attend a meeting of the City Council of the City of San Juan Bautista to be held on ______, 20____, commencing at 7 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 ____ day of _____, 20___.

City Manager City of San Juan Bautista

13-1-535 Notices – Publication and mailing.

(A) In addition to posting the **notice** required by SJBMC <u>13-1-525</u>, the City Clerk shall publish such **notice** once in a newspaper of general circulation in the City, and mail such **notice** to each owner of the property described in the **notice**, as shown by the latest assessment roll available to the City on the date of mailing.

(B) The **notice** shall be published and mailed by the City Clerk at least fifteen (15) days prior to the time for hearing by the City Council of the objections to the proposed assessment.

(C) The **notice** published and mailed by the City Clerk shall be substantially in the form set forth in SJBMC <u>13-1-530</u>, except that such **notice** shall be signed by the City Clerk.

13-1-540 Hearing.

At the time stated in the **notice** set forth in SJBMC <u>13-1-530</u>, the City Council shall receive and consider the report of costs provided for in SJBMC <u>13-1-520</u> and shall hear any objections of the owners of the property to be assessed for the abatement costs. The City Council may modify the report if deemed necessary. The hearing may be continued from time to time.

13-1-545 Action by City Council.

At the conclusion of the hearing provided for in SJBMC <u>13-1-540</u>, the City Council shall allow or overrule any objections to the proposed assessment. If no objections have been made at the hearing or the City Council has overruled those made, the City Council shall, by resolution, confirm the report of costs as submitted or modified.

13-1-550 Payment of abatement costs.

The City Manager may receive payment in full of the abatement costs charged against a parcel of land at any time after confirmation of the report by the City Council pursuant to SJBMC <u>13-1-545</u> and prior to the filing of such report with the County Tax Collector pursuant to SJBMC <u>13-1-555</u>.

13-1-555 Filing report with County Tax Collector – Collection of assessment.

Article 5. Emergency Nuisance Abatement Procedure

13-1-500 Authority.

This Article is adopted pursuant to the provisions of Article 6 (commencing with Section <u>38771</u>) in Chapter 10, Division 3 of Title 4 of the Government Code.

13-1-505 Nuisance declared.

Any condition caused or permitted to exist in "**violation**" of any of the provisions of this Code, or any other ordinance of the City, or any rule, regulation or order promulgated or issued pursuant to this Code, or the provisions of any Code adopted by reference by this Code, or in **violation** of any condition of any approval, permit or license granted pursuant to this Code, shall constitute and is hereby declared a public nuisance.

13-1-510 Alternate procedure.

This Article constitutes an alternate procedure to Article 4 of this Chapter for abatement of a nuisance and for assessment of the abatement costs against the property on which such nuisance is maintained or from which such nuisance extends.

13-1-515 Abatement by City Manager.

If, in the opinion of the City Manager, any nuisance, as defined in SJBMC <u>13-1-505</u> constitutes an immediate hazard to the public health, safety or welfare or materially interferes with public travel or passage, the City Manager may abate such nuisance. The abatement work may be performed by the City's own employees or by independent contractors, or any combination thereof. The City Manager and his authorized representatives and contractors may enter upon private property as may be necessary or appropriate in order to perform the abatement work.

13-1-520 Report of costs.

The City Manager shall keep an accurate account of the abatement costs incurred by the City, including attorneys' fees. Such account shall indicate, where appropriate, the costs attributable to each separate parcel of land upon which the abatement work is performed. Following completion of all abatement work, the City Manager shall prepare a final itemized written report showing the total abatement costs and he shall submit such report to the City Clerk. The City Clerk shall thereupon schedule the matter for hearing by the City Council at its next available regular meeting after the **notice** period set forth in SJBMC <u>13-1-525</u> and <u>13-1-535</u>.

13-1-525 Notices – Posting.

(A) At the time he submits the report of costs to the City Clerk, the City Manager shall also cause **notices** to be conspicuously posted on the property on which the abated nuisance existed or from which the abated nuisance extended as follows:

(1) One (1) notice on each separately owned parcel of property of not over fifty feet (50') frontage; or

(2) Not more than two (2) **notices** on any parcel over fifty feet (50') frontage but less than one hundred feet (100') frontage; or

(3) **Notices** not more than one hundred feet (100') apart if the frontage of a parcel is greater than one hundred feet (100').

(B) Such **notices** shall be posted at least fifteen (15) days prior to the time for hearing by the City Council of objections to the proposed assessment.

13-1-530 Notices - Form.

The **notice** required by SJBMC <u>13-1-525</u> shall be substantially in the following form:

12-1-300 Establishment of development permit.

A development permit shall be obtained before any grading, filling, construction or other development begins within any area of special flood hazard established in SJBMC <u>12-1-205</u>. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and shall include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, amount and type of fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(A) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. In Zone AO elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

(B) Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in SJBMC 12-1-400(C); and

(C) All appropriate certifications listed in SJBMC 12-1-310(D); and

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(E) A discussion of the project's consistency with the General Plan goals and policies regarding development within a flood hazard area.

The Floodplain Administrator, and on appeal, the Planning Commission and City Council, may attach conditions to any development permit issued hereunder so long as said conditions are reasonably related to the protection of the public, health, safety and welfare and are necessary to mitigate impacts of the development.

12-1-305 Designation of the Floodplain Administrator.

The City Manager is hereby appointed to be the Floodplain Administrator, and shall administer, implement and enforce this Chapter by granting or denying development permits in accord with its provisions. Prior to granting or denying any development permit the Floodplain Administrator shall consult with and receive a written recommendation from the City Engineer and Planning Director concerning whether the permit should be granted or denied. This recommendation shall include any conditions which should be attached to the granting of the permit.

CITTUS CAN JUAN PAULIS A JUNIN THALIVE CLALION ISSUING AGENCY, & CODE ENF. D OTHER #53.084 2005
DATE 9 16122 TIME 1600 DAM CASE # 41
18) 451 SAN JUAN HOLL RD
ONSIBLE PARTY, CYNTHIA ORO
PROPER
a Last SAME AS RD
3. 1
ADDRESS 381 HOWARD CT. HOLL C495023
MAKE MODEL STYLE
SAN JUAN BAUTISTA MUNICIPAL CODE
CODE SECTION: 57BMC 12-1-210
3
PLAIN/HAZARD AREA
PHOTOS TAKEN? XYes 🗋 No
X 15T CITATION \$50 _ 2ND CITATION \$100 _ 3PD CITATION \$500
ACTION(S) REQUIRED:
CONTACT THIS OFFICE UPON RECEIPT OF THIS CITATION.
CEASE ALL ILLEGAL ACTIVITY(S) IMMEDIATELY.
AND ADDITIONAL CITATIONS NULL DE LOGUED MUTU NODEADED
PENALTIES.
SIGNATURE OF RESPONSIBLE PARTY
COMMENTS
R. BROWN 0460 9-16-22
issuing Enforcement Officer ID # Issue Date Type of Service: Dersonal XMail D Left on Vehicle Deft at Residence
E REVERSE SIDE FOR PAYNENT AND OTHER INFORM

ULT UF DAIN JUAN DAUTIO LA AUTINIO FRATIVE UTATION ISSUING AGENCY, XCODE ENF. D OTHER #SJBA 1007
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RICHART AS I KOMERIY ON K PROPERTY OWNER I TENANT I OTHER SI CANTHIA OROZCO DOB OLASS STATE
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ACTION(S) REQUIRED: CONTACT THIS OFFICE UPON RECEIPT OF THIS CITATION. CEASE ALL ILLEGAL ACTIVITY(S) IMMEDIATELY. EACH DAY THE VIOLATION CONTINUES IS A SEPARATE OFFENSE AND ADDITIONAL CITATIONS WILL BE ISSUED WITH INCREASED PENALTIES.
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□ 1°T CITATION \$50 □ 2º CITATION \$100 □ 3º CITATION \$500
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NAME. (First, Middle, Last) CYN 77444 OROZCO DOB US
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CITY OF SAN JUAN BAUTISTA ADMINISTRATIVE CITATION

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1-10-1	ISSUING AGENCY, 21 CODE ENF. COTHER #SJDA

CITY OF SAN JUAN BAUTISTA ADMINISTRATIVE CITATION

Brian Foucht

From:Brian FouchtSent:Monday, October 3, 2022 11:51 AMTo:Cynthia Orozco; Aaron Johnson; Trinh RettererCc:attys@wellingtonlaw.com; Don Reynolds; Rich BrownSubject:application for development permitAttachments:Grading violation

Hi Cynthia, Aaron and Trinh - In response to the attached email, I would like to discuss the next step for 451 San Juan Hollister Rd. to address the citations that are being issued daily. The path to cease issuance of citations, as has been described in various communications (including the draft agreement) over the past few months, is a *Development Permit* in accordance with the following SJB MC section:

12-1-300 Establishment of development permit.

A development permit shall be obtained before any grading, filling, construction or other development begins within any area of special flood hazard established in SJBMC <u>12-1-205</u>. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and shall include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, amount and type of fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(A) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. In Zone AO elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

(B) Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in SJBMC <u>12-1-400</u>(C); and

(C) All appropriate certifications listed in SJBMC 12-1-310(D); and

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(E) A discussion of the project's consistency with the General Plan goals and policies regarding development within a flood hazard area.

The Floodplain Administrator, and on appeal, the Planning Commission and City Council, may attach conditions to any development permit issued hereunder so long as said conditions are reasonably related to the protection of the public, health, safety and welfare and are necessary to mitigate impacts of the development.

The following are links pertinent City forms. Environmental Review fees described in the Site Plan and Design Permit will apply. In addition, we estimate that fees similar to a major Conditional Use Permit (\$1,575will also apply in this instance.

The Historic District Design Review Permits for New Construction are for those individuals and/or businesses that are proposing to build a new structure or alter the faade of an existing structure located in the downtown historic district (revize.com)

The Historic District Design Review Permits for New Construction are for those individuals and/or businesses that are proposing to build a new structure or alter the façade of an existing structure located in the downtown historic district (revize.com)

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Please let me know regarding any time that you are available today to discuss these requirements; clearly time is of the essence as citations will continue to be issued until an application is submitted and fees paid. The deadline to submit applications is within 10 days, October 13, 2022. As stated in previous correspondence, the City intends to place a resolution on the 10/18 Council agenda pursuant to the following SJB MC section:

13-1-405 Declaration of nuisance.

Whenever the City Council has declared by resolution or ordinance that a nuisance exists upon a parcel of land, the City Council may utilize the provisions of this Article to effect the abatement of such nuisance and to make the costs of such abatement a special assessment against the parcel upon which such nuisance exists.

Regarding fees owed to the City for previous work, our approach is to demand payment for invoices that are not disputed, and to evaluate separately those invoices for which there are questions.

Thank you,

Brian

Brian Foucht, AICP Asst. City Manager / CD Director 311 Second St. – PO Box 1420 San Juan Bautista, CA 95045 831-623-4661 x 20 (office) 831-207-5430 (cell)

ACM-CDDirector@san-juan-bautista.ca.us



Brian Foucht

From:	Brian Foucht
Sent:	Wednesday, October 5, 2022 11:16 AM
То:	Cynthia Orozco
Cc:	Aaron Johnson; Anne Hall; Attys@WellingtonLaw.com; Don Reynolds; Matthew Kelley; Robin Lee; Trinh Retterer; ramonorozco1973@gmail.com
Subject:	RE: Property Study
Attachments:	application for development permit

Hi Cynthia -

- 1) Schaaf and Wheeler is currently contracted with the City regarding this violation of the City's Flood Hazard Prevention regulations.
- 2) We require an approved Development Permit prior to any work to remedy violations. Development Permit approval will be based on 1) engineering analysis to characterize the scope and extent of the violation and related potential hydrological impacts; 3) an engineered plan for remediation; and 4) environmental documentation and mitigation (remedial actions) pursuant to CEQA. I have previously sent you application material for this permit.
- 3) Analysis prepared by the City will not be subject to third party review. Any analysis prepared by you will be subject to third party review by the City.
- 4) A separate Development Permit is required for activities necessary to stabilize and secure the fill adjacent and within the creek against downstream impacts that may occur due to erosion and siltation of this non-engineered fill. A plan for stabilization of the fill adjacent and within the San Juan Creek is required to be submitted with this separate application. During the time that the Development Permit for remediation of the violation is under review, the plan for stabilization of the fill adjacent and within the San Juan Creek must be approved in writing by the City Engineer and diligently executed in accordance with conditions of approval of that separate Development Permit. We will issue a Notice of Exemption pursuant to CEQA Guideline Section 15304 for this activity so that this work can be accomplished as soon as possible.
- 5) We are currently proceeding with the nuisance declaration on 10/18.
- 6) Agreements under consideration may affect the Development Permit approval process.
- 7) Development Permit application material and information are contained in the attached email.

Thank you, Brian

Brian Foucht, AICP Asst. City Manager / CD Director 311 Second St. – PO Box 1420 San Juan Bautista, CA 95045 831-623-4661 x 20 (office) 831-207-5430 (cell)

ACM-CDDirector@san-juan-bautista.ca.us

Brian Foucht

From: Sent: To: Cc: Subject:

Brian Foucht Thursday, October 6, 2022 10:41 AM aaron@JRGAttorneys.com; trinh@JRGAttorneys.com Don Reynolds; Attys@WellingtonLaw.com RE: 451 San Juan Hollister Road - Floodplain and Watershed Violations

Hi Aaron and Trinh - yesterday I responded to an inquiry from Cynthia regarding engineering assistance to characterize and plan remediation of grading in violation of our Flood Hazard Prevention ordinance. Due to the extended time necessary to obtain Development Permit approval for the overall violation, and the imminent rainy season, the agreement referenced below email must also include reference to a second, separate Development Permit authorizing activities necessary to stabilize and secure the fill adjacent and within the creek against downstream or upstream impacts that may occur due to erosion and siltation of this non-engineered fill into the San Juan Creek channel. A plan for stabilization of the fill adjacent and within the San Juan Creek, prepared by a Qualified SWPPP Developer (QSDs)/Qualified SWPPP Practitioner (QSPs) is required to be submitted with this separate application. During the time that the Development Permit for remediation of the violation is under review, the plan and schedule for stabilization of the fill adjacent and within the San Juan Creek must be approved in writing by the City Engineer and diligently executed in accordance with conditions of approval of that separate Development Permit. We will issue a Notice of Exemption pursuant to CEQA Guideline Section 15304 for this activity so that this work can be accomplished as soon as possible.

Thank you, Brian

Brian Foucht, AICP Asst. City Manager / CD Director 311 Second St. – PO Box 1420 San Juan Bautista, CA 95045 831-623-4661 x 20 (office) 831-207-5430 (cell)

ACM-CDDirector@san-juan-bautista.ca.us



From: Attys@WellingtonLaw.com <attys@wellingtonlaw.com> Sent: Wednesday, October 5, 2022 4:47 PM To: aaron@JRGAttorneys.com; trinh@JRGAttorneys.com Cc: Don Reynolds <citymanager@san-juan-bautista.ca.us>; Brian Foucht <ACM-CDDirector@san-juan-bautista.ca.us>; Attys@WellingtonLaw.com Subject: 451 San Juan Hollister Road - Floodplain and Watershed Violations

Good Afternoon Aaron and Trinh:

Thank you for the call yesterday morning. I had the chance today to review your proposal with Assistant City Manager Brian Foucht and his input on behalf of the City is included in this summary. There has also been an exchange of email today with Ms. Orozco and her engineer Ann Hall which I presume you've seen and which I will reference in this email

In summary:

The City will expect to receive by close of business on Friday, October 7, a draft of an agreement based upon terms to which Ms. Orozco, on behalf of the property owner Kulta Farms, Inc., will agree.

With reference to reimbursement due to the City for amounts it has expended to date in furtherance of investigating, identifying, assessing, and preparing to address the violation of the floodplain ordinance the agreement will (1) provide for the prompt reimbursement of undisputed amounts previously expended by the City in furtherance of those efforts which shall include the cost expended to date by the City for the Schaaf & Wheeler civil engineering study, which remains at this juncture in an incomplete state lacking reference to the required hydrologic remediation component relative to the condition of San Juan Creek; and (2) an offer on behalf of Ms. Orozco to settle all amounts she disputes, based upon the backup data provided to date by the City [no further due diligence]. Please advise as to the form of payment proposed for these amounts.

Once the City has been compensated for those amounts, if Ms. Orozco's intent is to complete the study independent of Schaaf & Wheeler, the City will promptly provide Schaaf and Wheeler's report in its present, albeit incomplete, state to Ms. Orozco for her use in addressing the violation as it pertains to the floodplain violation and to the San Juan Creek. It was our understanding Ms. Orozco will then employ a civil engineer of her choice to complete the required study ("Completed Study") which must include, but is not limited to, a description of the engineering work required for erosion control and a schedule for its completion. With reference to any portion of the Completed Study performed by Ms. Orozco's civil engineer the City will require that work to be peer reviewed which will be for Ms. Orozco's account. Emails exchanged today appear to indicate Ms. Orozco may now be contemplating having the City through Schaaf and Wheeler complete both the floodplain and the hydrologic (San Juan Creek) elements of the engineering study. If so, the City will require compensation for all work in advance. I am unclear as to what is now proposed as to "sub-contracting for the topo" in Ms. Hall's email of 1148 a.m. today but please be advised all independently contracted work will require peer review which will be for Ms. Orozco's account.

The parties will agree on a mutually acceptable date, not later than 30 days after entering into the agreement for receipt of a complete Application(s) for Development Permit(s) for the floodplain and the San Juan Creek violations and payment of the fee for same which Application(s) must include remediation measures as documented in the Completed Study. The City cannot accept a "shell application" in these matters as it would lack necessary information from the Completed Study.

Upon acceptance of a complete Development Permit Application(s) the City will provide a copy of the Application(s) to the State Water Resources Control Board and to the California Department of Fish & Wildlife, issue a notice for preparation of an environmental document, and will proceed to work together with those agencies and with Ms. Orozco, in good faith, on the complete remediation and restoration of the disturbance to the floodplain to its former documented topographic contours and of the San Juan Creek to its previous hydraulic configuration and biological condition in the most expeditious and economical manner possible.

However, the City is not agreeable to a delay in seeking City Council action declaring the property at 451 San Juan Hollister Road to be a nuisance and staff intends to introduce such a resolution at the Council's October 18, 2022, public meeting and to take such subsequent actions in that regard as circumstances may require.

Please let me know if any of this is inconsistent with your understanding or requires clarification or revision.

Finally, the City remains concerned about resolving the current Zoning Code violations which also exist on the property regarding non permitted uses but at this time the City believes time and resources are best employed on resolving the issues related to the floodplain and the creek. If those can be taken up and addressed cooperatively, that bodes well for both parties in bringing the property into full compliance with the Municipal Code.



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Central Region 1234 East Shaw Avenue Fresno, California 93710 (559) 243-4593 www.wildlife.ca.gov

GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



January 10, 2019

BY CERTIFIED MAIL

Maria Cynthia Orozco 381 Howard Court Hollister, California 95023

Subject: Notice of Violation of Fish and Game Code Section 1602 Violation File No. 1600-2019-0800-R4 San Juan Canyon Creek – San Benito County

Dear Ms. Orozco:

On January 3, 2019, California Department of Fish and Wildlife (Department) Officer Kyle Sommer investigated a report of a habitat disturbance within San Juan Canyon Creek on a property owned by you at 451 San Juan Hollister Road, in San Juan Bautista, California (Assessor's Parcel Number: 002-550-008-000).

During the site visit, construction activities were observed including vegetation removal, earthwork/channel modification with the use of heavy equipment, the placement of gravel material, the placement of an approximate 24-inch diameter concrete culvert, and the placement of a sacked concrete headwall/wingwalls. The Department has determined that these activities are jurisdictional under Fish and Game Code sections 1600 *et seq.* and are therefore subject to Fish and Game Code section 1602.

Officer Sommer made contact with you on January 7, 2019 advising you to stop work and remove the concrete bags from the stream.

Fish and Game Code section 1602 requires a person to notify the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. A violation of Fish and Game Code section 1602 may result in civil or criminal prosecution.

FGC sections 5650 make it unlawful to pollute "Waters of the State." FGC Section 5650 makes is unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or birdlife, including, but not limited to, gasoline and oil, as well as sediment. FGC Section

Conserving California's Wildlife Since 1870

Maria Cynthia Orozco File No. 1600-2019-0800-R4 January 10, 2019 Page 2 of 3

The violations of FGC sections 5650 has resulted in potential pollution sources through the creation of destabilized soils and placement of uncured concrete within the stream channel. These pollution sources may result in the introduction of fine sediment and deleterious chemicals that could impact the health and function of not only, the stream on-site, but also the downstream reaches and tributaries that are part of the larger stream system.

In this case, the Department has determined that notification was required because the activities substantially altered the channel and banks of the stream. In order to address this violation, you will need to immediately stop all ground-disturbing activities on the bed and bank, including the floodplain, of the stream if you have not done so already and complete and submit the enclosed notification package, the appropriate fee, and a copy of this notice to the Department at the above address by February 11, 2018.

When completing the project description in the Notification of Lake or Streambed Alteration (Notification), describe all activities that have already occurred in addition to proposed actions that will remediate the violation, including removal of the unauthorized culvert crossing, stabilization of the banks as needed, and revegetation using native species appropriate for the area. Your project description may also include the construction of a culvert crossing that is engineered and does not included the use of sacked concrete. The proposed project should also include measures to avoid and minimize impacts to wildlife resources during the completion of the project. The Department recommends coordination with Department staff (see contact below) to ensure that the proposed project will adequately remediate the violation.

After the Department receives the Notification and fee, it will process the Notification and issue a draft Streambed Alteration Agreement (Agreement) if needed, as described in Fish and Game Code sections 1602 and 1603. In addition, the Department may pursue other enforcement options, including referral of the matter to the District Attorney's Office or the Attorney General's Office for civil or criminal prosecution, as warranted, and the draft Agreement issued for remediation might not be subject to arbitration in the event you disagree with any of the protective measures, and you and the Department cannot resolve the disagreement (Fish and Game Code section 1614).

If you have any questions regarding this letter, please contact Carrie Swanberg, Senior Environmental Scientist (Specialist), at (559) 243-4014 extension 246 or by email at Carrie.Swanberg@wildlife.ca.gov.

Sincerely,

mull

Julie A. Vance **Regional Manager**

Enclosure

See Page Three ec:

Maria Cynthia Orozco File No. 1600-2019-0800-R4 January 10, 2019 Page 3 of 3

ec: Wildlife Officer Kyle Sommer Lieutenant Jeff Heitzenrater California Department of Fish and Wildlife

> Maria Cynthia Orozco darlingtulip@aol.com



DEPARTMENT OF THE ARMY SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS 450 GOLDEN GATE AVENUE SAN FRANCISCO, CALIFORNIA 94102

October 15, 2021

Regulatory Division

Subject: File No. 2020-00338S

Ms. Cynthia Orozco Midnight Express Company PO Box 1712 Hollister, California 95024

Dear Ms. Orozco:

This correspondence is in reference to the September 14, 2020 submittal, from Olberding Environmental on your behalf, requesting a preliminary jurisdictional determination of the extent of waters of the United States occurring on your 18-acre property at 451 Old San Juan Hollister Road, in the City of San Juan Bautista, San Benito County, California (36.838032 °N, -121.525332 °W).

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended, 33 U.S.C. § 1344 et seq. Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide; wetlands adjacent to traditional navigable waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries. Where a case-specific analysis determines the existence of a "significant nexus" effect with a traditional navigable water, waters of the United States may also include non-navigable tributaries that are not relatively permanent; wetlands adjacent to nonnavigable tributaries that are not relatively permanent; wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary; and certain ephemeral streams in the arid West.

The enclosed delineation map titled "Midnight Express Property," in one (1) sheet dated

October 7, 2021, depicts the extent and location of wetlands and other waters of the United States within the boundary area of the site that **may be** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act. This preliminary jurisdictional determination is based on the current conditions of the site, as verified during field investigations of November 19, 2020 and April 27, 2021, a review of available digital photographic imagery and other information available to the Corps, and a review of other data included in your submittal. While this preliminary jurisdictional determination was conducted pursuant to

Regulatory Guidance Letter No. 16-01, *Jurisdictional Determinations*, it may be subject to future revision if new information or a change in field conditions becomes subsequently apparent. The basis for this preliminary jurisdictional determination is summarized in the enclosed *Preliminary Jurisdictional Determination Form*. You are requested to sign and date this form and return it to this office within two weeks of receipt.

You are advised that the preliminary jurisdictional determination may **not** be appealed through the U.S. Army Corps of Engineers' Administrative Appeal Process, as described in 33 C.F.R. pt. 331 (65 Fed. Reg. 16,486; Mar. 28, 2000). Under the provisions of 33 C.F.R Section 331.5(b)(9), non-appealable actions include preliminary jurisdictional determinations since they are considered to be only advisory in nature and make no definitive conclusions on the jurisdictional status of the water bodies in question. However, you may request this office to provide an approved jurisdictional determination that precisely identifies the scope of jurisdictional waters on the site; an approved jurisdictional determination may be appealed through the Administrative Appeal Process. If you anticipate requesting an approved jurisdictional determination at some future date, you are advised not to engage in any on-site grading or other construction activity in the interim to avoid potential violations and penalties under Section 404 of the Clean Water Act. Finally, you may provide this office new information for further consideration and request a reevaluation of this preliminary jurisdictional determination.

You may refer any questions on this matter to me by telephone at 415-503-6791 or by e-mail at gregory.g.brown@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website:

http://www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Kheepay D Dean

Greg Brown Senior Project Manager, Regulatory Division

-2-

Enclosures

Digital Copies Furnished (w/ encls):

US EPA, San Francisco, CA (mcwhorter.scott@epa.gov) CA RWQCB, San Luis Obispo, CA (Mark.Cassady@waterboards.ca.gov) City of San Juan Bautista, CA (citymanager@san-juan-bautista.ca.us) Olberding Environmental, Folsom, CA (jeff@olberdingenv.com)



Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR PJD: October 15, 2021
- B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Ms. Cynthia Orozco Midnight Express Company 381 Howard Court PO Box 1712 Hollister, California 95024

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

SPN, 451 Old San Juan Hollister Road, Unauthorized Wetland Fill, SPN-2020-00338

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

State: CA County/parish/borough: San Benito County City: San Juan Bautista Center coordinates of site (lat/long in degree decimal format):

Lat.: 36.838056° Long.: -121.525393°

Universal Transverse Mercator: 10

Name of nearest waterbody: San Juan Canyon Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date:

X Field Determination. Date(s): 11/19/2020, 4/27/2021

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)	
San Juan Cyn Creek	36.838326	-121.525539	1500 feet	Non-wetland waters	Section 404	
wetland	36.837287	-121.525822	3.25 acres	Wetland	Section 404	

- The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit

applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Page 1 of 3

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the.JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

Maps, plans, plots or plat submitted by or on behalf of the PJD requestor: X

Map: Figures 5 & 7, September 2020 delineation report (Olberding Environmental) City-approved grading plans (9/3/2019, San Benito Engineering & Surveying Inc) Plate 2 (fault map-EPA markup), 11/6/2017 geotech report (Berlogar Stevens & Associates)

- Data sheets prepared/submitted by or on behalf of the PJD requestor. X
 - Office concurs with data sheets/delineation report.
 - x Office does not concur with data sheets/delineation report. Rationale: abnormal conditions (drought, dry season, highly disturbed by unauthorized fill/grading
- Data sheets prepared by the Corps: _____
- Corps navigable waters' study: _
- U.S. Geological Survey Hydrologic Atlas: ORM2 maps X
 - x USGS NHD data.
 - x USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24000 San Juan Bautista, CA. X
- Natural Resources Conservation Service Soil Survey. Citation: ORM2 maps. X
- National wetlands inventory map(s). Cite name: ORM2 maps X
 - State/local wetland inventory map(s):
- x FEMA/FIRM maps: ORM2 maps
 - 100-year Floodplain Elevation is: . (NGVD 1929)
 - x Photographs: x Aerial (Name & Date): Google Earth 8/1998 8/2020. Other (Name & Date): September 2020 Olberding report. or x
 - Previous determination(s). File no. and date of response letter:
 - Other information (please specify):

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Page 2 of 3

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of Regulatory staff member completing PJD

Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable)¹

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

CITY OF SAN JUAN BAUTISTA

6 51 JUAN 6

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).

- Historic Resource Design Review
 - Informal Project Review
 - Major Projects
 - Minor Projects
- Design Review
 - Informal Project Review
 - Major Projects
 - Minor Projects
 - Sign Permit
- Conditional Use Permit/Amendment
- Tentative Map Major
- □ Tentative Map Minor
- Planning Unit Development
- Applicant(s):

Name: Cynthia Orozco

Mailing Address: P.O. Box 17212, Hollister, CA 95024

Phone: <u>831-207-7765</u> email: _____

Property/Land Owner(s):

Name: Kulta Farms

Mailing Address: 381 Howard Ct, Hollister, CA

Phone: <u>831-207-7765</u>

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: Anne Hall/San Benito Engineering

Mailing Address: 502 Monterey St, Hollister, CA 95023

Phone: 831-637-2763

_email: __info@sanbenitoeng.com

Project Address/Location: 451 San Juan Hollister Rd

Most Current Assessor's Parcel Number: 002-550-008

For Office Use Only: Date Application Submitted	_ Deposit Collected \$	_ Date
Date Application Complete	Billing Number	
File Number(s)	8	

Annexation
 Urban Growth Boundary
 Bozoning (Programing)

- Rezoning / Pre-zoningGeneral Plan Amendment
- Zoning Text Amendment
- □ Certificate of Compliance
- □ Lot Line Adjustment
- Secondary Dwelling Unit
- □ Variance
- Permit Amendment
- Appeal
- □ X Other <u>Development Agreement</u>



CITY OF SAN JUAN BAUTISTA P.O. Box 1420, 311 Second Street San Juan Bautista, CA 95045

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

PROJECT DESCRIPTION

Name of Project Applicant: Cynthia Orozco

Mailing Address: P.O. Box 17212, Hollister CA 95023 Phone: 831-207-7765

Name of the project: Grading Remediation Project

Project location (address and/or Assessor's Parcel Number(s):

APN 002-550-008 451 San Juan Hollister Rd, San Juan Bautista

Size of project site (acreage): 18.08

Existing General Plan Land Use Designation: Industrial

Existing Zoning Designation: Agricultural Business Industrial

Describe the existing land use(s) of the site. The property has been used in the past for agriculture, but

the current property owner has been exploring other options allowed under the city zoning. As part of this

exploration, grading work has occurred without a permit. This application is to address the existing grading

violations, and determine how best to re-mediate them. The city has commissioned a study by Schaff &

Wheeler, currently partially completed, to define the extent of the required remediation. The property owner

agrees to update this Development Agreement to reflect the results of the study once it is completed.

Describe the existing land use of properties surrounding the site:

North - mobile home park

East - City well site, Industrial zoned land, currently farmed

South - rural residential

West - agricultural

Describe the proposed land use(s)/Project:_____

<u>This Development Agreement application is to address the grading violation, in accordance with direction</u> from the City of San Juan Bautista. Upon the completion of the Schaff & Wheeler study, the application proposes to submit grading plans in accordance with the report recommendations.

For residential uses, indicate the number, type, and size of the units

N/A

For proposed use, the estimated number of employees, and the hours of operation:_____

N/A

List and describe any other permits or public approvals required for this project, including those required by city, regional, state, and federal agencies:

<u>The current violations have included conversations with California Department of Fish and Wildlife, the</u> <u>Army Corps of Engineers, Regional Water Quality Control Board and the City of San Juan Bautista.</u> A final determination of permits required will be made after the extent of the remediation is determined. Please describe the proposed scheduling and implementation of the project:

- ÷

×.

This Development Agreement application is to address the grading violation, in accordance with direction from the City of San Juan Bautista. Upon the completion of the Schaff & Wheeler study, the application proposes to submit grading plans in accordance with the report recommendations.

Please provide any additional relevant information that can assist in the processing of this application:

An aerial survey was done in 2018, upon the purchase of the property by the current owner. This serves as a benchmark of the topography of the property at that time. The full Schaff & Wheeler study will compare the current topography against the 2018 study to catalogue any differences, and recommend methods of remediation, which will incorporated into new grading plans.

12/10/13 P:\Forms\Project Description.doc



ENVIRONMENTAL INFORMATION

ENVIRONMENTAL SETTING

Please provide the following information on a separate piece of paper:

- Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the sites. Describe any existing structures on the site and the uses of those structures.
- Describe the surrounding properties, including information on topography, soil stability, plants and animals, cultural and historic resources, and any scenic aspects of the area. Indicate the type and intensity of land uses, and the scale of the development.

ENVIRONMENTAL CHECKLIST:

Would the Project result in the following (provide a brief description for each item checked "yes"):

Change in existing features of any streams, creeks, lakes, or wetlands: () Yes () No

The intent is to correct any grading violations, and ensure the creek is not changed from its 2018 condition.

Change in scenic views or vistas from existing residential areas or public land or roads:) Yes	(X)	No
Use or disposal of hazardous materials, toxic substances, flammable materials, or explosives:	() Yes	(X) No
Change in ocean, bay, lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns:) Yes	()	No
The intent is to correct any grading violations and ensure the topogra condition.	phy is n	ot chang	<u>ed from it</u> s 2018
Change in pattern, scale, or character of surrounding area of project: () Yes	(X)	No

) Yes	(x) No
) No nged from its 20
() Yes	(X) No
) Yes	(X) No
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CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: FILL A VACANCY ON THE PLANNING COMMISSION OR DECIDE WHETHER TO WAIT TO TAKE ACTION

MEETING DATE: October 18, 2022

SUBMITTED BY: Planning Commission Secretary Trish Paetz

RECOMMENDED ACTION(S):

Receive the information and decide whether to select a planning commissioner from the applications submitted, delay making a decision, or take some alternate action.

BACKGROUND INFORMATION:

At the City Council meeting on June 14, 2022 Council was asked to select an Ad Hoc Committee to select a Planning Commissioner, in accordance with Municipal Code Section 2-3-110. Whereupon, it was agreed that Mayor Jordan and Vice Mayor Flores would serve on the Ad Hoc Committee. Since that meeting, Tony Correia was selected to serve on the Planning Commission. Subsequently, another seat on the Planning Commission became vacant. Staff advertised the vacancy by posting a new notice with a new deadline of Friday, September 16. Staff received two (2) applications; specifically, Mishele NewKirk-Smith and Dan DeVries. The applications were forwarded to the Ad Hoc Committee for their review and consideration.

At the September 20, 2022 Council decided to move the item to the next meeting agenda for further discussion.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE: DISCUSS ESTABLISHING A GOLF CART TRANSPORTATION PLAN IN SAN JUAN BAUTISTA

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION:

No action is recommended on this matter. It is recommended that the City Council receive and file this Report.

BACKGROUND INFORMATION:

Golf Carts (aka Neighborhood Electric Vehicle or "NEV") have advanced quickly since their introduction to America in 1954. They were the only form of multi-passenger motored transportation in Avalon on Catalina Island until 2018. In the 1990's cities were designed to accommodate golf carts, the largest of which is Del Web's Sun City, north of Sacramento in Lincoln Hills. This is a retirement community with a large golf course. Streets were designed and built with golf cart lanes, and special designated pathways to connect between homes and buildings. Every garage is designed for a golf cart (2 cars + 1). Many other cities have since adopted policies and plans to include this form of "multi-modal transportation."

The original laws can be found in the State's Streets and Highways Code (Division 2.5 Chapter 6, sections 1950-1961, allowing the use of NEV's in cities that have adopted a Golf Cart Transportation Plan. Then in 2005, AB2353 was approved expanding the NEV legislation to include the definitions within the Vehicle Code and the Streets and Highways code. Shortly thereafter, the City of Lincoln adopted the attached "NEV Transportation Plan."

Without having to delve into too much detail, Lincoln's NEV Plan does an excellent job describing the many benefits of accommodating NEVs. This Plan expands on the work done previously in Lincoln's Sun City neighborhood. Below is a summary of benefits.

B. Impact and Benefits

1. General

Many other entities in the region will benefit from the City of Lincoln's experience in implementing an NEV transportation plan. When the plan is complete, the process will be made available to other entities to help facilitate their own NEV transportation plan. Here are a few of the benefits of the Lincoln NEV Project:

- The emergence of an NEV friendly Lincoln has allowed home builders in Lincoln to customize new development to accommodate NEVs.
- · Lincoln plans to include NEV routes in their General Plan update.
- NEV routes can double as bicycle routes with proper design, thus the miles of bike trails will increase within the City.
- Accommodating NEVs is more effective and less costly than dial-a-ride programs for unmet transit needs.
- Air Quality improvements result from the use of small electric motors that emit no
 pollutants in the local atmosphere. Over half of the otherwise short cold-start
 automobile trips in cities the size of Lincoln are within the range of NEVs.
- NEVs can achieve the energy equivalent of over 150 mpg for a standard gasoline powered vehicle.
- NEV use provides for a more cohesive community due to their limited travel range.
- NEV travel encourages residents to support their local businesses.
- NEVs provide mobility for people who cannot drive an automobile, including aging drivers.
- NEVs are affordable and can reduce personal travel cost.
- The NEV industry is seeing an increase in the use of these vehicles for use beyond the golf course.

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Page 2 of 15

In 2010, AB584 was signed into law, refining, and further defining the two pre-existing laws. In summary, the laws require:

- A NEV Plan that defines what a legal NEV is
- Requires a California Driver's License and insurance to operate one
- Identifies where golf cart lanes can be developed within the city by a traffic engineer and restricts the use of a golf cart to these special designated areas. It defines three types of golf cart lanes, the most protective is a Class "I," then "II" and "III." Class III lanes are the simplest, and provide for shared use with automobile traffic on streets with speeds of 35 miles or less. Every street in San Juan Bautista meets this criterion. They can cross state highways where traffic is controlled.

Developing the Plan seeks input from the community, COG, CalTrans and law enforcement. The City Council must make specific findings addressing safety. The Lincoln Plan agrees that NEVs are safe, and summarizes other benefits:

NEVs are a desirable new form of transportation for many reasons:

- NEVs have a great safety record.
- NEVs are zero emission electric vehicles.
- NEVs improve air quality.
- The energy consumption of an NEV is less than 1/5 that of a conventional automobile.
- NEVs provide freedom and continued mobility for aging or impaired drivers.
- NEVs are affordable.
- NEVs support the local economy by encouraging residents to shop locally.
- NEVs encourage use of existing public transportation

Here are the steps Lincoln took to implement the NEV Transportation Plan:

C. Project Status

The following steps having been taken by the City in order to implement the NEV transportation plan:

- Placer County Air Pollution Control District (PCAPCD) approved \$10,000.00 on August 14, 2003 towards Lincoln's NEV transportation plan.
- The City has reviewed the Draft Twelve Bridges Golf Cart Transportation Plan (Fehr & Peers) in order to coordinate that plan within the proposed NEV transportation plan.
- SACOG funding guidelines have been altered to include NEVs per the City's request. Prior to the City's input, SACOG's funding guidelines did not mention NEVs.
- The City has coordinated with PCAPCD to include NEV questions to be included in PCAPCD semi-annual transportation survey.
- The City has coordinated with Assemblyman Tim Leslie's office regarding AB 2353.
- The City has submitted NEV funding requests to SACOG through PCTPA, and to date has received funding approval for over \$270,000 from SACOG.
- AB 2353 signed into Law on January 1, 2005.
- Public Workshop held on August 30, 2005
- MUTCD approved experimental signage and striping.
- Developed NEV Standards
- NEV Standards shared with the City of Rocklin
- Putnam Award for Excellence recipient 2006.

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In 2020, the City received a \$180,000 grant from CalTrans to develop an active transportation plan ("ATP"). The application was submitted with the help of non-profit Civic Well. Civic Well conducted extensive public outreach the week of June 26-28, 2022. Later a design charette was held at the VFW. Since then, the City added an accessibility assessment to the draft "Existing Conditions" report to address the need for better pedestrian accessibility where there are no sidewalks or where there are barriers.

DISCUSSION:

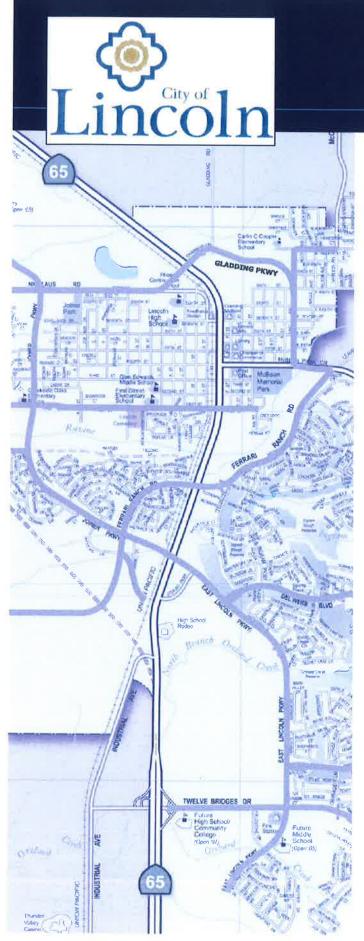
The background describes the benefits of opening streets to accommodate Neighborhood Electric Vehicles, the safety of modern designs, legal framework, and provides an example of how to draft an NEV Transportation Plan. It updates the City Council on the current effort to draft an ATP. If the City Council agrees with these assertions and would like to move forward with this idea, staff will describe its understanding of the path forward.

Some form of preliminary review needs to be completed to establish the feasibility of taking such action to adopt and implement a NEV Transportation Plan. The City may be best served to tap into the team effort currently underway within the scope of the ATP. The City can approve the budget for a change order to that existing scope, and seek funding from COG or other resources to help pay for the work.

If this preliminary plan meets the expectations of the City Council, and the City approves moving forward, then the project becomes part of the Strategic Plan, is budgeted and an RFP is sent to various engineering firms. After a review of the benefits, this action would easily fit into a "Quality of Life" category. It also supports the Climate Action Plan being drafted, to reduce greenhouse gasses, and reliance on fossil fuel. It will have economic benefits if it truly helps the community "shop locally." There are several different funding opportunities mentioned in the Lincoln process provided below that would include locally, the COG, Monterey Bay Air Quality Control Board, and Cal Trans.

As the City implements its Pavement Management Plan, it has been able to use the Gas Tax and SB1 funding from the State, with local Measure G monies to pay for more than \$1 million in street improvements. The NEV Transportation Plan (as well as the ATP) can then be considered together with the next phase of streets to be resurfaced so they can be striped to accommodate NEV's.

The Lincoln NEV Transportation Plan and the relevant State laws are attached for reference.

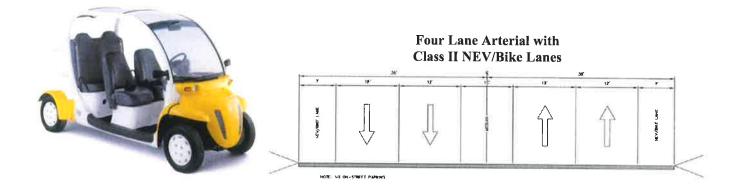


NEV Transportation Plan



Prepared by MHM Engineers & Surveyors FINAL - August 2006





City of Lincoln

John E. Pedri, P.E., Director of Public Works

Carl Walker, P.E., Senior Engineer

640 Fifth Street Lincoln, CA 95648 (916) 645-8576

MHM Engineers & Surveyors

Leo Rubio, P.E., Project Engineer

Steven Ainsworth, P.E., Project Manager

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1082 Sunrise Avenue, Suite 100 Roseville, CA 95661 (916) 783-4100

Sage Community Group Annie R. Embree, Esq.,

Legal Consultant

(530) 885-5123

SCG,

Autumn Wind

Greg Gilbert, Air Quality (916) 663-6353

Fehr & Peers

Rich Ledbetter, Transportation/Planning (916) 773-1900

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NEIGHBORHOOD ELECTRIC VEHICLES (NEV) TRANSPORTATION PLAN

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NEIGHBORHOOD ELECTRIC VEHICLES (NEV) TRANSPORTATION PLAN



Chapter I - Project Overview

Program Description

The City of Lincoln has requested city-wide NEV routes that would "enable any resident to travel from their home to Downtown Lincoln" reports Councilmember Tom Cosgrove.

The City of Lincoln NEV project is an effort to accommodate the City's changing urban lifestyle by encouraging the use of Neighborhood Electric Vehicles, or NEVs for short. This effort will result in air quality improvements, community cohesion, energy savings, reduced travel costs, increased mobility, independence for aging drivers, and greater use of public transit. NEVs are small, electric powered personal vehicles. They have a limited range and can travel up to speeds of 25 mph. They are an ideal transportation alternative for short, (up to 30 miles) local trips. While they may look like a golf-cart to the casual observer, they are actually a motor vehicle requiring a driver's license, registration, and insurance. NEVs such as the Chrysler GEM are specifically designed to meet federal safety standards for low-speed vehicles as defined in Section 571.500, Title 49 Code of Federal Regulations.

NEVs are a desirable new form of transportation for many reasons:

- NEVs have a great safety record.
- NEVs are zero emission electric vehicles.
- NEVs improve air quality.
- The energy consumption of an NEV is less than 1/5 that of a conventional automobile.
- NEVs provide freedom and continued mobility for aging or impaired drivers.
- NEVs are affordable.
- NEVs support the local economy by encouraging residents to shop locally.
- NEVs encourage use of existing public transportation.

California's first major citywide NEV transportation project is well underway in the City of Lincoln. Lincoln plans relatively minor modifications to accommodate NEVs. The city will implement signing and striping improvements, create special parking spaces, and build an NEV crossing at the Auburn Ravine, a stream that divides this fast-growing city. Businesses have already begun to accommodate and encourage NEV transportation by providing special parking for their NEV customers.

The City of Lincoln is in a very favorable position to accommodate the beneficial use of NEVs. NEVs are already circulating in the *Sun City Lincoln Hills* development and special parking areas are provided in the adjacent Safeway and Raley's shopping center. The City believes that with the advent of a comprehensive NEV circulation system, the number of NEVs users will dramatically increase.

To accommodate use of NEVs, the City of Lincoln must become "NEV Ready". An NEV ready city can be defined as having the necessary infrastructure, including charging facilities, striping, signage, parking, and education to safely accommodate NEV travel. The City intends to implement these changes in stages. This plan will allow limited NEV use in the near future, culminating in a comprehensive NEV travel plan throughout the City.

In accordance with Assembly Bill (AB 2353), the City of Lincoln plan envisions three levels of NEV routes:

Class I NEV Route:

Class I NEV routes provide a completely separate right-of-way for the exclusive use of NEVs, pedestrians and bikes with cross-flow minimized. The minimum paved width for a Class I NEV route is 14-feet (for two way travel) with a minimum 2-foot wide graded area provided adjacent to the pavement. The proposed bridge over Auburn Ravine connecting Sun City Lincoln Hills area to E Street is an example of a Class I NEV route. It is the intent to design all Class I NEV routes to allow combined NEV/bicycle use.

Class II NEV Route:

Class II NEV routes are designated as a separate striped lane adjacent to traffic. There is one striped lane for each travel direction. The desirable minimum width for a Class II NEV route is 7-feet. Del Webb Blvd. is an example of a Class II NEV lane. It is the intent to design all Class II NEV routes to allow combined NEV/bicycle use.

Class III NEV Route:

Class III NEV routes provide for shared use with automobile traffic on streets with a posted speed limit of 35 mph or less. All residential streets within Sun City Lincoln Hills are Class III NEV routes. The City will provide signage to direct NEVs to preferred streets. Some streets within the City that are posted 35 mph may be designated as not appropriate for NEV use.

(NEV Route plans are shown in Appendix A.)

B. Impact and Benefits

1. General

Many other entities in the region will benefit from the City of Lincoln's experience in implementing an NEV transportation plan. When the plan is complete, the process will be made available to other entities to help facilitate their own NEV transportation plan. Here are a few of the benefits of the Lincoln NEV Project:

- The emergence of an NEV friendly Lincoln has allowed home builders in Lincoln to customize new development to accommodate NEVs.
- Lincoln plans to include NEV routes in their General Plan update.
- NEV routes can double as bicycle routes with proper design, thus the miles of bike trails will increase within the City.
- Accommodating NEVs is more effective and less costly than dial-a-ride programs for unmet transit needs.
- Air Quality improvements result from the use of small electric motors that emit no pollutants in the local atmosphere. Over half of the otherwise short cold-start automobile trips in cities the size of Lincoln are within the range of NEVs.
- NEVs can achieve the energy equivalent of over 150 mpg for a standard gasoline powered vehicle.
- NEV use provides for a more cohesive community due to their limited travel range.
- NEV travel encourages residents to support their local businesses.
- NEVs provide mobility for people who cannot drive an automobile, including aging drivers.
- NEVs are affordable and can reduce personal travel cost.
- The NEV industry is seeing an increase in the use of these vehicles for use beyond the golf course.

2. NEVs Promote Safety and Provide Independence for Aging Drivers

With the State's aging population, we are confronted with the conflicting interest of providing continued mobility to aging drivers while promoting a safe driving environment for all drivers. The State has implemented a process that will result in new driver testing, which will result in the suspension of automobile driver's licenses' for some people. The City's plan includes a proposal for a separate classification of driver's license for NEVs.

The loss of a driver's license often brings lifestyle changes that make it hard to cope. Understandably, no one wants to feel isolated and dependent on others for their personal mobility. NEVs are an ideal solution to meet the States competing interest between mobility and safety. NEVs will provide personal mobility to local stops including the grocery store, bus stops and the doctor's office. An NEV commute beats the alternatives of risking a high-speed accident in a conventional automobile or sitting at home waiting for a ride from a friend or relative.

3. Taking the Lead

The City of Lincoln, the fastest growing city in the west, has fostered the use of NEVs within Sun City Lincoln Hills, but that is not enough. The City envisions a plan to promote NEV travel throughout the City. With the City's growing retirement population, the opportunity to accommodate NEV travel is at hand. City engineers have already signed and striped some City streets for NEV use. Merchants are providing special parking and charging stations. The City is planning for a pathway and bridge across the Auburn Ravine to accommodate NEV travel on both sides of town. While the City of Lincoln appears to be ahead of the rest of the state, the City is not ahead of their people. More NEVs are on City streets every day. There are NEVs in Rocklin, Roseville, Auburn, and Folsom today and their presence is expanding.

C. Project Status

The following steps having been taken by the City in order to implement the NEV transportation plan:

- Placer County Air Pollution Control District (PCAPCD) approved \$10,000.00 on August 14, 2003 towards Lincoln's NEV transportation plan.
- The City has reviewed the Draft Twelve Bridges Golf Cart Transportation Plan (Fehr & Peers) in order to coordinate that plan within the proposed NEV transportation plan.
- SACOG funding guidelines have been altered to include NEVs per the City's request. Prior to the City's input, SACOG's funding guidelines did not mention NEVs.
- The City has coordinated with PCAPCD to include NEV questions to be included in PCAPCD semi-annual transportation survey.
- The City has coordinated with Assemblyman Tim Leslie's office regarding AB 2353.
- The City has submitted NEV funding requests to SACOG through PCTPA, and to date has received funding approval for over \$270,000 from SACOG.
- AB 2353 signed into Law on January 1, 2005.
- Public Workshop held on August 30, 2005
- MUTCD approved experimental signage and striping.
- Developed NEV Standards.
- NEV Standards shared with the City of Rocklin
- Putnam Award for Excellence recipient 2006.

D. Reporting Requirements of Assembly Bill No. 2353

City of Lincoln and Rocklin shall jointly submit a report to the Legislature on or before January 1, 2008, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

The report shall include the following:

- A description of all NEV transportation plans and their elements that have been authorized up to that time.
- An evaluation of the effectiveness of the NEV transportation plans, including their impact on traffic flows and safety.
- A recommendation as to whether Chapter 7 should be terminated, continued in existence applicable solely to the City of Lincoln and the City of Rocklin in the County of Placer, or expanded statewide.

Chapter 7 shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statue, that in enacted before January 1, 2009, deletes or extends that date.

E. Reporting Requirements of CTCDC for experimental signage and striping

Reporting requirements for the CTCDC are similar to the requirements of AB 2353, as stated above. It is recommended the report be submitted to both agencies at the same time.



Chapter II - Legal Constraints / Opportunities

This section will outline the current federal, state, and local laws and ordinances relative to implementing a comprehensive NEV transportation plan as well as define the terms necessary to describe such a program. While the existing regulatory framework (AB 2353) allows for NEV travel within the City of Lincoln and Rocklin, an expansion of AB 2353 statewide would facilitate and promote the use of NEVs throughout the State.

A. Definitions

1. "Low Speed Vehicle" or "LSV" is defined as a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. A 'low speed vehicle' is not considered a golf cart, except when operated pursuant to Section 21115 or 21115.1 of the California Vehicle Code (CVC) pertaining to operations within a golf course facility/community. (CVC Section 385.5)

Low-speed vehicle is a relatively new motor vehicle classification created by the National Highway Traffic Safety Administration (NHTSA) in 1998 to permit the manufacture and circulation of small, four-wheeled motor vehicles with top speeds of 20-25 miles per hour. This new classification is codified as Section 571.500 Title 49 code of Federal Regulations and California Vehicle Code Section 385.5. LSVs are required to have California license plates in order to utilize public roads.

- 2. "Neighborhood Electric Vehicle" (NEV) is an electrically powered LSV. They are manufactured by car companies and meet federal safety standards for low speed vehicles. Examples include the Daimler Chrysler "GEM" car. While "low-speed vehicle" is technically the correct term, NEV is the more popularly used and recognized term. NEVs are required to have a California license plate in order to utilize public roads.
- 3. "Conventional Golf Cart" is a motor vehicle having not less than three wheels in contact with the ground, weighs less than 1,300 pounds, is designed to be operated at no more than 15 miles per hour, is designed to carry golf equipment and not more than two persons, including the driver. CVC Section 345. A conventional-golf cart is not a low-speed vehicle.
- 4. "Speed-modified Golf Cart" means a golf cart that is modified to meet the safety requirements of Section 571.500 of Title 49 of the code of Federal Requirements and designed to travel at not more than 20 miles per hour. A modified golf-cart must be inspected and approved as meeting all the safety requirements for a low-speed vehicle and is required to have a California license plate in order to utilize public roads.
- 5. "City" means the City of Lincoln.
- 6. "Study Area" means the City of Lincoln's sphere of influence.
- 7. "NEV Lanes" means all publicly owned facilities that provide for NEV travel including roadways designated by signs or permanent marking which are shared with pedestrian, bicyclists, and other motorists in the plan area.

B. Summary of AB 2353 Introduced by Assemblyman Leslie

- "It is the intent of the Legislature, in enacting this chapter, to authorize the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan for a plan area in the city. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have a physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills. It is the intent of the Legislature, in enacting this chapter, to encourage discussions between the Legislature, the Department of Motor Vehicles, and the California Highway Patrol regarding the adoption of a new classification for licensing motorists who use neighborhood electric vehicles." – 1963, Chapter 7, AB 2353
- 2. For the cities of Lincoln and Rocklin, AB 2353 brings California Law up to date with the new Federal Regulations governing Low Speed Vehicles including Neighborhood Electric Vehicles. AB 2353 provides a formal process for Lincoln and Rocklin to obtain agency approvals to bridge the legal gaps that currently exist for extensive use of Neighborhood Electric Vehicles. In doing this, AB 2353 provides a tool for planning, design, and implementation of a comprehensive NEV transportation program.
- **3.** The current Street and Highways Code Section 1951, which applies to golf carts, was enacted prior to federal legislation designating a low-speed motor vehicle category and prior to the popular emergence of NEVs. NEVs are a safer mode of transportation than golf-carts as they have stricter safety requirements. Further, unlike golf-carts, NEVs are motor vehicles subject to same rules and regulations governing motor vehicles.
- 4. A key aspect of AB 2353 is it provides local jurisdictions with choice. Federal Law allows NEVs on all streets posted 35 mph or less. AB 2353 allows Lincoln and Rocklin to determine which streets posted 35mph and under are appropriate for NEVs. The City of Lincoln is supporting NEV use, but has some streets posted 35 mph that are deemed unsafe for NEVs.
- 5. Until now NEVs were prohibited from streets posted above 35 mph. AB 2353 allows NEVs on streets posted above 35 mph where designated NEV lanes are available. Similar to bicycle laws, the bill describes three classes of NEV lanes.
- 6. AB 2353 allows NEVs to use and cross State highways where deemed safe and appropriate by the City and the State Department of Transportation
- 7. According to a recent survey of NEV owners, NEV users in the City of Lincoln drive an average of 1000 miles per year per NEV. That is 1000 miles of otherwise short cold start automobile trips. AB 2353 lets the cities of Lincoln and Rocklin accommodate the expanding popularity of low cost Neighborhood Electric Vehicles, and reap the transportation and air quality improvement benefits.
- 8. NEVs are also an ideal transportation option for aging drivers. As low-speed vehicles with a top speed of 25 mph and a limited travel range, NEVs have the ability to provide continued mobility and independence to aging and disabled drivers. Through AB 2353 the DMV committed to work with Assemblyman Leslie's office and the City of Lincoln to explore the feasibility of offering separate category of driver's license to NEV drivers.
- 9. AB 2353 was signed by the governor and became law January 1, 2005.

C. Existing Regulations for NEVs

1. NEVs must comply with all the rules and regulations for a motor vehicle as set for in the California Vehicle Code. Vehicle Code §21251 provides in relevant part that:

"...a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or any other code, with the exception of those provisions which, by their very nature, can have no application."

- 2. NEVs must be registered with the State Department of Motor Vehicles and the driver must hold a valid California driver's license and be insured.
- **3.** NEVs may travel on any street with a posted speed limit of 35 miles per hour or less. However, the City, by local ordinance or resolution, may restrict or prohibit the use of NEVs. CVC §21266(a). The City plans to designate approved NEV travel routes to direct NEV traffic to the safest available route.
- 4. NEVs may cross state-highways at controlled intersections only. Crossing at uncontrolled intersections is permitted with the approval of the agency with primary responsibility for that intersection. CVC §21260(2).

D. Safety Standards

NEVs must meet all safety standards for low-speed vehicles as defined by NTHSA. All vehicles sold as NEVs, such as the GEM, already meet these safety standards. Modified golf carts must include these safety modifications to comply with federal safety mandates. All NEVs must be equipped with:

- Seat belts (lap only, or lap and shoulder)
- Brake lights
- Rear lights
- Headlights
- Mirrors, one of the following selection; (1) left side and right side mirrors, (2) left-side and rear-view mirrors, or (3) multi-directional cross bar window.
- Windshield
- Horn
- Front and rear turn signal indicators
- Rear red-reflectors
- Parking brake
- Covered passenger compartment.

E. NEVs in Golf Cart Lanes

Current Law in Lincoln and Rocklin per AB 2353 allows dual use; however, outside of Lincoln and Rocklin, a conflict still exists.

F. NEV/Bicycle Lane Compatibility

NEV travel is permitted by AB 2353 on roads with speed limits in excess of 35 mph where there is a designated Class II NEV lane on the right shoulder. Bicycles are permitted to travel in these designated NEV lanes.



Chapter III - Energy/Cost Considerations

A. Energy Consumption

- 1. Standard Car (27.5 mpg)
- 2. NEV (Equivalent to 150mpg, 0.223 kwh/mile)

B. Operational Costs (For standard fleet car and NEV)

Table 1 – Annual Operating Costs

Annual Operating Costs *							
Vehicle Type	Insurance	Registration	Fuel Costs	Maintenance	Total		
NEV	\$200	\$50	\$16.90	\$293.00	\$559.90		
Gas Auto	\$1,200	\$600	\$292.40	\$1,428.00	\$3,520.40		

Table 2 – Operating Costs per Mile

* Based on Data from the Luke AFB 9/14/2000 Report (1998 figures)									
Vehicle Type	Cost New	Annual Operating Costs	Yrs	Salvage Value	10- YEAR COST	10-Year Total Miles	Average Operating Cost per Mile	Vehicle Cost per Mile	
NEV	\$7,560	\$560	10	\$1,500	\$11,659	13,000	\$0.043	\$0.90	
Gas Auto	\$18,500	\$3,520	10	\$1,850	\$51,854	34,000	\$0.104	\$1.53	

C. Potential Energy Sources

- 1. Photovoltaic Cells/Batteries
- 2. Fuel Cells
- 3. Utility/Batteries

D. Energy Benefits

The cost to operate an NEV is less than 1/5 that required for a conventional automobile. In accordance with the July 1, 2002 report to CEC (p600-02-020F) demonstration of NEVs, NEVs achieve an equivalent mpg of 150. The actual measured energy use is 0.223 kwh/mile. The average auto mpg is 27.5 as of 2002, and less in urban traffic.

E. Incentives/Subsidies

- 1. Federal: 2.5% of purchase price tax credit
- 2. Local: designated parking spaces and lanes, free charging stations.



Chapter IV - Air Quality Benefits

Air Quality Setting

The city of Lincoln is located within the Sacramento Federal Non-attainment Area (SFNA), a region federally designated as "severe non-attainment" of federal air quality standards for ozone air pollution. Only the Los Angeles basin in California is designated as "extreme" with worse air quality. Under federal law, the SFNA must demonstrate attainment by 2005, then maintain healthy air thereafter. NEVs will provide real, quantifiable emission benefits for local and regional air attainment strategies.

NEV trips made possible by the development of this project will produce a variety of air emission benefits to Lincoln and its citizens, and to the five-county air basin. Ozone air pollution is formed by "tailpipe" oxides of nitrogen (NOx) and reactive organic gases (ROG) mixing in the presence of sunlight. The great majority of local ozone air pollution comes from "mobile sources", with the largest portion resulting from light-duty on-road vehicle use. Some air pollution also comes from evaporative (fuel) emissions that escape from the vehicle during fueling and operation. In winter, carbon monoxide (CO), a product of incomplete combustion that increases as temperatures drop, can be a problem near heavily traveled intersections and in lower lying areas that tend to trap air pollutants in stagnant weather conditions.

Vehicle exhaust also contains toxic air contaminants, such as benzene and formaldehyde. Emission control systems take time to come up to operating temperature, especially in winter. A recent report to the California Energy Commission (TIAX, LLC) stated:

"It is well documented that cold-start emissions have significant impact on air quality. Due to cold-start fuel enrichment, subsequent quenching of hydrocarbons in a cold engine, and the delayed attainment of proper operating temperatures of the catalytic converter, between 60 and 80% of the toxic air emissions from automobiles occur during the cold-start period."

The good news is that NEVs eliminate the issue of cold starts, with their high rates of toxic and criteria pollutant emissions.

B. NEV Emission Benefits to Lincoln and the Air Basin

NEVs eliminate NOx, CO, ROG and toxics emissions that otherwise result from internal combustion-powered vehicle. NEVs operating in Lincoln will displace gasoline vehicle trips. To demonstrate the emission benefits of a successful NEV program, the following assumptions were used to model the most important emission benefits with the URBEMIS2002 mobile source emissions estimation program:

- 5000 NEVs at program buildout
- 2008 is the modeling year
- Each NEV will travel 1000 miles/year
- NOx is primary target; emission reductions annualized from summer conditions
- Only vehicle emissions were calculated with URBEMIS2002 (no area or construction emissions)
- Trip characteristics derived as 2.78 miles/each for 1000 mile/year
- Trips calculated as home to work
- 95% light duty passenger car and 5% light duty truck ratio assumed

Table 3 – Lbs/Dag	y Emissions Reduced with 5000 /NEVs	

ROG	NOx	CO	SO2	PM10	
lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	
86.80	15.35	286.90	.14	20.87	

Table 4 - Tons/Year Emissions Reduced with 5000 NEVs

tons/year 15.84	2.8	52.36	.026	tons/year 3.8
ROG	NOx	CO	SO2	PM10

C. Cost-Effectiveness of NEV Air Emission Benefits for Lincoln

The cost of reducing air pollution is often calculated in units of dollars spent per unit of emission reduction received. In simple terms, when the local Placer Air Pollution Control District calculates the value of funding it provides "mobile source" (vehicle) emission reduction projects, including NEVs, it divides the tons of emissions reduced by what it spent to achieve them.

The NEV project does NOT require large investments by air agencies, in spite of the considerable emission reductions that will occur. This is because NEVs will take advantage of existing roadway improvements and infrastructure. Since NEVs have a much lower cost to operate, and even "green image" environmental benefits important to increasing numbers of drivers and local businesses, the "costs" for the emission reductions produced by the NEVs will be substantially underwritten by the vehicle buyer. Therefore, the cost-effectiveness of the emission benefits to Lincoln and the broader Sacramento air basin is a bargain.

Because NEVs operate at essentially zero emissions, (using grid power) vehicles with an internal combustion engine will operate with greater emissions. No grid power in the Sacramento region is generated in the local air basin, and it is reasonable to argue that because NEVs produce a wide range of emission benefits to society they should be able to claim that their grid power comes from hydroelectric or other environmentally benign sources.

D. Luke Air Force Base NEV Fleet Demonstration Program Report

The September 14, 2000 Luke Air Force Base NEV Fleet Demonstration Program report provided the following air quality benefits for each of their NEVs:

Vehicle Type	10-Year Total Miles	10-Yr VOC lb	10-Yr CO lb	10-Yr NOX lb
NEV Elect.	13,000	(52.0)	(390.0)	(67.6)
Gas Auto	34,000	136.0	1,020.0	176.8

Table 5	5 – Air	Quality	Benefits
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E. Community Design Benefits

The NEV program represents "inside out transportation planning"; or planning from the user's perspective.

F. Environmental Justice

The City of Lincoln's proposed NEV transportation plan will enhance the quality of life for aging, disabled, and low-income persons within the City.

1. NEVs Will Provide Inexpensive Mobility for Low-Income Drivers

The high cost of a conventional automobile can be a barrier to independence and mobility for low or fixed income persons. The initial and operating costs of an NEV are substantially less than those of a conventional automobile.

A new NEV retails for approximately \$7,560.00. Used NEVS are also available for less. The least expensive conventional automobile is at least three times the amount of a new NEV.

The operating costs of an NEV are also substantially lower than those of a conventional automobile. The average annual operating cost for an NEV including insurance, registration, fuel, and maintenance is \$559.00. The same costs for a conventional automobile are \$3,520.00; over six times the operating costs of an NEV.

2. NEVs Will Promote Safety and Provide Independence for Aging and Disabled Drivers

With the State's aging population, we are confronted with the conflicting interest of providing continued mobility to aging drivers while promoting a safe driving environment for all drivers. After the tragic accident in Southern California, where an elderly driver crashed into a farmers market killing several bystanders, the State's population has become acutely aware of the dangers of drivers with diminished skills often brought on by old age. After the accident, the State immediately began considering new driver's license testing, a move that will inevitably result in the loss of a driver's loss for drivers with diminished driving skills, included the elderly and disabled.

The loss of a driver's license can lead to isolation and dependence on others for mobility. The proposed NEV transportation plan will provide for a special driver's permit, issued by the local jurisdiction, which will allow aging or disabled persons to drive an NEV in designated NEV routes. Since NEVs are smaller, have a limited travel range, and a top speed of 25 miles-per-hour, they provide a safe alternative to impaired drivers when compared to a conventional high-speed automobile. The emergence of an NEV transportation plan in the City of Lincoln will provide continued mobility and independence to aging or disabled drivers, allowing them to access businesses, medical centers, and visit friends while driving an NEV.

NEVs also will reduce the need for comparatively expensive and under-funded dial-a-ride programs.

In conclusion, the City's proposed NEV transportation plan will enhance the lives of lowincome, elderly, and disabled persons throughout the City by providing them with affordable transportation options. The City plans to conduct outreach to all members of the community, including the elderly, disabled, low-income, and other minority groups to determine their transportation needs when preparing the City's comprehensive NEV transportation plan.

G. Conclusion – Air Quality Benefits

Facilitating NEV operation will result in substantial air quality benefits to Lincoln, while providing extremely cost-effective pollutant reductions to assist the air basin in attaining and then maintaining federally enforced ambient air quality standards. Cost-effectiveness per ton of emission reduced will be unsurpassed, since air agencies will not be expected to provide per-vehicle subsidies. With deployment of 5000 NEVs as a result of this proposal, nearly eighteen tons per year of ozone pre-cursor emissions will be avoided based on URBEMIS estimation. Moreover, once this NEV pilot study is completed for Lincoln, results will be made available to other communities similarly interested in reducing dependence on petroleum products while simultaneously reducing vehicle-caused air pollution.





Chapter V - Community Considerations

The NEV program represents "inside out transportation planning"; or planning from the user's perspective.

A. NEVs Provide Multiple Community Benefits

NEVs are already in use in Lincoln and Rocklin areas within a limited radius of golf courses. NEV users are asking officials of both Lincoln and Rocklin "how can I legally get to a shopping area in my NEV?" The NEV project is designed to accommodate NEV use and is already successful at eliminating automobile trips.

NEVs travel at a slower speed than autos and provide opportunity to develop a more friendly cohesive community at the neighborhood level than fast autos. The slower speed also contributes to NEV safety for impaired drivers.

As discussed in Chapter II, Legal Constraints, the NEV project included legislation (AB 2353) that has a requirement for DMV to work with the California Highway Patrol and the Legislature to create a new driver's license classification for NEV operation. With an "NEV operators permit" a person who no longer felt comfortable to drive an automobile could continue to be independent. NEVs will provide individual transportation to public transit systems and satisfy some of the more costly unmet transit needs.

NEVs operate for about 20% of the cost of owning and operating automobiles. For low income families that live near their work, an NEV could replace a gross polluting auto. Part of the NEV project includes proposals to include NEVs in State incentive, grant and rebate programs.

B. Discussion of other NEV/Golf Cart Communities

The City of Lincoln's efforts to accommodate and encourage NEVs has many of its roots in other electric vehicle communities. With the advent of the active adult communities, (age 55 or older) golf carts and electric vehicles have become a common sight.

Other Sun City communities have long encouraged the use of electric vehicles. That is certainly the case in *Lincoln Hills* where the use of electric vehicles in local neighborhoods has increased over the years, since first being introduced in the spring of 1999. Rush hour in *Lincoln Hills* isn't necessarily at 8 a.m. and 5 p.m., it is more likely at 10 a.m. after the morning softball game, or 2:30 p.m. after golf as the NEVs and golf cart vehicles make their way to the neighborhood shops.

Every day in *Lincoln Hills* numerous electric vehicles make their way through neighborhood connections to get a cup of coffee from Starbuck's, or go to Safeway for groceries or do their banking at any of the four neighborhood banks. NEVs are convenient, safe, affordable, non-polluting and good for the local economy. Business owners near *Sun City Lincoln Hills* and other Sun City communities appreciate electric vehicle users patronizing their businesses and accommodate NEV and Golf Cart use with special parking spaces.

As a part of this study and proposed pilot program for the City of Lincoln, it might be helpful to review some other electric vehicle plans over the past 10 to 15 years. Electric vehicle activities have been taking place in California and Arizona Sun City communities for quite some time now. NEVs have proven to be natural, efficient alternative forms of transportation in many active adult communities.

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These programs were started for ease of accessibility to neighborhood activities through use of an electric vehicle. The various community programs started with golf cart transportation plans, which still exist and now include a good amount of NEV use as well, depending on the community and access to roadways and commercial centers. It is worth a quick review and look at other Sun City/Del Webb communities.

CONCLUSION:

NEVs are an affordable, safe, non-polluting alternative to traditional modes of transportation. It is apparent that as communities make commercial and downtown business sites available and accessible, the use of NEVs increases. NEVs have proven to be natural, efficient alternative forms of transportation and will provide a multitude of benefits to the City of Lincoln.





Chapter VI - NEV Transportation Planning

Background

Existing law (Chapter 6, Streets and Highways Code, Section 1950 – 1965) authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Assembly Bill 2353 adds Chapter 7 (commencing with Section 1963) to Division 2.5 of the Streets and Highways Code to authorizes the City of Lincoln (until January 1, 2009) to establish a neighborhood electric vehicle (NEV) transportation plan subject to the same review process established for a golf cart transportation plan (GCTP). The bill defines "neighborhood electric vehicle (NEV)" the same as a "low speed vehicle." Within California, only electric powered LSVs can be sold. Therefore, all LSVs in the state of California are NEVs.

In enacting Chapter 7, it is the intent of the Legislature to authorize the City of Lincoln and Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills.

The City of Lincoln NEV project is an effort to accommodate the City's changing urban lifestyle by encouraging the use of bicycles and NEVs to travel from their home to the downtown Lincoln commercial areas. This effort will result in air quality improvements, energy savings, reduced travel costs, and increased mobility and independence for aging and impaired drivers.

Minor modifications to the existing street and circulation system are needed to accommodate NEVs. The City plans to implement signing and striping improvements consistent with this report, create special parking spaces, and develop a Class II NEV path system to facilitate access to the City of Lincoln, and to increase safety.

The City of Lincoln is well positioned to integrate the beneficial use of NEVs with their existing golf cart transportation system. NEVs are already circulating in the Sun City – Lincoln Hills development and special parking areas are provided in the adjacent Safeway shipping center. The overall goal is to complete a comprehensive NEV circulation system so that the number of users will increase commensurate with the amount of new development planned for Twelve Bridges and the City of Lincoln proper. Figure 1 shows the project study area.

B. Data Collection and Review

We reviewed the following materials in preparation of this report.

- The Revised Twelve Bridges Specific Plan EIR (August 1997)
- City of Lincoln, NEV Transportation Plan, CMAQ Application to SACOG, 1-15-04
- Administrative Draft Transportation and Circulation Section 4.2 (May 2000)
- The City of Lincoln General Plan
- The Sun City Lincoln Hills Golf Cart Transportation Plan (2001)
- City of Lincoln Parkway Pointe Offsite Improvement Plans (November 2004)

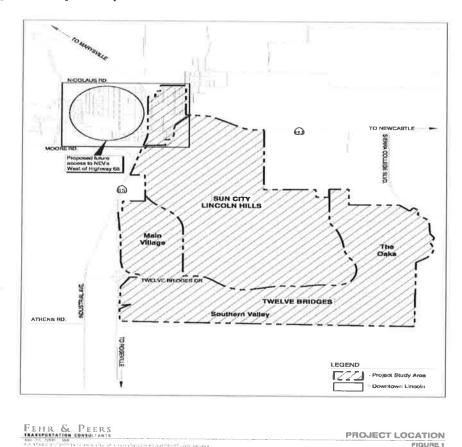
- The City of Lincoln current street design standards (2003)
- City of Palm Desert Golf Cart Transportation Plan (1999)
- 2000 Census journey-to-work data
- AB 2353 (signed into law)
- California Vehicle Code (CVC) (2003)
- Manufactures brochures and dimensions for typical golf carts and NEVs
- City of Lincoln Neighborhood Electric Vehicle Transportation Program Draft #2 Report prepared by MHM Engineers & Surveyors, 12-2-03.

This information provides a basis for determining the feasibility of integrating NEVs into the existing golf cart circulation system within the City of Lincoln, identifying key crossing points that allow access to planned retail, commercial, educational, and medical facilities in Twelve Bridges, and recommending street standards, crossing design, and signage to accommodate NEVs. The existing golf cart facilities and circulation routes in the City of Lincoln are summarized below along with their feasibility of accommodating NEVs.

C. Mode Share and Trip Generation Summary

Table 9 provides information from the 2000 Census on the mode shares for journey-to-work for Placer County, City of Lincoln and City of Rocklin. For the City of Lincoln (including Twelve Bridges) the automobile continues to be the primary mode of travel to work. Drive alone and carpool account for approximately 96 percent of all work trips.

Figure 1 – Project Study Area



	Drive					Other	
City	Alone	Carpool	Transit	Bicycle	Walk	Means	Subtotal
Lincoln CA	79.8%	16.5%	0.0%	0.4%	3.0%	0.2%	100.0%
Rocklin CA	86.9%	9.9%	0.8%	0.6%	1.5%	0.4%	100.0%
Roseville CA	86.4%	10.3%	1.4%	0.4%	1.0%	0.4%	100.0%
Lincoln CA	3,395	701	0	18	129	10	4 252
Rocklin CA	14,574	1,661	129	95	244		4,253
Roseville CA	29,809					60	16,763
Roseville CA	29,809	3,565	485	145	332	153	34,489

Table 6 – Mode Shares from the 2000 Census Journey to Work

Table 7 summarizes the number of dwelling units and daily person trips for Sun City – Lincoln Hills and for the remainder of Twelve Bridges. Recent data (September 2004) from the City of Lincoln shows that since 1998, there have been 3,356 building permits issued for the City of Lincoln excluding Sun City – Lincoln Hills. This represents approximately 50% of the adopted General Plan build-out The Del Webb community (Sun City – Lincoln Hills) has received 5,521 building permits during the same time frame, which represents approximately 80 percent of plan build-out.

		Total Daily Trips	5	
Land Use Category	Daily Trip Rate ¹	Twelve Bridges	Sun City - Lincoln Hills	Total
Low Density Residential	9.0/d.u.	33,525	0	33,525
High Density Residential	6.5/d.u.	6,825	0	6,825
Age-Restricted Residential	4.6/d.u.	0	31,280 ¹	31,280
Commercial	525/acre	26,075	14,700	40,775
Employment Center	230/acre	18,860	0	18,860
Schools	50/acre	3,750	0	3,750
Golf Course	37.6/hole	677	1,354	2,031
Total		89,712	47,334	137,046
Source: City of Lincoln Tra	ffic Model; Del We	bb Specific Plan I		
Revised Twelve Bridges Spe				it Section
¹ Revised consistent with rec	ent building permit	data	0	

Table 7 - Trip Generation Summary for Sun City - Lincoln Hills and Twelve Bridges

Feasibility: There is ample opportunity to increase non-auto mode shares within the City of Lincoln based on recent census data. Walking already shows a higher percentage of work trips than either Roseville or Rocklin. The use of golf carts and/or NEVs is captured in the "Other" category (0.2 percent). The potential for mode shifting to bike, walk or NEV travel within the City of Lincoln will depend on several factors including, a well connected on-street and off-street system, jobs-housing balance (for work related trips), adequate parking and major attractors and activity centers, and appropriate safety measures. The City of Lincoln has taken important steps to improve these elements through adoption of their bicycle master plan, development of a citywide extended golf cart transportation plan, and development of the main village and surrounding commercial, retail and employment areas. If NEV travel accounted for just one percent of the current Del Webb generated trips, there would be a potential of 400 daily trips by this efficient non-polluting mode. If the same one percent is applied to the total trips generated by Del Webb and Twelve Bridges, over 1,000 daily trips by NEV are possible.

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New NEV trips resulting from the development of the circulation plan will produce a variety of air emission benefits to Lincoln and its citizens, and to the five-county air basin. The great majority of local ozone air pollution comes from "mobile sources", with the largest portion resulting from light-duty on-road vehicle use. In winter, carbon monoxide (CO) can be a problem near heavily traveled intersections and in lower lying areas that tend to trap air pollutants. The good news is that NEVs eliminate toxic emissions that otherwise result from these mobile sources.

Although trip length information is difficult to establish, a neighborhood electric vehicle program questionnaire was distributed to NEV owners in the City of Lincoln in 2003 as part of the MHM Draft NEV Report, in an attempt to refine usage and trip length information. The results from 35 responses showed the following trends:

- 77% of respondents use their NEV at least 5-days a week
- 70% of respondents drive their NEV more than 500 miles per year and 23% drive more than 1,000 miles per year
- 62% of respondents use their NEV for purposes other than recreation or golf
- 38% indicated they would drive at least 50 additional miles per week if they were allowed to drive anywhere within the City of Lincoln, and if it were safe to do so

The City of Lincoln – NEV Transportation Plan CMAQ application provided an estimate of the air quality benefits available from a mode shift to NEVs and bicycles within the downtown area based on the survey results. Table 8 provides a summary of the information. The calculation methodology is detailed in the application.

	Bike 28,322	Combined	Notes
2,732 2	10 2 2 2 2		
	20,522	341,054	Trips/year
01,856 5	56,644	2,558,500	Miles/year
46 1	174	4,320	Lbs/year
36 1	14	3,750	Lbs/year
45 2	29	1,274	Lbs/year
27 3	317	9,343	Lbs/year
	46 1 36 1 45 2 27 3	46 174 36 114 45 29 27 317	461744,320361143,75045291,274

Table 8 - Air Quality Benefits of NEV and Bicycle Use

Feasibility: The potential for NEV and bicycle use resulting from an approved NEV circulation plan results in very positive air quality benefits for the City of Lincoln and ultimately the 5-county region.

D. Traffic Volume Data

The feasibility of using NEVs on the study area roadways considered "level of service (LOS)" and traffic volume thresholds. Table 9 provides the average daily traffic (ADT) volume LOS for various roadway types. These thresholds have been established for previous environmental analyses in the Cities of Lincoln, Rocklin and the Counties of Placer and Sacramento. LOS is measured quantitatively and reported on a scale from A to F, with A representing the best performance and F the worst in terms of congestion and delay.

	Average I	Daily Traffic	Volume Thres	hold	1
Facility Type	LOS A	LOS B	LOS C	LOS D	LOS E
Two-Lane Street	9,000	10,700	12,000	13,500	15,000
Four-Lane Undivided Arterial	18,000	21,300	24,000	27,000	30,000
Four-Lane Divided Arterial	20,250	23,625	27,000	30,375	33,750
Four-Lane Restricted-Access Arterial	21,600	25,200	28,800	32,400	36,000
Six-Lane Divided Arterial	30,315	36,000	40,500	45,560	50,525
Six-Lane Restricted-Access Arterial	32,400	37,800	43,200	48,600	54,000
Two-Lane Freeway	18,800	26,400	34,000	38,000	40,000
Four-Lane Freeway	37,600	52,800	68,000	76,000	80,000
Six-Lane Freeway	56,400	79,200	102,000	114,000	120,000
Two-Lane Conventional Highway	3,100	4,800	7,900	13,500	22,900

Table 9 - Average Daily Traffic Volume Level of Service Thresholds

Sources: Sunset West Development Plan EIR (1995), Draft Subsequent Twelve Bridges Specific Plan EIR, (1997), Placer County General Plan Update DEIR (1994), and Sacramento County Traffic Impact Guidelines (1997).

The City of Lincoln has adopted LOS C as their minimum criteria for urban area intersections and roadways. The feasibility of allowing NEVs to travel on area roadways were evaluated by comparing ADT to the daily volume LOS thresholds in Table 10. Figure 2 shows 2025 traffic volumes for the Main Village including Twelve Bridges Drive and East Lincoln Parkway. The future (2025) traffic forecasts are based on trip generation estimates for proposed General Plan Amendment land uses, prepared by Fehr &Peers for the Main Village. **Feasibility**: The feasibility of operating NEVs on roadways within the City of Lincoln and Twelve Bridges based on speed limits and volumes is shown in Table 10.

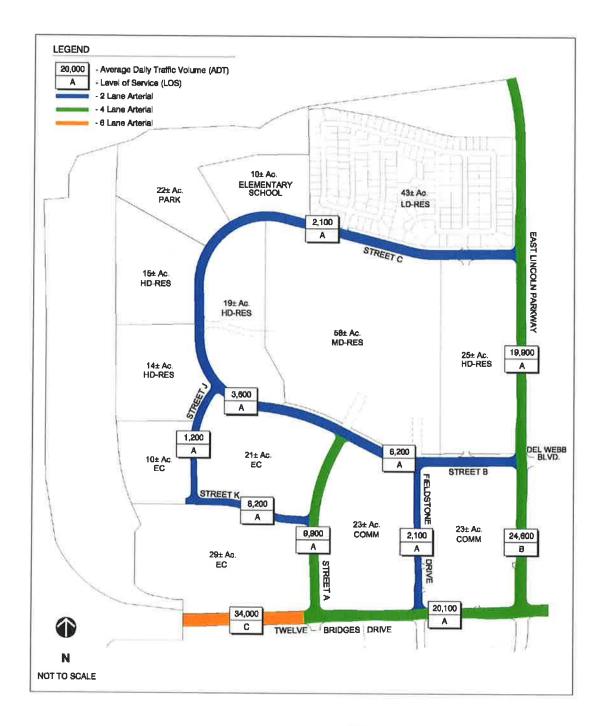
		2020		
	Roadway	Traffic		Operational
Facility (Speed Limit)	Speed Limit	Volume	LOS C Threshold	Feasibility
SR 193	35 mph	18,000	12,000	Limited ¹
Ferrari Ranch Road	35 mph	19,000	24,000	Yes ²
Sterling Parkway	35 mph	17,000	24,000	Yes
E. Lincoln Parkway	35 mph	22,000	24,000	Yes
Twelve Bridges Drive*	35 mph	20,000	24,000	Yes
Street C (Main Village)	35 mph	2,100	12,000	Yes
Street B (Main Village	25 mph	6,200	12,000	Yes
Fieldstone Drive (Main Village)	25 mph	2,100	12,000	Yes
Street A (Main Village	25 mph	9,900	24,000	Yes
Street K (Main Village)	25 mph	8,200	12,000	Yes
Street J (Main Village)	25 mph	1,200	12,000	Yes
Downtown Lincoln (Residential		No recent	Not expected to	
Streets) east of Highway 65	25 mph	estimates	exceed 12,000	Yes
Source: Fehr & Peers 2004				

Table 10 – Operational Feasibility of NEVs on Study Roadwa

*The segment of Twelve Bridges Drive between State Route 65 and East Lincoln Parkway has a posted speed limit of 35 mph. Other portions of Twelve Bridges Drive are currently posted at 45 mph.

NEVs would be allowed to travel on SR 193 between Ferrari Ranch Road and A Street to access the downtown residential streets in Lincoln. NEVs will not be allowed on SR 193 east of Ferrari Ranch Road. Although NEVs are legal to operate on Ferrari Ranch Road, a separate Class II path system is proposed when the road is built out to complete width.





FEHR & PEERS TRANSPORTATION CONSULTANTS

AVERAGE DAILY TRAFFIC VOLUMES -GENERAL PLAN AMENDMENT CUMULATIVE YEAR (2025) CONDITIONS

Figure 2

E. Standard NEV Signage and Street markings

The standard NEV signage and street markings are shown in Appendix B. These signs and markings are consistent with the MUTCD 2003 California Supplement, May 20, 2004 issued by the California Department of Transportation. The size and general design of signage for the NEV plan is consistent with Part 9 of the MUTCD for bicycles and with the adopted 2001 Golf Cart Transportation Plan (GTCP) for Sun City – Lincoln Hills.

The following standards and policies for NEV signing and pavement markings are recommended for use within the plan area.

- 1. Combination NEV/Bike Lane Sign. The Combination NEV/Bike Lane sign should be placed on NEV Lanes where a Class II Bike Lane is also provided. The sign should be placed at the far side of collector street intersections and at a minimum of one-half mile intervals on all continuous residential streets. (Appendix B Figure 1)
- 2. NEV Pavement Marking. The Pavement Marking should be placed on local streets, which have been designated as NEV Routes. (Appendix B Figure 2)
- **3.** NEV Lane Striping. The stripe is to be placed between the traffic lane and the NEV/Bike lane. (Appendix B Figure 3)
- 4. NEVs Prohibited Beyond This Point. The NEV Prohibited Beyond This Point educational plate may be placed at entrances to public streets that will not accommodate NEV travel. This sign may be placed on the right-hand side of the roadway approximately 25 feet past the intersection so it is visible to operators before they enter that portion of the public right-of-way (Appendix B Figure 4)
- 5. NEV Route. The NEV Route sign should be placed on local streets, which have been designated as NEV Routes. The sign should be placed at the far side of collector street intersections and at a maximum of one-half mile intervals on all continuous residential streets. (Appendix B Figure 5)

F. NEV Standards: Lane Widths and Parking Requirements

1. Functional Classification of NEV Facilities

- **a.** Two-Way Paths are defined for the purposes of this study as an off-street path with a minimum width of 14 feet plus a one foot shoulder on each side (total right-of-way width of 16 feet). This width is deemed necessary to allow NEVs to pass safely in the opposite direction considering their size and speed (See Table 13). NEV paths are designed to provide access between residential areas and commercial/retail areas, and between public streets and private property. The multi-modal design of the paths is intended for pedestrians, bicyclists, skateboarders and roller-bladders to share the facility. Note: The minimum path width may be reduced to 12-feet at the discretion of the Director of Public Works.
- **b.** One-Way Paths are defined for the purposes of this study as an off-street path with a minimum width of 8 feet plus a one foot shoulder on each side (total right-of-way width of 10 feet). The 8 feet width is deemed necessary to allow pedestrians, bicyclists, skateboarders and roller-bladders to share the facility.

- c. Class II NEV/Bike Lanes: NEV/bike lanes are portions of public roadways that are designated by signs and pavement markings for NEV/bike travel. NEV/bike lanes should be 7 feet wide and allow NEVs, bikes and golf carts (within the Golf Cart Transportation Plan) to travel adjacent to automobile traffic but within a striped separated space. Bicyclists may share NEV lanes if there is not a separate bicycle lane on the roadway. In addition, NEV/bike lanes may be reduced to 6-feet at the discretion of the Director of Public Works. NEV/bike lanes are appropriate on arterials and collector streets that meet the following design criteria:
 - <u>Road Design Speed</u> 45 miles per hour or less
 - <u>Automobile Traffic Volume</u> Streets should be capable of providing a high level of service to insure that adequate capacity exists for automobiles, bicyclists and NEVs. The City of Lincoln Public Facilities Element (PFE Policy 5-1) of the General Plan requires streets and intersections to operate at no worse than LOS "C". Based on the traffic volume thresholds shown in Table 12, a two lane collector street suggests a target vehicular threshold of 12,000 vehicles per day to maintain LOC C.
- **d.** Class III NEV Routes provide for shared use by NEVs with conventional vehicle traffic on streets with a posted speed limit of 35 miles per hour or less.

2. Minimum Street Standards

The minimum street standards and typical cross-sections are shown in Appendix A. These cross-sections are based on existing City of Lincoln standards and reflect similar design widths for NEV and/or golf cart travel in Sun City – Lincoln Hills and the City of Palm Desert. Included are:

- Two lane residential collector streets with Class II NEV/Bike lanes
- Four lane arterials with Class II NEV/Bike lanes
- Residential streets (shared use)
- One-way Class 1 NEV/Golf Cart Path (off-road)
- Two-way Class 1 NEV/Golf Cart Path (off-road)

Table 11 provides a physical and operational comparison of NEVs and Golf Carts based on manufacturer specifications. The additional width and speed of the NEV requires Class I paths to be a minimum of 14-feet of pavement with at least a one foot shoulder on each side for a total right-of-way width of 16 feet. Similarly, one way Class 1 NEV/Golf Cart paths are recommended to be 8 feet of pavement with at least a one foot shoulder on each side for a total right-of-way width of 10 feet. This will allow for multi-modal travel and passing in the same direction.

N		tric Vehicle (NE ifications and C	V) vs. Standard (omparisons	Golf Cart
CATEGORY	NEV (GEMCO)		GOLF CART (CLUB CAR)	
	2 Passenger	4 Passenger	2 Passenger	4 Passenger
Curb Weight	1,100 lbs	1,280 lbs	495 lbs	500 lbs
GVW	1,600 lbs	2,100 lbs	NA	NA
Length	98.5"	126.5"	91.5"	91.5"
Height	68"	69.75"	68.5"	68.5"

Table 11 – NEV vs. Golf Cart Specifications and Comparisons

W-H-W

Width	55"	55"	47.25"	47.25"
Wheelbase	71.1"	101"	65.5"	65.5"
Tires	10-inch	12-inch	8.5-inch	8.5-inch
Rating	Street/Turf	Street	Street/Turf	Street
Speed	15/30 mph	30 mph	15 mph	15 mph
Source: Manufa	acturer specification	ns for GEMCO	and CLUB CAR	

Table 12 provides a comparison of operational characteristics across various "low-speed" modes. All of these modes should be able to use the Class I NEV/Golf Cart paths within the plan area.

Low Speed Mode	Speed (mph)	Width (feet)	Braking Distance (feet)	Turning Radius (feet)
Pedestrians	2.7	NA	NA	NA
Bicycles	15	3.3	15	56.3
Skates	10.5	4	20	NA
Skateboards	NA	NA	NA	NA
Scooters	5 to 8	1.2	25	NA
Wheelchairs	4 to 7	2.5	NA	2 to 4
Golf Carts	5 to 15	3.9	NA	NA
NEVs	5 to 30	4.6	NA	NA

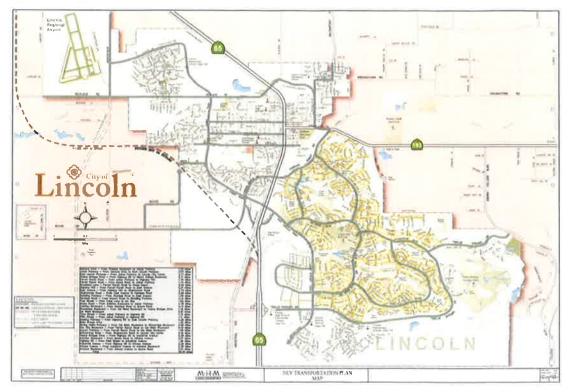
Table 12 - Operational Characteristics Across Low-Speed Modes



3. Proposed NEV Circulation Plan

The proposed NEV Transportation Plan is illustrated in Figure 3.

Figure 3 – Proposed Circulation Plan



The following outlines the NEV routes included in the NEV Transportation Plan:

- 1. Venture Drive From Aviation Boulevard to Joiner Parkway
- 2. Joiner Parkway From Venture Drive to East Lincoln Parkway
- 3. East Lincoln Parkway From Joiner Parkway to Lincoln City Limits
- 4. Twelve Bridges Drive From Highway 65 to Sierra College Boulevard
- 5. Ferrari Ranch Road From Joiner Parkway to Highway 193
- 6. Ferrari Ranch Road From Moore Road to Joiner Parkway'
- 7. Groveland Lane Ferrari Ranch Road to Home Depot
- 8. Highway 193 From Ferrari Ranch Road to East Avenue
- 9. East Avenue From Highway 193 to Virginiatown Road
- 10. Virginiatown Road From East Avenue to Harrison Road
- 11. Gladding Parkway From Nicolaus Road to East Avenue
- 12. Nicolaus Road From Airport Road to Gladding Parkway
- 13. First Street From Fuller Lane to Ian Way
- 14. Moore Road From Aviation Boulevard to Joiner Parkway
- 15. Aviation Boulevard From Nicolaus Road to Lincoln City Limits
- 16. Stoneridge Boulevard From Del Webb Boulevard to Twelve Bridges Drive
- 17. Del Webb Boulevard
- 18. Third Street From Joiner Parkway to Highway 65
- 19. Fifth Street From Joiner Parkway to Highway 65
- 20. Sterling Parkway From Highway 65 to East Lincoln Parkway
- 21. Bella Breeze Drive
- 22. Spring Valley Parkway From Del Webb Boulevard to Stoneridge Boulevard

- 23. Sun City Boulevard From Ferrari Ranch Road to Del Webb Boulevard
- 24. Ingram Parkway From Ferrari Ranch Road to Del Webb Boulevard
- 25. McCourtney Road From Virginiatown Road to Lincoln City Limits

Future routes outside of City of Lincoln limits but within the sphere of influence:

- 1. Twelve Bridges Drive From Highway 65 to Industrial Avenue
- 2. Aviation Boulevard From Nicolaus Road to Athens Avenue
- 3. Highway 65 From First Street to Industrial Avenue
- 4. Industrial Avenue From Highway 65 to Athens Avenue
- 5. Athens Avenue From Industrial Avenue to Aviation Boulevard

G. NEV/Golf Cart Parking Facilities

In order to promote NEV travel, NEVs/golf carts should be given preferential parking at all common facilities, including retail centers, commercial centers, parks, medical facilities and educational facilities. Although no industry or local standards exist, we recommend the following minimum number of spaces based on our experience with other Golf Cart communities and plans, and our site review of existing parking stalls for NEVs and golf carts in the City of Lincoln:

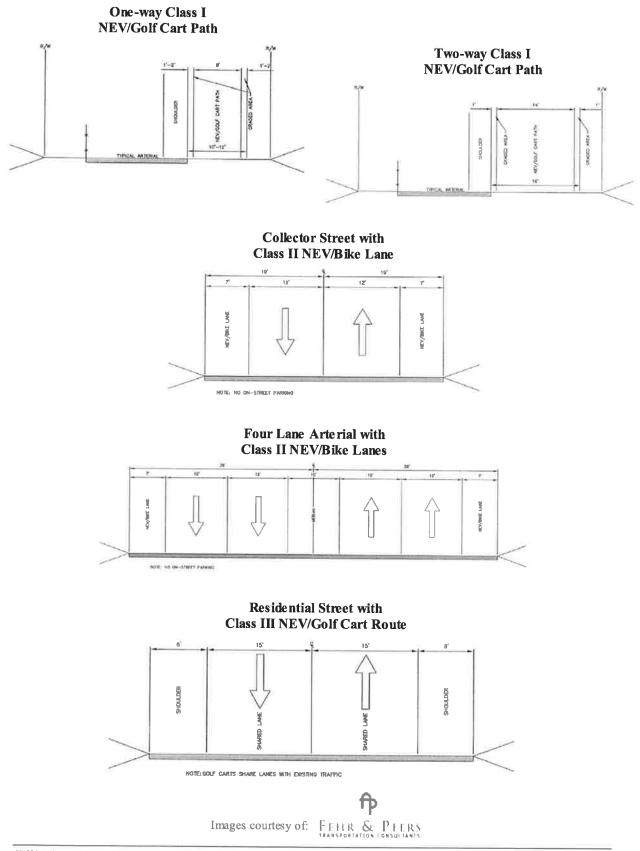
- Retail Centers 2 to 3 spaces (7 feet x 15 feet) per 100,000 square feet plus one additional space for each additional 30,000 square feet.
- Commercial Centers 2 to 3 spaces (7 feet x 15 feet) per 100,000 square feet plus one additional space for each additional 30,000 square feet
- Private Neighborhood Parks four to six spaces (7 feet x 15 feet)
- Medical Facilities Four to six spaces (7 feet x 15 feet)
- Educational Facilities Six to eight spaces (7 feet x 15 feet)

Note: The number of spaces suggested above, are guidelines. Larger facilities may require more parking spaces.

APPENDIXES

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APPENDIX A STREET CROSS SECTIONS



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APPENDIX B

STANDARD SIGNS AND MARKINGS

Figure 1

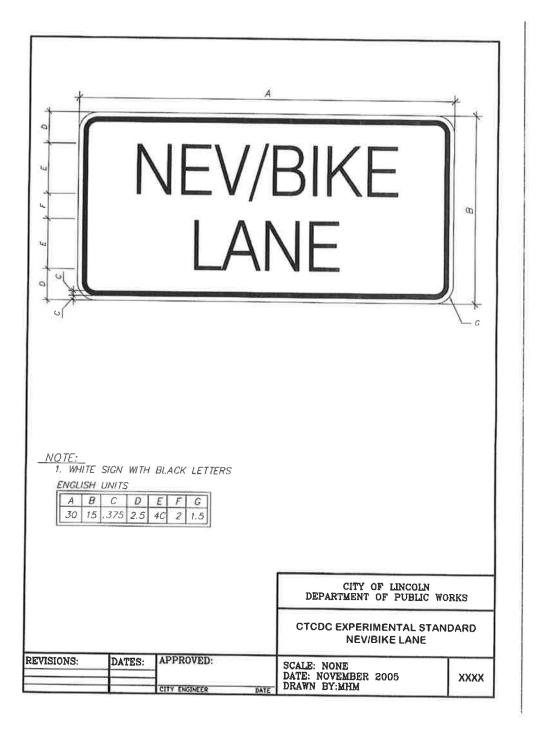


Figure 2

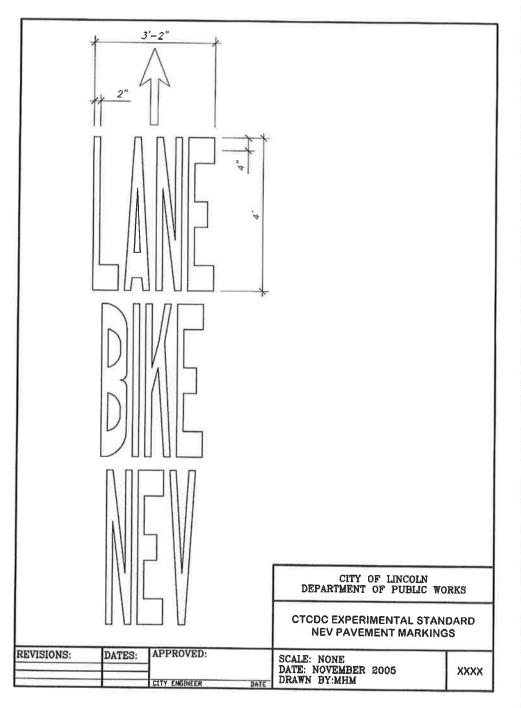


Figure 3

DETAIL	39EX-	-NEV/BIKE LAN		
		150mm (6in	.) WHITE LINE	
2. THE ST	UM OF SE	COMBINED NEV/BIKE LAN VEN (7) FEET IN WIDTH. D BE PLACED BETWEEN T TE LANE.	HE TRAFFIC LANE	
			CITY OF LINCOLN DEPARTMENT OF PUBLIC WO	RKS
			CTCDC EXPERIMENTAL STAN NEV LANE STRIPING	DARD
REVISIONS:	DATES:	APPROVED:	SCALE: NONE DATE: NOVEMBER 2005	хххх
	I	CITY ENGINEER DATE	DRAWN BY:MHM	

Figure 4

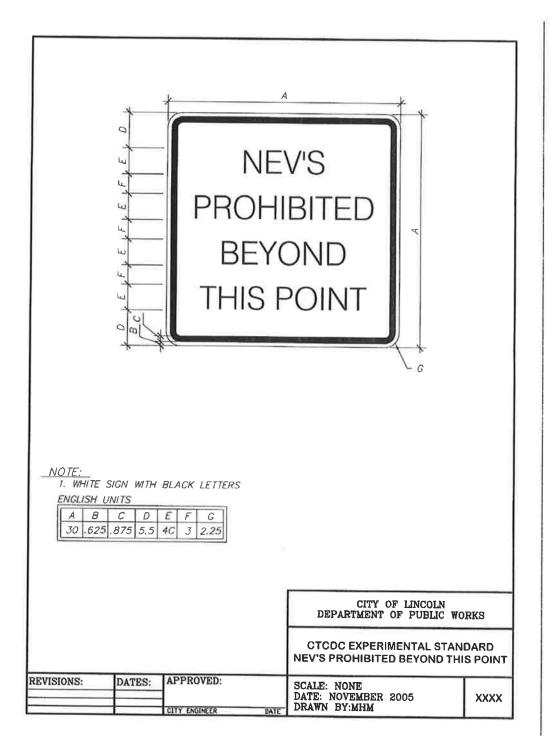
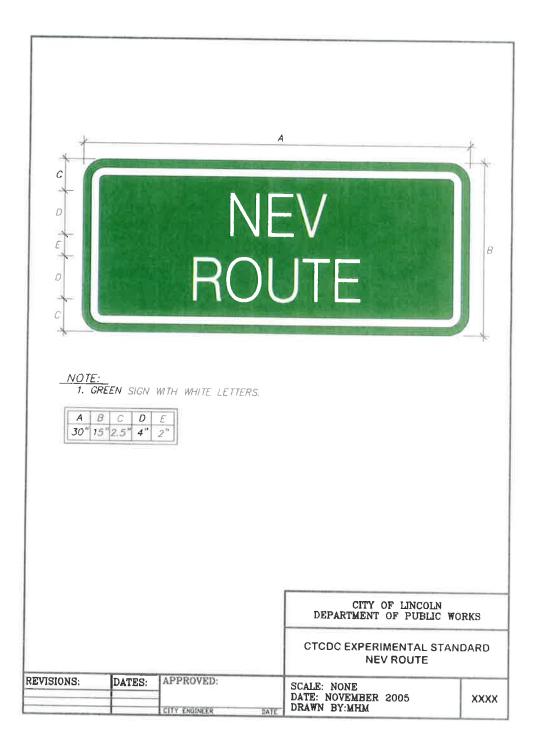


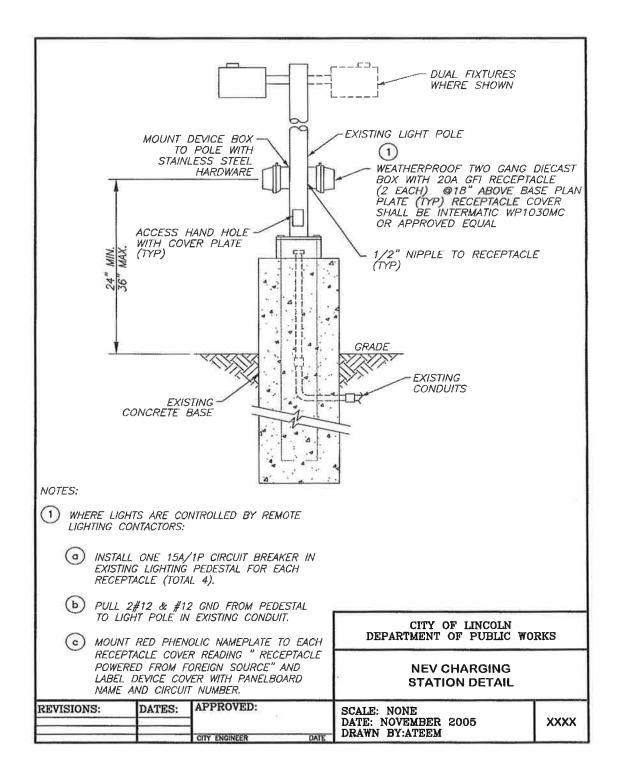
Figure 5



APPENDIX C

PARKING AND CHARGING STATION STANDARDS

Figure 1



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Figure 2

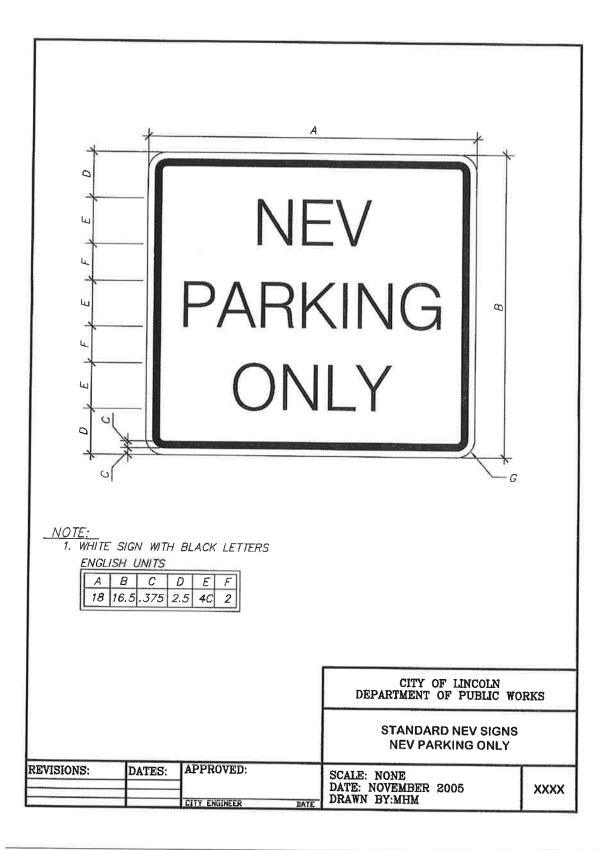
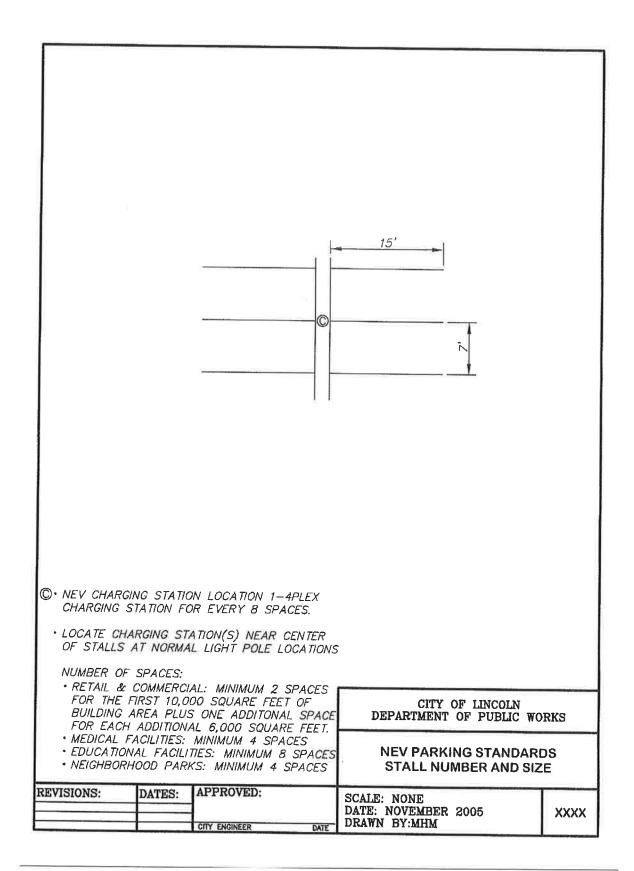


Figure 3



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APPENDIX D

ASSEMBLY BILL NO. 2353

Assembly Bill No. 2353

CHAPTER 422

An act to add and repeal Chapter 7 (commencing with Section 1963) of Division 2.5 of the Streets and Highways Code, and to amend Sections 385.5, 21250, 21251, and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

[Approved by Governor September 9, 2004 Filed with Secretary of State September 9, 2004]

LEGISLATIVE COUNSEL'S DIGEST

AB 2353, Leslie. Neighborhood Electric Vehicles.

Existing law defines "low-speed vehicle" for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels on the ground that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has an unladen weight of 1800 pounds or less. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway is an infraction punishable by a fine not exceeding \$100.

This bill would authorize, until January 1, 2009, the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan subject to the same review process established for a golf cart transportation plan. The bill would define "neighborhood electric vehicle" for these purposes to have the same meaning as the above definition of "low-speed vehicle." The bill, among other things, would provide for the plan to authorize the use of state highways by NEVs under certain conditions. The bill would require a report to the Legislature by January 1, 2008. The bill would enact other related provisions. Because the bill would revise the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

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Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 1963) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 7. NEIGHBORHOOD ELECTRIC VEHICLE TRANSPORTATION PLAN

1963. It is the intent of the Legislature, in enacting this chapter, to authorize the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan for a plan area in the city. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills. It is the intent of the Legislature, in enacting this chapter, to encourage discussions between the Legislature, the Department of Motor Vehicles, and the California Highway Patrol regarding the adoption of a new classification for licensing motorists who use neighborhood electric vehicles.

1963.1. The following definitions apply to this chapter:

(a) "Plan area" means that territory under the jurisdiction of the City of Lincoln or the City of Rocklin designated by the city for a NEV transportation plan, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Neighborhood electric vehicle" or "NEV" means a low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

(c) "NEV lanes" means all publicly owned facilities that provide for NEV travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

(d) "Speed-modified golf cart" means a golf cart that is modified to meet the safety requirements of Section 571.500 of Title 49 of the Code of Federal Regulations.

1963.2. (a) The City of Lincoln and the City of Rocklin may, by ordinance or resolution, adopt a NEV transportation plan.

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(b) The transportation plan shall have received a prior review and the comments of the appropriate transportation planning agency designated under subdivision (a) or (b) of Section 29532 of the Government Code and any agency having traffic law enforcement responsibilities in the City of Lincoln or the City of Rocklin.

-3-

(c) The transportation plan may include the use of a state highway, or any crossing of the highway, subject to the approval of the Department of Transportation.

1963.3. The transportation plan shall include, but is not limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate NEVs without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a NEV driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Citizens and community involvement in planning.

(d) Flexibility and coordination with long-range transportation planning.

(e) Provision for NEV related facilities including, but not limited to, special access points and NEV crossings.

(f) Provisions for parking facilities, including, but not limited to, community commercial centers, golf courses, public areas, parks, and other destination locations.

(g) Provisions for special paving, road markings, signage and striping for NEV travel lanes, road crossings, parking, and circulation.

(h) Provisions for NEV electrical charging stations.

(i) NEV lanes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with a posted speed limit of 35 miles per hour or less.

1963.4. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, it shall do both of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not

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limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

1963.5. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, each city may do the following:

(a) Acquire, by dedication, purchase, or condemnation, real property, including easements or rights-of-way, to establish NEV lanes.

(b) Establish a NEV transportation plan as authorized by this chapter. 1963.6. If the City of Lincoln or the City of Rocklin adopts a NEV

transportation plan, each city shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) A permit process for golf carts that requires speed-modified golf carts to meet minimum design criteria adopted pursuant to subdivision (a). The permit process may include, but not be limited to, permit posting, permit renewal, operator education, and other related matters.

(c) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7.

(d) (1) Restrictions limiting the operation of NEVs to separated NEV lanes on those roadways identified in the transportation plan, and allowing only those NEVs and speed-modified golf carts that meet the safety equipment requirements specified in the plan to be operated on separated NEV lanes of approved roadways in the plan area.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1963.7. (a) If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan pursuant to this chapter, the cities shall jointly submit a report to the Legislature on or before January 1, 2008, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

(b) The report shall include all of the following:

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(1) A description of all NEV transportation plans and their elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plans, including their impact on traffic flows and safety.

(3) A recommendation as to whether this chapter should be terminated, continued in existence applicable solely to the City of Lincoln and the City of Rocklin in the County of Placer, or expanded statewide.

1963.8. This chapter shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

SEC. 2. Section 385.5 of the Vehicle Code is amended to read:

385.5. A "low-speed vehicle" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a "low-speed vehicle" is not a golf cart, except when operated pursuant to Section 21115 or 21115.1. A "low-speed vehicle" is also known as a "neighborhood electric vehicle."

SEC. 3. Section 21250 of the Vehicle Code is amended to read:

21250. For the purposes of this article, a low-speed vehicle means a vehicle as defined in Section 385.5. A "low-speed vehicle" is also known as a "neighborhood electric vehicle."

SEC. 4. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Sections 1963 to 1963.8, inclusive, of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or any other code, with the exception of those provisions which, by their very nature, can have no application.

SEC. 5. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

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(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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APPENDIX E

CTCDC APPROVAL MINUTES

MINUTES

CALIFORNIA TRAFFIC CONTROL DEVICES COMMITTEE (CTCDC) MEETING

Sacramento, July 28, 2005

The second CTCDC meeting of year 2005 was held in Sacramento, on July 28, 2005.

Chairman John Fisher opened the meeting at 9:10 a.m. with the introduction of Committee Members and guests. Chairman Fisher thanked Caltrans for hosting the meeting. The following Members, alternates and guests were in attendance:

ATTENDANCE	ORGANIZATION	TELEPHONE
Members (Voting)		
John Fisher Chairman	League of CA Cities City of Los Angeles	(213) 972-8424
Farhad Mansourian Vice Chairman	CA State Association of Counties Marin County	(415) 499-6570
Genry Meis	Caltrans	(916) 654-4551
Lenley Duncan	CHP	(916) 657-7222
Ed von Borstel	League of CA Cities City of Modesto	(209) 577-5266
Merry Banks	California State Automobile Association	(415) 241-8904
Jacob Babico	CA State Association of Counties San Bernardino County	(909) 387-8186
Hamid Bahadori	Auto Club of Southern California	(714) 885-2326
ALTERNATES	ORGANIZATION	<u>TELEPHONE</u>
Gain Aggarwal	League of CA Cities City of Vacaville	(707) 449-5349

ATTENDEES

Matt Schmitz Kent Milton Bret Goss Steve Ainsworth Chad Dornsife

Richard Haggstorm

Walter Laabs Keith Lee Dwight Ku Joe Jeffrey

Don Howe Ken Kochevar

Nancy Dean

Barb Alberson Ginny Mecham Meriko Hoshida Roger M. Bazeley Craig A. Copelan Carl Walker Jesse Bhullar Ricardo Olea Bond M. Yee Robert Anderson Ken Coleman

Ahmad Rastegarpour Dennis Anderson Tedi Jackson

Mark Stone Kevin Taber

ORGANIZATION

FHWA CHP Head Quarter FCF Inc. City of Lincoln Highway Safety Group

Caltrans

City of Santa Rosa LA County, DPW CSAA Road-Tech Safety

Caltrans FHWA

National Weather Service

Co Dept. of Health Services CHP CHP SF PTA Caltrans City of Lincoln Caltrans City of San Francisco

CSSC LA Safe

CT 3M CSD

City of San Diego County of Placer

TELEPHONE/E-Mail

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05-5 Proposal for Experimentation Use of a Nonstandard Signage for Neighborhood Electric Vehicles (NEV).

Chairman Fisher asked Gerry Meis to introduce item 05-5 experiment with Signage for Neighborhood Electric Vehicle (NEV) requested by the City of Lincoln.

Gerry introduced Carl Walker, City of Lincoln and asked him to present his experiment proposal to the Committee.

Carl Walker, City of Lincoln, stated that the City of Lincoln and City of Rockln are 6 months into a fiveyear pilot program for NEV travel within the city. The five-year trial is a result of AB2353 which became law as of January 1, 2005. Carl explained about NEVs and how they differ from golf carts. NEV is a compact vehicle, one to four passenger vehicles powered by rechargeable batteries and an electric motor. NEV are classified as a "low speed vehicle" (LSV) under Title 49 C.F.R Part 571.500. Because NEVs are classified as LSVs, they must meet all safety standards such as seat belts, brake lights, rear lights, headlights, mirrors and windshield. NEVs must comply with all the rules and regulations for a motor vehicle as set for in the California Vehicle Code. NEVs must be registered with the State Department of Motor Vehicles and the driver must hold a valid California driver's license and be insured. NEVs may travel on any street with a posted speed limit of 35 miles per hour or less. NEVs may cross statehighways at controlled intersections only. Golf carts are designed to carry golf equipment and not more than two persons, including the driver. Golf carts are not required to possess the safety equipment required of a low speed vehicle and have a top speed 15-mph. State law prohibits use of golf carts on public roadways outside of a "Golf Cart Transportation Plan".

Carl also pointed out a PowerPoint slide containing the specifications of the NEV. Carl added that the benefits of NEV uses are for short distance at low speeds where traffic, parking and air pollution might be of concern. NEV can travel 150 miles per gallon and it supports local businesses. NEV can reduce personal travel cost and provide mobility for people who cannot drive an automobile. A critical element of the NEV Transportation Plan includes the development of special paving, road markings, signage and striping for NEV travel lanes. Carl added that there are currently no State or Federal standards for NEV lane widths. The City of Lincoln's goal is to provide a safe NEV lane width without the lane being so wide that it encourages automobile use.

Carl also discussed different alternatives for NEV travel lanes, such as Class I NEV lanes, Class II NEV lanes and Class III NEV routes. Class II NEV lanes would be a portion of public roadways that are designated by signs and pavement markings for NEV travel. Class III NEV routes are mixed with traffic on most streets posted 35 mph or less. Carl also discussed different striping patterns which he shares with the Committee members by a Power Point Presentation. Carl also showed a proposed new symbol for the NEV, however he informed the Committee that the City will approach FHWA for symbol approval. In closing, Carl stated that the State of California would benefit from to the City of Lincoln's experience in implementing an NEV transportation plan. The City will identify the hurdles that will be encountered during the implementation of the NEV plan.

Chairman Fisher stated that the presentation showed marking and striping in addition to the signage. However the proposal in the agenda packet only talked about signs.

Carl responded that the City does not have the complete package for application submittal.

Farhad Mansourian stated that the proposed signage does not cover under Section 1A.3 which was recommended to include in the California Supplement earlier by the Committee.

Gerry Meis responded no, the earlier recommendation allows addition of date, extra timing, not to create a verbal message sign.

Hamid Bahadori stated that a golf cart is allowed on roadways with 25 mph or less speeds, so why is there a need to create new signs and striping.

Carl responded that the NEV could operate on roadways with speeds up to 35 mph. The purpose of a separate lane is that if a roadway has a speed higher than 35 mph, then the NEV will have their own travel lane.

Hamid asked whether the City would collect data to determine if NEVs are acceptable to travel on roadways having speeds over 35 mph as long as they have there own travel lanes.

Carl responded that AB2353 allows NEVs on roadways with speeds over 35 mph as long as there is proper signing, striping and a separate travel lane.

Chairman Fisher asked about the Vehicle Code allowing the establishment of separate bus lanes, bicycle lanes, then does this legislation allow the development of separate NEV lanes.

Carl responded yes.

Jacob Babico asked about the sign specification shown on page 32 0f 60 shows "NEV Lane", in his opinion the sign should be "NEV Route".

Carl responded that is correct, it should be "NEV Route".

Chairman Fisher suggested that "NEV Route" sign should be "White on Green".

Hamid added that the request is also for authorization of new pattern of striping.

Gerry Meis added that he was not aware if there would be a request for a marking and striping approval.

Chairman Fisher asked any other comments from the audience and from Committee members.

Roger Bazeley stated that if the proposal is proven to be successful, then it could be expanded throughout California.

Motion: Moved by Farhad Mansourian, seconded by John Fisher, to authorize experimentation with the signage package with the change of "NEV Lane" to "NEV Route" with the use of existing striping details available. Experiment will be conducted on Class II NEV Routes.

Motion carried 8-0.

Action: Item approved for experimentation.

APPENDIX F

PHOTOGRAPHS



"The GEM (Global Electric Motorcar) is manufactured in Fargo, North Dakota and sold by Chrysler dealers. It is a street legal electric vehicle with 3-point seat belts, safety glass windshield, head and tail lights, turn signals, four wheel hydraulic brakes, independent front suspension, 72-volt motor, six 12-volt batteries, approximate driving range is 30 miles on one charge."





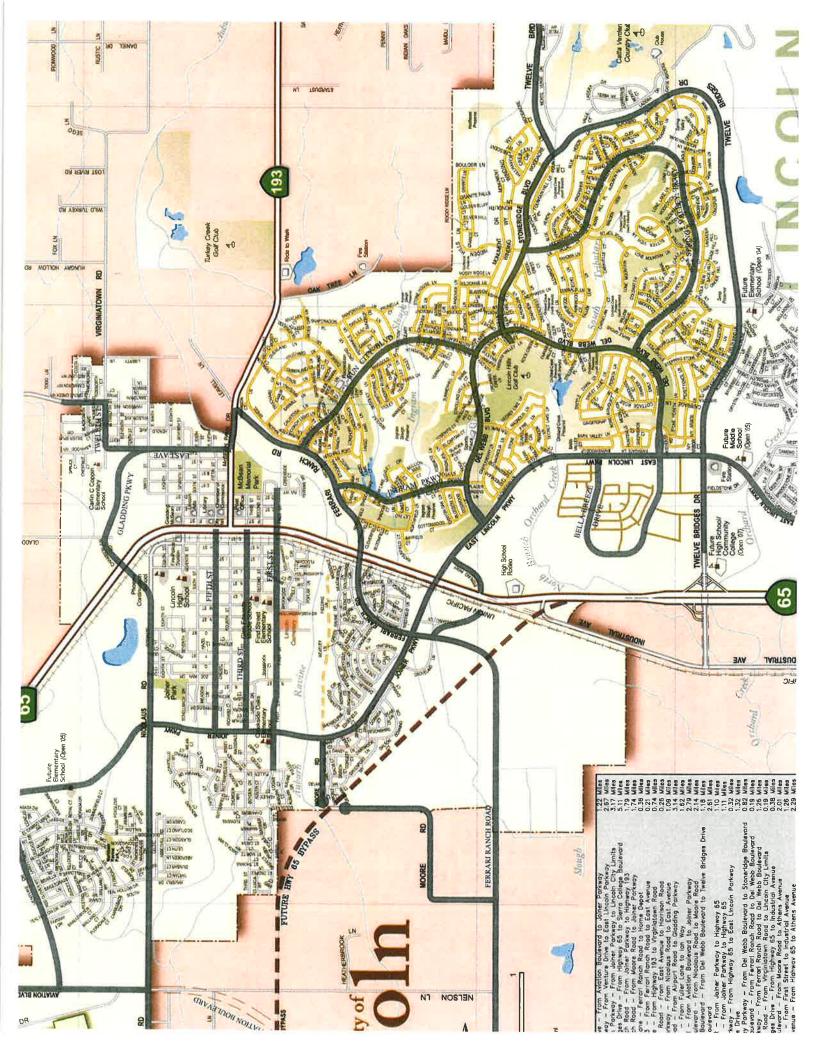








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West's Ann.Cal.Str. & H.Code § 1950

§ 1950. Legislative intent

Currentness

It is the intent of the Legislature, in enacting this chapter, to authorize any city or county to establish a golf cart transportation plan for a plan area in the city or county. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the golf cart driver's person and property as a major planning component, and to have the capacity to accommodate golf cart drivers of every legal age and range of skills.

Credits

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 3.)

West's Ann. Cal. Str. & H. Code § 1950, CA STR & HWY § 1950 Current with urgency legislation through Ch. 168 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Ann.Cal.Str. & H.Code § 1951

§ 1951. Definitions

Currentness

The following definitions apply to this chapter:

(a) "Plan area" means that territory under the jurisdiction of a city or county designated by the city or county for a golf cart transportation plan, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Golf cart" means a motor vehicle having not less than three wheels in contact with the ground and unladen weight less than 1,300 pounds which is designed to be and is operated at not more than 25 miles per hour and is designated to carry golf equipment and not more than two persons, including the driver.

(c) "Golf cart lanes" means all publicly owned facilities that provide for golf cart travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

Credits

(Added by Stats. 1994, c. 598 (S.B.2016), § 1. Amended by Stats. 1995, c. 334 (A.B.110), § 4.)

West's Ann. Cal. Str. & H. Code § 1951, CA STR & HWY § 1951 Current with urgency legislation through Ch. 168 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Ann.Cal.Str. & H.Code § 1953

§ 1953. Plan adoption; review; state highways

Effective: January 1, 2005 Currentness

(a) A city or county may, by ordinance or resolution, adopt a golf cart transportation plan.

(b) The transportation plan shall have received a prior review and the comments of the appropriate transportation planning agency designated under subdivision (a) or (b) of Section 29532 of the Government Code and any agency having traffic law enforcement responsibilities in that city or county.

(c) The transportation plan shall not include the use of any state highway, or any portion thereof, except that a crossing of, or a golf cart lane along, a state highway may be included in the plan, if authorized by the department and the law enforcement agency having primary traffic enforcement responsibility of that highway or portion thereof.

Credits

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 5; Stats.2004, c. 615 (S.B.1233), § 16.)

West's Ann. Cal. Str. & H. Code § 1953, CA STR & HWY § 1953 Current with urgency legislation through Ch. 168 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Ann.Cal.Str. & H.Code § 1955

§ 1955. Plan elements

Currentness

The transportation plan shall include, but is not limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate golf carts without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a golf cart driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Citizens and community involvement in planning.

(d) Flexibility and coordination with long-range transportation planning.

(e) Provision for golf cart related facilities including, but not limited to, special access points and golf cart crossings.

(f) Provisions for parking facilities, including, but not limited to, community commercial centers, golf courses, public areas, parks, and other destination locations.

(g) Provisions for special paving, road markings, signage and striping for golf cart travel lanes, road crossings, parking, and circulation.

(h) No adopted transportation plan shall include the establishment of a golf cart lane along, or that cross, a state highway unless authorized by the department.

Credits (Added by Stats.1994, c. 598 (S.B.2016), § 1.)

West's Ann. Cal. Str. & H. Code § 1955, CA STR & HWY § 1955

Current with urgency legislation through Ch. 168 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

West's Ann.Cal.Str. & H.Code § 1957

§ 1957. City or county duties; golf cart lane design; traffic controls; street or highway segment requirements

> Effective: January 1, 2017 Currentness

(a) If a city or county adopts a golf cart transportation plan, it shall do both of the following:

(1) Establish minimum general design criteria for the development, planning, and construction of separated golf cart lanes, including, but not limited to, the design speed of the facility, the space requirements of the golf cart, and roadway design criteria.

(2) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control golf cart traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between golf carts, other vehicles, and bicycles; to state the nature and destination of the golf cart lane; and to warn pedestrians, bicyclists, and motorists of the presence of golf cart traffic.

(b) The construction of separated golf cart lanes, as required under paragraph (1) of subdivision (a), does not apply in any of the following locations:

(1) A residence district, as defined in Section 515 of the Vehicle Code, located within any city containing a population of less than 50,000 residents with a geographical area of more than 20 square miles in which city there are at least 20 golf courses, if the speed limit in that district is 25 miles per hour or less.

(2)(A) The City of La Verne, on those street and highway segments for which the city council makes a finding that the street or highway segment is suitable to safely permit the use of regular vehicular traffic and also the driving of golf carts, and makes a separate finding that the construction of separated golf cart lanes is infeasible given the physical space limitations of the street or highway segment. In addition, these street or highway segments shall meet all of the following requirements:

(i) Have speed limits of 25 miles per hour or less, as established by an engineering and traffic survey.

(ii) Be immediately adjacent to or surrounded by the campus of a university or a retirement community.

(iii) Provide a route between unconnected portions of the campus of a university or the real property of a retirement community, or provide direct access to an otherwise inaccessible portion of the campus of a university or the real property of a retirement community.

(iv) Be approved for purposes of this paragraph by the law enforcement agency with primary traffic jurisdiction over the street or highway segments.

(v) Accommodate golf carts without adversely impacting traffic safety or the travel needs of commuters and other users, according to a safety determination made by a traffic engineer.

(vi) Be limited to golf carts owned by the university or retirement community and equipped with a windshield, headlights, brake lights, and seatbelts.

(vii) Limit the use of golf carts to employees of the university or retirement community acting within the scope and course of employment for the maintenance or security of the university or the retirement community.

(B) Notwithstanding Section 1951 of this code and Section 345 of the Vehicle Code, for purposes of this paragraph, "golf cart" includes, but is not limited to, a utility style golf cart, used for transporting maintenance equipment, and a shuttle style golf cart.

Credits

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 6; Stats.1997, c. 536 (S.B.525), § 1; Stats.2008, c. 6 (A.B.963), § 2; Stats.2015, c. 65 (A.B.173), § 1, eff. Jan. 1, 2016; Stats.2016, c. 101 (A.B.2073), § 1, eff. Jan. 1, 2017.)

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West's Ann.Cal.Str. & H.Code § 1959

§ 1959. City or county powers

Currentness

A city or county that adopts a golf cart transportation plan may do the following:

(a) Acquire, by dedication, purchase, or condemnation, real property, including easements or rights-of-way, to establish golf cart lanes.

(b) Establish a golf cart transportation plan as authorized by this chapter.

Credits

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 7.)

West's Ann. Cal. Str. & H. Code § 1959, CA STR & HWY § 1959 Current with urgency legislation through Ch. 168 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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West's Ann.Cal.Str. & H.Code § 1961

§ 1961. Plan contents; golf cart design criteria; permits; safety issues

Currentness

A city or county that adopts a golf cart transportation plan shall adopt all of the following as part of the plan:

(a) Minimum design criteria for golf carts, that may include, but not be limited to, headlights, turn signals, safety devices, mirrors, brake lights, windshields, and other devices. The criteria may include requirements for seatbelts and a covered passenger compartment.

(b) A permit process for golf carts that requires permitted golf carts to meet minimum design criteria adopted pursuant to subdivision (a). The permit process may include, but not be limited to, permit posting, permit renewal, operator education, and other related matters.

(c) Minimum safety criteria for golf cart operators, including, but not limited to, requirements relating to golf cart maintenance and golf cart safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7.

(d)(1) Restrictions limiting the operation of golf carts to separated golf cart lanes on those roadways identified in the transportation plan, and allowing only those golf carts that have been retrofitted with the safety equipment specified in the plan to be operated on separated golf cart lanes of approved roadways in the plan area.

(2) Any person operating a golf cart in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

Credits

(Added by Stats. 1994, c. 598 (S.B.2016), § 1. Amended by Stats. 1995, c. 334 (A.B.110), § 8; Stats. 1997, c. 536 (S.B.525), § 1.5.)

West's Ann. Cal. Str. & H. Code § 1961, CA STR & HWY § 1961 Current with urgency legislation through Ch. 168 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes to Sections 21251 and 21260 of the Vehicle Code made by this bill and AB 1781 to take effect if both bills are chaptered and this bill is chaptered last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 8.1 (commencing with Section 1966) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 8.1. Neighborhood Electric Vehicle Transportation Plan for the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City

1966. It is the intent of the Legislature, in enacting this chapter, to authorize the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City to establish a neighborhood electric vehicle (NEV) transportation plan. The purpose of this NEV transportation plan is to further the vision of creating a sustainable development that reduces gasoline demand and vehicle emissions by offering a cleaner, more economical means of local transportation within the plan area. It is the further intent of the Legislature that this NEV transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills.

1966.1. The following definitions apply to this chapter:

(a) "Plan area" means any portion of the unincorporated area of the County of Amador, and of the Cities of Jackson, Sutter Creek, and Amador City, and any streets and roads under the jurisdiction of any of those entities, to the extent the entity has adopted a NEV transportation plan pursuant to Section 1966.2, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Neighborhood electric vehicle" or "NEV" means a low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

(c) "NEV lanes" means all publicly or privately owned facilities that provide for NEV travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

1966.2. (a) The County of Amador, and the Cities of Jackson, Sutter Creek, and Amador City, jointly, or any of these entities individually, may, by ordinance or resolution, adopt a NEV transportation plan for the plan area.

(b) The transportation plan shall have received a prior review and the comments of the Amador County Transportation Commission and any agency having traffic law enforcement responsibilities in an entity adopting a plan.

(c) The transportation plan may include the use of a state highway, or any crossing of the highway, subject to the approval of the Department of Transportation.

1966.3. The transportation plan shall include, but need not be limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate NEVs without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a NEV driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Provision for NEV-related facilities, including, but not limited to, special access points, special NEV turnouts, and NEV crossings.

(d) Provisions for parking facilities at destination locations, including, but not limited to, community commercial centers, golf courses, public areas, and parks.

(e) Provisions for special paving, road markings, signage, and striping for NEV travel lanes, road crossings, parking, and circulation, as appropriate.

(f) Provisions for NEV electrical charging stations.

(g) NEV lanes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with speed limits of 35 miles per hour or less.

1966.4. If an entity adopts a NEV transportation plan for the plan area pursuant to Section 1966.2, it shall do all of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria, if the plan envisions separated NEV lanes.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles, as may be applicable; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

(c) Submit the transportation plan to the director for approval following a review and recommendation by the California Traffic Control Devices Committee.

1966.5. If an entity adopts a NEV transportation plan for the plan area pursuant to Section 1966.2, it shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7 of the Vehicle Code.

(c) (1) Restrictions limiting the operation of NEVs to NEV routes identified in the transportation plan, and allowing only those NEVs that meet the safety equipment requirements specified in the plan to be operated on those routes.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1966.6. (a) If any of the entities described in subdivision (a) of Section 1966.2 adopt a NEV transportation plan pursuant to this chapter, the adopting entity or entities shall submit a report to the Legislature on or before January 1, 2015, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

(b) The report shall include all of the following:

(1) A description of the NEV transportation plan and its elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety.

(3) A recommendation as to whether this chapter should be terminated, continued in existence applicable solely to the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City, or expanded statewide.

1966.7. This chapter shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

SEC. 2. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Chapter 7 (commencing with Section 1963), Chapter 8 (commencing with Section 1965), and Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

SEC. 2.5. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Chapter 7 (commencing with Section 1963), Chapter 7.1 (commencing with Section 1964), Chapter 8 (commencing with Section 1965), and Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

SEC. 3. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963), Chapter 8 (commencing with Section 1965), or Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 3.5. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963), Chapter 7.1 (commencing with Section 1964), Chapter 8 (commencing with Section 1965), or Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

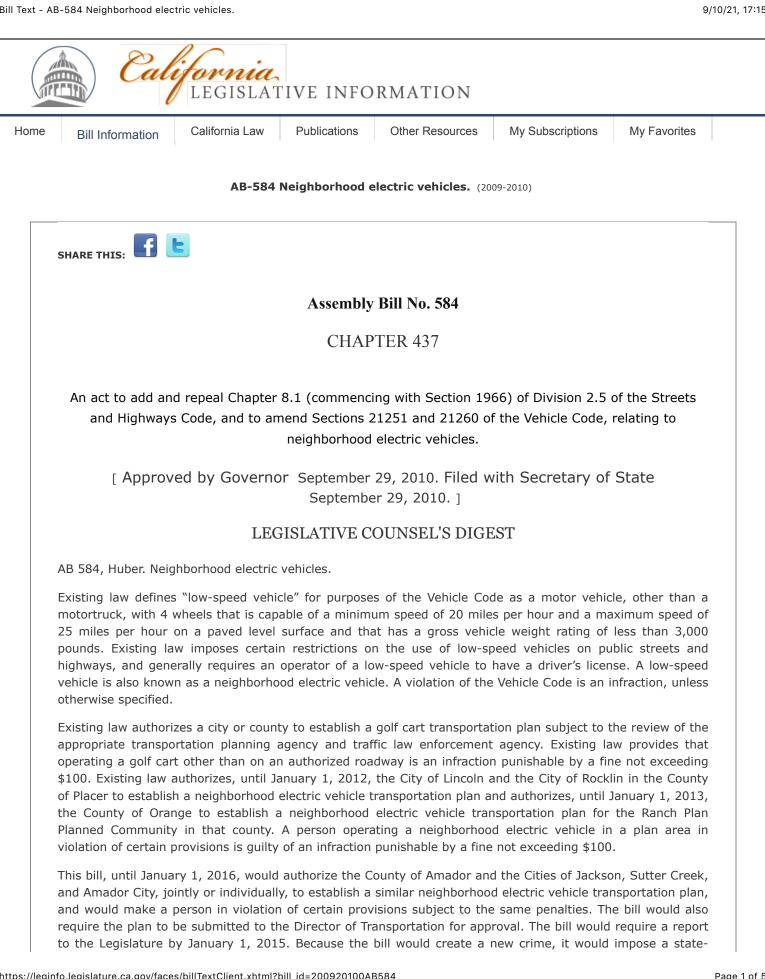
(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 4. Section 2.5 of this bill incorporates amendments to Section 21251 of the Vehicle Code proposed by both this bill and AB 1781. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 21251 of the Vehicle Code, and (3) this bill is enacted after AB 1781, in which case Section 2 of this bill shall not become operative.

SEC. 5. Section 3.5 of this bill incorporates amendments to Section 21260 of the Vehicle Code proposed by both this bill and AB 1781. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 21260 of the Vehicle Code, and (3) this bill is enacted after AB 1781, in which case Section 3 of this bill shall not become operative.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes to Sections 21251 and 21260 of the Vehicle Code made by this bill and AB 1781 to take effect if both bills are chaptered and this bill is chaptered last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 8.1 (commencing with Section 1966) is added to Division 2.5 of the Streets and Highways Code, to read:

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1966. It is the intent of the Legislature, in enacting this chapter, to authorize the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City to establish a neighborhood electric vehicle (NEV) transportation plan. The purpose of this NEV transportation plan is to further the vision of creating a sustainable development that reduces gasoline demand and vehicle emissions by offering a cleaner, more economical means of local transportation within the plan area. It is the further intent of the Legislature that this NEV transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills.

1966.1. The following definitions apply to this chapter:

(a) "Plan area" means any portion of the unincorporated area of the County of Amador, and of the Cities of Jackson, Sutter Creek, and Amador City, and any streets and roads under the jurisdiction of any of those entities, to the extent the entity has adopted a NEV transportation plan pursuant to Section 1966.2, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Neighborhood electric vehicle" or "NEV" means a low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

(c) "NEV lanes" means all publicly or privately owned facilities that provide for NEV travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

1966.2. (a) The County of Amador, and the Cities of Jackson, Sutter Creek, and Amador City, jointly, or any of these entities individually, may, by ordinance or resolution, adopt a NEV transportation plan for the plan area.

(b) The transportation plan shall have received a prior review and the comments of the Amador County Transportation Commission and any agency having traffic law enforcement responsibilities in an entity adopting a plan.

(c) The transportation plan may include the use of a state highway, or any crossing of the highway, subject to the approval of the Department of Transportation.

1966.3. The transportation plan shall include, but need not be limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate NEVs without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a NEV driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Provision for NEV-related facilities, including, but not limited to, special access points, special NEV turnouts, and NEV crossings.

(d) Provisions for parking facilities at destination locations, including, but not limited to, community commercial centers, golf courses, public areas, and parks.

(e) Provisions for special paving, road markings, signage, and striping for NEV travel lanes, road crossings, parking, and circulation, as appropriate.

(f) Provisions for NEV electrical charging stations.

(g) NEV lanes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with speed limits of 35 miles per hour or less.

1966.4. If an entity adopts a NEV transportation plan for the plan area pursuant to Section 1966.2, it shall do all of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria, if the plan envisions separated NEV lanes.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles, as may be applicable; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

(c) Submit the transportation plan to the director for approval following a review and recommendation by the California Traffic Control Devices Committee.

1966.5. If an entity adopts a NEV transportation plan for the plan area pursuant to Section 1966.2, it shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7 of the Vehicle Code.

(c) (1) Restrictions limiting the operation of NEVs to NEV routes identified in the transportation plan, and allowing only those NEVs that meet the safety equipment requirements specified in the plan to be operated on those routes.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1966.6. (a) If any of the entities described in subdivision (a) of Section 1966.2 adopt a NEV transportation plan pursuant to this chapter, the adopting entity or entities shall submit a report to the Legislature on or before January 1, 2015, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

(b) The report shall include all of the following:

(1) A description of the NEV transportation plan and its elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety.

(3) A recommendation as to whether this chapter should be terminated, continued in existence applicable solely to the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City, or expanded statewide.

1966.7. This chapter shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

SEC. 2. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Chapter 7 (commencing with Section 1963), Chapter 8 (commencing with Section 1965), and Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

SEC. 2.5. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Chapter 7 (commencing with Section 1963), Chapter 7.1 (commencing with Section 1964), Chapter 8 (commencing with Section 1965), and Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

SEC. 3. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963), Chapter 8 (commencing with Section 1965), or Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 3.5. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963), Chapter 7.1 (commencing with Section 1964), Chapter 8 (commencing with Section 1965), or Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 4. Section 2.5 of this bill incorporates amendments to Section 21251 of the Vehicle Code proposed by both this bill and AB 1781. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 21251 of the Vehicle Code, and (3) this bill is enacted after AB 1781, in which case Section 2 of this bill shall not become operative.

SEC. 5. Section 3.5 of this bill incorporates amendments to Section 21260 of the Vehicle Code proposed by both this bill and AB 1781. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 21260 of the Vehicle Code, and (3) this bill is enacted after AB 1781, in which case Section 3 of this bill shall not become operative.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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 <u>11-10-020</u>), 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.

(1) 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. <u>Any exception request shall be</u> <u>specified in a sign permit application and shall be reviewed as part of that application</u>.

(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 <u>11-10-100</u>(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 Muckelemi 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



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

PLANNING APPLICATION COVER PAGE

TYPE OF APPLICATION (CHECK ALL THAT APPLY).

		,	
	 Informal Project Review Major Projects Minor Projects 		Annexation Urban Growth Boundary Rezoning / Pre-zoning General Plan Amendment Zoning Text Amendment Certificate of Compliance Lot Line Adjustment Secondary Dwelling Unit Variance Permit Amendment Appeal Other
Ar	oplicant(s):		
Na	ame:		
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CITY OF SAN JUAN BAUTISTA

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

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

Description 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
- u 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.

> 04/16/2019 Resolution 2019-17 P:\Forms\Sign Permit_Design Review_New.doc

Wellington & Rathie

a public agency law firm SW 4th & Mission, Suite 2 P.O. Box 4523 Carmel-by-the-Sea, California 93921-4523 (831) 373-8733 attys@wellingtonlaw.com

Stephanie Atigh Robert W. Rathie Robert R. Wellington

Item# 6C City Council Meeting October 18, 2022

AGENDA TITLE

DISCUSSION, RECEIVE COMMENTS FROM THE PUBLIC AND PROVIDE DIRECTION CONCERNING A DRAFT ORDINANCE THAT, IF SUBSEQUENTLY ENACTED, WOULD PROHIBIT LOUD, UNNECESSARY OR UNUSUAL NOISE FROM DISTURBING THE PEACE OF CITY RESIDENTS

MEETING DATE:

OCTOBER 18, 2022

RECOMMENDED ACTION:

1. Discuss, receive comments from members of the public, and provide City Council direction concerning an ordinance that, if subsequently enacted, would prohibit and make unlawful making, continuing, or causing any loud, unnecessary or unusual noise which disturbs the peace and quiet of a neighborhood or which causes annoyance or discomfort to a person or normal sensitivities.

BACKGROUND INFORMATION:

The San Juan Bautista Municipal Code presently does not include a chapter specifically addressing the effects of noise in residential or other neighborhoods. This proposed ordinance would prohibit excessive, unnecessary and unreasonably loud noises which disturb the peace of any neighborhood, except in the Industrial Zone, or causes discomfort or annoyance on a "reasonable person" standard

The ordinance provides a nonexclusive list of sources from whence such prohibited noise may emanate including:

• From construction-related noise within 500' of a residence before 7:00 a.m. or after 7:00 p.m. on a weekday or before 9:00 a.m. and after 6:00 p.m. on a Saturday or a holiday, with no construction activities producing such noise to take place on a Sunday;

• From construction-related noise more than 500' from a residence before 6:00 a.m. or after 10:00 p.m. on a weekday or before 8:00 a.m. or after 8:00 p.m. on a weekend or a holiday;

• From electric or gas powered motors or auto repair before 8:00 a.m. and after 9:00 p.m. on any day;

• From noise produced by individuals before 7:00 a.m. and after 10:00 p.m. on any day.

• From disturbing, excessive or offensive noise produced by animals, excepting for legitimate reasons;

• From amplified sources before 7:00 a.m. and after 10:00 p.m. on any day;

The Ordinance provides for reasonable exemptions, including:

• For emergency alerts or for official personnel performing emergency work;

• For entertainment if not after 10 p.m. or before 7:00 a.m. and for entertainment events conducted with a permit;

• For noise regulated by state or federal authority;

• For noise produced through the maintenance of residential property if not before 7:00 a.m. or after 10:00 p.m.

- For garbage removal.
- For activities by public agencies or franchisees to protect the public health, welfare, and safety.

The Ordinance is not intended to affect the application of Title 11 Zoning as it currently applies to noise in the commercial and industrial zoning districts and it does not apply to the Industrial District.

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

An ordinance adding Chapter 5-35 to Title 5 "Public Health Safety and Welfare" of the Municipal Code to prohibit loud, unnecessary or unusual noise would require two readings and would not go into effect for 30 days' thereafter. The adoption of such ordinance is not a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

RWR

Chapter 5.35 NOISE

Sections:

5-35-100 Policy and purpose.

5-35-200 General prohibition.

5-35-300 Prohibited acts

5-35-400 Exemptions.

5-35-500 Enforcement.

5-35-100 Policy and purpose.

(A) It is hereby declared to be the policy of the City of San Juan Bautista in the exercise of its police power to protect the peace, health, safety and general welfare of the citizens of San Juan Bautista from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the City Council to control the adverse effect of such noise sources on the citizens by prescribing standards prohibiting detrimental levels of noise and by providing a remedy for violations. The provisions of this chapter and the remedies contained in this code shall be cumulative and are not intended to replace any otherwise available remedies for public or private nuisances, nor any other civil or criminal remedies otherwise available. In addition, the regulations contained herein are not intended to substitute for any noise analysis conducted as a part of the city's environmental review process for discretionary permit approvals should more strict measures be found to be necessary in order to maintain noise levels below adopted thresholds of significance.

(B) Among common noise sources are mobile sources such as airplanes and highway traffic and other sources which are regulated exclusively by the federal or the state government. While in most instances the city may not intervene to address these problems directly, it is the policy of the city to work with responsible government agencies and elected officials to reduce the real and damaging effects of these noise-producing activities on the quality of life of the city's residents.

(C) The provisions of this Ordinance do not and are not intended to supersede the application of "Community Noise Equivalent Levels" as defined in Title 11 Zoning, Chapter 11-29 "Definitions" or of Chapter 11-04 "Additional Development Standards" Subsection 11-04-030
 (E) applicable to noise levels for commercial and industrial uses.

5-35-200 General prohibition.

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(A) Notwithstanding any other provisions of this chapter and in addition thereto, it is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Each day of recurrence of any violation shall constitute a separate offense and may be treated as such pursuant to this Section.

(B) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

(1) The sound level of the objectionable noise;

- (2) The sound level of the ambient noise;
- (3) The proximity of the noise to residential sleeping facilities;
- (4) The nature and zoning of the area within which the noise emanates;
- (5) The density of the inhabitation of the area within which the noise emanates;
- (6) The time of day or night the noise occurs;
- (7) The duration of the noise and its tonal informational or musical content;
- (8) Whether the noise is continuous, recurrent or intermittent; and
- (9) Whether the noise is produced by a commercial or noncommercial activity.

5-35-300 Prohibited acts.

(A) It is the intent of this chapter to prohibit all disturbing, excessive and offensive noises except those permitted under another provision of this code or those exempt pursuant to Section 5-35-400. Notwithstanding any other provisions of this chapter, the following acts, which are not in any way exclusive, are declared to be disturbing, excessive and offensive noises in violation of Section 5-35-200:

(1) Noises by Animals. The permitting, by any person having charge, care, custody, or control of any animal, of such animal to emit any noise which is disturbing, excessive or offensive. For the purposes of this subsection, the animal noise shall not be deemed a disturbance if the animal is emitting the noise in response to a person trespassing or threatening to trespass upon private property in or upon which the animal is situated or if the noise is for any other legitimate cause, such as someone teasing or provoking the animal.

(2) Construction-Related Noise near Residential Uses. Construction work or related activity in any zoning district on any property within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals is limited to the hours between 7:00 a.m. and 7:00 p.m. on weekdays and on Saturday or holidays between the hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. Construction activity for projects not located within 500 feet of residences, lodging facilities, nursing homes or inpatient hospitals shall be limited to

the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m.. As used in this chapter, "construction work" or "construction activity" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this chapter may be enforced as provided in Section 5-35-500, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.

(3) Conflicts with Residential Uses. Subject to the restrictions on construction contained in subsection (2) of this section, the sustained operation or use between the hours of 9:00 p.m. and 8:00 a.m. of any electric or gasoline powered motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, sweeper, vacuum, public address system, whistle, muffler, motorized scooter, machine or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, sweeper, vacuum, public address system, whistle, muffler, motorized scooter, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible from any residential property line.

(4) Loud Music or Other Noise by People. The use of electronic equipment (including but not limited to amplifiers, radio loudspeakers, phonographs, tape, digital systems), electronically operated or acoustic musical instruments, other device of like design used for producing sound, or singing, chanting, or yelling in or upon any public street, park or grounds, or any other open area to which the public has access, whether publicly or privately owned, between the hours of 10:00 p.m. and 7:00 a.m. is unlawful. At any other time of day, such equipment or noise production may not be used in a manner which disturbs the peace, quiet and comfort of neighboring residents or persons of normal sensitivity who are using such areas.

(5) Music, Stereos and Electronics.

(A) Operating, playing or permitting the operation or playing of any radio, television set, audio equipment, drum, musical instrument, or similar device which produces or reproduces sound at any time of day in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity. The operation of any such instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

(B) The conducting of or carrying on of band or orchestral concerts, rehearsals or practice between the hours of 10:00 p.m. and 7:00 a.m. sufficiently loud as to disturb the peace, quiet or repose of persons of ordinary and normal sensitivity who reside in the immediate vicinity of such band or orchestral concerts or rehearsals or practice.

(C) Using, or operating, or permitting to be used or operated, for any purpose, any loudspeaker, loudspeaker system, public address or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to disturb the peace, quiet and comfort of neighboring

residents or persons of normal sensitivity, except for any noncommercial public speaking, public assembly or other activity for which a permit has been issued pursuant to Section 5-15-200 of Chapter 5-15 "Parades and Public Gatherings."

5-35-400 Exemptions.

(A) The following activities shall be exempt from the provisions of this title:

(1) Emergency Work. The provisions of this title shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work, and activities involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including but not limited to sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment.

(2) Entertainment Events and Operations. The provisions of this chapter shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and entertainment events conducted between the hours of 7:00 a.m. and 10:00 p.m., and special events for which a permit has been issued pursuant to Section 5-15-200 of Chapter 5-15 "Parades and Public Gatherings." In addition, noise associated with activities of places of entertainment that are in compliance with a conditional use permit.

(3) Federal or State Preempted Activities. The provisions of this chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

(4) Maintenance of Residential Property. The provisions of this chapter shall not apply to noise sources associated with maintenance of property used for residential purposes, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.

(5) Garbage Removal. The provisions of this chapter shall not apply to garbage removal services in commercial and mixed-use districts, even if the garbage services are located adjacent to residential districts.

(6) Industrial Districts. The provisions of this chapter shall not apply to the Industrial Zoning District, Zone I.

(7) Public Health, Welfare and Safety Activities. The provisions of this chapter shall not apply to construction, maintenance and repair operations conducted by public agencies, franchisees of the city and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to trash collection, street sweeping, tree removal, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles,

repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

5-35-500 Enforcement.

Any violations of the provisions of this chapter are expressly deemed and declared to be a public nuisance, and such violation shall be abated in any manner provided by the Municipal Code including criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 2.7.

Wellington & Rathie

a public agency law firm SW 4th & Mission, Suite 2 P.O. Box 4523 Carmel-by-the-Sea, California 93921-4523 (831) 373-8733 attys@wellingtonlaw.com

Stephanie Atigh Robert W. Rathie Robert R. Wellington

Item #6D City Council Meeting October 18, 2022

AGENDA TITLE

DISCUSSION, RECEIVE COMMENTS FROM THE PUBLIC AND PROVIDE DIRECTION . CONCERNING A DRAFT ORDINANCE THAT, IF SUBSEQUENTLY ENACTED, WOULD ALLOW CITY RESIDENTS TO PARK THEIR RECREATIONAL VEHICLES AND TRAILERS ON THEIR STREET FOR A LIMITED PERIOD UPON RECEIVING A PERMIT FROM THE CITY MANAGER

MEETING DATE:

OCTOBER 18, 2022

RECOMMENDED ACTION:

1. Discuss, receive comments from members of the public, and provide City Council direction concerning an ordinance that, if subsequently enacted, would allow a city resident to park their recreational vehicle or trailer on the street where they reside subject to receiving a permit for same from the City Manager.

BACKGROUND INFORMATION:

San Juan Bautista Municipal Code §10-5-100(A) now prohibits a recreational vehicle or a trailer from parking on any lot, city street or public place except such vehicles may be parked at the owner's residence, that is, on the owner's lot.

This ordinance would allow the city manager to issue a permit to a city resident who owns a recreational vehicle or a trailer, including a boat trailer, to allow that resident to park the vehicle on their street between the hours of 7 a.m. and 10 p.m. for certain purposes related to preparing the vehicle for travel.

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

An ordinance adding two subsections to Section 10-5-100 of the Municipal Code to allow residents to park recreational vehicles and trailers on their street would require two readings and would not go into effect for 30 days' thereafter. The adoption of such ordinance is not a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

RWR

ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA TO ADD SECTIONS 10-5-100 (E) AND (F) TO THE SAN JUAN BAUTISTA MUNICIPAL CODE TO AUTHORIZE PARKING OF TRAILERS AND RECREATIONAL VEHICLES BY CITY RESIDENTS

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

Section 1: The City Council finds and determines as follows:

A. California Vehicle Code Section 22507(a) allows the City to prohibit or restrict stopping, parking, or standing of vehicles on certain streets or highways or portions thereof during all hours of the day.

B. Section 10-5-100 A of San Juan Bautista Municipal Code Chapter 10-5 "Mobile Homes" prohibits parking of recreational vehicles on any lot or street, excepting, however, the owner of such a vehicle may park same at his or her residence when the vehicle is not in use.

C. California Vehicle Code Section 22507(a) allows for preferential parking privileges to be given to residents for their use under which the resident may be issued a permit that exempts them from prohibitions.

D. The Council, in the interest of public safety and convenience, desires to exercise its authority under Section 22507(a) of the California Vehicle Code to extend preferential parking privileges to residents upon obtaining a permit for same from the City Manager.

SECTION 2: Subsections 10-5-100 (E) and (F) are hereby added to the San Juan Bautista Municipal Code, to read as follows:

"10-5-100 (E) The prohibition on the parking of trailers and recreational vehicles on the street does not apply if the registered owner of a trailer or recreational vehicle is a resident of a residence on the public street where the trailer or recreational vehicle is parked between the hours of seven a.m. and ten p.m. for the purpose of loading, unloading, cleaning (as permitted by this code), battery changing, or other activity preparatory or incident to travel. In order to qualify for this exception hereunder a resident shall apply for and obtain from the City Manager a permit and an identification sticker to park on the street. Such permits and stickers shall become void on the permit holder ceases to reside at the residence for which the permit and sticker are issued.

"10-5-100 (F) For purposes of this Chapter:

(i) "Recreational vehicle" shall be as defined in Chapter 12, Article 1, Section 12-1-100 of the San Juan Bautista Municipal Code. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section. This section shall not apply to commercial or construction vehicles otherwise regulated by this Code.

(ii) "Trailer" shall be as defined by California Vehicle Code Section 630, including trailers for vehicles, boats or personal watercraft."

SECTION 3: Environmental determination. In the exercise of their independent judgment, this Council hereby determines that enactment of this ordinance is exempt from California Environmental Quality Act (CEQA) review and therefore not required, because there is no possibility that enactment will or may have a significant effect on the environment, and that enactment is therefore not a project because it will not cause a direct judgment physical change on the environment.

SECTION 4: Effective date. This Ordinance shall take effect 30 days after its adoption the City Council.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the _____ day of ______, 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the _____ day of _____, 2022, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

Mayor Leslie Q. Jordan

ATTEST:

Don Reynolds, City Manager Acting Deputy City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

AGENDA TITLE:

VACANCY TAX OPTIONS

MEETING DATE: October 18, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION(S):

Receive report and provide direction to staff

SUMMARY

The Vacancy Tax is unique relative to the current tools the City has for abating nuisance properties and dangerous conditions. The Vacancy Tax is intended to incentivize property owners to actively seek occupants for their properties.

BACKGROUND INFORMATION:

This item is informational only. It does not adopt a tax or request changes to a tax. This report provides information on different types of parcel tax models, outlines the steps that would be necessary to enact such a tax, and explains why a tax might be useful..

Existing Vacancy Abatement Program

The City of San Juan Bautista has building codes that establish standards for properties, aimed at ensuring the health, safety, and general well-being of their occupants and the community (see the City's Municipal Code Chapters 5-8 "Property Maintenance" and 5-22 "Dilapidated Buildings"). Common issues that Code Enforcement addresses include overgrown grass, illegal dumping, buildings with dry rot, deteriorated balconies, and other nuisances, which could negatively impact public health, safety, and welfare. To resolve these problems, Code Enforcement typically issues property owner's administrative citations which directs the owners to remediate or remove the code violations on their property or pay fines. Continued violations results in a potential for the City to declare a public nuisance, condemning the property and/or pursuing abatement of the nuisance. For example, in 2019 the City adopted Resolution 2019-03 and 2019-09 declaring a public nuisance to exist on a building on 3rd Street. During this process the City consumed considerable public attention and resources. There may be other policies available to the City to increase code compliance.

The Problem of Vacant Properties

Vacant properties can contribute to community wide problems such as crime, lower investment, and housing affordability. The City of San Juan Bautista presents itself as a small and charming

city in the County of San Benito with many historic attractions. Given its size, even just one commercial or residential vacancy could create a highly visible problem for the whole City.

The "Broken Windows" theory presents the idea that blighted properties serve as a form of advertisement for vandalism and crimes of opportunity. Such neglected properties have been linked to a growing fear and lower investor confidence in a community. A decrease in visible quality of life is tied to a decrease in tax revenues, which limits the resources available for dealing with vacant or blighted properties (Hirokawa and Gonzalez, 2010). Further, spatial justice involves "the fair and equitable distribution in space of socially valued resources and opportunities to use them" (Soja, 2009). The space we live in can have negative as well as positive consequences on everything we do.

The vacant property also imposes an opportunity cost on the City in lost tax dollars. Instead of providing a space for jobs or housing, the property sits underutilized and unproductive. The 2020 UCLA Affordable Housing Brief found 17% of homeowners and 30% of renters pay more than half of their household income for housing in California, while the state's population grows faster than the housing supply. Meanwhile, the California Association of Realtors estimated that around 1.2 million units, apartments and single-family homes may sit vacant around California. Each vacant residential unit contributes to the lack of housing inventory and may also represent one less resident who shops locally and contributes to the community socially.

DISCUSSION:

The Solution to Vacant Properties

Local governments have multiple tools at their disposal to address vacant properties, each with their own limited uses, the most common options include condemnation/receivership, regulatory programs, and taxing vacant property with a parcel tax. The focus of this report will be on the parcel tax, with the alternatives listed at the end.

Vacant Property Tax

There are several different types of taxes and fees that a California city has authority to establish, each with its own set of pros and cons. In this endeavor the City's optimum option is a specific type of property tax that is unique to California, the parcel tax.

A parcel tax is a tax on parcels of real property collected as part of a parcel's property tax bill. Unlike the property tax, the parcel tax is not based on the value of property and is therefore considered a 'special tax' which is allowable under Prop 13. It is typically a flat tax per parcel but may vary with the size or characteristics of the parcel. The parcel tax is a main source of revenue for schools, colleges, hospitals, and special districts. The simplest parcel tax is a flat tax, a tax that does not vary with the size, improvements, or use of a parcel, for example \$6,000 per parcel per year. \$6,000 is the average annual 1% property tax—this rate would essentially double the taxes to compensate for the loss of use of the site.

The parcel tax must be approved by two-thirds of voters, dedicated to a specific purpose, and established by ordinance. The ordinance does not have to include a sunset date but most in CA have one to adjust the fees and confirm voter approval. Most have annual cost of living adjustments tied to CPI and annual override of the Gann's appropriations limit. Many have

exemptions to the tax that include, legal disputes, substantially complete building permit, financial hardships, or non-profit, although exemptions are not necessary.

Vacant Property Tax Examples

In late 2018, voters in Oakland, California, passed a flat \$6,000 tax on property that is not in use for more than 50 days out of the calendar year, with some exceptions. In California, similar measures have been considered in San Diego and Los Angeles, and a vacancy tax on empty retail storefronts was passed in San Francisco in early 2020, but postponed until 2022 due to the Covid-19 pandemic. Santa Cruz voters are considering a measure this November and the City Council of West Hollywood will be introducing a measure soon.

In the Oakland example, the voters adopted the tax to support and fund homelessness programs and services, affordable housing, code enforcement, and clean-up of blighted properties and illegal dumping. There is a 'maintenance-of-effort' clause that mandates the City not reduce code enforcement and illegal dumping budgets below fiscal year 2016-2017 levels in-lieu of receiving the parcel tax funds. Also, their measure creates an oversight board and allows the City Council to establish exemptions and rules for exemptions by ordinance.

Oakland has ten exemptions, the allowable exemptions for qualified owners and properties are:

A. "Very Low Income"

- B. "Financial Hardship"
- C. "Demonstrable Hardship Unrelated to Personal Finances"
- D. "Exceptional Specific Circumstances"

E. "Active Construction"

- F. "Building Permit Application"
- G. "Low Income Senior"
- H. "Disabled Owner"
- I. "Non-profit Organization
- J. "Substantially Complete Application for Planning"

Exemption must be applied for by petitioning, in Oakland. If you are mailed a notice of vacancy, the notice will list a property you own that has been identified based on available data as likely vacant during calendar year 2021. This initial determination notice provides the opportunity to file a "Petition of Vacancy" or apply for one of the ten (10) allowable exemptions. In order to submit a qualified exemption and be granted relief from the VPT, exemption applications must be completed and returned within twenty (20) days of the date of notice, and include appropriate evidence demonstrating that the property was not vacant or was entitled to an exemption.

The City of San Juan Bautista would not need to have an exemption protocol or could implement alternatives such as providing deferment periods. A measure's text to create a system for deferments might read as follows:

Deferments.

1. The following shall be exempt from the tax imposed by this Ordinance for the <u>first six months</u> of being levied:

a. An Owner who qualifies as very low-income, as the term "very low income" is defined by the United States Department of Housing and Urban Development.

b. An Owner who can demonstrate that exceptional specific legal circumstances prevent the use or development of the property.

c. Etc..."

The more complex the measure, the more staff hours will be needed for implementation—the complexity of the tax measure should be balanced with available staff capacity of the City.

Proposition 13, adopted by California voters in 1978, mandates a property tax rate of one percent, requires that properties be assessed at market value at the time of sale, and allows assessments to rise by no more than 2 percent per year until the next sale. The City does not have the option of adopting a property tax based on the value of a property.

ANALYSIS

Fiscal Impact - What can the City expect in revenue from a vacant property tax?

The City only needs a few variables to project potential revenues: vacancy rate, tax rate, and number of parcels in the City. According to the most recent San Benito County Office of the Assessor property database for the City San Juan Bautista the current tax rolls represent an assessed value of just under \$705k with 1,115 parcels. The State of California has an average vacancy rate of 8.5% for residential, and the nearest metro areas of South San Jose and Salinas held a vacancy rate of 12.59% and 5%, respectively, for commercial property. San Juan Buatista's vacancy rate might be expected to be within these ranges and we can use nearby markets as reference points. However, San Juan Bautista is likely to have far less vacancies because of its limited inventory compared to nearby markets—a downward adjustment in the projected vacancy-rate range was factored. If a vacant property tax of \$6,000 or \$3,000 were to be levied we could expect the following revenues:

Figure 1: Projected Annual Revenues of a flat	'Vacant Property Tax' (Parcel Tax) Levied	arcel Tax) Levied
in the City of San		

Vacancy Rate	Tax Rate J	Tax Rate per Parcel	
	\$6,000	\$3,000	
Low (2%, 22 parcels)	\$133,800	\$66,900	
Mid (5%, 56 parcels)	\$334,500	\$167,250	
High (8%, 89 parcels)	\$535,200	\$267,600	

Steps for Ballot Initiative

In order to implement a vacancy tax the City Council would need to adopt a resolution placing a measure on the next ballot. The measure must be decided at a statewide primary, general, or special election or a regularly scheduled local election (the 2015 California Voter Participation Rights Act, SB 415, Hueso, consolidated most local elections in California).

A proposed vacancy tax would be considered a special tax and requires a 2/3rds approval rate for it to be adopted. If such a resolution is adopted, the City would need to notify those affected by the tax within one week, including non-residents. The City may initiate a special election, in which San Juan Bautista would pay for all of the costs, or wait for the next statewide election on March 5, 2024. If the City initiates a special election, the last day to file the local Measure with the County is 88 days before the election date.

The City may also consider initiating community engagement and collecting feedback from community members by conducting "study sessions" with local community and economic partners to discuss the business case, various components of such a measure, and use of funds. The City would also require assistance from their Municipal Advisor and a Special Tax Attorney.

Sample Timeline for 2024 Ballot

Next upcoming election: Statewide Consolidated Primary Election March 5, 2024

The following is an approximate calendar for City actions to file the local measure with the County for the March 2024 ballot. The County of San Benito 'Clerk, Auditor & Recorder, Registrar of Voters' will publish a final schedule in 2023 or sooner.

Action	Start Date	End Date
Last day to file a Local Measure	December 11, 2023	December 11, 2023
10-day public review period of local measure on the ballot	December 12, 2023	December 21, 2023
Period to file Primary Arguments in favor of or against local ballot measures	December 12, 2023	December 17, 2023
Last day for local jurisdiction to withdraw ballot measure	December 16, 2023	December 16, 2023

Last day to file Impartial Analysis regarding local ballot measures	December 17, 2023	December 17, 2023
Period to file Rebuttal Arguments in favor of or against local ballot measures	December 18, 2023	December 24, 2023
10-day public review period for rebuttals	December 25, 2023	January 4, 2024

ALTERNATIVES

Receivership

While most code enforcement activity is effective, sometimes it is not enough. Continued violation of these codes presents a public nuisance. Cities may pursue condemnation, eminent domain, or court appointed receivership per California Health and Safety "H&S" Code §§ 17980.6 and 17980.7. When a receiver is appointed cities are not responsible for paying receivers. A receiver is a neutral agent of the court and cannot be paid by any of the parties. Courts have specifically held that receivers act as hands of the court. The receiver is usually paid an hourly rate determined by the court and is paid that amount through property in the receivership estate. This setup incentivizes the receiver to improve the property and sell it at fair market value. The sale proceeds of the property usually exceed the receiver fees. This typically allows cities to recover its attorney fees and enforcement costs related to appointing the receiver. Therefore, not only is the receivership cost neutral, but the city may also recover the administrative costs it incurs in the normal course of practice (such as unpaid fines or citations, city staff fees and hard costs such as board up costs expended by the city prior to receivership). Most importantly, the once dilapidated property is abated and even assessed with a new tax base, which generates increased revenue for years to come.

Regulatory Programs

The City may consider adopting a regulatory program to mandate the registration of vacant properties. Property owners in the program would pay an annual fee that would offset the costs of services. The City would routinely inspect and monitor the vacant properties for compliance with City code. The City may impose additional security and maintenance requirements. The registration of the vacant property is valid until the property no longer remains vacant. The property owner(s) would be compelled to cure any deficiencies in the property, including issues relating to appearance and/or health and safety or be subject to citation.

Vacant Property Tax Ideas

October 18, 2022

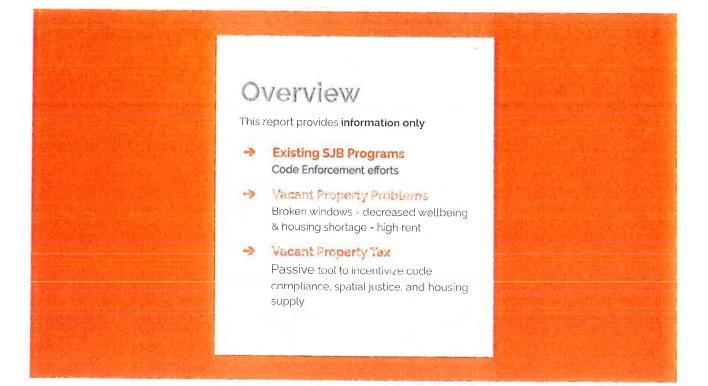
A report for the City of San Juan Bautista

Discussion

A Vacancy Tax is unique relative to the current tools the City has for abating nuisance properties and dangerous conditions.

The Vacancy Tax is intended to incentivize property owners to actively seek occupants for their properties without public resources.





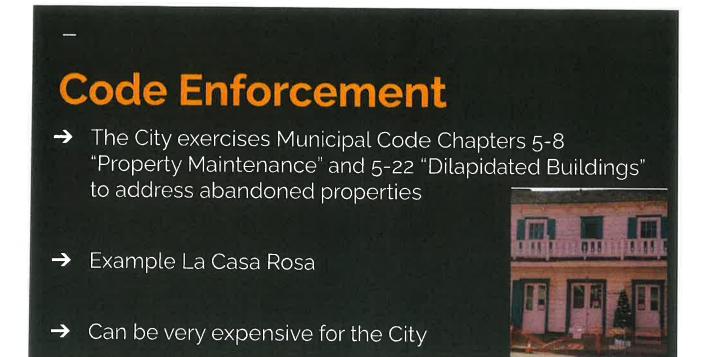
How does the City of San Juan Bautista Currently address vacant properties?

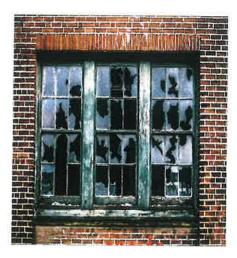
Chapter 5-22 DILAPIDATED BUILDINGS

Article 1, Nuisance Procedures

5-22-100 Public Huisance.

5.22-105 Notice to swiner. 5.22-110 Hearing. 5-23-115 Decisization of nursatice. 5-23-120 Appeal of declaration 5-22-120 Waterials for sale. 5-22-120 Materials for sale. 5-22-130 Materials for sale. 5-22-140 Hearing on expanses. 5-22-140 Hearing on expanses.





The Problem

San Juan Bautista is a small charming, walkable town. Even one blighted building can stick out.

Vacant properties create a space for crime of opportunity, fire hazards, and public nuisances.

Vacant properties decrease surrounding property values

About Oakland

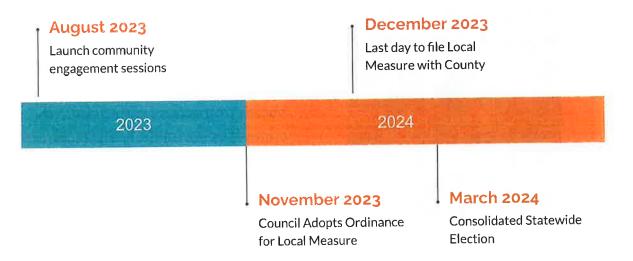
From the City of Oakland Finance Department Public Outreach Sessions -Vacant Property Tax

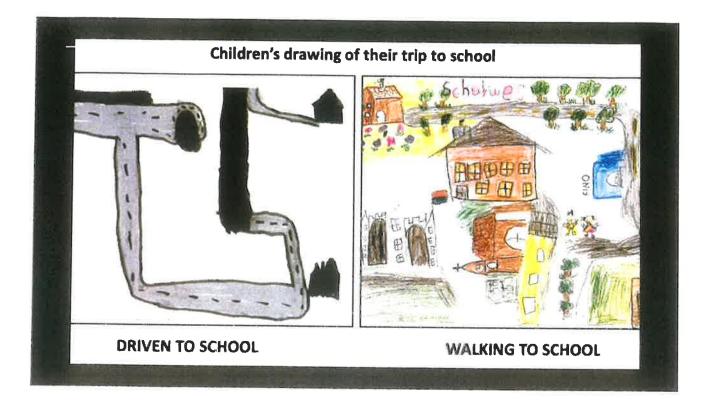


9

- Approved by City voters on November 6, 2018 with 70% support
- Annual \$6,000 or \$3,000 tax on vacant property for 20 years
- Purpose
 - To raise revenue necessary to support and fund services for homeless people and affordable housing, and related programs.
 - Reduce the number of Oakland properties that are kept vacant and undeveloped.
 - Reduce blight, crime, and illegal dumping.
- Many exemptions

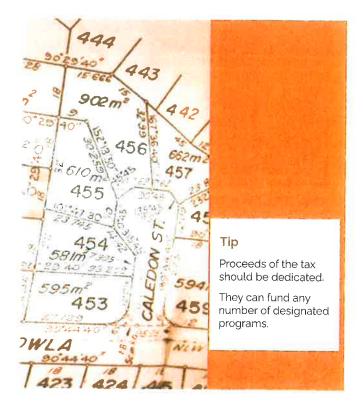
Sample Timeline for 2024 Ballot





Parcel Tax

- → Tax on a parcel, not value of parcel
- → Main source of funding for special districts
- → Requires 2/3 voter approval
- → Aprx. \$60k-\$130k a year depending on number of vacancies and rate





Thank You!

Presenter: Trevin Barber

Trish Paetz

From:	Mary Edge
Sent:	Friday, October 7, 2022 8:26 AM
То:	Don Reynolds; Trish Paetz
Cc:	Mayor Jordan
Subject:	Agenda Item ; The Seniors Council: Allocating funds available for services in San Benito
	County,

Hi Trish,

I have a meeting today until 2 PM. Is it too late to add this to our agenda? But was hoping I could get this in for discussion.

Thanks,

Mary

The Senior's Council is a local 501c3 nonprofit organization operating five distinct programs, including being the state-designated Area Agency on Aging (AAA) of Santa Cruz & San Benito Counties.

In its role as the AAA, the Seniors Council is responsible for funding and/or directly operating the programs of the federal Older Americans Act and California's Older Californians Act. These programs include services such as homedelivered meals, nursing home protection, legal services, information and assistance, and others. Each program must comply with state and federal service quality regulations, and provide local "matching" funds to the federal dollars. It's the Seniors Council/AAA's task to ensure services meet these standards, including both operational and fiscal compliance and effectiveness.

Every location in the United States has a designated local Area Agency on Aging. Local designations allow services to be designed to meet the needs of local communities rather than attempting to create a one-size-fits-all approach. The needs of older adults in San Juan Bautista, for example, are different from the needs experienced in Los Angeles or San Jose, for example. Also differing is the number of programs available to serve seniors, as well as a shortage of financial resources to provide matching funds for those programs.

In many parts of the Country, County or even state government perform the duties of Area Agencies on Aging. In our region, Santa Cruz & San Benito Counties both recognize that these duties can be performed more effectively (and more cost-efficiently) by a local non-profit than by either of the two counties, or any of the local cities. The Seniors Council performs these duties, with financial support from local government.

The Seniors Council attempts to support the greater service challenges facing rural communities by allocating 25% of available funds and services to San Benito County, and 75% to Santa Cruz County. The population breakdown of seniors

Mary Vazquez Edge Councilmember City of San Juan Bautista

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 <u>7-8-130</u>. 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: \triangleright 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 24th 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

City of San Juan Bautista November 8, 2022 General Municipal Election

Candidates Running

Office of City Council Member – 3 Seats Open, Full 4-year Terms

0	Leslie Jordan (Incumbent)	P.O. Box 517, SJB 95045 LeslieJordan@gmail.com
•	Edwin J. Sabathia	1111 Rancho Way, SJB 95045 <u>EJ.Sabathia@gmail.com</u> (408) 418-6709
•	Jackie Morris-Lopez	P.O. Box 519, SJB 95045 JMorrisLopez21@gmail.com
•	Steven Harris	705 First Street, SJB 95045 SteveHarris1957@gmail.com (831) 333-6615
0	Jose Aranda	<u>JoseAranda6@yahoo.com</u> (408) 823-1947

Office of City Clerk – 1 Seat Open, Partial 4-year Term Ending Nov. 2024

No filings were received for the Office of City Clerk. Please contact the City Clerk's Office for more information if you are interested in the position.

Office of City Treasurer – 1 Seat Open, Partial 4-year Term Ending Nov. 2024

No filings were received for the Office of City Treasurer. Please contact the City Clerk's Office for more information if you are interested in the position.

Posted by the San Juan Bautista City Clerk's Office City Hall 311 Second Street San Juan Bautista (831) 623-4661, ext. 13

NOTICE

WRITE-IN CANDIDACY FOR THE NOVEMBER 8, 2022 ELECTION IN THE CITY OF SAN JUAN BAUTISTA

On November 8, 2022, a General Municipal Election will be conducted at which time voters will have an opportunity to elect three members of the City Council, a City Clerk and a City Treasurer. Although the nomination period has closed, there still remains the opportunity to run as a write-in candidate.

WRITE – IN CANDIDATES

FILING DATES: SEPTEMBER 12 THROUGH OCTOBER 25, 2022

Candidates who desire to be a write-in candidate and have his or her name written on the ballot of the General Municipal Election on November 8, 2022 can do so by fulfilling the requirements of the Elections Code.

Write-In Candidacy Procedure

Persons who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot may run for office as a write-in candidate. Write-in votes will be counted and certified in the Statement of Vote only for **qualified write-in candidates** who file the required forms with the San Benito County Elections Office no later than 14 days prior to Election Day.

To qualify as a write-in candidate, a person must file with the County Elections Office the following documents:

- A "**Statement of Write-in Candidacy**" containing the candidate's name, address, a declaration stating that he or she is a write-in candidate, and the title of the office for which he or she is running.
- A "**Nomination Petition**" with the requisite number of sponsor signatures required for the office sought.

Signers of nomination petition for write-in candidates shall be voters in the City of San Juan Bautista. No filing fee or charge shall be required of a write-in candidate.

Write-in candidates are subject to the same requirements as other candidates with regard to disclosure of economic interest and campaign disclosure.

The County Elections Office will provide polling places with a list of qualified writein candidates.

If interested in becoming a write-in candidate in the November 8, 2022 General Municipal Election, **please contact the City Clerk's Office** to make an appointment to receive nomination documents. **(831) 623-4661, extension 13**.



2022 Ballot Measure APPOINTIVE CITY TREASURER **MEASURE V**

Q: WHAT IS MEASURE V?

A: Measure W changes the position of City Treasurer from an elected position to an appointed position.

Q: WHAT IS THE POSITION OF CITY TREASURER?

A: The responsibilities of City Treasurer as listed in the Government Code include tracking and banking all money received by the City, pay out money on warrants and invoices, and other bookkeeping tasks. Additionally, the City Treasurer is responsible for providing a written report and accounting of all receipts, disbursements, and fund balances, and filing a copy with the City Council.

Q: WHY CHANGE FROM ELECTED TO APPOINTED?

A: The City Treasurer position in San Juan Bautista has been elected since the City's incorporation in 1869 and to this day there are no minimum educational requirements or professional qualifications. Providing the City the ability to **appoint** the City Treasurer, ensures the hiring of competent and qualified professionals who have adequate experience and knowledge of accounting policies and procedures to manage the City's finances.

Q: WHAT WILL THE FINANCIAL SAVINGS BE?

A: The City will be saving approximately \$1,200 annually in stipends paid to the elected City Treasurer as well as up to \$3,000 every four years in election costs. The majority of the City Treasurer duties are already being performed by a Certified Public Accountant.

MEASURE V = \$4,200 SAVINGS TO THE CITY



MEASURE V

ENSURES COMPETENT AND QUALIFIED PROFESSIONALS MANAGE THE CITY'S FINANCES



2022 Ballot Measure APPOINTIVE CITY CLERK MEASURE W

Q: WHAT IS MEASURE W?

A: Measure W changes the position of City Clerk from an elected position to an appointed position.

Q: WHAT IS THE POSITION OF CITY CLERK?

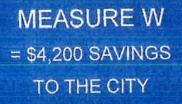
A: The responsibilities of City Clerk include keeping records of City Council proceedings and ordinances, acting as the custodian of the City Seal, receiving claims against the City and maintaining the financial disclosure statements of the City's public officials. In addition, the City Clerk is responsible for providing notices of council meetings, compiling the Council agenda packets, and serving as the City's primary records manager.

Q: WHY CHANGE FROM ELECTED TO APPOINTED?

A: The City Clerk position in San Juan Bautista has been elected since the City's incorporation in 1869 and to this day there are no minimum educational requirements or professional qualifications. Over the past century the duties, responsibilities, and requirements of this position have changed significantly. Providing the City the ability to **appoint** the City Clerk, ensures the hiring of competent and qualified professionals who have adequate experience and knowledge of applicable laws to manage the City's public records, meetings and elections.

Q: WHAT WILL THE FINANCIAL SAVINGS BE?

A: The City will be saving approximately \$1,200 annually in stipends paid to the elected City Clerk as well as up to \$3,000 every four years in election costs. The majority of the City Clerk duties are already being performed by a full-time City employee.





MEASURE W

ENSURES COMPETENT AND QUALIFIED PROFESSIONALS MANAGE THE CITY'S PUBLIC RECORDS, MEETINGS, AND ELECTIONS