



City of San Juan Bautista

The "City of History"

www.san-juan-bautista.ca.us

**REGULAR CITY COUNCIL
TUESDAY, APRIL 18, 2023, 5:30 P.M.**

HYBRID MEETING

City Hall, Council Chambers
311 Second Street, San Juan Bautista, California

AGENDA

TELECONFERENCE NOTICE

Pursuant to California Government Code Section §54953(b)(3), this City Council regular meeting will include teleconference participation by Councilmember EJ Sabathia from Hilton Americas-Houston, 1600 Lamar Street, Houston, Texas 77010. The teleconference location shall be accessible to the public for the open session portion of the meeting pursuant to California Government Code Section §54954.3

ZOOM WEBINAR PARTICIPATION

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 TO PARTICIPATE LIVE

<https://us02web.zoom.us/j/88373320235>

To participate telephonically:

call 1 (669) 900-6833

Webinar ID: 883 7332 0235

1. CALL TO ORDER

- A. Pledge of allegiance
- B. Roll call

2. CLOSED SESSION – 5:30 P.M.

Receive public communications from the audience on Closed session items. The City Council will recess to closed session pursuant to:

- a. **Anticipated Litigation** – California Government Code Section 54956.9(d)(2), conference with legal counsel regarding 16 (eleven) potential cases.

3. PROCLAMATION

- A. Water Awareness Month, May 2023
- B. Fremont Peak Day, April 30, 2023
- C. National Preservation Month, May 2023

4. GENERAL PUBLIC COMMENT

Public comments generally are limited to three minutes per speaker on items that are not on the agenda and are under the City's subject matter jurisdiction. The Mayor may further limit the time for public comments

depending on the agenda schedule.

SUBMISSION OF PUBLIC COMMENTS PROCEDURES

If you wish to make a general public comment and are attending in person, please fill out a speaker card. If you are attending via Zoom, join the Zoom Webinar, and use the "Raise Hand" or if joining by telephone, press *9 on your telephone keypad icon.

Written comments may be submitted via mail to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to deputycityclerk@san-juan-bautista.ca.us no later than 4:00 p.m. on the day of the meeting. Written comments will be read into the record provided that the reading does not exceed three (3) minutes.

5. CITY COUNCIL ANNOUNCEMENTS

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

6. CONSENT

All matters listed under the San Juan Bautista City Council Consent Agenda may be enacted by one motion unless a member of the City Council or the public requests discussion or a separate vote.

A. Approve the Affidavit of Posting Agenda.

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

C. Approve the Minutes of December 20, 2022.

D. 2023 Weed Abatement Program

Recommendation: Approve a **RESOLUTION** declaring the condition of certain properties to constitute a public nuisance, ordering the abatement of weeds thereon, and noticing a public hearing for the receipt of objections to the proposed abatement.

E. Approve a **RESOLUTION** Authorizing Closure of Streets for Certain Special Events in 2023.

F. Amend the Personnel Classification Plan Adding A Recreation Class, and Approving the Part-Time Recreation Assistant Job Description at a Per-Hour Rate of \$19.94-\$26.72 per Hour.

Recommendation: Approve a **RESOLUTION** amending the Personnel Classification Plan adding a recreation class, approve the part-time recreation assistant job description at a per-hour pay rate of \$19.94 – \$26.72 per hour, and authorize the recruitment of this position.

7. INFORMATIONAL ITEMS AND REPORTS

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

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

Receive Report from City Treasurer Michelle Sabathia.

C. **City Manager's Report**

a. Fire Department Update

b. Sheriff Department Update

8. PUBLIC HEARING

- A. *(Second Reading)* **Adopt an ORDINANCE** to Amend Chapter 5.1 and Sections 5-1-100 and 5-1-105, Repealing Sections, 5-1-150, 5-1-160, and 5-1-170 of Article 1 of Chapter 5.1 of Title 5 “Public Health, Safety and Welfare,” of the City of San Juan Bautista Municipal Code to Adopt By Reference in its Entirety the California Building Standards Code 2022 Edition of the California Fire Code and Appendices, Title 24, Part 9, of the California Code of Regulations, with Certain Exceptions, Modifications and Additions Required by Local Climatic, Geological or Topographical Conditions, and Approving Findings to Support Local Modifications.
- B. *(Second Reading)* **Adopt an ORDINANCE** to Amend Chapter 10, Article 1-110 “Code Adoption by Reference” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” of the City of San Juan Bautista Municipal Code to Adopt by Reference Certain of the Parts of California Code of Regulations Title 24, the California Building Standards Code 2022 Edition including: Part 1 the California Administrative Code, Part 2 the California Building Code (Vols. 1 & 2), Part 2.5 the California Residential Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, Part 6 the California Energy Code, Part 8 the California Historical Building Code, Part 10 the California Existing Building Code, Part 11 the California Green Building Standards Code (CALGreen), and Part 12 the California Reference Standard Code; repealing section 10-1-115.

9. ACTION ITEMS

A. San Juan Bautista Sanitary Sewer Force Main to Hollister Project

Recommendation: Approve a **RESOLUTION** approving Plans and Specifications for City of San Juan Bautista Sanitary Sewer Force Main to Hollister Project, and authorize issuance of the Invitation to Bidders with bids to open on May 26, 2023, at 2:00p.m.

B. End the Imposition of Water Conservation Regulations and Restrictions Due to Severe Drought Required by Municipal Code 64-116

Recommendation: Approve a **RESOLUTION** rescinding Resolution 2022-27 and end the imposition of water conservation regulations and restrictions defined in Municipal Code 6-4-116, while continuing to encourage San Juan Bautista citizens to make water conservation a way of life.

C. Consider Approval of a Resolution Rescinding the Matter of the Removal or Other Disposition of Parklets

D. Determine Specific Times and Place Consistent with Municipal Codes 5-1-166 And 5-16-100, and Authorize Non-Profit Organization Anzar High School Booster Club to Sell Safe and Sane Fireworks for the Fourth of July Holiday

Recommendation: Request the City Council consider one of the three attached possible resolutions, and determine if or when fireworks will be sold this year by the one non-profit applying to do so (Anzar High School Booster Club), and if so, under what specific times and place this Fourth of July Season.

10. DISCUSSION ITEMS

- A. Revisiting Zoning Code Section 11-04-110 Regarding Regulation of Large-Scale Retail, Formula Retail, Formula Restaurant and Formula Visitor Accommodations Businesses.

11. ADJOURNMENT

AGENDA MATERIAL / ADDENDUM

Any addendums will be posted within 72 hours of regular meetings or 24 hours of special meetings, unless otherwise allowed under the Brown Act. City Council reports may be viewed at the City of San Juan Bautista City Hall at 311 Second Street San Juan Bautista, and are posted on the City website www.san-juan-bautista.ca.us subject to Staff's ability to post the documents before the meeting, or by emailing deputycityclerk@san-juan-bautista.ca.us or calling the Deputy Clerk (831) 623-4661 during normal business hours.

In compliance with the Americans with Disabilities Act, and Govt. Code 54953(e)(1)(A), 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.

PUBLIC NOTIFICATION

This agenda was posted on Saturday, April 15, 2023, on the bulletin board at City Hall, 311 Second Street, the bulletin board at the City Library, 801 Second Street, the bulletin board at the entrance to the United States Post Office, 301 The Alameda, and the City's website.

Meetings are streamed live at <https://www.facebook.com/cityofsanjuanbautista/> and televised live on local Channel 17 on the date of the regularly scheduled meeting.

*San Juan Bautista
California*



~ Water Awareness Month, May 2023 ~

***WHEREAS**, California's arid and semiarid climate, its ambitious and evolving economy, and its growing population have combined to make water shortages and conflicting demands the norm; and*

***WHEREAS**, the rising concern of climate change could limit the state and federal governments water infrastructure due to less snowpack and environmental concerns in the Delta; and*

***WHEREAS**, the health, welfare and quality of life for our community depends on a reliable, high quality water supply; and*

***WHEREAS**, municipal agencies and governments continue to seek cost-effective and efficient systems to obtain and deliver water to meet the needs of residents, agriculture and the economy; and*

***WHEREAS**, the state, county, cities and concerned citizens make strong efforts to foster wise decisions concerning water issues and water use; and*

***WHEREAS**, the fact that California will experience periodic droughts and water conservation is critical not only during drought periods, but at all times; and*

***WHEREAS**, during May 2023, the City of San Juan Bautista is inviting everyone to find out ways to save water both at work and at home.*

***NOW, THEREFORE**, I Mayor Leslie Q. Jordan, on behalf of the City Council for the City of Juan Bautista, hereby proclaim **MAY 2023** as "**WATER AWARENESS MONTH**" and urge all residents, businesses, industries, institutions, and public agencies to review their water use and water systems for water use efficiency and to contact the Water Resources Association of San Benito County for water saving ideas and assistance.*

Dated this 18th day of April 2023

Leslie Q. Jordan, Mayor

*San Juan Bautista
California*



~ Fremont Peak Day, 2023 ~

***WHEREAS**, during the 1846 Mexican American War, an American Flag was unfurled over San Juan, by Major John Charles Fremont of the California Battalion, in defiance of General Castro's order to leave California; and*

***WHEREAS**, this year we salute the American Flag flying over **el nido del Gabilan** at high noon, as **Loyalty Day** with Veterans of Foreign Wars Post # 6359, San Juan Bautista, VFW #6359 Auxiliary, San Juan Bautista, and Posts of Monterey Bay District 12 as well as Native Daughters of the Golden West Parlor No. 179, Scouts of Troop 428, San Juan Bautista, and with California State Historic Park Rangers District # 19, as:*

“Fremont Peak Day 2023”

NOW, THEREFORE**, I Mayor Jordan, on behalf of the San Juan Bautista City Council proclaim April 30, 2023, as **“FREMONT PEAK DAY 2023.”

Dated this 18th day of April 2023

Mayor Leslie Q. Jordan

*San Juan Bautista
California*



~ National Preservation Month, May 2023 ~

***WHEREAS**, the National Trust for Historic Preservation established May as Historic Preservation Month in 1973, to promote historic places for the purpose of revitalizing neighborhoods, fostering local pride and community character while enhancing livability; and*

***WHEREAS**, Historic Preservation Month can instill awareness of the local historically significant buildings and landmarks to the residents of Millbrae and surrounding communities; and*

***WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, walks of life and ethnic backgrounds; and*

***WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us; and*

***WHEREAS**, this years theme “People Saving Places” is a national high-five to everyone doing the great work of saving places-in ways big and small-and inspiring other to do the same; and*

***WHEREAS**, preserving our historic resources is vital to ensuring the success of our commercial and residential environment, and maintaining the character and heritage of the City of San Juan Bautista.*

***NOW, THEREFORE**, I Mayor Jordan, on behalf of the San Juan Bautista City Council proclaim **MAY 2023**, as “**NATIONAL PRESERVATION MONTH**” and call upon the San Juan Bautista community to join in recognizing participation in this special observance.*

Dated this 18th day of April 2023

Mayor Leslie Q. Jordan

AFFIDAVIT OF POSTING

I, Elizabeth Soto, Do Now Declare, Under the Penalties of Perjury That I Am the Deputy City Clerk / Administrative Services Manager in the City of San Juan Bautista and That I Posted Three (3) True Copies of the attached City Council Agenda. I Further Declare That I Posted Said Agenda on the 15 day of April 2023, and 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 15th day of April 2023.



Elizabeth Soto
Deputy City Clerk / Administrative Services Manager

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.

GC § 36934

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

DRAFT MINUTES

1. **CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 6:00 p.m. in the City Council Chambers at 311 2nd Street, San Juan Bautista, California.

PLEDGE OF ALLEGIANCE – Vice Mayor Flores led the Pledge of Allegiance. Mayor Jordan called for a moment of silence for the passing of Ann LaForge.

ROLL CALL

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

Staff Present: City Manager Don Reynolds, City Attorney Robert Rathie, and Assistant City Manager Brian Foucht

2. **Ceremonial Items and Swearing In of Council**
 - A. **Adopt a Resolution of the City Council of the City of San Juan Bautista Declaring the Results of the General Municipal Election Held on Tuesday, November 8, 2022**

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

A motion was made by Vice Mayor Flores to approve a resolution declaring the results of the November 8, 2022, General Election. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5 Yes-0 No.

- B. **Presentation of Plaques Honoring Retiring City Council Members Mary Edge and Cesar Flores, Retiring Planning Commissioner Jackie Morris Lopez, and Retiring City Treasurer Michelle Sabathia, and Recognition by State Legislature of Council Members Flores and Edge**

Senator Caballero's Staffer Vanessa Gonzalez presented plaques and special recognition for outgoing members of the City Council and Planning Commission.

- C. **Installation of Newly Elected City Council Members Leslie Jordan, EJ Sabathia and Jackie Morris Lopez**

County Supervisor Kolin Kosmicki performed the Oath of Offices and swore all new members into their positions.

A quorum of the new City Council membership was established.

ROLL CALL

Present: Mayor Jordan, Council Member Freels, Council Member Freeman, Council Member Morris-Lopez, and Council Member Sabathia

D. Selection of Mayor for a One Year Term

Nominations were received for Leslie Jordan and John Freeman.

Vote was taken for Mayor. Leslie Jordan received the majority of the votes.

E. Selection of Mayor Pro Tem for a One Year Term

Nominations were received for John Freeman, Jackie Morris-Lopez, and EJ Sabathia.

Council Member Morris-Lopez declined the nomination.

Vote was taken for Mayor Pro Tem. John Freeman received the majority of the votes.

3. Public Comment

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

4. Consent Items

- A. Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of Local Emergencies in the City**
- B. Approve the Affidavit of Posting Agenda**
- C. Approve the Minutes of November 15, 2022 Regular Meeting**
- D. Approve the Minutes of November 29, 2022 Special Meeting (5:00 p.m.)**
- E. Approve the Minutes of November 29, 2022, Special Meeting (6:00 p.m.)**
- F. Approve the Minutes of the October 25, 2022 Special Meeting**
- G. Adopt a Resolution of the City Council of the City of San Juan Bautista Affirming the City's Conflict of Interest Code Pursuant to Required Biennial Review**
- H. Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting the Contract for the Franklin Circle Park Project**
- I. Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting the Contract for the Verutti Park Restroom Project**
- J. Appoint Leslie Jordan to the Economic Development Citizens Advisory Committee (EDCAC)**
- K. Adopt a Resolution of the City Council of the City of San Juan Bautista Accepting a Conditional Offer and Waiver of Right To Hearing from the Central Coast Regional Water Quality Control Board ("RWQCB"); Settlement Agreement and Stipulated Entry of Administrative Civil Liability ("ACL") Order No. R3-2023-004**
- L. Adopt a Resolution of the City Council of the City of San Juan Bautista Approving a Professional Services Agreement with Ridgeline Municipal Strategies LLC to Prepare and Administer Grants and Loans, and Fulfill the City's Requirements Set Forth by the State and Federal Funding Sponsors to Pay for the Environmental Protection Agency Compliance Projects**
- M. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**

A request was made for Items C, D, and F to be discussed and considered separately. Mayor Jordan called for public comment, seeing no one come forward, she closed public comment.

Items A, B, E, G, H, I, J, K, L, and M

A motion was made by Mayor Pro Tem to approve Consent Calendar Items A, B, E, G, H, I, J, K, L, and M. The motion was seconded by Council Member Morris-Lopez.

Vote on Motion to approve Consent Calendar Items A, B, G, H, I, J, K, L, and M. The motion passed on a roll call vote of 5 Yes-0 No.

Vote on Motion to approve Consent Calendar Item E. The motion passed on a roll call vote of 4 Yes-0 No-1 Abstain (Sabathia).

Item C

Mayor Jordan requested corrections noting Council Member Edge was present, but noted as absent; Fran Fitzharris' application.

City Attorney Rathie noted amendments for the Public Hearing regarding the abatement. He requested language be added stating "Property Owner Cynthia Orozco objected and stated she was not given the opportunity to abate as the city took the lead role and it is her intent to abate the nuisance and resolve the situation as soon as possible, which would be in accordance with the resolution."

A motion was made by Vice Mayor Freeman to approve Consent Agenda Item C, as amended. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5 Yes-0 No.

Item D

City Attorney Rathie noted amendments for the Public Hearing regarding the abatement. He requested language be added stating "Property Owner Cynthia Orozco objected and stated she was not given the opportunity to abate as the city took the lead role and it is her intent to abate the nuisance and resolve the situation as soon as possible, which would be in accordance with the resolution."

A motion was made by Mayor Pro Tem Freeman to approve Consent Calendar Item D, as amended. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 5 Yes-0 No.

Item F

City Attorney Rathie noted amendments for Item 3.b. regarding the abatement. He requested language be added stating "Property Owner Cynthia Orozco objected and stated she was not given the opportunity to abate as the city took the lead role and it is her intent to abate the nuisance and resolve the situation as soon as possible, which would be in accordance with the resolution."

Mayor Jordan noted a spelling error of the word is under Item 3.b. to be corrected.

A motion was made by Mayor Pro Tem Freeman to approve Consent Calendar Item D, as amended. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 5 Yes-0 No.

5. Presentations, Proclamations, Informational Items and Reports

A. Ralph M. Brown Act Introduction/Refresher – City Attorney Bob Rathie

City Attorney Rathie presented on the Ralph M. Brown Act, accompanied by a PowerPoint, and fielded questions from the Council.

B. City Council and Staff Announcements

All Council Members wished everyone Happy Holidays.

Council Member Freels requested the City' support for the Sixth Grader's science camp held in January and read a letter received by Katie Shear regarding the schools.

Mayor Jordan announced an upcoming ribbon cutting.

City Manager Reynolds announced City Hall holiday closures.

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

Mayor Pro Tem Freeman reported on the Water Resources Board and Integrated Waste Management Committee meetings.

There were no other reports.

D. Treasurer's Report and Monthly Financial Statements

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

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

E. City Manager's Report
a. Fire Department Update
b. Sheriff Department Update
c. Commercial Truck Traffic

City Manager Reynolds provided a report, accompanied by a PowerPoint, regarding general matters of the City and fielded questions from the City Council.

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

Mayor Jordan requested to hear the agenda out of order and go to Item 7.F. Hearing no objection from the City Council, the agenda was heard out of order.

7. F. Ordinance for Selection of Planning Commissioners – Council Member Freeman

Mayor Pro Tem Freeman presented the report and requested an ordinance amendment for the entirety of the City Council consider all applications together.

Council Member Freels stated he preferred each Council Member appoint their own Planning Commissioner to a seat.

Council Member Morris-Lopez stated she preferred the process remain as stated in the current ordinance and it be an open process.

Council Member Sabathia stated he preferred the process remain as stated in the current ordinance.

Mayor Jordan stated she preferred the process remain as stated in the current ordinance.

Mayor Jordan called for public comment.

David Medeiros testified he supported the full Council vet and select the Planning Commission Members.

Seeing no further comment, Mayor Jordan closed public comment.

Direction was given to staff to not bring an ordinance back.

6. Action Items

A. Select Ad Hoc Committee to Interview Candidates to Fill Four (4) Vacancies on the Planning Commission

Mayor Pro Tem Freeman, Council Member Freels, Council Member Sabathia, and Mayor Jordan volunteered.

Mayor Pro Tem Freeman and Council Member Freels withdrew.

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

A motion was made by Council Member Morris-Lopez to appoint Mayor Jordan and Council Member Sabathia to serve on the Ad Hoc Committee. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 5 Yes-0 No.

B. Select Check Signers for City Bank Account

City Manager Reynolds presented the staff report.

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

A motion was made by Mayor Pro Tem Freeman to add Council Members Freels and Morris-Lopez as check signers. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 5 Yes-0 No.

C. Discuss Disposition of Parklet and Direct Staff Accordingly

Assistant City Manager Foucht presented the staff report, accompanied by a PowerPoint, and fielded questions from the City Council.

Council Member Freels stated he was not in favor of the disposition of the parklets until the Governor's final decision was regarding COVID emergencies and to see how it plays out for the remainder of the winter. He stated he wanted to see the 3rd Street Master Plan to move forward.

Mayor Pro Tem Freeman suggested charging rent for the parklets and to wait until at least February to bring something back for consideration.

Council Member Morris-Lopez suggested removing them for retail, but keep them for food and beverage establishments.

Council Member Sabathia said he was comfortable making the decision now with a contingency of changing it dependent on future need.

Mayor Jordan stated she would like to see assistance provided to defray costs for removal.

Mayor Jordan called for public comment.

David Medeiros supported the disposition of the parklets.

Seeing no further comment, Mayor Jordan closed the public comment.

Direction was given to staff to prepare a resolution for a future agenda to remove encroachments, remove for retail, and support to defray the costs of removal.

7. Discussion Items

A. Noise Ordinance

Mayor Jordan called for a recess at 9:00 p.m. The meeting reconvened at 9:07 p.m.

City Attorney Rathie presented the staff report and fielded questions from the City Council.

Council Members discussed the need to have a baseline to be objective, decibel level be established, and consideration be made for construction and rental facilities.

Mayor Jordan called for public comment.

City Manager Reynolds read Judy Cain's public comments.

Seeing no further comment, Mayor Jordan closed the public comment.

City Manager Reynolds noted staff received clear direction on how staff should proceed.

B. Authorize Staff to Post Notice Accepting Applications for City Treasurer Appointment

City Manager Reynolds presented the staff report.

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

Consensus from the Council was to move forward as recommended by staff.

C. Update City Clerk Ordinance to Reflect Appointment Process

City Manager Reynolds presented the staff report.

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

Consensus from the Council was to move forward as recommended by staff.

D. City Calendar: Reschedule January Regular Council Meeting to January 24, 2022 (due to Conflict with New Mayors and Council Members Academy in Sacramento on January 18), and Close City Hall the week of December 26.

City Manager Reynolds presented the staff report.

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

Consensus from the Council was to move forward as recommended by staff.

E. Use of Community Hall for Local Seniors – Mary Edge

City Manager Reynolds and Mayor Jordan presented the staff report.

Mayor Jordan called for public comment.

Teresa Lavagnino commented on the status of the acoustics and construction/remodel work planned for the future.

Seeing no further comment, Mayor Jordan closed public comment.

Consensus from the Council was to move forward as recommended by staff.

F. Ordinance for Selection of Planning Commissioners – Council Member Freeman

Item 7.F was heard out of order prior to Item 6.

8. Adjournment

There being no further business, Mayor Jordan adjourned the meeting at 9:42 p.m.

Respectfully submitted,

Don Reynolds, City Manager/Acting City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

DATE: APRIL 18, 2023

DEPARTMENT: FIRE DEPARTMENT

BY:

FROM: BOB MARTIN DEL CAMPO, FIRE CHIEF

TITLE: **CONSIDER A RESOLUTION DECLARING THE CONDITION OF CERTAIN PROPERTIES TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT OF WEEDS THEREON, AND NOTICING A HEARING FOR THE RECEIPT OF OBJECTIONS TO THE PROPOSED ABATEMENT**

RECOMMENDED ACTION:

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

BRIEF DESCRIPTION:

This Resolution starts the legal process for the 2023 Weed Abatement Program declaring the condition of certain properties to constitute a public nuisance due to the existence of weeds and noticing a hearing for the receipt of objections by property owners to the proposed abatement by the City.

DEPARTMENT SUMMARY:

All year the City has a weed abatement program to reduce the fire hazard and other noxious and dangerous aspects of weeds growing on public and private property. This Resolution declares certain properties to constitute a public nuisance, orders their abatement by May 15, 2023, and sets a public hearing for May 16, 2023, and orders notice of the hearing to be sent to affected property owners. Unless the owners prior to the City's deadline abate the weeds, the City will cause the work to be performed and charge the costs as liens filed against the property on which abatement is performed.

FINANCIAL IMPACT:

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

CEQA:

N/A

RESOLUTION NO. 2023-XX

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Any properties within City limits found to be in neglect are hereby declared to be public nuisances by virtue of the existence of noxious and dangerous weeds and rubbish thereon, which constitute a fire hazard, and will continue to constitute, ongoing, seasonal and recurrent public nuisances.
2. All rubbish, refuse and dirt of a flammable nature on or adjacent to said properties, and all weeds, as the same are defined in Government Code Section 39561.5, on or adjacent to said properties, unless abated by the owners thereof on or by May 15, 2023, shall be removed and abated by the City in the manner provided for by Government Code Sections 39560, et seq., and the costs thereof shall be assessed as a lien against the property and made a personal obligation of the property owner.
3. The City Council shall hear any objections to the proposed abatement of said public nuisances at the Public Hearing on Tuesday, May 16, 2023 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers of the City of San Juan Bautista, City Hall, 311 Second Street, San Juan Bautista, California.
4. The City Clerk of the City of San Juan Bautista is hereby directed to cause the notice of the adoption of this Resolution and notice of the time and place when objections to the proposed abatement of said public nuisances will be heard, to be given in the manner and form provided for in Section 39567.0 of the Government Code of the State of California.

PASSED AND APPROVED by the City Council of the City of San Juan Bautista at a Regular Meeting held this 18th day of April, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

**2023
Weed Abatement
Official List
Exhibit "A"**

Parcel No.	Owner/Caretaker	Mailing Address	Mailing Address1	City	State	Zip	Physical Location
002-130-004-000	THOENY FAMILY TRUST	2981 SAN JUAN HOLLISTER RD		SJB	CA	95045	501 THIRD STREET
002-160-013-000	GARRATT PATICK-REGINA ET AL	PO BOX 1052		SJB	CA	95045	0 THIRD STREET
002-190-010-000	LIU GEORGINA L	9816 HILL STREET		MENSINGTON	MD	20895	0 FOURTH STREET
002-19-011-000	GAVILAN INV LLC A CA LTD LIAB CO	PO BOX 1962		LOS GATOS	CA	94023	33 WASHINGTON STREET - OPEN LOT
002-210-002-000	SANTANA ANGELINA ALICIA ET AL	PO BOX 940		SJB	CA	95045	0 FOURTH STREET
002-220-003-000	CITY OF SAN JUAN BAUTISTA	PO BOX 1086		SJB	CA	95045	
002-230-001-000	LOAYZA ROSA & EDMUNDO	2096 STONE AVE		SAN JOSE	CA	95125	1130 FIRST STREET
002-240-013-000	RIBEIRO ALBERT D-ESTHER	PO BOX 1328		SJB	CA	95045	1024 FIRST STREEET
002-250-005-000	COKE DALE C LIVING TRUST	PO BOX 186		AROMAS	CA	95004	0 FIRST STREET
002-250-006-000	DIOCESE OF MONTEREY ED & WEL CORP	PO BOX 2048		SJB	CA	95045	0 SECOND STREET
002-260-056-000	HILLSIDE VISTAS LLC A CA LTD LIAB CO	144 W LAKE AVE		WATSONVILLE	CA	95076	0 THIRD STREET # PCL A
002-270-002-000	SAN BENITO CO CHPTR JAPANESE-AMER CIT	PO BOX 631		SJB	CA	95045	708 FIRST STREET
002-290-043-000	RAYMER FAMILY TRUST	PO BOX 449		SJB	CA	95045	0 MONTEREY STREET
002-310-002-000	ROMAN CATHOLIC BISHOP OF MONTEREY	PO BOX 2048		SJB	CA	95045	0 RODEO GROUNDS
002-320-002-000	AVILLA MARY DOROTHY REV TR ET AL	130 SAN JUAN HWY		SJB	CA	95045	63 MUCKELEMI STREET
002-320-006-000	POST 6359 VETERANS OF FOREIGN WARS	PO BOX 501		SJB	CA	95045-0501	SAN JUAN BAUTISTA
002-320-008-000	MANNING KATHLEEN ET AL	130 SAN JUAN HWY		SJB	CA	95045-9527	0 MONTEREY STREET
002-340-006-000	FERNANDEZ ROBERT & MARTHA	535 ANZAR ROAD		SJB	CA	95045	11 FRANKLIN STREET
002-340-007-000	FERNANDEZ ROBERT & MARTHA	535 ANZAR ROAD		SJB	CA	95045	0 FRANKLIN STREET
002-350-002-000	H & H RODRIGUEZ RANCH DEVELOPMENT LLC	1441 DENTWOOD DRIVE		SAN JOSE	CA	95118	0 SAN JUAN LATERAL
002-350-030-000	AVILLA MARY DOROTHY REV TR ET AL	130 SAN JUAN HWY		SJB	CA	95045	0 MUCKELEMI STREET
002-370-020-000	ALEXANDER PATRICIA M	PO BOX 142		SJB	CA	95045	400 SIXTH STREET
002-420-017-000	NINO REAL ESTATE	55 BEST ROAD		HOLLISTER	CA	95023	302 SEVENTH STREET
002-430-020-000	DALOIA FAM TR	2289 KENWOOD AVE		SAN JOSE	CA	95128	0 FRANKLIN STREET
002-470-008-000	FIRPO ANGELA LIVING TRUST	PO BOX 983		SJB	CA	95045	0 FRANKLIN STREET
002-480-005-000	CERDA HIPLOLITO G-SILVA R	15354 CASTROVILLE BLVD		CASTROVILLE	CA	95012-9727	100 THE ALAMEDA
002-490-002-000	NEUBAUER ANDREW-MARGARET LIV TRUST	PO BOX 1357		SJB	CA	95045	10 FRANKLIN STREET

**2023
Weed Abatement
Official List
Exhibit "A"**

002-510-001-000	MEDINA PAUL TR ET AL	1627 E 213 STREET		CARSON	CA	90745	501 WASHINGTON STREET
002-510-020-000	FERNANDEZ NANCY C	PO BOX 754		SJB	CA	95045	171 LANG STREET
002-520-012-000	SJB DEVELOPMENT A CA CORP	1534-D FREMONT BLVD		SEASIDE	CA	93955	0 THE ALAMEDA
002-520-013-000	HACIENDA DE LEAL LLC A CA LTD LIAB CO	300 MARANATHA DRIVE		HOLLISTER	CA	95023	410 THE ALAMEDA
002-530-021-000	ALNAS JOHN-LUPE FAMILY TRUST	PO BOX 664		SJB	CA	95045	18 LANG STREET
002-540-011-000	DENNY CARA L	PO BOX 954		SJB	CA	95045	0 POLK STREET
002-550-003-000	KURASAKI KAZUKO ET AL	PO BOX 1450		SJB	CA	95045-1450	400 SAN JUAN HOLLISTER HWY
002-550-004-000	KURASAKI KAZUKO ET AL	PO BOX 1450		SJB	CA	95045-1450	400 SAN JUAN HOLLISTER HWY
002-550-006-000	DIAS GEORGE J JR & GEORGE A	PO BOX 640		SJB	CA	95045	1020 MISSION VINEYARD RD
002-563-002-000	HANSON ABE-SHARON	PO BOX 424		SJB	CA	95045	153 LANG STREET
002-510-018-000	LEAVER BETTY LOU & CARL D	175 LANG STREET		SJB	CA	95045	175 LANG STREET

RESOLUTION NO. 2023-XX

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

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

NorCal Dubaffair

**July 29, 2023 from 6 AM – 6:30 PM ,
Third Street From Franklin to Muckelemi Streets
Washington Street, Mariposa Street, Polk Street Between Second and Fourth Streets**

Rotary Rainbow Run (Revised)

**April 23, 2023 From 6 AM - 11 AM
From The Alameda at Pearce St, Franklin to Second Street, Second Street to Polk, Third Street from Franklin to Lavagnino; Lavagnino to Larios and Muckelemi to Sixth Street, Sixth Street to Franklin, and Franklin from Sixth St. to Third Street (see attached map)**

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

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

PASSED AND APPROVED this 18th day of April 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

DATE: APRIL 18, 2023

DEPARTMENT: CITY MANAGER

FROM: DON REYNOLDS

BY: DON REYNOLDS

TITLE: AMEND THE PERSONNEL CLASSIFICATION PLAN ADDING A RECREATION CLASS, AND APPROVE THE PART-TIME RECREATION ASSISTANT JOB DESCRIPTION AT A PER-HOUR PAY RATE OF \$19.94 – \$26.72 PER HOUR

RECOMMENDED MOTION:

Approve a Resolution amending the Personnel Classification Plan adding a recreation class, approve the part-time recreation assistant job description at a per-hour pay rate of \$19.94 – \$26.72 per hour, and authorize the recruitment of this position.

EXECUTIVE SUMMARY:

The attached Resolution implements the strategy in the City Council's Strategic Plan to initiate a City recreation program by amending the City Personnel Classification Plan, and adopting the new Job Description for a part-time Recreation Assistant.

BACKGROUND:

The City Council has been talking about establishing a recreation program for some-time now, and in earnest last summer when the Joint Use Agreement was executed with the School District. The Joint Use Agreement opened up the San Juan School playground, turf area and basketball courts to residents when school is not in session. The Community Hall is also being improved acoustically for better use for recreation programs including senior lunches and activities.

Recreation discussions recently occurred with City Council in February and March. The work of the Economic Development Citizens Advisory Committee was shared showing a wide range of support for recreation. It was determined at the mid-year budget that the City can afford the new operational expenses for a recreation program.

Initially the Recreation program will be work from the Library and report directly to the City Manager. It is hopeful that some summer programs at Luck Park can be arranged sooner than later.

FISCAL IMPACT:

The annual expense of a Part-Time Recreation Technician will cost approximately \$25,000 to \$30,000 per year. Operational expenses will also be incurred for supplies, promotion and programming.

ATTACHMENTS:

Proposed Resolution amending the Personnel Classification Plan adding a recreation class, and the part-time recreation assistant job description

CLASS TITLE: RECREATION

JOB DESCRIPTION: RECREATION ASSISTANT (PART-TIME/HOURLY)

Salary \$19.94 - \$26.72 Hourly

JOB SUMMARY

Assists with or independently organizes, plans, directs and implements a wide range of programs that foster human development, promote health and wellness, provide recreational experiences, and strengthen safety and security through activities, programs, and special events. Employees in this classification receive general supervision within a framework of standard policies and procedures. This position may assist in supervising or directing the work of volunteers, or other part-time staff. This job class requires knowledge of recreation program principles, creative ability, and organization and planning skills.

DISTINGUISHING CHARACTERISTICS

This job class is responsible for a variety of program areas and functions focusing on seniors and children age 18 or younger, at an entry level or classification.

EXAMPLES OF ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

- assists in the planning and delivery of a defined activity and/or program area or service, which may include pre-school programs, after school/summer programs, facility/equipment rental programs, aquatics, sports or special events
- establishing youth sports leagues
- assists with supervising, leading and directing assigned program staff
- purchases and orders supplies and materials
- follows and gives oral and written directions
- maintains accurate records and prepares reports
- supervises program activities and participants
- maintains facility and equipment in a clean and orderly manner
- responds calmly and efficiently in emergency situations
- observes and enforces safety regulations to secure safety of activity, participants and spectators
- ensures proper food and/or cash handling procedures are maintained
- provides excellent customer service, to include professionally and politely communicating with participants, parents, and teammates
- maintains order, discipline and good public relations
- opens and closes buildings
- drives City vehicles and transports program participants and staff
- performs related duties similar to the above in scope and function as required

EMPLOYMENT STANDARDS

Knowledge of:

- recreational and cultural programs, principles, practices, methods, techniques, procedures and policies of planning and promoting, and/or events related to area of assignment
- facilities, operations and techniques used in area of assignment
- effective use of technology - computer and modern office equipment - to organize and distribute information
- proper English language usage, spelling, vocabulary, grammar, and punctuation in order to read, comprehend, and communicate clearly, concisely, and tactfully both verbally and in writing
- modern theories, principles, practices, methods and human development models of organizing, conducting, and directing play and recreation to create recreational experiences
- understanding of inclusive practices as they apply to the operation of programs, services, and facilities
- time management tools and techniques to organize, prioritize, and follow up on work assignments to meet deadlines
- techniques of advertisement, outreach, and public relations for the promotion of assigned program area
- practices of coordinating, training, and monitoring subordinate staff or volunteers

Ability to:

- provide creative leadership in organizing, directing, and conducting recreation programs and activities
- determine supplies and equipment necessary for assigned programs
- prepare accurate reports, program schedules, and publicity materials as required
- work well with community groups, parents, volunteers, and staff
- assist with and/or supervise use of facility or monitoring of activity to ensure compliance with policies and codes, protection of property, and safety of all users and staff and resolve conflicts or problems that arise
- effectively and tactfully communicate in both oral and written forms
- establish and maintain effective work relationships with those contacted in the performance of required duties

TRAINING AND EXPERIENCE:

Any combination of training and experience, which would provide the required knowledge and abilities, is qualifying. A typical way to obtain the knowledge and abilities is:

- to have actively lead groups of people in the delivery of sports programs, music, art and/or music classes, or similar recreational activities

- have some experience developing, promoting, implementing, and supervising a recreation program and communicating with the general public and/or in leadership such activities, or related work

LICENSE & CERTIFICATION:

- possession of a valid California Class C Driver's License and a safe driving record
- must obtain CPR and first aid certifications within six months of employment

PHYSICAL REQUIREMENTS

Physical requirements described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. These typically include:

- prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting and stooping in the performance of daily activities
- grasping, repetitive hand movement and fine coordination
- walking on uneven surfaces
- see and hear in the normal visual and audio ranges with or without correction
- work indoors in an office environment subject to heat\cold and fragrances
- reach above and at shoulder height
- drive a vehicle
- depending on area of assignment, the nature of the work may require the incumbent to work outdoors, lift equipment and materials weighing up to 50 pounds and work evenings, weekends and holidays

RESOLUTION NO. 2023- XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ESTABLISHING A NEW CLASS OF CITY EMPLOYMENT “RECREATION” AND ADOPTING THE RECREATION TECHNICAN JOB DESCRIPTION

WHEREAS, On June 19th, 2018, the City adopted Resolution 2018-26, and its Personnel Rules; and

WHEREAS, Personnel Rule III describes the City’s Job Classification Plan and defines its purpose to inventory each type of job class working for the City, and the process for amending it; and

WHEREAS, the role of the City Manager is to present for City Council consideration and approval of amendments from time to time as the organization changes; and

WHEREAS; in the City Council’s current Strategic Plan, is a strategy to explore and implement a new Recreation work class in the City, and following a discussion at its March 21, 2023 City Council meeting, staff presented a draft job description for a part-time “Recreation Assistant” position; and

WHEREAS, that same job description is attached to this proposed resolution and presented for City Council’s consideration and approval adding a Recreation Class to the City’s Classification Plan, and its first related job description part-time “Recreation Assistant,” to this new Class of worker; and

WHEREAS, the draft job description included a per hour pay rate of between \$19.94 and \$26.72 and this rate was not discussed or cause concern at the March 21, 2023 Council meeting.

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 hereby amends its Personnel Classification Plan by adding a new Class titled “Recreation.”
3. It further amends the Classification Plan adding the job description for a part-time “Recreation Assistant.”
4. Authorizes the City Manager to recruit for this position at a per hour rate of between \$19.94 and \$26.72 per hour.

PASSED AND APPROVED by the City Council of the City of San Juan Bautista at a regular meeting held on the 18th day of April, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

Treasurer's Report
For the Eight-Month Period Ended February 28, 2023
(67% of fiscal year)

General Fund ~

General revenues are running at 67% for the year to date. Correspondingly, general fund expenditures are at 51% for the year to date. The net effect is a positive change in general fund balance of \$582k.

Water Enterprise Fund ~

The water enterprise fund revenues are running at 68% for the year to date, and expenses are at 65%. The net effect is a positive change in the water enterprise fund of \$303k.

Sewer Enterprise Fund ~

The sewer enterprise fund revenues are running at 86% for the year to date, and expenses are at 73%. The net effect is a positive change in the sewer enterprise fund of \$338k.

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Eight Month Period Ended February 28, 2023

Item #7B
City Council Meeting
April 18, 2023

REVENUES	FY22	FY23	Annual		YTD	
Fund	Actuals	Actuals	Budget	Difference	67%	Notes
General Fund	1,488,034	1,842,908	2,737,935	(895,027)	67%	
Special Revenue Funds:						
Capital Projects Fund	126,408	1,394,935	3,186,996	(1,792,061)	44%	B
Community Development	84,833	51,228	404,514	(353,286)	13%	A
COPS	93,524	110,361	100,000	10,361	110%	C
Parking & Restroom Fd	32,985	17,417	26,000	(8,583)	67%	
Gas Tax Fund	58,874	58,661	98,520	(39,859)	60%	
Valle Vista LLD	14,069	17,686	26,529	(8,843)	67%	
Rancho Vista CFD	43,019	44,347	66,521	(22,174)	67%	
Copperleaf CFD	13,971	15,100	22,650	(7,550)	67%	
Internal Service Funds:						
Blg Rehab. & Replace	25,333	25,333	38,000	(12,667)	67%	
Vehicle Replacement	40,000	40,000	60,000	(20,000)	67%	
Enterprise Funds:						
Water						
Operations	745,064	828,118	1,213,800	(385,682)	68%	
Capital	-	-	79,350	(79,350)	0%	B
Sewer						
Operations	804,039	1,016,505	1,185,000	(168,495)	86%	
Capital	-	-	484,352	(484,352)	0%	B
TOTAL Funds	2,082,120	3,619,692	9,730,167	6,110,475	37%	

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

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

C ~ COPS revenues are coming in higher than anticipated at the time of budget.

City of San Juan Batista
Check/Voucher Register - Check Register Current Month
From 2/1/2023 Through 2/28/2023

1110 - Operating
Acct. 1948

Effective Date	Check Number	Vendor Name	Matching Document Date	Check Amount
2/3/2023	EFT	CalPers	1/20/2023	2,953.91
2/14/2023	216465	Core & Main	1/18/2023	557.73
2/14/2023	216466	Iconix Waterworks (US) inc.	1/1/2023	870.71
2/14/2023	216467	McKim Corporation	1/18/2023	235,167.85
2/14/2023	216468	Allison Newman	1/25/2023	230.00
2/24/2023	216469	AFLAC	2/28/2023	934.44
2/24/2023	216470	Baker Supplies and Repairs	2/8/2023	17.17
2/24/2023	216471	Clark Pest Control	2/14/2023	102.00
2/24/2023	216472	CMAP	1/1/2023	1,089.99
2/24/2023	216473	CSG Consultants, Inc.	1/13/2023	21,600.00
2/24/2023	216474	Cypress Water Services	1/31/2023	11,175.00
2/24/2023	216475	Ferguson Enterprises LLC	1/19/2023	9.98
2/24/2023	216476	Hamner Jewell Associates	1/31/2023	774.50
2/24/2023	216477	Jackie Morris-Lopez	1/20/2023	683.50
2/24/2023	216478	Judy's Gifts & Awards	2/15/2023	25.98
2/24/2023	216479	Monterey Bay Analytical Services	2/3/2023	3,546.00
2/24/2023	216480	New SV Media	2/10/2023	709.60
2/24/2023	216481	Nigel Belton Consulting Arborist	2/9/2023	570.00
2/24/2023	216482	Ready Refresh	2/12/2023	147.97
2/24/2023	216483	Regional Government Services	1/31/2023	1,332.30
2/24/2023	216484	Rx-Tek	2/6/2023	333.31
2/24/2023	216485	Sprint	2/8/2023	444.64
2/24/2023	216486	Stantec Consulting Services Inc.	1/1/2023	12,651.50
2/24/2023	216487	US Bank Equipment Finance	3/7/2023	249.61
2/24/2023	216488	Valero Wex Bank	2/14/2023	1,107.47
2/24/2023	216489	Don Reynolds	2/10/2023	481.80
2/24/2023	216490	League of California Cities	2/6/2023	300.00
2/28/2023	216491	Department of Transportation	1/1/2023	1,300.34
2/28/2023	216492	State Water Resources Control Board	2/13/2023	<u>33,000.00</u>
Report Total				<u>332,367.30</u>

City Manager Monthly Report

All FEMA all the time!

Working with 3 overlapping Disasters and Subsequent FEMA Claims

COVID Submitted before 12.31.2022-

(\$150,000 – **still** being audited now)

Submitted January Storms Claim week of 3.21.23 (\$65,000)

Met twice with FEMA in March and April

Claim now includes Rancho Vista

Claim now at \$171,000

Scheduled a 3rd Meeting on Claims

FIRM Mapping Meeting

Site Inspection to confirm damages

Day-To-Day response to March 9 flooding

Initial Damage Estimate not ready yet

A lot more private property damage this time

City Manager Monthly Report

March 9-10 Floods

Most damage occurred **south of Highway 156**

Mission Farms RV Park- displaced more than 40 residents

Damage on Lang Street/Alameda & Dias Trailer Park

FEMA Inspections occurred 4.12.2023

FEMA Inspection Saturday March 18th

Rancho Vista Storm Water system being evaluated

Reviewed with FEMA 3.12.23 at 1:30 meeting

12+ RV Culverts full of silt

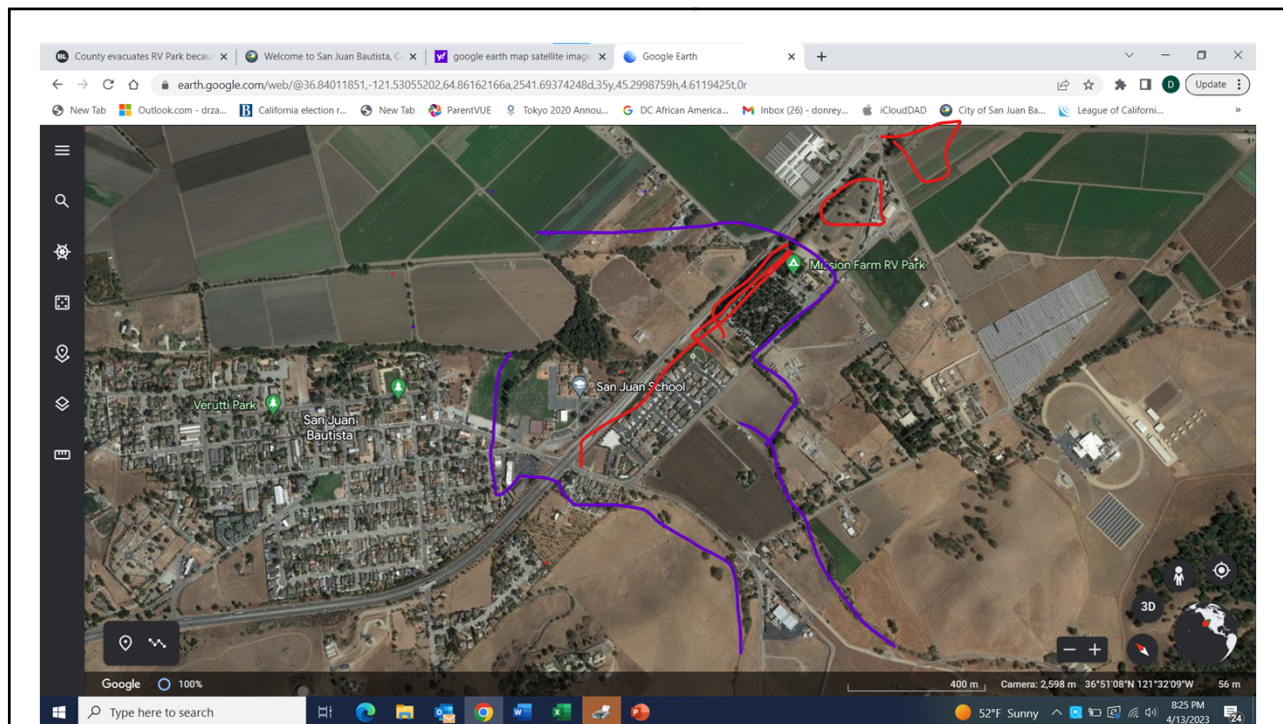
Estimated an additional \$100,000 in costs to recover

Working with Red Cross and coordinating w/volunteers & donations

CM attended 3- 8 AM Monday meetings w/service orgs (3/24, 3/31, 4/3, 4/10, 4/17

Referred 5 families from MF RV Park – they declined a 6-month housing op

INDIVIDUAL ASSISTANCE IS AVAILABLE FROM FEMA FOR THOSE THAT LOST OR INCURRED DAMAGE TO THEIR HOMES



City Manager Monthly Report

SEWER FORCE MAIN

Continue to Adjust schedules within the

Out to bid 4.21.23

USDA **continues to be** very flexible- agreed to delay several “conditions”

April 13, 2023 Agreed and approved City’s Bid package/process

Draft long-term Agreement **sent to** Hollister **Week of April 5, 2023**

Approved by USDA **so** bidding can begin!!!!

Finance Plan Status

EPA STAG & State Water Board grants, USDA, Line of Credit

Green Light

April 1st Calendar

Milestone	Date		Duration (days)	
Environmental Permits	2/1/2022	to 3/30/2023	422	September 2022
USDA Approval	2/1/2023	to 3/30/2023	57	
Advertise for Bid	4/4/2023	to 5/8/2023	34	Complex project; may require extension
Pre-bid conference	4/28/2023		0	
Bid Due	5/8/2023		0	
Encroachment Permits	2/5/2023	to 5/14/2023	98	
Bid Review	5/8/2023	to 5/15/2023	7	
Council Approval to Award	5/16/2023		0	
Notice of Award	5/21/2023		0	
Notice to Proceed	5/26/2023		0	
Substantial Completion	5/26/2023	to 5/30/2024	370	In operation
Final Completion	5/30/2024	to 6/26/2024	27	EPA compliance

Current Calendar

Milestone	Date		Duration (days)	
Environmental Permits	2/1/2022	to 3/30/2023	422	
USDA Approval	2/1/2023	to 3/30/2023	57	
Advertise for Bid	4/21/2023	to 5/26/2023	35	Complex project; may require extension
Pre-bid conference	5/11/2023		0	
Bid Due	5/26/2023		0	
Encroachment Permits	5/26/2023	to 7/25/2023	60	No Hollister permit required; County permit to be acquired by the Contractor
Bid Review	5/26/2023	to 6/5/2023	10	
Council Approval to Award	6/20/2023		0	
Notice of Award	6/25/2023		0	
Notice to Proceed	6/30/2023		0	
Substantial Completion	6/30/2023	to 5/30/2024	335	In operation
Final Completion	5/30/2024	to 6/26/2024	27	EPA compliance

Sewer Force-main Schedule

Updated Twice in two Weeks (April 12, 2023)

Bidding to start with USDA Approval

After Council approves PS&E 4.18;

or 4.21.23

USDA has asked to use SJB as a case study for success

City Manager Monthly Report

Import Surface Water

District Considering three alternate routes for the pipeline

Design on Hold until City Agreement is approved

Draft Agreement prepared and ready for submittal to District

Draft Agreement is with Downy Brand, next priority after Hollister

Intergovernmental Meetings

No new news to report

City Manager Monthly Report

New HRB and Planning Commission seated

Grant Application for the **3rd Street** Multi Modal Center

Received 17 letters of support

Submitted to Cal Trans week of March 6th

\$350,000 Request

No word yet

RFP for the Housing Element Update due March 31st

Consultants being interviewed

UGB/SOI Subcommittee Prepared to Re-Start

Orientation with new member occurred

Have not had time to schedule meeting – within 10 days

REAP 2 grant **AMBAG process defined now** aligned with housing and transportation programs

City Manager Monthly Report

Citygate and Strategic Planning Presented April 14 and 15 2023

Organizational Study

Fiscal Analysis and Update

Staffing and Organizational Issues to be reviewed

Did include administrative support, and Deputy City Clerk duties

Did Include Separate Public Safety review to occur as well

Taken a lot of time to coordinate

Very Ambitious

Grateful for Council and Commission patience

Process is good for the City- but not at all easy

Defines City Manager and City Council priorities

City Manager Monthly Report

Citygate and Strategic Planning

April 14 Special City Council/Planning Commission Strategic Planning Workshop

Friday- all day event April 14- How was it?

Will Did review the Strategic Plan from the 2016 General Plan
(Section 18, starting on Pages 256-325)

Will Did review the past Strategic Plans
Three initiatives (safety, SOI, 3rd Street) plus Recreation

Will Did review the fiscal and org capacities

Will Did include feedback from Interviews and Surveys

April 15 – special City Council 2-hour wrap up (how was it?)

City Manager Monthly Report

Public Meeting Training **(do all Commissioners and Council practice the new directions??)**

Held Tuesday March 7

Joint CC-PC meeting- all but one in attendance

Getting the City into the 21st Century

Transparency- City Clerk is the “Bridge”

City needs “Rules of Conduct”

Defines How Meetings Proceed

Establishes Equity

Establishes Accessibility

City Time well spent?

City Spending a lot of time on:

Enforcement and responding to those enforced

Frequent complaints about unfair enforcement

Frequent complaints about no enforcement

Midnight Express compliance- huge time suck

Loayza- Unresolve- huge time suck

Business Districts downtown-

the battle between the two competing "Associations"

not Districts- define what a district is...

Huge time requirements/hand holding

New City Councilmembers

Enjoy working with them

A lot to learn

Adding Items to the Council Agenda- teaching the process

Back stories on several matters

Enforcement, Zoning, homeless, etc.

This is Critical work!

Bringing it all together; 5 members- one City Council

Arts and Crafts Fair De-Brief

Vendors crashing the event...

Interests outside of Special Event permit areas

Interests within the Permit areas

Concerns about special attention- time suck

Enforcement bad and good (??)

De Brief Thursday 4.13.23

Security – Day-time VS after hours

Preparing for Rib Cook Off - already troublesome

Nuisance Properties

Numerous Complaints

Numerous Properties

Need for an updated ordinance

Considered in January

Does Council wish to re- visit this?

Bring back a better process?

Non Compliant Fences

Only a handful...

Reason for City Enforcement Vehicle on Hwy 156

No More “blue and red” lights

Three fences too tall- need Building Dept Review

One wall collapsed

Can’t find approved wall specs

Food Trucks and Benito Link

Something out of nothing

Restoring trust in Benito Link

Struggled to get accurate story

Always trusted them

Local un biased reporting?

Fourth Branch of Government

3 CE

Letter of support for 30-acre solar field

\$30 million investment

Supports SJB when regular power supply is down

Plan for Electric Fleet

By 2027, city fleet must be electric

3CE has \$450 K to accommodate/pay for this transition

Looking to small cities that need support

SJB is a great example and great opportunity

COG- TAC

Came across a new funding source

Worth \$60,000 to the City

Needs to be spent by April 30th

Agreed to support allocation to Hollister

Hollister has a shovel ready project

Hollister to credit RSTP funds

City to get extra RSTP funds to balance the shift

Grant status

Concerned that City may be over engaging

The City does not have the capacity to apply for every grant
 in 2019- "\$0" Grants
 in 2023- \$20 million in grants and loans currently
 \$18 million just for the for sewer main

Recently applied for private grants to fund Community Hall

Great Collaborative

Applied for a teen mentoring grant- not sure what this is about!

Applying for an Abbe Park Grant - \$250,000

If the City fails to properly manage a grant, it will ruin future opportunities

Public Safety

Citygate review-

Remove Private Security

Build City CSO program

Improve City programs

Coordinator position

Hybrid Code Enforcement effort/CSO effort

Animal Control- purchase pre-fab kennel

Better control of County Sheriff Services

Shift Logs

GPS on Sheriff Vehicles

Cameras systems improving

City Hall- Not approachable?

PC Meeting 4.11.23

A good conversation

Enforcement (?)

Code Enforcement as education

Ordinances not being enforced uniformly

How do you know?

Conversation with Hopa Bros, Food Trucks

Meeting with other food and bev. merchants



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Ordinance No. 2023- xx, Amending the Chapter Title of Chapter 5.1 and Sections 5-1-100 and 5-1-105, Repealing Sections, 5-1-150, 5-1-160, and 5-1-170 of Article 1 of Chapter 5.1 of Title 5 “Public Health, Safety and Welfare,” of the City of San Juan Bautista Municipal Code to Adopt By Reference in its Entirety the California Building Standards Code 2022 Edition of the California Fire Code and Appendices, Title 24, Part 9, of the California Code of Regulations, with Certain Exceptions, Modifications and Additions Required by Local Climatic, Geological or Topographical Conditions, and Approving Findings to Support Local Modifications.

MEETING DATE: April 18, 2023

DEPARTMENT HEAD: Fire Chief Bob Martin Del Campo

RECOMMENDED ACTION: Staff recommends that the City Council adopt these changes by an Ordinance of the City Council of the City of San Juan Bautista (attached as **Exhibit A**) amending the Chapter Title of Chapter 5.1., amending Sections 5-1-100 and 5-1-105, repealing sections 5-150, 5-1-160, and 5-1-170 of Chapter 5.1, Article 1, of Title 5 “Public Health, Safety and Welfare” of the San Juan Bautista Municipal Code and adopting by reference in its entirety the 2022 Edition California Fire Code and Appendices, Title 24, Part 9, of the California Code of Regulations with certain exceptions, modifications and additions required by local climatic, geological or topographical conditions, and approve findings to support local modifications.

BACKGROUND INFORMATION: Fire Protection agencies are required to enforce the current State Building Standards Codes, and local jurisdictions are allowed to make amendments to those state standards when justified by local topographical, climatic and geographical conditions which must be supported by findings.

The International Code Council promulgates the International Fire Code, a nationally recognized compilation of rules and regulations. The International Code Council has conducted open code hearings that permit participation by national, state, and local code officials as well as industry

representatives, consultants, and other private parties with an interest in the International Fire Code. The International Fire Code has been printed and published as a Code in book form with the meaning of Section 50022.1 of the Government Code of the State of California.

Under this adopting ordinance, specific amendments to building standards are proposed for adoption that are more restrictive than those contained within the 2022 Edition of the California Fire Code as adopted by the California Building Standards Commission and published as the 2022 Edition of the California Fire Code.

Under this adopting ordinance, existing codes in the San Juan Bautista Municipal code would be no longer valid as they are otherwise incorporated into the 2022 Fire Code or contradict the proposed ordinance. Therefore, staff is proposing to repeal Section 5-1-150 “Automatic Fire Extinguishing Systems” as this is addressed in the 2022 Fire code under Section 903 “Automatic Sprinkler Systems.” Additionally, we propose repealing Section 5-1-160 “General Provisions for Safety” because they are identified in the 2022 California Fire Code, “Key Boxes” is addressed in Section 506 and “Locks” is identified in Section 506.1.1. Lastly, we propose repealing Section 5-1-170 “Special Regulations,” which calls out street fairs and their permits as these are identified in Section 105 of the 2022 Fire Code.

Under the provisions of Section 18941.5 of the Health and Safety Code, local amendments must be based on climatic, topographical, and geological conditions. The findings for these local amendments are set forth in the Ordinance attached as Exhibit A.

It is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the Fire Code is intended to reduce the potential loss of life and property and damage to the environment caused thereby. In accordance with California Government Code §50022.3 the City Council should direct that a public hearing shall be set on this ordinance after its introduction for Tuesday, April 18, 2023, for which notice, in substantially the form attached hereto as **Exhibit B**, shall be published in accordance with Government Code §6066. Copies of the ordinance proposed for adoption will be available for public inspection at the office of the City Clerk.

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Ordinance 2023-XX 2022 City of San Juan Bautista Fire Code including Amendments – Exhibit A

EXHIBIT A
ORDINANCE NO 2023-_____

**AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE
CHAPTER TITLE OF CHAPTER 5.1 AND SECTIONS 5-1-100 AND 5-1-105,
REPEALING SECTIONS 5-1-150, 5-1-160, 5-1-170 OF ARTICLE 1 OF CHAPTER 5.1.
OF TITLE 5 “PUBLIC HEALTH, SAFETY AND WELFARE” OF THE SAN JUAN
BAUTISTA MUNICIPAL CODE TO ADOPT BY REFERENCE IN ITS ENTIRETY THE
CALIFORNIA BUILDING STANDARDS CODE 2022 EDITION OF THE CALIFORNIA
FIRE CODE AND APPENDICES, TITLE 24, PART 9, OF THE CALIFORNIA CODE
OF REGULATIONS WITH CERTAIN EXCEPTIONS, MODIFICATIONS AND
ADDITIONS REQUIRED BY LOCAL CLIMATIC, GEOLOGICAL OR
TOPOGRAPHICAL CONDITIONS; AND APPROVING FINDINGS TO SUPPORT
LOCAL MODIFICATIONS.**

-o0o-

WHEREAS, pursuant to Section 18941.5 of the California Health and Safety Code, the City may adopt the provisions of the California Fire Code by reference with certain exceptions, modifications and additions to provisions of the Code which are reasonably necessary to protect the health, welfare and safety of the citizens of San Juan Bautista because of local climatic, geological and topographical conditions; and

WHEREAS, the City Council has considered whether certain modifications to the California Fire Code standards set forth herein are necessary in the City of San Juan Bautista due to local climatic, geological or topographical conditions; and

WHEREAS, the factual findings made are valid and relate to the amendments made to the California Fire Code in this adoption; and

WHEREAS, the City Council directed that a public hearing be held and duly noticed and published in accordance with California Government Code §50022.3, and said hearing is to be held on April 18, 2023, concerning the purpose of this Ordinance to adopt the 2022 California Fire Code with modifications to address unique local conditions; and

WHEREAS, this Ordinance was found to be categorically exempt from environmental review, per the provisions of Section 15061(b) (3) of the Guidelines to the California Environmental Quality Act.

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

1. Chapter 5.1 of Title 5 Public Health, Safety and Welfare Title Amended. Chapter 5.1 title is hereby amended to read as follows:

“CALIFORNIA FIRE CODE, 2022 EDITION”

2. Section 5-1-100 of Chapter 5-1 “Adoption by reference” Amended: Section 5-1-100 of Chapter 5-1 entitled “Adoption by reference” is hereby amended to read as follows:

“5-1-100 Adoption by reference.

The California Fire Code, 2022 Edition in its entirety, including Appendices, Title 24, Part 9, published by the California Building Standards Commission, and as modified by the amendments, additions set forth hereinafter, is adopted by reference, in accordance with the following findings, as the Fire Code of the City of San Juan Bautista.

(A) Climate. The city, on average, experiences an approximate annual rainfall of eighteen inches. The heaviest months for rainfall can be expected between January and April. During winter months, the city may experience periods of heavy rain, which can cause local flooding. Due to the proximity of the Pacific Ocean, winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. The city has also experienced periods of heavy fog, which has delayed the responding fire apparatus and prevented early discovery of structure fires. Light to gusty winds occur during dry periods which, when coupled with highly flammable vegetation, can cause uncontrollable fires. With increased development spreading into brush covered coastal hill areas, wind driven fires could have severe consequences, as have been demonstrated on several occasions throughout the state.

(B) Geologic. The city is susceptible to seismic hazards resulting from movement along any one of several known faults. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires starting because of damage to gas lines, power lines or heat-producing appliances and the unavailability to water for fire control due to broken water mains. In the event of a major earthquake many areas of the city may not be accessible to emergency equipment and, if bridges or roads are damaged, the city may be isolated from outside assistance.

(C) Topographical. The city is divided by California State Highway 156. The freeway creates barriers which obstruct traffic patterns and delay response time for fire equipment. The water supply within the city would be directly affected by the topographical layout in the event of a major catastrophe.

(D) Conclusion. Local climatic, geologic and topographical conditions impact fire suppression efforts and the frequency, spread, intensity and size of fire involving structures in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be necessary that the California Fire Code be amended by this chapter to mitigate the effects of these conditions.”

3. Section 5-1-105 of Chapter 5-1 “Amendments – General” Amended. Section 5-1-

105 of Chapter 5.1 entitled “Amendments – General” is hereby amended to read as follows:

“5-1-105 Amendments – General.

Set forth below are the amendments, additions and deletions to the California Fire Code, 2022 Edition. Article and Section numbers used herein are those of the California Fire Code.

101.1 Title. These regulations shall be known as the Fire Code for the City of San Juan Bautista, hereinafter referred to as “Fire Code.”

101.2.1 Appendices. Provisions in all appendices to the 2022 California Fire Code are hereby adopted in their entirety and shall apply.

102.1 Construction and design provisions. The construction and design provisions of this Code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this Code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this Code.
3. Existing structures, facilities and conditions when identified in specific Sections of this Code.
4. Existing structures, facilities and conditions, which, in the opinion of the Fire Code Official, constitute a distinct hazard to life and property.
5. Existing Structures Alterations and repairs.
 - a. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter.
 - b. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent (50%) or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of fifty percent (50%) or more of the existing internal structural and/or non-structural framework, independently or in combination thereof, within a five year period, the entire building shall be made to conform to the current provisions of this Chapter.
 - c. Calculations of linear wall measurements shall be shown on all plans submitted for building permits, on the cover page in the project description of said plans.
 - d. The determination under this section of the requirement for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.

103.0 Responsibility for enforcement.

103.0.1 Within established fire protection districts and community services districts, responsibility for enforcement of this Code shall be under the direction of the Fire Chief within each district.

103.0.2 In areas of San Juan Bautista responsibility for enforcement of this Code shall be under the direction of the Fire Chief..

104.1.1 Police powers. The fire code official and his deputies shall have the powers of police officers in performing their duties under this Code. When requested to do so by the fire code official, the chief of police of the jurisdiction is authorized to assign such available police officers as necessary to assist the fire code official in enforcing the provisions of this Code.

105.5.0 Agricultural Explosive Devices. An operational permit is required for storage or use of any agricultural explosive device including “bird bombs”.

112.2 Owner/occupant responsibility. Correction and abatement of violations of this Code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this Code, the occupant shall be held responsible for the correction and abatement of such hazardous conditions.

112.4 Violation penalties. Persons who shall violate any provision of this Code or shall fail to comply with any of the requirements thereof or shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this Code, shall be guilty of an infraction, punishable by a fine in conformance with the County Fire Department.

113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an infraction as specified in Section 112.4 of this Code.

202 Definitions

ALL WEATHER SURFACE. A hard paved road surface constructed to the minimum standards adopted by the jurisdiction.

BRIDGE. A structure to carry a roadway over a depression or obstacle.

IDLE PALLET. A pallet or similar product storage and/or lifting device not currently in use and empty of product.

503.2.6.1 Private bridge engineering. Every private bridge hereafter constructed shall meet the following engineering requirements:

1. The weight shall be designed for a minimum of HS-20 loading as prescribed by the AASHTO.
2. The unobstructed vertical clearance shall be not less than fifteen (15) feet clear.
3. The width shall be a minimum of twenty (20) feet clear. The Fire Code Official may require additional width when the traffic flow may be restricted or reduce the width to a minimum of twelve (12) feet for Occupancy Group U or R-3 occupancies.
4. The maximum grade change of the approach to and from any private bridge shall not exceed eight percent for a minimum distance of ten (10) feet.

503.2.6.2 Private bridge certification. Every private bridge hereafter constructed shall be engineered by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. Certification that the bridge complies with the design standards required by this Code and the identified standards, and that the bridge was constructed to those standards, shall be provided by the licensed engineer, in writing, to the Fire Code

Official. Every private bridge, including existing and those constructed under this Code, shall be certified as to its maximum load limits every ten (10) years or whenever deemed necessary by the fire code official. Such recertification shall be by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. All fees charged for the purpose of certification or recertification of private bridges shall be at the owner's expense.

503.2.7 Grade. The grade of fire apparatus access roads shall be no greater than fifteen (15) percent unless specifically approved by the Fire Code Official.

503.2.7.1 Paving. All fire apparatus access roads over eight (8) percent shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen (15) percent where approved shall be paved with perpendicularly grooved concrete.

503.7 Fire apparatus access road names. All fire apparatus access road names shall be issued or approved by the appropriate governmental agency.

506.1 Required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the fire code official. Where a key box is used, it shall be listed in accordance with UL 1037. This jurisdiction utilizes the KNOX Box Security Systems.

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the Fire Code Official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. When required by the Fire Code Official, hydrants shall be painted in accordance with the most current edition of NFPA 291.

605.3.1 Spark arresters.

605.3.1.1 An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks or similar devices using solid fuel for conveying smoke or hot gases to the outer air.

605.3.1.2 Spark arresters shall have openings in accordance with Section 2113.9.2(3) of the California Building Code and Section 1003.9.2 of the California Residential Code with minimum openings of 3/8" and maximum openings of 1/2".

901.1.1 Responsibility. The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this code.

901.2.2 Additional documentation. Additional documentation as required by the Fire Code Official shall be provided to the Fire Code Official in an acceptable format.

901.4 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. All systems shall be extended, altered, or augmented as

necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards.

901.4.8 Nonoperational equipment. Any fire protection equipment that is no longer in service shall be removed.

901.6.4 Qualifications of Inspection, Testing and Maintenance Personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance is performed by an outside service company, the company shall be appropriately licensed by the California Contractors State License Board in accordance with the California Business & Professions Code or by the California State Fire Marshal.

901.6.5 Additional records. All documentation generated during any scheduled inspection or test of any fire protection system, whether required or voluntarily installed, shall be forwarded to the Fire Code Official within fifteen (15) calendar days after the date of the inspection or test.

901.11 Fire Protection Features for Plant Processing and Extraction Facilities

901.11.1 Scope. This section applies to occupancies regulated by Chapter 39 of this Code.

901.11.2 Definitions.

901.11.2.1 Plant processing. Plant processing shall include all plant post-harvest operations, excluding retail sales of plant and related products.

901.11.2.2 Indoor cultivation. Indoor cultivation shall be defined as all nursery or cultivation conducted in other than Group U occupancies (greenhouses).

901.11.3 Fire Protection Systems. All buildings or portions thereof housing plant post-harvest or indoor cultivation operations shall be protected as defined in this section.

901.11.3.1 Fire Sprinklers. Fire sprinklers shall be installed in accordance with 901.11.3.1.1, 901.11.3.1.2, or 901.11.3.1.3

901.11.3.1.1 Fire sprinklers shall be installed in all buildings or portions thereof; such fire sprinkler systems shall be designed to Ordinary Group II design standards in the latest adopted edition of NFPA 13 and Section 903 of this code.

901.11.3.1.2 If the occupancy is classified as a Group H Occupancy the fire sprinkler system may be required to be designed and installed as an Extra Hazard fire sprinkler system

901.11.3.1.3 Where permitted by the fire code official and not otherwise required by this code or the CBC, fire sprinklers may be eliminated in approved buildings less than 500 square feet.

901.11.3.2 Fire Alarm Systems. Fire alarm systems shall be installed in all buildings or portions thereof; such fire alarm systems shall include both fire sprinkler system monitoring and complete occupant notification as specified in the latest adopted edition of NFPA 72 and Section 907 of this code.

901.11.3.3 Special Hazard Systems. Where specified by appropriate UL listings for extraction booths utilizing volatile solvents, dry chemical fire protection systems shall be installed according to the latest adopted edition of NFPA 17. If there is no UL listing for the extraction booth, a dry chemical fire protection system shall be installed.

901.11.3.4 Portable Fire Extinguishers. Portable fire extinguishers shall be installed in accordance with NFPA 10 and Section 906 of this code.

903.2 Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction.

Exceptions:

- (1) Structures not classified as Group R occupancies and not more than five hundred (500) square feet in total floor area.
- (2) Detached agricultural buildings, as defined by this code and the CBC, located at least one hundred feet (100) from any other structure or the property line, whichever is closer.
- (3) Accessory structures not classified as R occupancies associated with existing non-sprinklered R-3 occupancies (one- or two-family dwellings) and less than one thousand five hundred (1500) square feet in total fire area.
- (4) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the Fire Code Official permits alternate protection.

The following Sections are amended by changing requirements to five hundred (500) square feet for fire sprinkler installation, as follows (the complete text of the section is not provided):

- 903.2.1.1 Group A-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.
- 903.2.1.2 Group A-2. Change five thousand (5,000) square feet to five hundred (500) square feet.
- 903.2.1.3 Group A-3. Change twelve thousand (12,000) square feet to five hundred (500) square feet.
- 903.2.1.4 Group A-4. Change twelve thousand (12,000) square feet to five hundred (500) square feet.
- 903.2.1.5 Group A-5. Change one thousand (1,000) square feet to five hundred (500) square feet.
- 903.2.3 Group E. Change twelve thousand (12,000) square feet to five hundred (500) square feet.
- 903.2.4 Group F-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.
- 903.2.4.1 Group F-1. Change two thousand five hundred (2,500) square feet for woodworking operations to five hundred (500) square feet.
- 903.2.7-1 Group M. Change twelve thousand (12,000) square feet to five hundred (500) square feet.
- 903.2.7-3 Group M. Change twenty-four thousand (24,000) square feet to five hundred (500) square feet.
- 903.2.9 Group S-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.
- 903.2.9.1 Repair Garages. Change ten thousand (10,000) square feet (2 story buildings) and twelve thousand (12,000) square feet (1 story buildings) to five hundred (500) square feet.
- 903.2.9.2 Bulk storage of tires. Change twenty thousand (20,000) cubic feet to five hundred (500) square feet.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all buildings with a Group R fire area, including, but not limited to, one- and two-family dwellings, townhomes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

(Exceptions remain per 2022 California Fire Code)

903.3.1.1.1 -7 Passenger elevator shafts or associated passenger elevator mechanical rooms, where elevator shafts are constructed with a 2-hour fire resistive method.

Section 903.3.1.1.2 of the California Fire Code is deleted.

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 47 of this Code.

903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of fourteen (14) inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

903.3.1.2.3 Attics. Where NFPA 13R sprinkler systems are installed, all attic areas shall be provided with sprinkler protection in accordance with NFPA 13.

903.3.1.2.4 Sprinkler control valves. Where NFPA 13R sprinkler systems are installed, sprinkler system control valves shall be installed in accordance with NFPA 13.

903.3.1.2.5 Bathrooms. Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

903.3.1.2.6 Accessible storage areas. Automatic sprinklers shall be installed in all accessible storage areas.

903.3.1.2.7 Under-stair spaces. Automatic sprinklers shall be installed in all under-stair spaces including all under-stair closets.

903.3.1.3 NFPA 13D sprinkler systems. Automatic fire sprinkler systems installed in one and two-family dwellings, Group R-3 and R-4 congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D. The requirements of this section supersede the requirements of the California Residential Code.

903.3.1.3.1 All fire sprinkler systems installed in one- and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for two-hour duration.

903.3.1.3.2 Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the Fire Code Official.

903.3.1.3.3 Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

903.3.1.3.4 Automatic sprinklers shall be installed in all attached garages and other accessory structures.

903.3.1.3.5 Automatic sprinklers shall be installed in all accessible storage areas.

903.3.1.3.5.1 Automatic sprinklers shall be installed in all under-stair spaces including all closets.

903.3.1.3.6 Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit. As required by the fire code official, interior audible notification appliances or additional water flow alarms are required to be installed at locations specified by the fire code official.

903.3.1.3.7 Automatic fire sprinklers shall be installed to protect all furnaces and heating system appliances.

903.3.1.3.8 A passive purge shall be installed in the master bathroom if served by a public water system per local water purveyor. A placard must be posted adjacent to the fire sprinkler riser.

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72, or, when approved by the Fire Code Official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system.
(Exceptions remain unchanged)

903.4.2 Alarms. One exterior approved audible appliance shall be connected to every automatic sprinkler system in an approved location. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

903.4.2.1 Where an automatic fire sprinkler system is installed in a building with more than one tenant or with over one hundred (100) sprinkler heads, audible and visible notification appliances shall be installed throughout the building as follows:

- a. Audible notification appliances shall be installed so as to be audible at fifteen (15) dBa above average sound pressure level throughout the building.
- b. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.
- c. Visible notification appliances can be eliminated in normally unoccupied portions of buildings where permitted by the Fire Code Official.

EXCEPTION: The requirements of this section do not apply to Group R-3 Occupancies.

903.4.3 Floor control valves. Approved indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in all buildings over one story in height and shall be individually annunciated as approved by the Fire Code Official.

904.13.2 System interconnection. The actuation of the fire extinguishing system shall automatically shut down all fuel and electrical power located under the hood, except for the electrical power to the exhaust air supply. The fuel and electrical supply reset shall be manual.

904.13.5.2 Extinguishing system service. Automatic fire extinguishing systems shall be serviced by a CSLB licensed C-16 contractor or a CSFM licensed "A" licensee at least every six months and after any activation of the system. Inspection shall be performed by the owner at least monthly in accordance with the currently adopted edition of NFPA 17-A. The service contractor shall review the records of monthly inspections every six months, and deficiencies shall be reported to the fire code official. A service report shall be forwarded to the fire code official by the licensed service contractor within 15 days after every service on the appropriate AES form.

907.1.6 Multiple Fire Alarm Systems. Multiple fire alarm systems within a single protected premise are not permitted, unless specifically authorized by the Fire Code Official.

907.2 Exception 1. The manual fire alarm box is not required for fire alarm control units dedicated to elevator recall control.

907.6.5 Access. Access shall be provided to each fire alarm system component for periodic inspection, maintenance and testing.

907.6.6.5 Zone transmittal. Where required by the fire code official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

907.6.6 Monitoring. Fire alarm systems, whether required by this Chapter or the California Building Code or voluntarily installed, shall be monitored by an approved supervising station in accordance with NFPA 72 and this Section.

907.6.6.6 Means of communication. The use of either POTS or cable telephone lines with a digital alarm communicator transmitter shall not be permitted.

EXCEPTION. Where no other communications methods are available, the use of telephone lines shall be permitted to be used on a temporary basis not to exceed one year from the date of final acceptance test or until permitted alternate means of communications are available.

907.7.2 Completion documents. The following documentation shall be provided at the time of acceptance testing for all fire alarm system installations:

1. A record of completion in accordance with NFPA 72.
2. A contractor's statement verifying that the system has been installed in accordance with the approved plans and specifications and has been 100% tested in accordance with NFPA 72.
3. A contractor's affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the Fire Code Official.

1205.1.1 Signing and Marking. In addition to signing and marking requirements of the California Building Code and the California Residential Code, the following signing and marking is required:

1205.1.1.1 Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 1/2" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

1205.1.1.2 Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non—serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

1205.1.1.3 Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

1205.1.1.4 Installer Information. Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

Section 1205.2.1, Exceptions 1 and 2 of the California Fire Code are deleted in their entirety.

1205.2.1.4 Hip and Valley Layout. Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

1206.15 Signage acceptable to the fire code official shall be required indicating the location of the stationary fuel cell power system.

3905.3. Fire Protection Systems. Fire protection systems in occupancies regulated by this chapter shall be in accordance with Section 901.11 of this Code.

D103.2 Grade. Fire apparatus access roads shall not exceed fifteen (15) percent in grade with a maximum side slope of five (5) percent.

EXCEPTION: Grades steeper than fifteen (15) percent, if approved by the Fire Code Official, shall be paved with perpendicularly grooved concrete.

APPENDIX Q: STANDARD FIRE CONDITIONS FOR SINGLE FAMILY DWELLINGS

SECTION Q101 GENERAL

Q101.1 Scope. Applications for the construction or remodel of single family dwellings, including one- and two-family dwellings, townhomes, modular and manufactured homes, and mobile homes outside of established mobile home parks, shall be subject to the fire conditions in this appendix when conditioned by the Fire Code Official.

Q101.2 Conflicting sections. Where provisions in this appendix conflict with other sections of this Code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the Fire Code Official.

SECTION Q102 ROADS

Q102.1 General. These conditions will be used primarily when conditioning a subdivision or other project that requires roads. Roads identified in this Section are vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Q102.2 Road access. (FIRE 001). Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than one hundred fifty (150) feet from fire department access. All roads shall be constructed to provide a minimum of two (2) ten (10) feet wide traffic lanes with an unobstructed vertical clearance of not less than fifteen (15) feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (75,000 pounds). Each road shall have an approved name.

Q102.3 Roadway engineering. (FIRE 002). The grade for all roads shall not exceed fifteen percent (15%) with a maximum side slope of five percent (5%). Where road grades are 8 percent (8%) or less, an all-weather aggregate base is required at a minimum or as required in other sections of the City of San Juan Bautista Code. Where road grades exceed eight percent (8%), a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than one hundred (100) feet. No roadway turn shall have a horizontal inside radius of less than fifty (50) feet. A roadway turn radius of fifty (50) to one hundred (100) feet is required to have an additional four (4) feet of roadway surface. A roadway turn radius of one hundred (100) to two hundred (200) feet is required to have an additional two (2) feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of one hundred fifty (150) feet of surface length. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of sixty (60) feet in length.

Q102.4 Dead end roads.

Q102.4.1 Parcels less than one acre. (FIRE 003). For parcels less than one acre, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed eight hundred (800) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable

length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

Q102.4.2 Parcels greater than one acre and not exceeding five acres (FIRE 004). For parcels greater than one acre and not exceeding five acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed one thousand three hundred twenty (1,320) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length

Q102.4.3 Parcels greater than five acres and not exceeding twenty (20) acres. (FIRE 005). For parcels greater than five acres and not exceeding twenty (20) acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed two thousand six hundred forty (2,640) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than one thousand three hundred twenty (1,320) foot intervals. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

Q102.4.4 Parcels greater than twenty (20) acres. (FIRE 006). For parcels greater than twenty (20) acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed five thousand two hundred eighty (5,280) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than one thousand three hundred twenty (1,320)-foot intervals. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

SECTION Q103 DRIVEWAYS, GATES, AND BRIDGES

Q103.1 Driveways. (FIRE 007). Driveway identified in this Section is defined as a vehicle access that serves up to two (2) parcels with no more than two (2) residential units and any number on non-commercial or industrial buildings on each parcel. Driveways shall not be less than twelve (12) feet wide traffic lane and minimum fourteen (14) feet wide unobstructed clearance, with an unobstructed vertical clearance of not less than fifteen (15) feet. The grade for all driveways shall not exceed fifteen percent (15%) with a maximum side slope of five percent (5%). Where driveway grades are eight percent (8%) or less, an all-weather surface such as an aggregate base shall meet minimum fire requirements. Other types of material for driveways may

be required by the Code. Where the grade exceeds eight percent (8%), a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus forty thousand (40,000) pounds, and be accessible by conventional-drive vehicles, including sedans. For driveways with turns ninety (90) degrees and less, the minimum horizontal inside radius of curvature shall be twenty-five (25) feet. For driveways with turns greater than ninety (90) degrees, the minimum horizontal inside radius curvature shall be twenty-eight (28) feet. For all driveway turns, an additional surface of four (4) feet shall be added. All driveways exceeding one hundred fifty (150) feet in length, but less than eight hundred (800) feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds eight hundred (800) feet, turnouts shall be provided at no greater than four hundred (400)-foot intervals. Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum of twenty (25) foot taper at both ends. Turnarounds shall be required on driveways in excess of one hundred fifty (150) feet of surface length and shall be thirty (30) feet long with a minimum twenty-five (25) foot taper at both ends. Turnarounds shall be required on driveways in excess of one hundred fifty (150) feet of surface length and shall be located within fifty (50) feet of the primary building. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of sixty (60) feet in length.

Q103.2 Gates. (FIRE 008). All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least two (2) feet wider than the width of the traffic lane but in no case be less than fourteen (14) feet wide unobstructed and unobstructed vertical clearance of fifteen (15) feet. Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.

Q103.3 Bridges. (FIRE 009). All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than twelve (12) feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges.

SECTION Q104 SIGNS AND ADDRESSES

Q104.1 Road signs. (FIRE 010). All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum four-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-

combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of the jurisdiction. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than one hundred (100) feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Fire Code Official.

Q104.2 Addresses for buildings. (FIRE 011). All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, including detached accessory dwelling units (ADU), except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of four-inch (4") height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. Commercial Occupancy shall have a minimum of 18 inch to 24 inch sized address numbers located at the top corner of the building on approval from the fire official. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance.

SECTION Q105 WATER SUPPLY

Q105.1 Water systems. (FIRE 012). The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, NFPA Standard 1142 or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available.

Q105.2 (RESERVED) (FIRE 013).

Q105.3 Single parcel fire protection water supply. (FIRE 014). For development of structures totaling less than three thousand (3,000) square feet on a single parcel, the minimum fire protection water supply shall be four thousand nine hundred (4,900) gallons. For development of structures totaling three thousand (3,000) square feet or more on a single parcel, the minimum fire protection water supply shall be nine thousand eight hundred (9,800) gallons. For development of structures totaling more than ten thousand (10,000) square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.

Q105.4 Fire hydrants and valves. (FIRE 015). A fire hydrant or fire valve is required. The hydrant or fire valve shall be eighteen (18) inches above grade, eight feet from flammable vegetation, no closer than four feet nor further than twelve (12) feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than fifty (50) feet and not more than one thousand (1,000) feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2-inch National Hose outlet supplied by a minimum four inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of three inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within three feet of the hydrant/valve, with the blue marker not less than three feet or greater than five feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

SECTION Q106 SETBACKS

Q106.1 Setbacks. (FIRE 016). Except as permitted by the fire code official, all parcels one acre and larger shall provide a minimum thirty (30) foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than one-acre, alternate fuel modification standards or other requirements may be imposed by the Fire Code Official to provide the same practical effect.

SECTION Q107 VEGETATION AND DEBRIS DISPOSAL

Q107.1 Disposition of vegetation and debris fuels. (FIRE 017). Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit.

SECTION Q108 GREENBELTS

Q108.1 Greenbelts. (FIRE 018). Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wild land fuels and structures. The locations shall be approved by the Fire Code Official.

SECTION Q109 DEFENSIBLE SPACE

Q109.1 Standard defensible space requirements. (FIRE 019). Defensible space requirements shall meet Section 4291 of the Public Resources Code or the Code, whichever is more restrictive. Additional or alternate fire protection approved by the Fire Code Official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the Fire Code Official and other jurisdictional authorities.

Q109.2 (RESERVED) (FIRE 020).

SECTION Q110 FIRE PROTECTION SYSTEMS

Q110.1 Residential fire sprinkler systems (Standard). (FIRE 021). The building(s) and attached structure(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.

Q110.2 (RESERVED) (FIRE 022).

Q110.3 (RESERVED) (FIRE 023).

Q110.4 Residential fire alarm systems. (FIRE 024). The residence shall be fully protected with an approved household fire warning system as defined by NFPA 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the California Residential Code shall meet the requirements of the California Residential Code.

Q110.5 (RESERVED) (FIRE 025).

APPENDIX R: ROOFS

SECTION R101 GENERAL

R101.1 Scope. Applications for the construction or remodel of any buildings shall be subject to the roofing conditions of this Appendix when conditioned by the Fire Code Official.

R101.2 Conflicting Sections. Where provisions in this Appendix conflict with other sections of this Code or other appendices, the provisions of this Appendix shall prevail unless otherwise directed by the Fire Code Official.

SECTION R102 NEW BUILDINGS

R102.1 General. (FIRE 026). Roofing requirements for all new buildings shall be a minimum Class “B” roof assembly as defined by the International Building Code.

EXCEPTION: Greenhouses shall be exempt from the requirements of this Section.

R102.2 Very High Hazard Severity Zones. (FIRE 027). Roofing requirements for all new buildings in Very High Hazard Severity Zones shall be a minimum Class “A” roof assembly as defined by the International Building Code.

R102.3 Reserved SBCO EXCLUDED

SECTION R103 EXISTING BUILDINGS

R103.1 General. (FIRE 026). Roofing requirements for existing buildings when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class “B” roof assembly as defined by the California Building Code. Where there is no permit issued, this section is applicable to buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

R103.2 Very High Hazard Severity Zone. (FIRE 027). Roofing requirements for existing buildings within a very high hazard severity zone when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class “A” roof assembly as defined by the International Building Code. Where there is no permit issued, this Section is applicable to such buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

R103.3 RESERVED SBCO EXCLUDED

SECTION R104 ADDITIONS TO EXISTING BUILDINGS

R104.1 General. The requirements of this Appendix shall apply to all additions to existing buildings, except that only the new portions of the roof shall be required to meet the requirements of this Appendix.”

4. Section 5-1-150 Repealed. Section 5-1-150 “Automatic fire extinguishing systems” of Chapter 5.1 of Title 5 “Public Health, Safety and Welfare” is hereby repealed in its entirety and not replaced.

5. Section 5-1-160 Repealed. Section 5-1-160 “General provisions for safety” of Chapter 5.1 of Title 5 “Public Health, Safety and Welfare” is hereby repealed in its entirety and not replaced.

6. Section 5-1-170 Repealed. Section 5-1-170 “Special regulations” of Chapter 5.1 of Title 5 “Public Health, Safety and Welfare” is hereby repealed in its entirety and not replaced.

7. Findings Adopted: The City Council hereby adopts the factual findings set forth in Section 5-1-100 of Chapter 5-1 of the San Juan Bautista Municipal Code, relating to the amendments made to the California Fire Code

8. Savings Clause: Repeal of any provision of the San Juan Bautista Municipal Code or any other city ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

9. Severability: If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person, property or circumstance is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons, property or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

10. Interpretation: The provisions of this ordinance are enacted for the public health, safety and welfare and are to be liberally construed to obtain the beneficial purposes thereof. In the event of any conflict between this ordinance and any law, rule or regulation of the State of California, that requirement which established the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of the Municipal Code. Any provision of the Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

11. Filing of Findings: The City Clerk is hereby directed to file a copy of this ordinance with the California Building Standards Commission of the State of California.

12. Notice: The City Council hereby determines that the form of the Notice of the public hearing held on April 18, 2023, which was published on March 31, 2023, and April 7, 2023, is sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

13. Liability: The provisions of this ordinance shall not be construed as imposing upon the City of San Juan Bautista any liability or responsibility for damage to persons or property resulting from defective work, nor shall the City of San Juan Bautista, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this ordinance or of any permits or certificates issued under this ordinance.

14. Effective Date: This ordinance shall take effect on May 19, 2023.

15. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by resolution of the City Council.

The forgoing ordinance was introduced at a Regular meeting of the City Council of the City of San Juan Bautista duly held on March 21, 2023, and was adopted at a regular meeting of the City Council duly held on April 18, 2023, by the following votes:

PASSED AND ADOPTED by the San Juan Bautista City Council on April 18, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney

EXHIBIT B

Public Notice

City of San Juan Bautista
City Council

Notice of Public Hearings

NOTICE IS HEREBY GIVEN that the City Council of the City of San Juan Bautista will hold two separate public hearings concerning the proposed adoption of two ordinances, one of which would amend Chapter 5-1 “California Fire Code – 2022 Edition” of the San Juan Bautista Municipal Code to adopt 2022 edition of the California Fire Code, including local amendments. The other of which would amend sections 10-1-110 “Code adoption by reference” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” of the City of San Juan Bautista Municipal Code to adopt by reference certain of the parts of California Code of Regulations Title 24, the California Building Standards Code 2022 Edition including: Part 1 the California Administrative Code, Part 2 the California Building Code (Vols. 1 & 2), Part 2.5 the California Residential Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, Part 6 the California Energy Code, Part 8 the California Historical Building Code, Part 10 the California Existing Building Code, Part 11 the California Green Building Standards Code (CALGreen), and Part 12 the California Reference Standard Code; and repealing section 10-1-115, with both ordinances to go into effect on May 19, 2023.

Date of Hearings: Tuesday April 18, 2023

Time of Hearings: 6:00 PM or as soon thereafter as possible

Location of Hearings:

City Council Chambers
311 2nd Street
San Juan Bautista, CA 95045

Purpose of the Proposed Ordinances: The State of California Health and Safety Code requires cities to adopt the most recent editions of the State Building Standards Code to establish uniform standards including for the fire and life safety systems. State law also allows cities to make changes to the codes that are reasonably necessary because of local climatic, geological or topographical conditions. The California Health & Safety Code require that the latest editions of the California Building Standards Codes apply to local construction 180 days after publication.

The first ordinance would amend Chapter 5-1 of the Municipal Code, California Fire Code to adopt 2022 editions of the California Fire Code by adopting and amending the

2022 California Fire Code, with certain exceptions, modifications, and additions required by local climactic, geological or topographical conditions.

The second ordinance would amend sections 10-1-110 “Code adoption by reference” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” of the City of San Juan Bautista Municipal Code to adopt by reference certain of the parts of California Code of Regulations Title 24, the California Building Standards Code 2022 Edition including: Part 1 the California Administrative Code, Part 2 the California Building Code (Vols. 1 & 2), Part 2.5 the California Residential Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, Part 6 the California Energy Code, Part 8 the California Historical Building Code, Part 10 the California Existing Building Code, Part 11 the California Green Building Standards Code (CALGreen), and Part 12 the California Reference Standard Code and related international codes; and repeal section 10-1-115,

The ordinances were introduced on March 21, 2023, and will both be considered for adoption on April 18, 2023 to both be in full force and effect on May 19, 2023.

Invitation to be Heard: All interested persons are invited to the public hearing to be heard in favor or in opposition to the proposed subject. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or written correspondence delivered to the City of San Juan Bautista prior to or at the public hearing.

Copies of the 2022 edition of the California Fire Code, as well as well copies of the 2022 editions of the California Administrative Code, the California Building Code (Vols. 1 & 2), the California Residential Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code; the California Historical Building Code, the California Existing Building Code, the California Green Building Standards Code (CALGreen), the California Reference Standard Code, as is the full text of both the ordinances proposed for adoption, are on file at the office of the City Clerk and available for public inspection and review at the Community Development Department, City Hall, 311 2nd Street, San Juan Bautista, CA 95045. For further information related to this subject you may contact Mr. Don Reynolds, City Manager, City of San Juan Bautista, (831) 623-4661.

Don Reynolds
City Manger

Publish Date: March 31 & April 7, 2023



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Ordinance No 2023-xx Amending Sections 10-1-110 “Code Adoption by Reference” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” of the City of San Juan Bautista Municipal Code to Adopt by Reference Certain of the Parts of California Code of Regulations Title 24, the California Building Standards Code 2022 Edition including: Part 1 the California Administrative Code, Part 2 the California Building Code (Vols. 1 & 2), Part 2.5 the California Residential Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, Part 6 the California Energy Code, Part 8 the California Historical Building Code, Part 10 the California Existing Building Code, Part 11 the California Green Building Standards Code (CALGreen), and Part 12 the California Reference Standard Code; repealing section 10-1-115; and holding a public hearing on the matter on Tuesday, April 18, 2023.

MEETING DATE: April 18, 2023

SUBMITTED BY: Minerva Arredondo

DEPARTMENT HEAD: Brian Foucht

RECOMMENDED ACTION: Staff recommends that the City Council read by title only, waive full and further Reading, and adopt an Ordinance of the City Council of the City of San Juan Bautista amending Sections 10-1-110 of the San Juan Bautista Municipal Code and adopting by reference certain parts of the 2022 Edition of the California Building Standards Codes, Title 24 of the California Code of Regulations including: Part 1 the California Administrative Code, Part 2 the California Building Code (Vols. 1 & 2), Part 2.5 the California Residential Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, Part 6 the California Energy Code, Part 8 the California Historical Building Code, Part 10 the California Existing Building Code, Part 11 the California Green Building Standards Code (CALGreen), and Part 12 the California Reference Standard Code; repealing Section 10-1-115. A public hearing has been set and notice published for a public hearing on the matter on Tuesday, April 18, 2023

BACKGROUND INFORMATION: The California Building Standards – comprising Codes regulating fire, electrical, plumbing, and mechanical and other activities and conditions – are revised on a three-year cycle. In January 2022, the State’s California Building Standards Commission adopted and approved the 2022 Edition of the Building Standards Codes, also known

as the 2022 Edition of the California Codes. These Codes were subsequently published on July 1, 2022 and became effective January 1, 2023, whether or not they were formally adopted by a local jurisdiction before that date. Accordingly, all local jurisdictions in California were mandated to begin enforcement of these new codes and standards on and after January 1, 2023.

Municipal Code Section 10-1-115 entitled “UBC Chapter 70 appendix adopted” should be repealed. The Uniform Building Code (UBC), published by International Conference of Building Officials (ICBO), was replaced in 2000 by the International Building Codes promulgated by the International Code Council (ICC). The ICC was the result of a merger of three predecessor organizations which published three different building codes, those being the ICBO, the Building Officials and Code Administrators (BOCA), and the Southern Building Code Congress International (SBCCI). The ICC publishes the International Building Code (IBC) which includes the various codes on which the California Building Standards Commission has modeled the California Building Codes.

DISCUSSION: The ICC model codes are updated every three years. This allows for the codes to improve and adjust to the newest materials, methods of construction and technological advances in the industry. The 2022 California Building Standards Code contains twelve parts that incorporate public health, life safety and general welfare standards used in the design and construction of buildings in California.

These parts incorporate the latest national standards from the ICC into the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building Standards. and Reference Standards Codes.

Local jurisdictions may only modify the California Building Codes to make them more stringent because of the unique local climatic, geological, or topographical conditions which modifications must be supported by findings. All local modifications must be filed with the California Building Standards Commission and will apply to the City of San Juan Bautista building permit applications received on and after the effective date of the Ordinance. The proposed Ordinance amends Section 10-1-110 by the adoption of the updated California Codes with the exception of the 2022 California Fire Code as modified which is proposed for separate adoption.

It is recommended that the City Council adopt the Ordinance attached as **Exhibit A** amending the Municipal Code because having the Municipal Code contain references to the adoption of the latest California Codes is more convenient and accurate for the public to access and research as otherwise the City of San Juan Bautista Municipal Code would not cite the correct building standards that must apply to current construction and development projects. This discrepancy between the local ordinance and the state law can create confusion. Furthermore, if the City is required to bring a code enforcement action, it is necessary that the complaint provides reference local ordinance provisions which cite the correct regulations. Staff recommends that the City Council adopt an ordinance of the City Council of the City of San Juan Bautista Amending Chapter 10-1-110 and repealing 10-1-115 after a public hearing to be held at 6:00 p.m. or as soon thereafter as the matter may be heard on Tuesday, April 18, 2023.

FISCAL IMPACT: Cost of Purchasing the 2022 Codes approx. \$1,500.00.

ATTACHMENTS: Exhibit A – the proposed Ordinance
Exhibit B – Notice of Public Hearings

EXHIBIT A

ORDINANCE NO. 2023 - XX

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA AMENDING SECTIONS 10-1-110 “CODE ADOPTION BY REFERENCE” OF CHAPTER 10-1 “BUILDINGS” OF TITLE 10 “BUILDINGS AND SUBDIVISIONS” OF THE CITY OF SAN JUAN BAUTISTA MUNICIPAL CODE TO ADOPT BY REFERENCE CERTAIN OF THE PARTS OF CALIFORNIA CODE OF REGULATIONS TITLE 24, THE CALIFORNIA BUILDING STANDARDS CODE 2022 EDITION, INCLUDING: PART 1 THE CALIFORNIA ADMINISTRATIVE CODE, PART 2 THE CALIFORNIA BUILDING CODE (VOLS. 1 & 2), PART 2.5 THE CALIFORNIA RESIDENTIAL CODE, PART 3 THE CALIFORNIA ELECTRICAL CODE, PART 4 THE CALIFORNIA MECHANICAL CODE, PART 5 THE CALIFORNIA PLUMBING CODE, PART 6 THE CALIFORNIA ENERGY CODE, PART 8 THE CALIFORNIA HISTORICAL BUILDING CODE, PART 10 THE CALIFORNIA EXISTING BUILDING CODE, PART 11 THE CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN), AND PART 12 THE CALIFORNIA REFERENCE STANDARD CODE; AND REPEALING SECTION 10-1-115.

WHEREAS, the California Building Standards Commission adopted the 2022 Edition of the California Building Codes in January 2022; and

WHEREAS, the California Building Standards Commission published the 2022 Edition of the California Building Codes on July 1, 2022; and

WHEREAS, the California Health and Safety Code requires that the latest edition of the California Building Standards Codes apply to local jurisdictions 180 days after their publication; and

WHEREAS, the Uniform Building Code (“UBC”) is no longer in publication and the last publication date was 1997.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista does hereby ordain as follows:

Section 1. Section 10-1-110 Amended, Section 10-1-110 “Codes adopted by reference” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” is hereby amended and replaced in its entirety to read as follows:

“10-1-110 Codes adopted by reference.

- (A) The following codes in their entirety, which are on file and available for public inspection at City Hall, are adopted by reference as fully as it is set for herein in full. The 2022 Edition of the California Building Standards, Title 24 of the California Code of Regulations, consisting of the following parts.

Part 1	California Administrative Code
Part 2	California Building Code (Vols. 1 & 2)
Part 2.5	California Residential Code
Part 3	California Electrical Code
Part 4	California Mechanical Code
Part 5	California Plumbing Code
Part 6	California Energy Code
Part 8	California Historical Building Code
Part 10	California Existing Building Code
Part 11	California Green Building Standards Code
Part 12	California Reference Standard Code

(B) Engineering Design Standards, Standard Specifications, Standard Plans. The City of Hollister Engineering Design Standards, Standard Specifications, and Standard Plans, adopted June 1992, as amended from time to time, shall be the latest and current edition of the City of San Juan Bautista Engineering Design Standards, Standard Specifications, and Standard Plans.”

Section 2. Section 10-1-115 Repealed. Section 10-1-115 “UBC Chapter 70 appendix adopted” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” is hereby repealed in its entirety and not replaced.

Section 3. Savings Clause: Repeal of any provision of the San Juan Bautista Municipal Code or any other city ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

Section 4. Severability. The City Council declares that, should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby shall remain in full force and effect.

Section 5. Interpretation: The provisions of this ordinance are enacted for the public health, safety and welfare and are to be liberally construed to obtain the beneficial purposes thereof. In the event of any conflict between this ordinance and any law, rule or regulation of the State of California, that requirement which established the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of the Municipal Code. Any provision of the Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

Section 6. Notice: The City Council hereby determines that the form of the Notice of the public hearing to be held on April 18, 2023, which is to be published on March 31, 2023, and April 7, 2023, is sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

Section 7. Liability: The provisions of this ordinance shall not be construed as imposing upon the City of San Juan Bautista any liability or responsibility for damage to persons or property resulting from defective work, nor shall the City of San Juan Bautista, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this ordinance or of any permits or certificates issued under this ordinance.

Section 8. Effective Date. This ordinance shall take effect thirty (30) days after final passage by the City Council.

Section 9. Posting of Ordinance: Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in three (3) public places designated by resolution of the City Council.

The forgoing ordinance was introduced at a regular meeting of the City Council of the City of San Juan Bautista duly held on March 21, 2023, and was adopted at a regular meeting of the City Council duly held on April 18, 2023, by the following votes:

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on the 18th day of April 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney

EXHIBIT B

Public Notice

City of San Juan Bautista
City Council

Notice of Public Hearings

NOTICE IS HEREBY GIVEN that the City Council of the City of San Juan Bautista will hold two separate public hearings concerning the proposed adoption of two ordinances, one of which would amend Chapter 5-1 “California Fire Code – 2022 Edition” of the San Juan Bautista Municipal Code to adopt 2022 edition of the California Fire Code, including local amendments. The other of which would amend sections 10-1-110 “Code adoption by reference” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” of the City of San Juan Bautista Municipal Code to adopt by reference certain of the parts of California Code of Regulations Title 24, the California Building Standards Code 2022 Edition including: Part 1 the California Administrative Code, Part 2 the California Building Code (Vols. 1 & 2), Part 2.5 the California Residential Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, Part 6 the California Energy Code, Part 8 the California Historical Building Code, Part 10 the California Existing Building Code, Part 11 the California Green Building Standards Code (CALGreen), and Part 12 the California Reference Standard Code; and repealing section 10-1-115, with both ordinances to go into effect on May 19, 2023.

Date of Hearings: Tuesday April 18, 2023

Time of Hearings: 6:00 PM or as soon thereafter as possible

Location of Hearings:

City Council Chambers
311 2nd Street
San Juan Bautista, CA 95045

Purpose of the Proposed Ordinances: The State of California Health and Safety Code requires cities to adopt the most recent editions of the State Building Standards Code to establish uniform standards including for the fire and life safety systems. State law also allows cities to make changes to the codes that are reasonably necessary because of local climatic, geological or topographical conditions. The California Health & Safety Code require that the latest editions of the California Building Standards Codes apply to local construction 180 days after publication.

The first ordinance would amend Chapter 5-1 of the Municipal Code, California Fire Code to adopt 2022 editions of the California Fire Code by adopting and amending the

2022 California Fire Code, with certain exceptions, modifications, and additions required by local climactic, geological or topographical conditions.

The second ordinance would amend sections 10-1-110 “Code adoption by reference” of Chapter 10-1 “Buildings” of Title 10 “Buildings and Subdivisions” of the City of San Juan Bautista Municipal Code to adopt by reference certain of the parts of California Code of Regulations Title 24, the California Building Standards Code 2022 Edition including: Part 1 the California Administrative Code, Part 2 the California Building Code (Vols. 1 & 2), Part 2.5 the California Residential Code, Part 3 the California Electrical Code, Part 4 the California Mechanical Code, Part 5 the California Plumbing Code, Part 6 the California Energy Code, Part 8 the California Historical Building Code, Part 10 the California Existing Building Code, Part 11 the California Green Building Standards Code (CALGreen), and Part 12 the California Reference Standard Code and related international codes; and repeal section 10-1-115,

The ordinances were introduced on March 21, 2023, and will both be considered for adoption on April 18, 2023 to both be in full force and effect on May 19, 2023.

Invitation to be Heard: All interested persons are invited to the public hearing to be heard in favor or in opposition to the proposed subject. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or written correspondence delivered to the City of San Juan Bautista prior to or at the public hearing.

Copies of the 2022 edition of the California Fire Code, as well as well copies of the 2022 editions of the California Administrative Code, the California Building Code (Vols. 1 & 2), the California Residential Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code; the California Historical Building Code, the California Existing Building Code, the California Green Building Standards Code (CALGreen), the California Reference Standard Code, as is the full text of both the ordinances proposed for adoption, are on file at the office of the City Clerk and available for public inspection and review at the Community Development Department, City Hall, 311 2nd Street, San Juan Bautista, CA 95045. For further information related to this subject you may contact Mr. Don Reynolds, City Manager, City of San Juan Bautista, (831) 623-4661.

Don Reynolds
City Manger

Publish Date: March 31 & April 7, 2023



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

DATE: APRIL 18, 2023

DEPARTMENT: ENGINEER / CITY MANAGER

FROM: DON REYNOLDS, CITY MANAGER

BY: DOUG PIKE, CITY ENGINEER

TITLE: APPROVE PLANS AND SPECIFICATIONS FOR CITY OF SAN JUAN BAUTISTA SANITARY SEWER FORCE MAIN TO HOLLISTER PROJECT AND AUTHORIZE ISSUANCE OF THE INVITATION TO BIDDERS

RECOMMENDED ACTION:

It is recommended that City Council approve a Resolution to Approve Plans and Specifications for City of San Juan Bautista Sanitary Sewer Force Main to Hollister Project and authorize issuance of the Invitation to Bidders with bids to open on May 26, 2023 at 2:00 p.m.

BACKGROUND

On June 2019, the City was inspected by the Environmental Protection Agency, and the State's Regional Water Quality Control Board ("RWQCB"), in October of 2019, the results of this inspection and findings were put into a letter of which indicated the City was polluting Water of the United States from the wastewater treatment facility.

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

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

On November 17, 2020, the City of San Juan Bautista adopted a Wastewater Master Plan for transitioning wastewater treatment from San Juan Bautista Wastewater Treatment Plant to the Hollister Wastewater Reclamation Facility via a new pump station and force main to achieve permit compliance.

In December 2020, the City issued an RFP for engineering services and in February 2021 the City Awarded a Consulting Services Agreement to Stantec Consulting Services, Inc. Since that award revisions to the original concept alignment were made during the design phase through decisions of risk analysis and meetings with adjacent jurisdictions. The original alignment included crossing a multitude of private properties that could have significantly impacted the delivery schedule and added uncertainty to the cost. The alignment was subsequently revised to be located within the County right of way.

Stantec Consulting Services has completed the design of the project by preparing engineering plans and specifications and the project is now ready to be advertised for the construction phase.

DISCUSSION

Approving the Plans and Specifications and authorizing the issuance of the Invitation to Bidders will begin the process to advertise the City of San Juan Bautista Sanitary Sewer Force Main to Hollister Project. The bidders will submit construction bids for the project.

The Project includes the following Work:

- Construction of a 10-inch sanitary sewer force main extending from the City of San Juan
- Bautista Wastewater Treatment Plant to the City of Hollister Domestic Wastewater Treatment Plant
- Construction of a Primary Pump Station to convey the wastewater to Hollister.
- Construction of a Storage Pump Station for peak flow shaving to the Emergency Storage Basins when influent flows exceed the capacity of the Primary Pump Station as well as the necessary improvements to drain the Emergency Storage Basins
- Construction of Chemical Feed System

A mandatory pre-bid conference for the Project will be held on May 11, 2023, at 10:00 am at City Hall, located at 311 Second Street, San Juan Bautista, CA 95045 (a site visit will follow). At this meeting, representatives of the City and Design Engineer will discuss the bid documents, site constraints, order of work, and other items specific to the project.

FISCAL IMPACT

The engineer's opinion of probable cost (cost estimate) for this project is \$14,400,000. This estimate includes costs of improvements funded by outside agencies including the City of Hollister Fiber Optic Conduit Line parallel to the sewer line and paving of San Benito County Road.

Stantec Consulting Services has indicated a concern for rising cost of inflation and the cost impacts of supply chain effects on delivery of components of the project. The actual costs will be determined by construction bidders and there is some uncertainty to the current bidding climate. Upon opening bids the City will evaluate the bids to determine if adequate funding is available for the full funding of the project. Following the opening of bids, staff will return with a report to City Council to award the project to the lowest responsive bidder.

The City has been working closely with USDA on the long-term bond financing solution for the Project and received authorization for funding. It is a requirement of USDA that the City must obtain interim financing for acquisition and construction of the Project, and that USDA will provide the 40-year, long-term take-out financing once the Project has been completed. In January 2023 City Council selected the Interim Financing Lender for the Project. The City has also received commitments of funding from the State of California and the Environmental Protection Agency.

ATTACHMENTS

1. Resolution to approve the plans and specifications
2. Attachments on File with the City Clerk: Plans and Specifications, Notice to Bidders

RESOLUTION 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ACCEPTING APPROVED PLANS AND SPECIFICATIONS FOR CITY OF SAN JUAN BAUTISTA SANITARY SEWER FORCE MAIN TO HOLLISTER PROJECT AND AUTHORIZE ISSUANCE OF THE INVITATION TO BIDDERS

WHEREAS, On June 2019, the city was inspected by the Environmental Protection Agency, and the State's Regional Water Quality Control Board ("RWQCB"), in October of 2019, the results of this inspection and findings were put into a letter of which indicated the City was polluting Water of the United States from the wastewater treatment facility; and

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

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

WHEREAS, On November 17, 2020, the City of San Juan Bautista adopted a Wastewater Master Plan for transitioning wastewater treatment from San Juan Bautista Wastewater Treatment Plant to the Hollister Wastewater Reclamation Facility via a new pump station and force main to achieve permit compliance; and

WHEREAS, In December 2020, the City issued an RFP for engineering services and in February 2021 the City Awarded a Consulting Services Agreement to Stantec Consulting Services, Inc.; and

WHEREAS, Stantec Consulting Services has completed the design of the project by preparing engineering plans and specifications and the project is now ready to be advertised for the construction phase; and

WHEREAS, the engineer's opinion of probable cost (cost estimate) for this project is \$14,400,000. This estimate includes costs of improvements funded by outside agencies including the City of Hollister Fiber Optic Conduit Line parallel to the sewer line and paving of San Benito County Road; and

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

1. Directs and Authorizes the City Clerk to publish in a newspaper of general circulation the Notice to Bidders.

2. A mandatory pre-bid conference for the Project will be held on May 11, 2023, at 10:00 am at City Hall, located at 311 Second Street, San Juan Bautista, CA 95045.

PASSED AND APPROVED by City Council of the City of San Juan Bautista on the 18th day of April 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

DATE: APRIL 18, 2023

DEPARTMENT: CITY MANAGER

FROM: DON REYNOLDS

BY: DON REYNOLDS

TITLE: END THE IMPOSITION OF WATER CONSERVATION
REGULATIONS AND RESTRICTIONS DUE TO SEVERE
DROUGHT REQUIRED BY MUNICIPAL CODE 6-4-116

RECOMMENDED MOTION:

Approve a Resolution rescinding Resolution 2022-27, and end the imposition of water conservation regulations and restrictions defined in Municipal Code 6-4-116, while continuing to encourage San Juan Bautista citizens to make water conservation a way of life.

RECOMMENDATION:

Consistent with State and County action, it is recommended that the City Council find that the severe drought emergency has ended, and while conserving water in San Juan Bautista is a way of life, there is no longer a need to impose the strict water conservation regulations and by adopting the attached Resolution, will end the water conservation and restrictions required in Municipal Code 6-4-116.

EXECUTIVE SUMMARY:

More than 15 atmospheric rivers have passed through the City since December 2022, replenishing ground water resources and leaving a historically high snow-pack in the Sierras. Most of the region has recovered from severe drought, and is now at 75% or above its drinking water storage capacity. The Governor signed into law Executive Order N-5-23 on March 24, 2023, removing the Stage 2 strict statewide water conservation measures required in a Severe Drought Emergency. Most local jurisdictions intend to remove their Stage 2 Drought conservation measures. This proposed Resolution rescinds the declaration of severe drought emergency in Resolution 2022-27, and removes the imposition of strict conservation measures required by Municipal Code 6-4-116, during severe drought.

BACKGROUND:

Severe and unusual weather has become the “norm;” too much weather. The State was in severe drought situation from 2012-2016, with a brief respite, then back into the drought situation just a year later. The Governor in April 2021, and on May 10, 2021, July 8, 2021 and October 19, 2021, declared a state of emergency in a growing number of counties in the state, that includes San Benito County, declaring a severe drought emergency in the spring of 2022.

Currently, San Juan Bautista relies on 3-wells for its drinking water. Well 1 is the best quality water, but under normal circumstances, must be shut-down later in the summer when the aquifer is too low to draw water from. Well 6 has been shut-down since 2019 due to nitrates. Well 5, with a capacity of more than 300 gallons per minute, is the prime source of water for the City. It must be treated for iron and manganese before it can be distributed. It contains high levels of sodium and chloride and cannot be treated by the City’s waste water treatment plant. The City will be blending its ground water with imported surface water from the San Benito County Water District. It has also been recently approved to implement the Microvi technology that removes nitrates from Well 6.

In discussions with Shawn Novak of the San Benito Water Resources Agency, the aquifers in the County are fairly stable, and ranked in the middle for their reliance when compared to others in the State. He summarizes the regional water situation as follows:

According to what I read on the state’s website: <https://www.gov.ca.gov/2023/03/24/governor-newsom-eases-drought-restrictions/>, I don’t see any issues rescinding the Emergency Water Conservation Regulations locally. Below, I highlighted the first two bullet points that specifically state Stage I & II of our local Water Shortage Contingency Plan can be lifted. The third bullet point hasn’t been enforced in the Hollister Urban Area since its inception . The fourth bullet point focuses on groundwater and doesn’t apply locally since our groundwater basin is in good shape and we are listed as a medium priority basin by the DWR . Even during the midst of the drought we didn’t get close to the minimum threshold in the vast majority of the basin. I’m sure the groundwater report later this year will show the resiliency of our basin. Just like after the drought that ended in 2018-19. I’m sure we will see substantial improvements in elevation levels due to all the water in Hernandez reservoir that feeds the San Benito River. Plus, the SBCWD will be percolating approximately 4,000 acre-feet of water into the basin later this year.

While recent storms have helped ease drought impacts, regions and communities across the state continue to experience water supply shortages, especially communities that rely on groundwater supplies that have been severely depleted in recent years. Today’s order is responsive to current conditions while preserving smart water measures:

- Ends the voluntary 15% water conservation target, while continuing to encourage that Californians make conservation a way of life;
- Ends the requirement that local water agencies implement level 2 of their drought contingency plans;
- Maintains the ban on wasteful water uses, such as watering ornamental grass on commercial properties;
- Preserves all current emergency orders focused on groundwater supply, where the effects of the multi-year drought continue to be devastating;
- Maintains orders focused on specific watersheds that have not benefited as much from recent rains, including the Klamath River and Colorado River basins, which both remain in drought;
- Retains a state of emergency for all 58 counties to allow for drought response and recovery efforts to continue.

Regards,
Shawn Novack

The City's and the County's aquifers were at risk of being depleted and now that risk is over.

ATTACHMENT:

Proposed Resolution

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ENDING THE IMPOSITION OF WATER CONSERVATION REGULATIONS AS DESCRIBED IN THE “WATER SHORTAGE REGULATIONS AND RESTRICTIONS,” MUNICIPAL CODE 6-4-116

WHEREAS, water is the State’s most valuable resource, and conserving water use is always and will be forever a critical part of California culture, especially in San Juan Bautista, where the ground water is so sensitive to climate change and other adverse impacts; and

WHEREAS, on April 27, 2022, the City Council adopted Resolution 2022-27, finding the City to be in a state of severe drought emergency, and pursuant to Municipal Code 6-4-116, imposed certain water conservation regulations May 1, 2022; and

WHEREAS, pursuant to the California Water Code - Section 350-359 the City of San Juan Bautista declared a water shortage emergency condition to prevail within the area April 21, 2022, finding and determining that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply for human consumption, sanitation, and fire protection; and

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

WHEREAS, on March 24, 2022, the Governor signed Executive Order N-5-23, noting that after three of the driest rainy seasons in State history, the extreme weather conditions, based on a snow survey March 3, 2023, that improved conditions of many groundwater basins across the State have recovered from the three years of drought, and that the conservation measures imposed by Executive Order N-10-21, N-7-22, and N-3-23 are no longer necessary to mitigate the effects of drought conditions; and

WHEREAS, the water agencies in San Benito County are all taking action to remove the Stage Two Water Shortage Contingency Measures enacted one year ago, now that water resources have been replenished to at or above 75% of the capacities; and

WHEREAS, in staff’s report to the City Council, the City Council it is asked to continue to encourage that water conservation be the way of life for all City citizens, but find that the Municipal Code Section 6-4-116 conservation measures enacted by Resolution 2022-27 are no longer necessary, and agrees to end the imposition of these severe water conservation measures.

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

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It finds that severe drought conditions no longer exist within the County, and that water resources have recovered to at least 75% of capacity, no longer placing the County and City in a state of drought emergency.
3. Finds and determines that ordinary demands and requirements of water consumers can now be satisfied without depleting the water supply.
4. Rescinds Resolution 2022-27 ending the need to impose the strict water shortage regulations and restrictions provided in Municipal Code 6-4-116.
5. Authorize the City Manager to publicize the end of these water conservation measures while making water conservation a way of life in San Juan Bautista.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 18th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

DATE: APRIL 18, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT DEPARTMENT

BY: BRIAN FOUCHT, COMMUNITY DEVELOPMENT DIRECTOR

TITLE: CONSIDER ADOPTION OF A RESOLUTION RESCINDING RESOLUTION 2023-21 AND FURTHER ADDRESSING THE MATTER OF THE REMOVAL OR OTHER DISPOSITION OF PARKLETS

NATURE OF THE MATTER BEFORE THE CITY COUNCIL:

1. To consider adopting a resolution rescinding approval of City Council Resolution 2023-21 (copy attached) and further addressing the matter of the removal or other disposition of the parklets along Third Street. This matter was placed on the Agenda at the request of Councilmember Freeman in accordance with Council Resolution 2019-43 "A Resolution of the City Council of the City of San Juan Bautista Adopting a Policy Regarding Rules of Procedure and Placement of Items on Agendas."

BACKGROUND INFORMATION:

In April 2020 the City began meeting weekly with its downtown businesses to develop a plan in response to the ongoing COVID-19 Public Health Emergency. Thereafter, on May 19, 2020, the City Council adopted Resolution 2020-24 enabling the establishment of outdoor shopping and dining via expansion of businesses into and the construction of decks within the public right of way. Third Street was transformed to a single, one-way, lane to enable this expansion. Resulting encroachment permits for these "parklets" were initially approved for a three-month period ending December 31, 2020. On November 10, 2020, the City Council agreed to extend the parklets until March 30, 2021, and thereafter agreed to an extension to September 30, 2021. On November 16, 2021, by Resolution 2021-61 the City Council established a Temporary Parklet Permit and a Parklet *Ad Hoc* Committee. The parklets were subsequently extended to March 30, 2022, pending adoption of an ongoing policy.

Discussions on the subject of "permanence" of the parklets has involved issues of non-conformity, long-term planning, design of the Third Street streetscape, public safety, infrastructure, relationship to buildings, structures and landscaping within the Third Street Historic District, and cost of removal. It is established that to allow permanent parklet type outdoor commercial use would first require a thorough evaluation of the historic Third Street district streetscape.

City Council Resolution 2022-21, adopted on March 15, 2022, directed the City Manager to cease issuing encroachment permits for parklets and requested a recommendation from the Economic Development Citizens Advisory Committee (EDCAC) regarding continuance of parklets and the City Council extended the term of the transformation of Third Street and the operation of the parklets to May 31, 2022.

The City Council thereafter on May 24, 2022, adopted Resolution 2022-40 approving the recommendations of the EDCAC as the City's policy regarding parklets and their ongoing disposition in relation to the Third Street Master Plan as follows:

- *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.*

The Governor's office, on October 17, 2022, announced that the COVID-19 statewide State of Emergency would end on February 28, 2023, and the state will instead rely on ongoing enhanced public health initiatives to drive down rates and severity of infection. It is important to recognize that the Governor's action does not stipulate that COVID is no longer a threat. Instead, the Governor recognizes the importance of continued emphasis on public health practices via the safety measures set forth at covid19.ca.gov. At its meeting on December 20, 2022, the City Council directed the City Manager to return with a resolution that would institute a revised policy affecting parklets that would go into effect at such time that the COVID statewide State of Emergency is lifted, which took place as of 11:59 p.m. on February 28, 2023.

On March 21, 2023, the City Council adopted Resolution 2023-18 declaring that the local emergency declared by Resolution 2020-10 due to the COVID-19 pandemic would terminate as of 11:59 on March 21, 2023. Thereafter at the same meeting the City Council adopted Resolution 2023-21 ordering the removal of all parklets and the associated traffic barriers (i.e., the barrels containing the succulents) on Third Street on or before April 28, 2023 with parklet owners to be eligible for compensation by the City from the General Fund for the reasonable cost of removal, not to exceed \$5.00 per square foot or \$800.00, whichever is less. On March 22, 2023, the City Manager issued a public notice concerning the removal of parklets.

DISCUSSION:

After the adoption of Resolution 2023-21 the City received numerous correspondence from business owners operating parklets and from other members of the public (copies attached) concerning the passage of Resolution 2023-21, much of it in support of continuance of parklets, prompting Councilmember Freeman to contact the City Manager and request that the subject of parklet removal, and accordingly consideration of the rescission of Resolution 2023-21, be placed on the agenda for this meeting to enable the City Council to once again hear from the public and give further consideration to this important matter. Pertinent to the Council's consideration regarding extension of parklets are the following attached statutes:

1. Health and Safety Code 114067, operative until January 24, 2024, allows Temporary Satellite Food Service activities (i.e., parklet dining) by permitted food facilities in a local jurisdiction subject to retail food operation restrictions related to COVID-19 public health response following the end of the statewide State of Emergency on February 28, 2023. The encroachment permits issued by the City to restaurants for the operation of their parklets were issued in response to the restrictions imposed on food serving facilities by the COVID-19 pandemic.
2. Business and Professions Code Section 25750.5 allows up to a 365-day extension of a COVID-19 Temporary Catering Authorization to premises licensed by the California Department of Alcoholic Beverage Control (ABC) to continue to exercise their license to sell alcohol in an expanded area under the control of the licensee following the end of the statewide State of Emergency on February 28, 2023. Concerning the parklets, it is the encroachment permit issued by the City in response to the COVID pandemic that provides a licensee with control of the area within the public right of way occupied by a parklet.
3. Government Code Section 65907, operative until January 1, 2024, requires the City to reduce the number of required parking spaces for existing uses by the number of spaces needed to accommodate parklets allowed to mitigate COVID-19 restrictions on indoor dining. The encroachment permits issued by the City to restaurants for the operation of their parklets were issued to mitigate the effects of COVID-19 pandemic restrictions on indoor dining establishments in the City.

Depending upon whether the City Council wishes to revisit its adoption of Resolution 2023-21, taken together or individually while these statutes do not mandate that the City continue allowing certain parklets for businesses serving food and/or alcoholic beverages and they do place limits on how long such parklets may remain, these statutes provide the City Council with a regulatory framework that is aligned with state law for the possible continuation of certain parklets or for their immediate removal by a date certain through revocation of the encroachment permits for these parklets.

Concerning parklets serving retail establishments the authority for construction and continuing operation of retail parklets stemmed from the Emergency Declarations issued by the Governor and by the City Council in response to the COVID-19 pandemic, both of which have now been terminated and staff has found no statutory authority related to COVID-19 for continuing retail parklets.

As stated, s policy approved by Resolution 2023-21 provides for compensation to owners for the removal of their parklets at the rate of \$5.00 per square foot not to exceed \$800.00. Should the Council decide to rescind Resolution 2023-21, the Council may wish to again consider this policy matter.

OPTIONS IDENTIFIED:

The options before the City Council would appear to include:

1. Take no action. Allow Resolution 2023-21 to remain in place and to continue to require removal of all parklets and the traffic barriers associated with the parklets by April 28, 2023, in accordance with the notice given, and offer compensation for their removal as provided.
2. Adopt a resolution rescinding Resolution 2023-21, addressing the ban on new or replacement parklets and providing for continuation of existing parklets associated with food serving and other ABC licensed premises (there are no parklets associated with restaurants that are not also licensed as either ABC Type 42 or Type 47 establishments) to a date certain which cannot be later than January 1, 2024, thereafter to be removed, and ordering the removal of the parklets associated with retail establishments by April 28, 2023 or another date set by the City Council, and readopt the offer of compensation to owners at the time of removal.
3. Adopt a resolution rescinding Resolution 2023-21 and direct that the matter return for further consideration.
4. Take other action as appropriate.

CONCLUSION:

Two alternative draft resolutions for options 2 and 3 are attached for the City Council's consideration.

Reviewed and approved by:

s/ *Don Reynolds*

Don Reynolds, City Manager

s/ *Robert Rathie*

Robert Rathie, City Attorney

ATTACHMENTS

City Council Resolution 2023-21

Draft Resolutions

Communications received

Health and Safety Code Section 110467 Satellite food service

Business and Professions Code Section 25750.5 Temporary Catering Authorization

Government Code 65907 Parking restrictions

RESOLUTION NO. 2023- ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA RESCINDING RESOLUTION 2023-21 AND ESTABLISHING THE
TERM OF PARKLET ENCROACHMENT PERMITS**

WHEREAS, in an effort to control the pandemic caused by the COVID-19 coronavirus, on March 4, 2020, under the authority provided by Government Code §8625, Governor Newsom issued a Proclamation of State of Emergency in California; and

WHEREAS, the shelter in place health orders that followed the State Of Emergency closed all but essential businesses; and

WHEREAS, on March 17, 2020, under the authority provided by Government Code §8630 and San Juan Bautista Municipal Code §5-33-040, by Resolution 2020-10 the City Council of the City of San Juan Bautista, upon the request of the City Manager/Director of Emergency Services, proclaimed a state of local emergency caused by the COVID-19 to have existed in the City since March 13, 2020 and in adopting subsequent resolutions periodically reviewed and confirmed the continuing existence of the local emergency; 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; and

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; and

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

WHEREAS, the City Council has considered that the Governor lifted the COVID 19 State of Emergency on February 28, 2023. Notwithstanding this announcement, the City Council is aware that COVID-19 variants represent a continuing threat to public health, safety and general welfare; and

WHEREAS, on March 21, 2023, by the adoption of Resolution 2023-18 the City Council proclaimed and declared the termination of the local emergency due to the COVID-19 coronavirus as of 11:59 p.m. on that date; and

WHEREAS, on March 21, 2023, in adopting of Resolution 2023-21 the City Council directed the City Manager to: (1) continue the restriction prohibiting new or replacement parklets; (2) terminate the current encroachment permit authorization for all parklets; (3) effect the removal of all parklets and the traffic control devices installed for the protection of parklets on Third Street by April 28, 2023; and

WHEREAS, subsequent to the adoption of Resolution 2023-21 the City received numerous correspondence from business owners operating parklets and from other members of the public concerning the passage of Resolution 2023-21, much of it in support of continuance of parklets, prompting Councilmember Freeman to request that the subject of parklet removal, and accordingly consideration of the rescission of Resolution 2023-21, be placed on the agenda under the procedure adopted under Resolution 2019-43 for placing matters on a City Council agenda; and

WHEREAS, on March 21 and April 18, 2023, the City Council received and reviewed staff reports as well as written and verbal communication concerning this matter.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

1. That Resolution 2023-21 continuing the restriction prohibiting new or replacement parklets, terminating the current encroachment permit authorization for all parklets, effecting the removal of all parklets and the traffic control devices installed for the protection of parklets on Third Street by April 28, 2023, is hereby rescinded and is no longer valid or of any effect.

2. The City Manager is hereby ordered to continue the restriction prohibiting new or replacement parklets.

3. The use of existing parklets associated with food serving and other premises licensed by the California Department of Alcoholic Beverage Control are permitted to continue in operation subject to Section 4 below and shall be annually inspected by the City Fire Marshall and Building Inspector to ensure protection of the public health and safety.

4. All parklets associated with food serving and other premises licensed by the California Department of Alcoholic Beverage Control shall cease operation and the encroachment permit for same shall terminate and be revoked on _____, 2023, and the owner or operator of the establishment shall effect the removal of the parklet on or before _____, 2023.

5. All parklets associated with retail establishments shall cease operation and the encroachment permit for same shall terminate and be revoked immediately and the owner or operator of the retail establishment shall effect the removal of the parklet on or before _____, 2023.

6. The owner or operator responsible for the removal of a parklet required to be removed may be compensated from the City's General Fund, following prior application to the City Manager or his designee for same and following the removal, for the reasonable cost of removal in an amount not to exceed \$5.00 per square foot or \$800.00, whichever is less.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 18th day of April 2023 by the following vote:

AYES:

NOES: :

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

RESOLUTION NO. 2023- ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA RESCINDING RESOLUTION 2023-21, CONTINUING THE
RESTRICTION PROHIBITING NEW OR REPLACEMENT PARKLETS, AND
PROVIDING FOR THE FURTHER CONSIDERATION OF THE TERM OF
PARKLET ENCROACHMENT PERMITS**

WHEREAS, in an effort to control the pandemic caused by the COVID-19 coronavirus, on March 4, 2020, under the authority provided by Government Code §8625, Governor Newsom issued a Proclamation of State of Emergency in California; and

WHEREAS, the shelter in place health orders that followed the State Of Emergency closed all but essential businesses; and

WHEREAS, on March 17, 2020, under the authority provided by Government Code §8630 and San Juan Bautista Municipal Code §5-33-040, by Resolution 2020-10 the City Council of the City of San Juan Bautista, upon the request of the City Manager/Director of Emergency Services, proclaimed a state of local emergency caused by the COVID-19 to have existed in the City since March 13, 2020 and in adopting subsequent resolutions periodically reviewed and confirmed the continuing existence of the local emergency; 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; and

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; and

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

WHEREAS, the City Council has considered that the Governor lifted the COVID 19 State of Emergency on February 28, 2023. Notwithstanding this announcement, the City Council is aware that COVID-19 variants represent a continuing threat to public health, safety and general welfare; and

WHEREAS, on March 21, 2023, by the adoption of Resolution 2023-18 the City Council proclaimed and declared the termination of the local emergency due to the COVID-19 coronavirus as of 11:59 p.m. on that date; and

WHEREAS, on March 21, 2023, in adopting of Resolution 2023-21 the City Council directed the City Manager to: (1) continue the restriction prohibiting new or replacement parklets; (2) terminate the current encroachment permit authorization for all parklets; (3) effect the removal of all parklets and the traffic control devices installed for the protection of parklets on Third Street by April 28, 2023; and

WHEREAS, subsequent to the adoption of Resolution 2023-21 the City received numerous correspondence from business owners operating parklets and from other members of the public concerning the passage of Resolution 2023-21, much of it in support of continuance of parklets, prompting Councilmember Freeman to contact the City Manager and request that the subject of parklet removal, and accordingly consideration of the rescission of Resolution 2023-21, be placed on the agenda under the procedure adopted under Resolution 2019-43 for placing matters on a City Council agenda; and

WHEREAS, ON March 21 and April 18, 2023, the City Council received and reviewed staff reports as well as written and verbal communication concerning this matter.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

1. That Resolution 2023-21 continuing the restriction prohibiting new or replacement parklets, terminating the current encroachment permit authorization for all parklets, effecting the removal of all parklets and the traffic control devices installed for the protection of parklets on Third Street by April 28, 2023, is hereby rescinded and is no longer valid or of any effect.

2. The City Manager is hereby ordered to continue the restriction prohibiting new or replacement parklets and to return a proposal for the disposition of the existing parklets in accordance with the direction given by the City Council.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 18th day of April 2023 by the following vote:

AYES:

NOES: :

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

RESOLUTION NO. 2023- 21

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 and in response to the Governor's COVID - 19 Emergency Declaration, 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; and

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; and

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

WHEREAS, the City Council has considered that the Governor has lifted the COVID 19 State of Emergency on February 28, 2023. Notwithstanding this announcement, the City Council is aware that COVID-19 variants represent a continuing threat to public health, safety and general welfare;

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL hereby directs the City Manager to prohibit new or replacement parklets and terminate the current encroachment permit authorization for all parklets. All parklets shall be removed no later than April 28, 2023. Parklet owners shall be compensated from the General Fund for the reasonable

cost of removal, not to exceed \$5.00 per square foot or \$800.00, whichever is less. Upon removal of parklets the City Manager shall remove wine barrel planters from the Third Street Right of Way.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on the 21st day of March 2023 by the following vote:

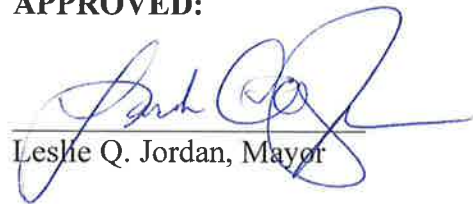
AYES: Councilmembers: Freeman, Morris-Lopez, and Sabathia

NOES: Councilmembers: Freels and Mayor Jordan

ABSENT: None

ABSTAIN: None

APPROVED:



Leshe Q. Jordan, Mayor

ATTEST:



Elizabeth Soto, Deputy City Clerk

RESOLUTION NO. 2019-43

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA ADOPTING A POLICY REGARDING RULES OF
PROCEDURE AND PLACEMENT OF ITEMS ON AGENDAS**

WHEREAS, the City Council for the City of San Juan Bautista desires to establish a policy regarding procedures and timelines for production of agenda packets and for placement of items on an agenda for a meeting of the City Council.

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

SECTION 1. A new policy is added to the Citywide Policy Manual as set forth in Exhibit A, attached hereto.

SECTION 2. The new policy will take effect immediately upon this Resolution being adopted by the City Council, and the City Manager is directed to distribute a copy of this new policy to all Council Members, employees and City contractors.


PASSED, APPROVED, AND ADOPTED ON September 17, 2019, by the following vote:

AYES: **DeVries, Freeman, Edge, Flores**

NOES: **None**

ABSTAIN: **None**

ABSENT: **Jordan**




César E. Flores, Mayor

ATTEST:



Laura Cent, City Clerk

Exhibit A

 City Council Agenda Items	Citywide Policy Manual Policy # N/A
	Attachments: N/A
Effective Date: September 17, 2019	Responsible Department: City Manager/City Clerk's Office
Related Policies & Notes: N/A	

Purpose

To establish a policy for how items are to be placed on a City Council meeting agenda.

Policy

How someone can place or request an item to be added to a City Council agenda:

- City Manager:
 - The City Manager shall set the agenda with input from the Mayor, Councilmembers, City staff, and/or City Attorney.
- Mayor:
 - The Mayor, along with the City Manager, can place an item on the agenda.
- Councilmember:
 - Outside a Council Meeting:
 - A Councilmember may request an item to be added to a future Council meeting agenda by submitting their verbal or written request to the City Manager or the Mayor.
 - During a Council Meeting:
 - During Council Comments at a City Council meeting, two Councilmembers can concur to request to add an item to a future agenda.
- Members of the Public:
 - Members of the public can request an item to be placed on a future agenda by writing a letter to the City Council, speaking under public comment, or attending the Council's annual goalsetting workshop meeting. If City Council chooses to add an item requested by a member of the public on a future agenda, all the same rules above would apply.

Deadlines to submit an agenda item request:

- All requests for items to be placed on the Regular Meeting agenda shall be given to the City Clerk no later than 5:00 p.m. on the thirteenth day prior to the meeting (Wednesday).

Exhibit A

Deadlines to submit agenda item materials:

- Council acknowledges and understands that City staff needs ample time to prepare, research, and provide technical and analytical information to be able to make a recommendation to Council. With this in mind, Council shall provide staff the appropriate time to prepare an item for Council consideration.
- All reports, communications, ordinances, resolutions, contract documents, staff report or other matters to be submitted to the City Council as backup information for an agenda item at a Regular Meeting will be delivered to the City Clerk no later than 5:00 p.m. on the eleventh day prior to the meeting (Friday).

Addendums to the Regular Agenda:

- Due to the fact that the City Clerk will post the agenda one week prior to the Council meeting, there may be a need to add additional items to the Regular Meeting agenda that require immediate action. Such addendums, to be posted at least 72 hours in advance of the Regular Meeting, shall be discouraged and limited to urgent matters only that require immediate action which is needed prior to the next regularly scheduled Council meeting. Such addendums will be allowed only if approved by the City Manager and the Mayor. This does not prohibit the Council from adding items to an agenda during a Council meeting if it meets the requirements of section 54954.2 of the California Government Code.

Removal of an item from the agenda:

- Removing an item that was set by the City Manager with input from the Mayor would be at the City Manager or Mayor's discretion with concurrence from the City Manager.
- Removing an item that was set by two or more Councilmembers either during a meeting or outside a meeting with input from the City Manager can only be done with concurrence of the Councilmembers who originally requested the item be placed on the agenda.

Special Meetings:

- Per Govt. Code 54956(a), A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet website, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call

Exhibit A

and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

- All requests by either the presiding officer of the legislative body or a majority of the members of the legislative body to call a Special Meeting shall be done in writing and given to both the City Manager and the City Clerk.
- The City Manager shall oversee the preparation of the Special Meeting agenda. The backup materials shall be provided as soon as is reasonably possible, but in no event later than 24 hours prior to the meeting.

FORM LETTER

RE: City of San Juan Bautista Complaint Report - Parklet Resolution and Brown Act Violation

March 31, 2023

Dear City of San Juan Bautista Council and Staff:

My name is _____ and I reside at _____ California.

I am the business owner of _____ located at _____, San Juan Bautista California.

The City Council failed to agendize and notify the public of the resolution to remove all parklets at the March 21, 2023 Council meeting. The agenda for the meeting indicated the Council would resolve to remove certain parklets (Agenda Item 7A); the resolution in the agenda packet indicated that “parklets used for retail purposes” would be terminated but expressly retained “existing parklets for eating establishments and bars.” The resolution the Council ultimately voted on departed from the agenda and directly contradicted the published resolution language.

Not only did the unpublished resolution language and subsequent vote on a non-agendized resolution violate the intention of the Brown Act, it hurts the profitability and practices of Third Street businesses that continue to rely on their parklets, and undermines the relationship between the Council and local business community. Had owners of eating establishments and bars known their parklets could be terminated, they would have advocated for themselves at the meeting like the owners of retail parklets had and could have provided input for a balanced decision by the Council.

Sadly, this damaging action was entirely unnecessary: in light of debate at the meeting, the Council could have tabled the action to revise the resolution language and provide proper public notification. To undo some of the impact from this action, I implore the Council to undertake a transparent analysis of parklet pros and cons that includes thoughtful discussion with those affected, if not the broader community. I further request that the Council cure or correct the Brown Act violation by using the recommended analysis to revise the parklet resolution language and properly publish and agendize it before taking action at an open meeting.

Sincerely,

1. Steve Io [REDACTED] >
2. Maya Dizon < [REDACTED] >
3. Megan Duenas < [REDACTED] >
4. Eli Duenas < [REDACTED] >
5. Sean Fitzharris [REDACTED] >
6. Fran Fitzharris < [REDACTED] >

7. LeeAnna Brothers <[REDACTED]>
8. Monica Ramirez <[REDACTED]>
9. Debbie Hernandez <[REDACTED]>
10. Vickie Sciacqua <[REDACTED]>
11. Zooey Diggory [REDACTED]>
12. gabriela madrigal <[REDACTED]>
13. Marissa castaneda [REDACTED] [REDACTED]
14. Lori Wilson [REDACTED] [REDACTED]
15. Kristina Hastings [REDACTED] [REDACTED]
16. Maya Dizon [REDACTED] [REDACTED]
- 17.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

DATE: APRIL 18, 2023

DEPARTMENT: DON REYNOLDS, CITY MANAGER

FROM: DON REYNOLDS, CITY MANAGER

BY: ELIZABETH SOTO, DEPUTY CITY CLERK

TITLE: DETERMINE SPECIFIC TIMES AND PLACE
CONSISTENT WITH MUNICIPAL CODES 5-1-166 AND 5-
16-100, AND AUTHORIZE NON-PROFIT ORGANIZATION
ANZAR HIGHSCHOOL BOOSTER CLUB TO SELL SAFE
AND SANE FIREWORKS FOR THE FOURTH OF JULY
HOLIDAY

RECOMMENDED ACTION(S):

That the City Council consider the three attached possible resolutions, and determine if or when fireworks will be sold this year by the one non-profit applying to do so (Anzar High School Booster Club), and if so, under what specific times and place this Fourth of July Season.

BACKGROUND INFORMATION:

In 2021 the City took specific and urgent action to further control over the use of fireworks in the City due in part to extremely dry drought conditions. It increased the bail scheduled for fines for the illegal fireworks, and established a budget and special enforcement duties for public safety.

Generally speaking, the effort was successful on those days leading up to the 4th of July. On the 4th of July resources were spread thin making enforcement difficult. Code Enforcement attempted an “educational approach” to enforcement that was partly effective. Three citations were written. One arrest was made using the camera system leased for the holiday. The “de-brief” of the event lead to several proposed changes.

Staff was directed to clarify the two City codes in place; 5-1-166 and 5-16-100. 5-1-166 does allow fireworks in the City with the approval by the Fire Marshall, and these have for decades been limited to “Safe and Sane” fireworks. Code 5-16-100 does prohibit the use of fireworks in the City unless specified by time and locations are identified by the City Council. The City policy last year was intended to be a “Zero Tolerance” policy and will be enforced in this manner

in the future. The use of the emergency incident command structure, increased cooperation and collaboration between the Fire Department, Sheriff, Code Enforcement and private security.

DISCUSSION:

The City Attorney has considered the two City Codes and determined that are not in conflict with each other. The prohibition allows for the Council discretion in their use. Attached are drafted three alternative resolutions for the Council to consider concerning the request of the Anzar High School Boosters Club to sell fireworks for the 4th of July and for the Council to consider whether it wants to permit or prohibit the use of fireworks in the city from noon on June 30, 2022 to midnight on July 4, 2022.

Version 1 continues the prohibition on the use of all fireworks in the City but grants the Anzar Boosters the right to sell safe and sane fireworks at The Windmill. Since the Council presumably did not address the prohibition on fireworks in Section 5-16-100 when it previously granted permission for sale of fireworks under Section 5-1-165 this is effectively what I understand the city has done in past years;

Version 2 allows the use of safe and sane fireworks on private property by persons over 18 or minors accompanied by and under supervision of a parent or guardian from noon on June 30, 2023 to midnight on July 4, 2023 and grants the Anzar Boosters the right to sell safe and sane fireworks at The Windmill;

Version 3 continues the prohibition on the use of all fireworks in the City and denies the Anzar Boosters request to sell safe and sane fireworks.

All three resolutions recognize the adoption in 2021 of Resolution 2021-34A and affirm the increased administrative bail schedule established by that resolution for violations of 5-16-100 (\$1K first offense, \$2.5K second offense, and \$5K third and subsequent offenses).

The Council can exercise its authority to provide further limitations. The use of fireworks can be restricted to just the 4th of July between certain hours. Staff's intent is to provide an array of options within the boundaries of the City's current code.

Staff will work with its partners to re-establish a special enforcement team as it did last year. This was a \$6,000 expenses including outreach efforts, camera system, and special private security duty.

FISCAL IMPACT:

The \$6,000 budget will be paid from the General Fund, and be included in the 2024 budget.

ATTACHMENTS:

3-proposed Resolutions

ATTACHMENT 1

RESOLUTION 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AFFIRMING THE PROHIBITION ON THE USE WITHIN THE CITY OF ALL FIREWORKS AT ANY TIME AND AUTHORIZING THE ANZAR HIGH SCHOOL BOOSTERS CLUB TO SELL FIREWORKS WITHIN THE CITY FOR THE JULY 4, 2023, HOLIDAY

WHEREAS, Section 5-16-100 of Chapter 5-16 of the City's Municipal Code entitled "Fireworks" prohibits setting off fireworks within the City except at such times and places as the City Council may be order designate and permit; and

WHEREAS, Section 5-1-165 of Chapter 5-1 "California Fire Code, 2001 Edition" amends Section 7802 of the Uniform Fire Code to permit, upon approval by the City Council, the issuance by the Fire Chief of one permit for the sale of factory-packaged assortments of fireworks permitted by the State Fire Marshall for use by the general public during the period from Noon on June 30 to midnight on July 4; and

WHEREAS, the City of Hollister provides fire protection services under contract to the City of San Juan Bautista and the Fire Chief of the City of Hollister serves presently as the Fire Chief of the City of San Juan Bautista; and

WHEREAS, on _____, 2023, a request was received from American Promotional Events, Inc. dba TNT Fireworks on behalf of the Anzar High School Boosters Club to sell "safe and sane" fireworks from a fireworks' stand to be located in the parking lot of The Windmill Market at 310 The Alameda daily during the hours of 9:00 a.m. and 10:00 p.m. between the dates of June ___, 2023 and July 4, 2023; and

WHEREAS, American Promotional Events, Inc dba TNT Fireworks has provided proof of insurance coverage including, but not limited to, commercial general liability in the amount of \$1,000,000 each occurrence and \$2,000,000 general aggregate naming the City of San Juan Bautista as an additional insured; and

WHEREAS, on June 29, 2021, by Resolution 2021-34A the City Council approved the delegation of authority to its private security provider to issue administrative citations for violation of the City's fireworks laws during times of extreme heat, dry weather and extreme fire drainage; and

WHEREAS, the State of California, San Benito County and the City are in the third year of a drought and continue to experience longer wildfire seasons, extended dryness with little precipitation, and above normal temperatures which results in lower than normal fuel moisture levels and accordingly an increased potential for wildland fire activity; and

WHEREAS, by Resolution 2021-34A the City Council also established a bail schedule for administrative citations issued pertaining to enforcement of Section 5-16-100 which provides for a fine of \$1,000 for a first offense, \$2,500 for a second offense and \$5,000 for a third or subsequent offense.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SAN JUAN BAUTISTA AS FOLLOWS:

1. The above Recitals are true and correct.
2. The City Council hereby affirms the prohibition set forth in Section 5-16-100 of the Municipal Code on the setting off of any fireworks within the City of San Juan Bautista at all times and the bail schedule established by Resolution 2021-34A for violation of same.
3. Subject to the prohibition on their use at all times within the City, in accordance with Section 5-1-165 of the Municipal Code, the City Council hereby directs that one permit be issued for the sale of factory-packaged fireworks of the type permitted by the California State Fire Marshall for use by the general public for their use where permitted by local regulation and requests the Fire Chief of the City of Hollister to issue that permit to the Anzar High School Boosters Cub to allow the sale of such fireworks in the City of San Juan Bautista at the Windmill Market, 301 The Alameda between the hours of 9:00 A.M. to 10:00 P.M. commencing at noon on June 30, 2023 and ending on July 4, 2023. The Anzar High School Boosters Club is a non-profit organization and is not required to obtain a business permit for this fundraising event from which the receipts are used solely for a benevolent purpose.
4. The permit issued pursuant to Section 2 above is not intended as, nor shall it be construed to be, permission for any person to use fireworks within the City of San Juan Bautista during the term of the permit or at any other time.
5. For purposes of clarity, the use of any fireworks within the City at any time, including “safe and sane” fireworks contained in factory-packaged assortments of fireworks permitted by the State Fire Marshall for use by the general public, may subject the user to the penalties provided by Resolution 2021-34A.

PASSED AND APPROVED this 18th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

DRAFT

ATTACHMENT 3

RESOLUTION 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AFFIRMING THE PROHIBITION ON THE USE WITHIN THE CITY OF ALL FIREWORKS AT ANY TIME AND DENYING THE REQUEST OF THE ANZAR HIGH SCHOOL BOOSTERS CLUB TO SELL FIREWORKS WITHIN THE CITY FOR THE JULY 4, 2023, HOLIDAY

WHEREAS, Section 5-16-100 of Chapter 5-16 of the City's Municipal Code entitled "Fireworks" prohibits setting off fireworks within the City except at such times and places as the City Council may be order designate and permit; and

WHEREAS, Section 5-1-165 of Chapter 5-1 "California Fire Code, 2001 Edition" amends Section 7802 of the Uniform Fire Code to permit, upon approval by the City Council, the issuance by the Fire Chief of one permit for the sale of factory-packaged assortments of fireworks permitted by the State Fire Marshall for use by the general public during the period from Noon on June 30 to midnight on July 4; and

WHEREAS, the City of Hollister provides fire protection services under contract to the City of San Juan Bautista and the Fire Chief of the City of Hollister serves presently as the Fire Chief of the City of San Juan Bautista; and

WHEREAS, on _____, 2023, a request was received from American Promotional Events, Inc. dba TNT Fireworks on behalf of the Anzar High School Boosters Club to sell "safe and sane" fireworks from a fireworks' stand to be located in the parking lot of The Windmill Market at 310 The Alameda daily during the hours of 9:00 a.m. and 10:00 p.m. between the dates of June ____, 2023 and July 4, 2023; and

WHEREAS, on June 29, 2021, by Resolution 2021-34A the City Council approved the delegation of authority to its private security provider to issue administrative citations for violation of the City's fireworks laws during times of extreme heat, dry weather and extreme fire drainage; and

WHEREAS, the State of California, San Benito County and the City are in the third year of a drought and continue to experience longer wildfire seasons, extended dryness with little precipitation, and above normal temperatures which results in lower than normal fuel moisture levels and accordingly an increased potential for wildland fire activity; and

WHEREAS, by Resolution 2021-34A the City Council also established a bail schedule for administrative citations issued pertaining to enforcement of Section 5-16-100 which provides for a fine of \$1,000 for a first offense, \$2,500 for a second offense and \$5,000 for a third or subsequent offense.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SAN JUAN BAUTISTA AS FOLLOWS:

1. The above Recitals are true and correct.
2. The City Council hereby affirms the prohibition set forth in Section 5-16-100 of the Municipal Code on the setting off of any fireworks within the City of San Juan Bautista at all times and the bail schedule established by Resolution 2021-34A for violation of same.
3. The City Council hereby denies the request of the Anzar High School Boosters Club for a city-issued permit to allow the sale of factory-packaged fireworks of the type permitted issued by the California State Fire Marshall for use by the general public fireworks in the City of San Juan Bautista at the Windmill Market, 301 The Alameda.
3. For purposes of clarity, the use of any fireworks within the City at any time, including “safe and sane” fireworks contained in factory-packaged assortments of fireworks permitted by the State Fire Marshall for use by the general public, may subject the user to the penalties provided by Resolution 2021-34A.

PASSED AND APPROVED this 18th day of April 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Leslie Q. Jordan, Mayor

ATTEST:

Elizabeth Soto, Deputy City Clerk

RESOLUTION 2022-39

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA PERMITTING THE USE WITHIN THE CITY ONLY BETWEEN NOON AND MIDNIGHT ON JULY 4, 2022, ONLY ON PRIVATE PROPERTY FOR WHICH THE OWNER HAS GIVEN PRIOR PERMISSION; AND AUTHORIZING THE ANZAR HIGH SCHOOL BOOSTERS CLUB TO SELL APPROVED FIREWORKS WITHIN THE CITY FOR THE JULY 4, 2022, HOLIDAY

WHEREAS, Section 5-16-100 of Chapter 5-16 of the City's Municipal Code entitled "Fireworks" prohibits setting off fireworks within the City except at such times and places as the City Council may be order designate and permit; and

WHEREAS, Section 5-1-165 of Chapter 5-1 entitled "California Fire Code, 2001 Edition" amends Section 7802 of the Uniform Fire Code to permit, upon approval by the City Council, the issuance by the Fire Chief of one permit for the sale during the period from noon on June 30 to midnight on July 4 of factory-packaged assortments of legal fireworks permitted by the State Fire Marshall for use by the general public; and

WHEREAS, the City of Hollister provides fire protection services under contract to the City of San Juan Bautista and the Fire Chief of the City of Hollister serves presently as the Fire Chief of the City of San Juan Bautista; and

WHEREAS, on March 17th 2022, a request was received from American Promotional Events, Inc. dba TNT Fireworks on behalf of the Anzar High School Boosters Club to sell "safe and sane" fireworks daily during the hours of 9:00 a.m. and 10:00 p.m. between the dates of June 28, 2022 and July 4, 2022, from a fireworks' stand to be located in the parking lot of The Windmill Market at 310 The Alameda; and

WHEREAS, American Promotional Events, Inc dba TNT Fireworks has provided proof of insurance coverage including, but not limited to, commercial general liability in the amount of \$1,000,000 each occurrence and \$2,000,000 general aggregate naming the City of San Juan Bautista as an additional insured; and

WHEREAS, on June 29, 2021, by Resolution 2021-34A the City Council approved the delegation of authority to its private security provider to issue administrative citations for violation of the City's fireworks laws during times of extreme heat, dry weather and extreme fire danger; and

WHEREAS, the State of California, San Benito County and the City are in the third year of a drought and continue to experience longer wildfire seasons, extended dryness with little precipitation, and above normal temperatures which results in lower-than-normal fuel moisture levels and accordingly an increased potential for wildland fire activity; and

WHEREAS, by Resolution 2021-34A the City Council also established a bail schedule for administrative citations issued pertaining to enforcement of Section 5-16-100 which provides for a fine of \$1,000 for a first offense, \$2,500 for a second offense and \$5,000 for a third or subsequent offense.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SAN JUAN BAUTISTA AS FOLLOWS:

1. The above Recitals are true and correct.
2. In accordance with Section 5-16-100 of the Municipal Code the City Council hereby designates, permits and orders that the date of July 4, 2022, commencing at noon and ending at 10:00 p.m. shall be the date and times during which it shall be lawful for any person over the age of 18, or a minor accompanied by and under the supervision of a parent or guardian, to ignite, fire off, or cause to be exploded fireworks of the type approved by the State Fire Marshall for use by the general public which are sold only in factory-packaged assortments.
3. In accordance with Section 5-16-100 of the Municipal Code the City Council further designates, permits and orders the use of the fireworks described in Section 1 only on private property within the City for which the owner of the property has given prior permission for such use.
4. The City Council hereby affirms the bail schedule established by Resolution 2021-34A for violation of Section 5-16-100.
5. In accordance with Section 5-1-165 of the Municipal Code, the City Council hereby directs that one permit be issued for the sale of factory-packaged legal fireworks of the type permitted by the California State Fire Marshall for use by the general public for use where permitted by local regulation and requests the Fire Chief of the City of Hollister to issue that permit to the Anzar High School Boosters Club to allow the sale of such fireworks in the City of San Juan Bautista at the Windmill Market, 301 The Alameda between the hours of 9:00 a.m. to 7:00 p.m. commencing at noon on June 30, 2022 and ending on July 4, 2022. The Anzar High School Boosters Club is a non-profit organization and is not required to obtain a business permit for this fundraising event from which the receipts are used solely for a benevolent purpose.

6. For purposes of clarity the use of any fireworks within the City other than legal "safe and sane" fireworks contained in factory-packaged assortments of fireworks permitted by the State Fire Marshall for use by the general public by those persons and during the period and at the locations designated by this resolution may subject the user to the penalties provided by Resolution 2021-34A.

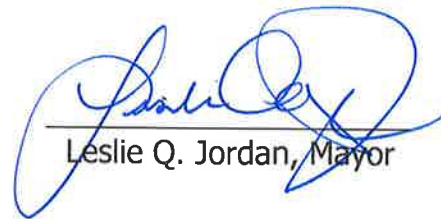
PASSED AND ADOPTED this 24th day of May, 2022 at a special meeting of the City Council by the following vote:

AYES: Jordan, Edge, Flores, Freels, Freeman

NOES: None

ABSENT: None

ABSTAIN: None



Leslie Q. Jordan, Mayor

ATTEST:



Don Reynolds, Acting Deputy City Clerk



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-0540

Entity Status Letter

Date: 1/6/2023

ESL ID: 9177173882

Why You Received This Letter

According to our records, the following entity information is true and accurate as of the date of this letter.

Entity ID: 3498767

Entity Name: ANZAR HIGH SCHOOL BOOSTER CLUB, INC.

- ☒ 1. The entity is in good standing with the Franchise Tax Board.
- ☐ 2. The entity is **not** in good standing with the Franchise Tax Board.
- ☒ 3. The entity is currently exempt from tax under Revenue and Taxation Code (R&TC) Section 23701 d.
- ☐ 4. We do not have current information about the entity.
- ☐ 5. The entity was administratively dissolved/cancelled on _____ through the Franchise Tax Board Administrative Dissolution process.

Important Information

- This information does not necessarily reflect the entity's current legal or administrative status with any other agency of the state of California or other governmental agency or body.
- If the entity's powers, rights, and privileges were suspended or forfeited at any time in the past, or if the entity did business in California at a time when it was not qualified or not registered to do business in California, this information does not reflect the status or voidability of contracts made by the entity in California during the period the entity was suspended or forfeited (R&TC Sections 23304.1, 23304.5, 23305a, 23305.1).
- The entity certificate of revivor may have a time limitation or may limit the functions the revived entity can perform, or both (R&TC Section 23305b).

Connect With Us

Web: **ftb.ca.gov**
Phone: 800-852-5711 from 7 a.m. to 5 p.m. weekdays, except state holidays
916-845-6500 from outside the United States

California

Relay Service: 711 or 800-735-2929 (For persons with hearing or speech impairments)

CITY OF HOLLISTER
375 FIFTH STREET
HOLLISTER, CA 95023
PAGE 1 OF 2

DATE AND TIME RECEIVED

FIREWORKS SALES PERMIT APPLICATION

This form must be filed with the City Clerk's Office prior to the City council review and issuance of a fireworks sales permit.

Section 1:

Organization: Anzar HS Boosters
Address: 2000 San Juan Highway, San Juan Bautista, CA 95045
Contact: Sherry Castro / Gina Acevedo
Phone Number(s): (831) 345-7529 / (831) 206-4552

Section 2:

Applications for permits shall be filed with the City Clerk's Office of the City of Hollister as follows:

- (a) Applicants shall be a 501(c) nonprofit organization.
- (b) Applications are to be filed between March 1 and March 31, inclusive, of each year by said nonprofit organization.

Each applicant shall disclose the location where "safe and sane fireworks" will be stored prior to the effective date of the permit and where those not sold during the term of the permit will be subsequently stored.

Each permit shall be valid for a period of not more than seven (7) consecutive days immediately prior to and including July 4th of each year and shall be limited to a particular site, which site shall be located within three hundred (300) feet of a fire hydrant, at least fifty (50) feet from any structure, and at least three hundred (300) feet from any other permitted site.

No stand or structure shall be constructed or erected for the sale of "safe and sane fireworks" more than ten (10) days prior to the effective date of the permit for the site and shall be dismantled and removed from the site within seven (7) days of the date of expiration of the permit.

Requested Site Location (be specific; attach map): Parking lot at The Alameda
301 The Alameda, San Juan Bautista, CA

CITY OF HOLLISTER
FIREWORKS SALES PERMIT APPLICATION
PAGE 2 OF 2

Where will parking be provided: Adjacent to the stand in parking spaces

Distance from the nearest fire hydrant: 230'

Distance to closest structure: 170"

Requested first date of sales: 06/28 @ 12 noon

Location where fireworks will be stored prior to sales: In approved containers at the Hollister Airport.

Location where fireworks will be stored following sales: Same

.....
Section 3:

DocuSigned by:
Sherry Castro
Signature of Applicant

3/21/2023
Date

Section 4:

1. Sales Site Use Zone (Planning Department): _____

2. Use Permitted (Planning Department): _____

3. Site approved for use (Fire Department): _____

Comments: _____

RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT

Anzar HS Boosters _____, its employees, agents, officers, representatives, contractors, heirs and assigns, (collectively "Applicant"), hereby WAIVES, RELEASES AND DISCHARGES any and all claims against the City of Hollister and/or its employees, officers, agents, or contractors, (collectively "City"), for death, personal injury, property damage, or any other damages which Applicant may have or suffer, or which may hereafter accrue, as a result of the:

- ☐ Block Party
- ☐ Parade
- ☐ Public Event
- ☐ Banner/Sign
- ☒ Other Fireworks Sales Booth

("the Activity"). This RELEASE is intended to discharge the City in advance from any and all liability arising out of or connected in any way with the Activity, even though that liability may arise out of negligence or carelessness on the part of the City.

Applicant further understands that accidents, whether of a serious or minor nature, occasionally occur during the course of an Activity such as that for which Applicant has requested permission from the City of Hollister; and that participants may occasionally sustain mortal or serious personal injuries, and/or property damage, as a consequence thereof. Knowing the risks of the Activity, Applicant ASSUMES those risks and agrees to RELEASE AND HOLD HARMLESS the City regardless of whether or not any injury or damage is caused in part by the City.

It is further understood and agreed that this WAIVER, RELEASE AND ASSUMPTION OF RISK is to be binding on Applicant, and such individuals or entities comprising Applicant, and Applicant will make no claim against, sue, attach the property of, or prosecute the City for injury or damage or economic loss resulting from the negligence or other acts or omissions, howsoever caused, of City, as a result of Applicant's participation in, or City's authorization of the Activity, or any other act or omission of City relating to the Activity.

Applicant shall INDEMNIFY, RELEASE AND HOLD HARMLESS the City from:

(a) Any and all claims, demands, causes of action, damages, costs, expenses, losses, or liabilities, in law or in equity, of every kind and nature whatsoever, for, but not limited to, injury to or death of any person including Applicant, and damages to or destruction of any property of City or Applicant, or any economic loss suffered by Applicant, arising out of or in any manner directly or indirectly connected with the Activity, however caused and regardless of whether or not caused in part by the City.

(b) Any and all damages, costs, expenses, or penalties, imposed on account of the violation of any governmental law or regulation, compliance with which is the responsibility of Applicant.

Applicant shall, at its own cost, expense and risk, defend all suits, actions, or other legal proceedings of every kind that may be brought or instituted by third persons against the City, relating to the Activity, or to enforce any penalty relating to the Activity. Applicant shall pay and satisfy any judgment, award, decree or penalty assessment that may be rendered against City, in any such suit, action or other legal proceedings. Applicant shall reimburse City for any and all legal expenses and costs incurred by City in connection therewith or in enforcing this Agreement.

Notwithstanding the foregoing, nothing herein shall be construed to require Applicant to indemnify the City from any claim arising from the sole negligence or willful misconduct of the City.

3/21/2023

DATE

DocuSigned by:

Sherry Castro

APPLICANT E61E02C46F4B4C6

Anzar HS Football & Cheer

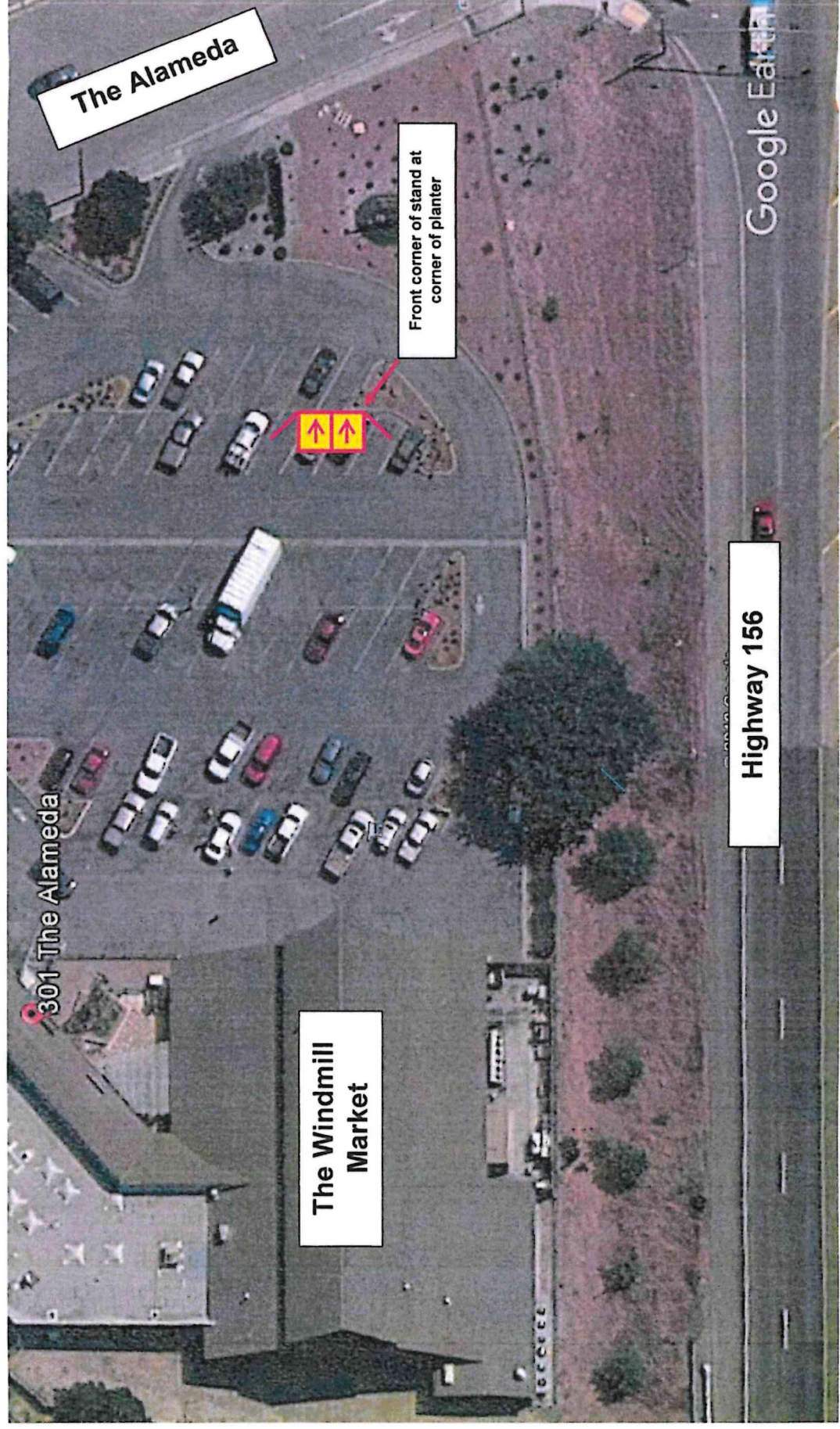
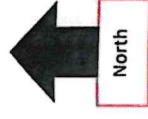
Alameda Plaza

301 The Alameda, San Juan Bautista, CA

16' Stand, Wings

Location: XXX1247


Notes: Stand faces The Alameda. Use 4 (four) sand bags inside stand to anchor stand.



TO THE CITY OF SAN JUAN BAUTISTA,

Permission is hereby granted to Anzar High School Booster Club and American Promotional Events Inc.- West for the right to use the property located at The Alameda Plaza, 301 The Alameda in the City of San Juan Bautista for their 2023 Fireworks stand.

It is understood that this sale will be conducted in accordance with all City, County, and State regulations. This permission is contingent on receiving proof of insurance & City approval for the stand to operate during approved operating period.

Signature:  _____
Print Name: James Gibson _____
Date: 03/23/23 _____

XXX1247



STATE OF CALIFORNIA, NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
RETAIL FIREWORKS LICENSE APPLICATION
FWX-15 (REV. 12/18)

Complete and return all copies to the Office of State Fire Marshal with the required fee of \$50.00 made payable to "CAL FIRE". **Applications must be received prior to June 15th of the current year.**

Fire Engineering
Office of the State Fire Marshal
PO Box 944246, Sacramento, CA
94244-2460
(916) 568-2948

LICENSEE INFORMATION

Name (Last, First): Broussard, Milton	Phone Number:
Mailing Address (Street Address, City, CA, Zip): 8151 POWER RIDGE ROAD, SACRAMENTO, CA, 95826	
Local Contact Person and Phone Number (if different from Licensee above): Milton Broussard, (916) 704-3473	

STAND INFORMATION

Group Name: Anzar HS Boosters
Physical Address (Street Address, City, CA, Zip): 301 The Amameda, San Juan Bautista, CA, 95045
County of Stand Location: San Benito

WHOLE SALE FIREWORK VENDOR INFORMATION

Business Name: AMERICAN PROMOTIONAL EVENTS-WEST	License No.: W-1081
Contact Name: Broussard, Milton	Phone Number: 9167043473

FIRE AUTHORITY HAVING JURISDICTION

Fire Department: Hollister Fire Dept.
Physical Address (Street Address, City, CA, Zip): 375 Fifth Street , Hollister, CA, 95023

CAL Fire Validation No. 2787 Valid Through 06/28/2023-07/06/2023

01/11/2023

Signature of Fireworks Program Coordinator

Signature of Licensee

Date

-NOTICE-

COPY OF THIS NOTICE MUST BE POSTED AT STAND WITH A COPY OF THE LOCAL PERMIT

A validated license has been issued to the organization shown above for the sale of Safe and Sane fireworks at the location indicated. After a permit has been issued by the authority having jurisdiction this license allows the sale of only classified "Safe and Sane" fireworks at the approved location from NOON, June 28th to NOON, July 6th, of the year indicated. **NOTE:** Retail licensees are required to be atleast 21 years of age, employees of fireworks stand must be at least 18 and fireworks may not be sold to anyone under age of 16

For CAL FIRE DAO Use Only: Index-5942, PCA-59420, Source Code- 4129400



CERTIFICATE OF LIABILITY INSURANCE

11/1/2023

DATE (MM/DD/YYYY)

11/1/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies
3280 Peachtree Road NE, Suite #250
Atlanta GA 30305
(404) 460-3600

CONTACT

NAME:

PHONE

(A/C, No, Ext):

FAX

(A/C, No):

E-MAIL:

ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Everest Indemnity Insurance Company

10851

INSURED
1359629 American Promotional Events, Inc.
DBA TNT Fireworks, Inc.
555 North Gilbert Avenue
Fullerton CA 92833

INSURER B :

INSURER C :

INSURER D :

INSURER E :

INSURER F :

COVERAGES

CERTIFICATE NUMBER: 12383260

REVISION NUMBER: XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	N	SI8GL00242221	11/1/2022	11/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	NOT APPLICABLE			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured: The parking lot located at 301 The Alameda, San Juan Bautista, CA 95045 (Loc# XXX1247). Anzar High School Football and Cheer / The City of San Juan Bautista and/or volunteers / Alameda Plaza / The above listed are Additional Insureds with respect to the General Liability Policy as required by written contract subject to policy terms, conditions and exclusions.

CERTIFICATE HOLDER

12383260

The City of San Juan Bautista
311 Second Street
San Juan Bautista CA 95045

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



March 20, 2023

Council Members
City of San Juan Bautista
311 Second Street
San Juan Bautista, CA 95045

Dear Mayor & Council Members,

The Anza High School Boosters is requesting permission to sell State Approved "Safe & Sane" Fireworks for the 2023 4th of July Celebration. This sale is the largest annual fundraiser for the High School Boosters.

The sale will be held in a fireworks stand on the parking lot of the Windmill Market at 301 The Alameda, San Juan Bautista, CA. Written permission for use the parking lot will be secured from Jim Gibson, owner of the Windmill Market. Jim has given verbal permission contingent on Council approval. The dates of sale will be June 30th thru July 4th and daily hours of operation are 9am to 10pm.

Insurance coverage in the amount of \$1,000,000 accompanies this request. Covered are the Windmill Market, Anzar HS Boosters and the City of San Juan Bautista and/or volunteers. A certificate of insurance has been hand delivered to Jim Gibson.

A State Fire Marshal License has been obtained from the Office of the State Fire Marshal and accompanies this request. All information needed by the City of Hollister Fire Department will be submitted to their office for City permit & stand inspection.

If there is anything else the City of San Juan Bautista requires, please let me know.

Milton D. Broussard- Area Manager
TNT Fireworks
c- (916) 704-3473



Item: 10.A
City Council Meeting
April 18, 2023

CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

DATE: APRIL 18, 2023

DEPARTMENT: CITY ATTORNEY

BY: ROBERT W. RATHIE, CITY ATTORNEY

TITLE: REVISITING ZONING CODE SECTION 11-04-110
REGARDING REGULATION OF LARGE-SCALE RETAIL,
FORMULA RETAIL, FORMULA RESTAURANT AND
FORMULA VISITOR ACCOMMODATIONS BUSINESSES.

DISCUSSION ITEM:

During the discussion of Item 6.C. at the City Council meeting on March 21, 2023, Council Members discussed and received comments from members of the public concerning possibly revisiting the “Formula Business Ordinance” with the goal of encouraging a bank, pharmacy or another hotel to locate in San Juan Bautista. The City Council requested that an ordinance revision be brought back at this meeting as a discussion item. The attached change to Section 11-04-110, which like any revision to the Municipal Code would need to be adopted by ordinance, is submitted for that purpose.

This revision would establish a purpose for the regulation and describes the three types of businesses that would continue to be regulated - large-scale retail, formula retail and formula restaurant and further describes and defines the attributes of “large-scale” retail and “formula” retail and restaurant businesses. Reference to “Visitor accommodations” is deleted in the revision.

Neither the present ordinance nor the revision effect a total ban on such businesses and the findings required for a conditional use permit, required in each instance, remain essentially the same.

The proposal would exclude as formula businesses banks or credit unions, pharmacies not otherwise located within a large-scale retail business, grocery stores, and gas stations. Hotels, motels and inns are also excluded from categorization as formula businesses and each is permitted as a conditional use in the Commercial and Mixed Use Districts. Banks are a permitted use in the Commercial and Mixed Use Districts as are drug stores and grocery stores. Gas stations are conditional uses in the Commercial and Industrial Districts. “Large-scale retail business development” is defined in the Zoning Code as meaning any structure of 5,000 square feet or greater occupied by one retail establishment.

The revision also provides that in the event of any conflict with another section of the Municipal Code, Section 11-04-110 would control and that in the event an applicant challenges the

designation of the business as one of the types of businesses regulated by Section 11-04-110 the burden is on the applicant to prove otherwise.

California has a well-established history with formula business restrictions at the city level. In addition to prominent “big box” store regulations, many cities of varying size across the state have enacted prohibitions against formula businesses. California courts have largely upheld these restrictions against legal challenges under the dormant commerce¹ and equal protection clauses of the U.S. Constitution.

It is also a well-established legal principle that a city’s police power has broad application to protect the public health, safety and welfare of its residents which has been interpreted to include regulating formula businesses.

The attached proposed revision of Section 11-04-110 is submitted for purposes of discussion.

-RWR

¹ The Dormant Commerce Clause, or Negative Commerce Clause, in American constitutional law, is a legal doctrine that courts in the United States have inferred from the Commerce Clause in Article I of the US Constitution. The primary focus of the doctrine is barring state protectionism. The Dormant Commerce Clause is used to prohibit state legislation that discriminates against, or unduly burdens, interstate or international commerce.

11-04-110 Large-scale retail business, formula retail or formula restaurant business.

(A) The purpose of this section is to regulate the location and design of large-scale retail business, formula retail business, and formula restaurant business establishments in order to maintain the unique and historic small town visual appearance and character of the City, the diversity of the community's unique commercial area, the quality of life for City residents, and to promote the long-term economic health of visitor-serving businesses and the community as a whole.

(B) "Large-scale retail" means a commercial retail establishment for the sale of merchandise, services or a product to which either of the following apply: (i) such establishment has ground floor street-level facade exceeding twenty-five (25) linear feet on any street, or (ii) the useable area of the building or structure wherein a single business is to be located and conducted is five thousand (5,000) square feet or greater.

(C) "Formula" for purposes of this section means a type of business activity which is required by contractual or other arrangement or affiliation to maintain a standardized ("formula") array of merchandise and/or a product, menu, employee uniforms, décor, façade, design, signage, color scheme, trademark or service mark, name, or similar standardized features which cause it to be substantially identical to other businesses in the United States, regardless of ownership or location, at the time the conditional use permit application required herein is deemed complete.

(D) "Formula retail business" means a commercial retail establishment for the sale of merchandise, services and/or a product including a standard array of merchandise and/or a product and one or more of the other attributes described in subsection (C) above.

(E) "Formula restaurant business" means a retail establishment primarily devoted to the on-site preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual other arrangement to offer any of the following: standardized menus, ingredients, food preparation, décor, uniforms, architecture, signs or similar standardized features and which causes it to be substantially identical to other restaurants.

(F) Other Definitions.

"Color scheme" means selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade.

"Decor" means the style of interior furnishings, which may include, but is not limited to, style of furniture, wall coverings or permanent fixtures.

"Facade" means the face or front of a building, including awnings, looking onto a street or an open space.

"Ground floor street-level facade" means that street level portion of a building facing a public street.

"Service mark" means word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

"Signage" means a sign pursuant to Chapter 11-10 of this title.

“Standardized array of merchandise or a product” means fifty (50) percent or more of in-stock merchandise or a product are from a single distributor bearing uniform markings.

“Standardized array of services” means a substantially common menu or set of services priced and performed in a consistent manner.

“Trademark” means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

“Uniform apparel” means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks, dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

(G) A Conditional Use Permit shall be required for any large-scale retail business, formula retail business, or formula restaurant business in the City. Procedures for each such business’ conditional use permit application shall conform to Chapter 11-20. The following findings shall be required:

- (1) The business offers merchandise, a product and/or services that serve the unmet needs of the population.
- (2) Although a formula-based business may have other store locations throughout the country, State, or region, the business will complement and enhance the existing character of the City.
- (3) Both exterior and interior appearance and presentation of the business are compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and result in an enhancement of the look and feel (i.e., unique historic character) of the surrounding area.
- (4) Signs shall conform to the City sign standards and design guidelines.
- (5) Drive-through food establishments are prohibited.

(H) Large-scale retail, formula retail business, and formula restaurant business are subject to review by the Planning Commission so therefore the business/applicant shall fill out the application requirements for a conditional use permit and any other pertinent applications as specified therein, pay fees specified, and submit plans as set forth therein.

(I) Notwithstanding any other provision of this section, the following types of businesses are not formula businesses: hotels, motels, and inns, banks or credit unions, pharmacies not otherwise located within large-scale retail businesses, grocery stores, or automobile service (i.e., gas) stations.

(J) This section is in addition to, and not in replacement of, any other regulations set forth elsewhere in this title. In the event of a conflict between the provisions of this section, and any other regulations in this title, the provisions of this section shall prevail.

(K) In the event the City determines that a permit application or permit subject to this section is for a large-scale retail or a formula business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a large-scale retail or a formula business.