



City of San Juan Bautista

The "City of History"

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AGENDA

PUBLIC SAFETY COMMITTEE MEETING

MONDAY ~ OCTOBER 24, 2022 ~ 4:00 P.M.

CITY HALL COUNCIL CHAMBERS

311 Second Street

San Juan Bautista, California

– HYBRID MEETING – PUBLIC PARTICIPATION BY ZOOM AND IN PERSON

THIS MEETING WILL BE CONDUCTED PURSUANT TO GOVT. CODE §54953(e)(1)(A).

In order to minimize the spread of the COVID 19 virus the Public Safety Committee is conducting this meeting by Zoom webinar and will be offering alternative options for public participation. You are encouraged to watch the meeting live on Zoom or Facebook.

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

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

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

Join Zoom Webinar <https://us02web.zoom.us/j/89369569393>

or call 1 (669) 900-6833

Webinar ID: 893 6956 9393

PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE PUBLIC SAFETY AD-HOC COMMITTEE. DURING THE MEETING: TO PROVIDE VERBAL PUBLIC COMMENTS ON AN AGENDA ITEM DURING THIS MEETING CALL THE PHONE NUMBER LISTED ABOVE OR LOG INTO ZOOM AND ENTER THE MEETING ID NUMBER AS LISTED ABOVE.

When the Chair announces public comment is open for the item which you wish to speak, press *9 on your telephone keypad or if joining by Zoom, use the raise your hand icon. When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for all other speakers for the particular agenda item. Comments from other platforms will not be considered during the meeting. If you would like to participate during the meeting you MUST use Zoom.

If you are unable to join the meeting, written comments may be mailed to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to deputycityclerk@san-juan-bautista.ca.us not later than 3:00 p.m. on October 24, 2022, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Deputy City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the Public Safety AD-HOC Committee at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

Materials related to all items on this agenda are available in the agenda packet on the City website www.san-juan-bautista.ca.us subject to Staff's ability to post the documents before the meeting, or by emailing deputycityclerk@san-juan-bautista.ca.us or calling the Deputy Clerk (831) 623-4661 during normal business hours.

1. Call to Order

Pledge of Allegiance
Roll Call

2. Public Comment

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

3. Consent Items

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

A. Approve the Affidavit of Posting Agenda

B. Approve the Minutes for the July 25, 2022 Regular Meeting

4. Discussion Items

A. SB County Emergency Services Update and Training

i. County OES Manager Kris Mangano will present

B. Fire Department Update- Advisory Committee- report attached

C. Fireworks Ordinance – report attached

D. Sheriff and Enforcement Services Update, Sheriff Contract- Verbal

E. Parking, Traffic Enforcement and Traffic Calming

Attached- New parking Ordinance adopted and being considered

5. Information Items

A. Standing Committee Appointments and the Election

B. Status of State of the Emergencies: COVID 19 and Severe Drought

6. Adjournment

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE ACTING ADMINISTRATIVE SERVICES MANAGER FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 20th DAY OF OCTOBER 2022, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 20th DAY OF OCTOBER 2022.



TRISH PAETZ
ACTING ADMINISTRATIVE SERVICES MANAGER

**CITY OF SAN JUAN BAUTISTA
REGULAR PUBLIC SAFETY AD-HOC COMMITTEE MEETING
JULY 25, 2022, at 4:00 P.M.**

DRAFT MINUTES

1. **CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 4:00 p.m.

PLEDGE OF ALLEGIANCE – Council Member Freels led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Leslie Jordan, Council Member Scott Freels, Commissioner Yolanda Delgado, Commissioner David Medeiros, Community Member Rachel Ponce

Staff Present: City Manager Reynolds

2. **PUBLIC COMMENT**

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

3. **CONSENT ITEMS**

- A. **Approve the Affidavit of Posting Agenda**
- B. **Approve the Minutes for the May 23, 2022 Regular Meeting**

Mayor Jordan called for public comments, seeing none, she closed the public comments.

A motion was made by Council Member Freels to approve the Consent Calendar. The motion was seconded by Commissioner Medeiros. The motion passed on a roll call vote of 5-0.

Mayor Jordan requested the resolution title to Item 3.C. read “Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Financial Support of the San Benito County Economic Development Corporation (SBC EDC)”.

A motion was made by Mayor Jordan to approve the resolution with the new recommended title. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5-0.

4. **DISCUSSION ITEMS**

- A. **Consider the Public Safety AD-HOC Committee Status and its Future**

Discussion ensued amongst the Committee to recommend to the City Council making the AD-HOC Committee a standing committee.

Mayor Jordan called for public comments, seeing none, she closed the public comments.

- B. **Improving Public Safety Communication with the Public and with Staff**

City Manager Reynolds summarized the staff report and fielded questions from the Committee.

Member Ponce expressed concern for costs associated with hiring an officer.

Mayor Jordan called for public comments, seeing none, she closed the public comments.

C. Fireworks

City Manager Reynolds summarized the staff report and fielded questions from the Committee.

Council Member Freels noted he supported the use of legal fireworks.

Commissioner Medeiros stated fireworks sounds and percussions are getting bigger and staff would need to stay on top of enforcement.

Member Ponce noted the decision needed to be clear as all or nothing is allowed.

Mayor Jordan called for public comments, seeing none, she closed the public comments.

A. Proposed Weed Abatement Program

City Manager Reynolds summarized the staff report and fielded questions from the Committee.

Commissioner Medeiros suggested finding ways to make the abatement more affordable and presented a proposed program for abatements to be done prior to any violations.

Discussion ensued regarding the Fire Marshal inspecting weed abatements. Direction was given for Commissioner Medeiros and staff to bring back findings and recommendations for the Fire Marshal to possibly provide additional support.

Mayor Jordan called for public comments, seeing none, she closed the public comments.

5. ADJOURNMENT

Mayor Jordan adjourned the meeting at 5:29 p.m.

Respectfully submitted,

Don Reynolds, City Manager/Acting City Clerk



PUBLIC SAFETY COMMITTEE STAFF REPORT

AGENDA TITLE: SAN BENITO COUNTY OFFICE OF EMERGENCY SERVICES UPDATE

MEETING DATE: October 24, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

BACKGROUND INFORMATION:

Since the start of the COVID-19 Pandemic, the City has been fully engaged and has been partnering with the San Benito County Office of Emergency Services. This effort has resulted in a terrific partnership between all County agencies, the State and Federal government.

Kris Mangano began as the Director for the County "OES" during the pandemic. She has always welcomed the City and made herself available when asked for help. She coordinated weekly meetings at the height of the pandemic. She has shared all sorts of resources including draft policies, data, statistics, "PPE," and COVID self-testing kits.

The County recently updated the Multi-Jurisdictional Hazard Mitigation Plan which includes the two cities, and outlines in its appendices the best practice in response to various types emergency situations. It is currently being reviewed by the State.

Here is a link to their web-site and the various Plans:

<https://www.cosb.us/departments/office-of-emergency-services-oes-and-emergency-medical-services/emergency-management/county-emergency-plans>

In September, the County hosted a week's worth of training for the employees of local jurisdictions attracting students from the region. Six different staff members from the City attended these, including the City Manager.

DISCUSSION:

Director Mangano will provide the Public Safety Committee with an update of the draft Plan and the approval process, the proposed training classes for the community. She will also update the Committee on the status of the current two States of Emergency: Pandemic and severe Drought.



PUBLIC SAFETY COMMITTEE STAFF REPORT

AGENDA TITLE: FIRE DEPARTMENT UPDATE AND ADVISORY COUNCIL
MEETING DATE: October 24, 2022
DEPARTMENT HEAD: Don Reynolds, City Manager

BACKGROUND INFORMATION:

In July, to improve communication in the community on the topic of Public Safety, the City began hosting both the Sheriff and Fire Department at the regular City Council meetings. Also, during this past year, the City agreed to participate in the newly created Fire Department Advisory Council. The attached Resolution 2022-19 March 15, 2022. It appoints Councilmember Freels and Mayor Jordon to the Advisory Committee and the Public Safety Ad-Hoc Committee.

Like the effort from 2014-2016, the Advisory Committee has been asked to explore the possibility of changing the Fire services from a Department managed by the City of Hollister, to a special district representing the whole County. As proposed and if successful, the City would be part of its governing board.

DISCUSSION:

The Fire Chief or his delegate, will provide the Committee with an update in the Fire Department, and a summary of the work of the Advisory Committee. At the meeting held Thursday October 20th, they discussed "heat maps." Attached is the map and data from 2019-2022 of the accidents that have occurred in and near the City.

The Advisory Committee also requested that the feasibility of forming a county-wide Fire District be considered. To start this process (one attempted in 2014-2016). The attached proposal to update the feasibility study. The City and Committee agreed to the scope of work, and is moving forward with this initial study.

ATTACHMENTS:

Resolution 2022-19

Heat Maps and Accident Data

District Feasibility Study Scope of Work

RESOLUTION NO. 2022- 19

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA APPOINTING TWO COUNCILMEMBERS TO THE FIRE PROTECTION ADVISORY COMMITTEE

WHEREAS, all of San Benito County is served by the Hollister Fire Department; and

WHEREAS, fire protection services to the County unincorporated area and for the City of San Juan Bautista are provided through separate contracts; and

WHEREAS, the City of Hollister Fire Department has executed several mutual aid agreements with the surrounding fire service agencies including Cal Fire to support them with resources in times of extreme needs; and

WHEREAS; the fire protection needs of the County are reviewed every five-years, and this was last done with the support of a "Fire Protection Advisory Committee" established in 2014-15, resulting in a Fire Protection and Life Safety Feasibility Study completed in 2018; and

WHEREAS, San Juan Bautista is represented at the Intergovernmental Committee by Councilmember (and Chair) John Freeman, and Mayor Leslie Jordon, and they meet with the appointed delegates from Hollister and County Board of Supervisors the first Thursday of every month; and

WHEREAS, at the March 3, 2022, Intergovernmental Committee meeting. the Fire Chief gave his annual report for the period ending December 31, 2021; and

WHEREAS, the Committee also discussed changes occurring in the region including growth of new housing and industrial centers, the need for a public safety center at the San Juan Oaks future development, and others issues including reconsideration of establishing a regional Fire District; and

WHEREAS, changes in the region justify the need to update of the 2018 Fire Protection and Life Safety Feasibility Study, this should occur every five-years, and the members of this Committee unanimously agreed to request that elected officials from each jurisdiction to a new Fire Protection Advisory Committee; and

WHEREAS, these ideas were discussed along with the City's new Strategic Plan, at the Special Council Meeting held March 8, 2022, (the continuation of the February 15, 2022 Council meeting), and the Council seemed to support establishing and participating in a Fire Protection Advisory Committee.

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

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

2. It agrees that a new Fire Protection Advisory Committee be established with two representatives from the city councils of the City of San Juan Bautista, Hollister and the County Board of Supervisors.
3. That the City Council appoints Public Safety Ad-Hoc Committee Members Mayor Jordon and Councilmember Freels.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting held on the 15th day of March 2022, by the following vote:

AYES: Jordon, Flores, Edge, Freels, Freeman

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

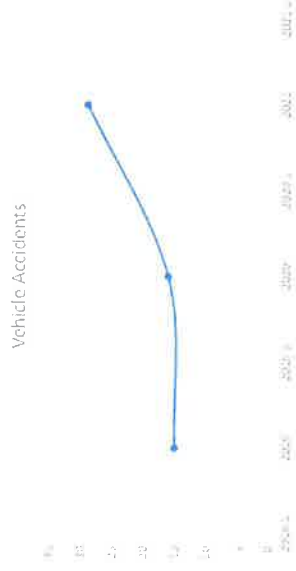
Leslie Q. Jordan, Mayor

Don Reynolds, Acting Deputy City Clerk

	2019	2020	2021
FIRE	6	8	10
EMS	107	114	164
OTHER	76	80	87
Totals by year	189	202	261

Vehicle Accidents

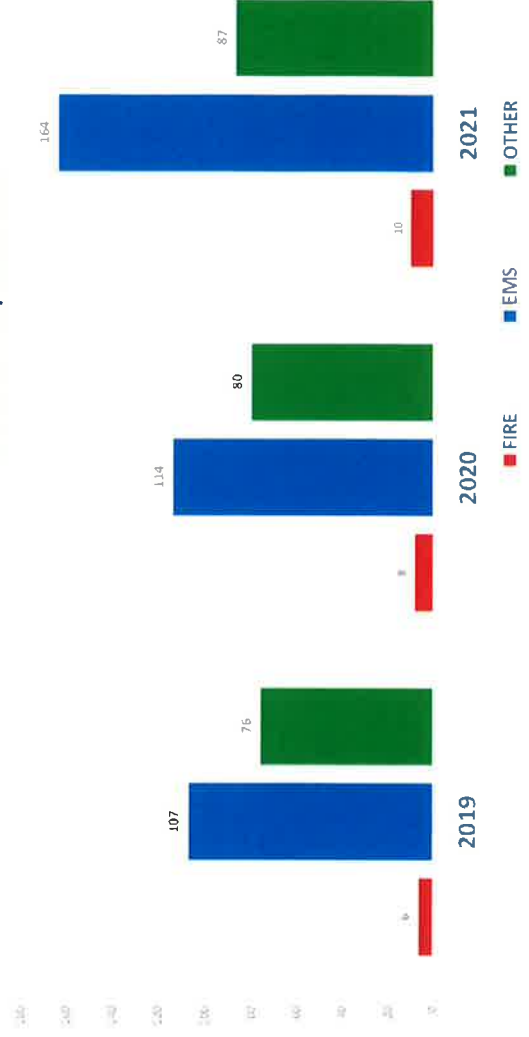
2019 2020 2021



FIRE	▲
EMS	*
OTHER	●

Hazardous Condition (No Fire)
Service Call
Good Intent Call
False Alarm & False Call
Severe Weather & Natural Disaster

FDID 35015 - City Limits of SJB





PERSONAL SERVICES CONTRACT

This agreement made this ____ day of ____ 2022, by and between **San Benito County** and **Emergency Services Consulting International** doing business as an Oregon corporation in Wilsonville, Oregon, hereinafter called **ESCI**.

WITNESSETH:

For and in consideration of the payment, agreements, and scope of work herein attached as **Attachment A** to be made and performed, Client and **ESCI** hereby agree to commence and complete the consultation, to provide the work described, and comply with the terms of the contract to conduct a Fire District Formation Workshop.

2. **ESCI** will furnish labor, materials, and other services necessary to complete the **Project** for Client, and Client shall provide to **ESCI** the information, data, and assistance required as specified in the attached scope of work.
3. Fees: The Client shall pay **ESCI** a sum not to exceed **Sixteen Thousand Eighty Six Dollars (\$16,086) including expenses**. Client shall pay **ESCI** according to the following schedule:
 - A. 10% due at contract signing
 - B. Monthly payments as work progresses
 - C. Payment shall be made within 30 days of receipt of invoice
4. This agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
5. The laws of California shall govern this agreement.
6. **ESCI** shall comply with all federal, state, and local laws applicable to the work under this agreement.
7. Termination. Client may terminate this agreement for any reason upon thirty (30) days written notice to **ESCI**. Payment for all work completed and expenses incurred up to the time of termination shall be due immediately upon termination by Client.
8. Amendment. This agreement may be amended by mutual written agreement of all parties.
9. Independent Contractor. **ESCI** is engaged as an independent contractor and will be responsible for any federal or state taxes applicable to the payments under this agreement. **ESCI** is not currently employed by Client and will not be under the direct control of Client. Because **ESCI** is an independent contractor, Client will not be liable for any tax withholding, social security payments, state workers' compensation insurance, unemployment insurance, retirement system payments, or other similar expenses normally payable on behalf of employees of Client.
10. Indemnification. **ESCI** agrees to indemnify, defend, and hold harmless Client and its officers, agents and employees, from and against any and all claims, losses, actions, or judgments for damages or injury to persons or property arising out of or in connection with the acts and/or any performances or activities of **ESCI**, **ESCI's** agents, employees, or representatives under this Agreement.
11. Attorney Fees. If suit, action, or arbitration is brought either directly or indirectly to enforce the terms of this agreement, the prevailing party shall recover, and the losing party hereby agrees to pay, reasonable attorney's fees incurred in such proceeding, in the trial and appellate courts, as well as costs and disbursements as ordered by a court of competent jurisdiction.



Emergency Services Consulting International

Providing Expertise and Guidance that Enhances Community Safety

12. This agreement is an integrated writing, executed by the parties after negotiation and discussions of all material provisions. None of the parties to this agreement have relied upon inducements, concessions, or representations of fact, except as set forth in this agreement.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, the agreement in two (2) copies, each of which shall be deemed an original, on the first date written above.

San Benito County

By: _____ Title: _____ Date: _____
Signature

Emergency Services Consulting International

By: _____ Title: _____ Date: _____
Signature



Emergency Services Consulting International
Providing Expertise and Guidance that Enhances Community Safety

Attachment A
Scope of Work

Project Understanding

Emergency Services Consulting International (ESCI) was retained in 2017 by San Benito County in association with the City of Hollister and the City of San Juan Bautista to conduct a comprehensive, countywide feasibility study of fire protection and life safety. The initial report, updated and amended in February 2018, reflects an enhanced analysis of options and recommendations included in the original report.

The study aimed to identify opportunities to expand and/or strengthen existing fire protection and life-safety services as provided within the unincorporated areas of San Benito County and the two incorporated cities. The study examined technical feasibility, potential costs, and service benefits to the taxpayers, if the jurisdictions were to enhance the fire and emergency services contract with the City of Hollister, consolidate under either a Joint Powers Authority (JPA) or fire protection district, or contract for fire and emergency services with CAL FIRE. Although other alternatives were considered, none were viable. Each of the three options presented was described in detail and included various associated costs and five-year forecasts of revenues and expenditures based upon the best assumptions at the time.

The three study participants have continued to meet and discuss study findings and potential direction. These activities resulted in a decision to jointly move forward with forming a special fire protection district providing fire protection, EMS, and other emergency services to all incorporated and unincorporated areas throughout the county. The partners requested assistance from ESCI to better understand the steps required to form a district and develop a plan to accomplish that goal.

ESCI is proposing a **Fire District Formation Workshop** designed to review and recommend updates to the pertinent findings from the 2018 study related to the formation of a fire district, discuss the steps required under California law (*Fire Protection District Law of 1987*) for the formation of a fire district, and assist the partners with the development of a step-by-step plan to implement a countywide fire protection district.

Scope of Work: Fire District Formation Workshop

Phase I: Project Preparation

Task 1-A: Project Initiation & Work Plan Development

ESCI will develop a project work plan based on the scope of work and converse with the San Benito project team to gain a comprehensive understanding of the background, goals, and expectations for this project. This work plan will be developed, identifying:

- Primary tasks to be performed
- Person(s) responsible for each task
- Timetable for each task
- Method of evaluating results
- Resources to be utilized
- Possible obstacles or problem areas associated with the accomplishment of each task

This exchange will also help to establish working relationships, make logistical arrangements, determine appropriate lines of communication, and finalize contractual arrangements.

Task 1-B: Acquisition & Review of Background Information

ESCI will request pertinent information and data from the assigned project manager for each of the three participants. This data will be used to recommend various updates to the original report findings relative to the formation of a fire district in advance of the workshop.

Phase II: Recommended Update of Key Findings and Assumptions

ESCI will identify any pertinent findings from the original study that impact the formation of a fire district and will need to be updated before moving forward. These items include but are not limited to the following:

- Service demand and response criteria
- Staffing and deployment
- Organizational structure and operating procedures
- Revenue and expenditure assumptions
- Five-year financial forecast

Phase III: Two-Day District Formation Planning Workshop

Task 3-A: Review of Prior Study Findings and Update Recommendations

ESCI will review the results of the original study pertinent to the formation of a countywide fire district and offer recommendations on those items that need to be updated as part of the district formation process.

Task 3-B: Review California Special District Requirements/Process

ESCI will review the steps required under California law for the formation of a fire protection district. Special districts generally contain the following elements and processes, which will be reviewed during the workshop and considered as participants develop their plan:

- Local voters may determine a need for a particular service and propose forming a special district.
- Community members provide a signed petition to the *Local Agency Formation Commission* (LAFCO) for review. LAFCO is the entity that may approve a proposed special district.
- Once approved by LAFCO, the plan is put to the voters or landowners for approval. Voting community members can override a special district creation through the "protest hearing" process.

- LAFCO may condition special district approval on the successful passage of a special tax to fund the district.
- Voters must approve any new taxation associated with the special district by a two-thirds vote, per *California Proposition 218*, amending the State Constitution in 1996.
- Special districts are managed by a board of directors and must operate within a series of state laws and guidelines, including the *Brown Act*, describing the process for managing public meetings, including public records, and required audit submissions.

Task 3-C: Development of a Step-by-Step Plan

ESCI will assist the partners with the development of a sequential plan that will result in the ultimate formation of a countywide fire protection district. The plan will provide specific goals and objectives, timelines for completion, and responsible parties for the accomplishment of those objectives.

Phase IV: Development, Review, and Delivery of Fire District Formation Plan

Task 4-A: Development and Review of Draft Fire District Formation Plan

ESCI will develop and produce an electronic version of the draft implementation for review by the San Benito team. Client feedback is a critical part of this project, and adequate opportunity will be provided for review and discussion of the draft report prior to finalization. The report will include:

- Detailed narrative analysis of each report component structured in easy-to-read sections and accompanied by explanatory support to encourage understanding by both staff and civilian readers
- Clearly designated recommendations highlighted for easy reference
- Supportive charts, graphs, and diagrams, where appropriate
- Supportive maps, as necessary

Task 4-B: Delivery and Presentation of Final Fire District Formation Plan

ESCI will complete any necessary revisions of the draft and produce five publication-quality bound, final versions of the written implementation plan, along with an electronic version in PDF file format. A virtual presentation of the plan will be made by ESCI project team member(s) to staff, elected officials, and/or the public as necessary.

Fire District Formation Workshop Timelines

ESCI offers the following project timeline, which is subject to change based upon the mutual agreement between San Benito County and ESCI. The timeline will not begin until ESCI has been provided with *all* information and data necessary for the successful completion of the project.

Project Phase	Month 1	Month 2
Phase I: Project Preparation		
Phase II: Recommended Updates to Key Findings and Assumptions		
Phase III: Two-Day District Formation Workshop		
Phase IV: Develop, Review and Delivery of Final Fire District Plan		

Fire District Formation Workshop Proposed Project Fee

Emergency Services Consulting International is pleased to present the following formal cost proposal for the Fire District Formation Workshop outlined in the Scope of Work.

Project Phase	Consulting Fees	Expenses	Total
Phase I: Project Preparation	\$1,041	\$0	\$1,041
Phase II: Recommended Updates to Key Findings and Assumptions	\$1,216	\$0	\$1,216
Phase III: Two-Day District Formation Workshop	\$9,519	\$1,424	\$10,943
Phase IV: Develop, Review, and Delivery of Final Fire District Plan	\$2,486	\$400	\$2,886
Total Cost (Not to exceed):			\$16,086

Proposed Payment Schedule

- 10% payment due upon signing of the contract.
- Monthly invoicing thereafter as work progresses.



PUBLIC SAFETY COMMITTEE STAFF REPORT

AGENDA TITLE: FIREWORKS ORDINANCE UPDATE

MEETING DATE: October 24, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

BACKGROUND INFORMATION:

Attached for the Committee's information, is the proposed Fireworks Ordinance that was tabled indefinitely by the City Council at its meeting October 18, 2022. It proposes to ban fireworks in the City.

DISCUSSION

After discussing this item at two City Council meetings, the matter was tabled indefinitely. By not acting, the City Council agree on a 4-0 vote, to allow the sale of fireworks by the Anzar High School Booster Club, and the limit the use of fireworks between the hours of 5 PM and 10 PM on the 4th of July.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2022-XX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Leslie Q. Jordan

ATTEST:

**Don Reynolds, City Manager,
Acting Deputy City Clerk**

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney

EXHIBIT A

Chapter 5.16 FIREWORKS

Sections:

- 5-16.100 Purpose and Findings.
- 5-16-200 Definitions.
- 5-16-300 Prohibition.
- 5-16-400 Seizure of Fireworks.
- 5-16-500 Host Liability.
- 5-16-600 Exceptions.
- 5-16-700 Violation Penalty.
- 5-16-800 No Mandatory Duty of Care.

5-16-100 Purpose and Findings.

- (A) Fireworks present a significant hazard to the City of San Juan Bautista, the environment and the safety of its citizens.
- (B) It is in the city's best interest to prohibit the sale, use, possession and discharge of fireworks, including illegal and "dangerous fireworks" and legal fireworks also known as "safe and sane fireworks."
- (C) The purpose of this chapter is to establish a prohibition on the sale, use, possession and discharge of fireworks in the city of San Juan Bautista.
- (D) California Health and Safety Code Section 12500 et seq. provides for regulation of the manufacture, classification and, in part, sales of safe and sane fireworks by the California State Fire Marshal and California Health and Safety Code Sections 12541 and 12541.1 allow local jurisdictions to prohibit or otherwise regulate sale based upon local conditions.
- (E) In 2022 and previously, California has experienced devastating wildfires. The City of San Juan Bautista is surrounded by brush-covered lands so that fireworks present a significant fire hazard to the environment and the safety of its citizens.
- (F) Many jurisdictions elsewhere have already banned fireworks.

5-16-.200 Definitions

- (A) As used herein, the words and phrases "fireworks," "dangerous fireworks," and "safe and sane fireworks" shall have the meanings ascribed to them in Section 12500 et seq. of the California Health and Safety Code.
- (B) As used herein, the word "host" means a person who either is in charge of private property, including, but not limited to, an owner, tenant, landlord, or property manager of the property; or who organizes, supervises, officiates, conducts, controls, or is otherwise in charge of the activity on the property.
- (C) As used herein, the phrase "response costs" means costs associated with law enforcement, fire, medical, or other emergency personnel responding to, remaining at, and leaving the scene of a gathering, including but not limited to: salaries and benefits of law enforcement, fire, medical, or other emergency personnel; administrative costs; the cost of any medical treatment of injuries to any law enforcement, fire, medical or other emergency personnel; the cost of using any city equipment; the cost of repairing any damaged city equipment or property; and any other costs related to enforcement of this Chapter.

5-16-300 Prohibition.

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

5-16-400 Seizure of Fireworks.

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

5-16-500 Host's Liability.

- (A) No host shall allow any person to violate a provision of this Chapter on the host's private property, except as provided below in Subsection C.
- (B) Whenever a host is present at the private property while another person violates a provision of this Chapter, there shall be a rebuttable presumption that the host knew or should have known of the violation.

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

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

5-16-600 Exceptions.

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

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

5.-16-700 - Violation Penalty.

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

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

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

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

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

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

The address of the private property where the incident occurred;

The date and time of the response;

The law enforcement, fire, or other emergency response personnel who responded; and

An itemized list of the response costs.

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

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

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

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

5-16-800 No Mandatory Duty of Care.

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



PUBLIC SAFETY COMMITTEE STAFF REPORT

AGENDA TITLE: PARKING, TRAFFIC ENFORCEMENT AND TRAFFIC CALMING

MEETING DATE: October 24, 2022

DEPARTMENT HEAD: Don Reynolds, City Manager

BACKGROUND INFORMATION:

Attached for the Committee's information, is the latest adopted changes to the Parking codes, effective 30-days from October 18, 2022, and a proposed change to the parking codes.

This message was sent to Rotary Thursday, October 20, 2022:

Subject: RE: Rotary SJB

The City has a new a capability to better enforce parking in the City.

I received a number of questions this morning regarding changes to the City's parking ordinances. Attached is the most recent change/Ordinance that goes into effect 30-days from 10.18.22.

The Council is considering a modification to the RV parking requirements but has not acted yet. That draft Ordinance is also attached. The link below is the current Oversized (RV) parking laws (# 715 – oversized vehicles), being enforced.

<https://www.codepublishing.com/CA/SanJuanBautista/#!/SanJuanBautista07/SanJuanBautista074.html>

Don Reynolds
City Manager
San Juan Bautista

Traffic Enforcement and Traffic Calming will be provided by staff verbally.

ATTACHMENTS:

Approved Parking Ordinance

Proposed Parking Ordinance

ORDINANCE 2022-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA TO ADD SECTIONS 7-04-106 AND 7-04-107 TO THE
SAN JUAN BAUTISTA MUNICIPAL CODE TO AUTHORIZE EXCEPTIONS TO
SUBSECTIONS (e)(1) AND (f) OF SECTION 22500 OF THE CALIFORNIA
VEHICLE CODE REGARDING, RESPECTIVELY, PARKING IN FRONT OF
DRIVEWAYS AND PARKING ON SIDEWALKS**

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

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

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

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

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

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

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

and over sidewalks, and an identification sticker. Such permits and stickers shall become void once and if the permit holder ceases to operate, own or lease the cart.”

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Leslie Q. Jordan

ATTEST:

Don Reynolds, City Manager
Acting Deputy City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney

Wellington & Rathie

a public agency law firm
SW 4th & Mission, Suite 2
P.O. Box 4523
Carmel-by-the-Sea, California 93921-4523
(831) 373-8733
attys@wellingtonlaw.com

Stephanie Atigh
Robert W. Rathie
Robert R. Wellington

Item #6D
City Council Meeting
October 18, 2022

AGENDA TITLE

DISCUSSION, RECEIVE COMMENTS FROM THE PUBLIC AND PROVIDE DIRECTION . CONCERNING A DRAFT ORDINANCE THAT, IF SUBSEQUENTLY ENACTED, WOULD ALLOW CITY RESIDENTS TO PARK THEIR RECREATIONAL VEHICLES AND TRAILERS ON THEIR STREET FOR A LIMITED PERIOD UPON RECEIVING A PERMIT FROM THE CITY MANAGER

MEETING DATE:

OCTOBER 18, 2022

RECOMMENDED ACTION:

1. Discuss, receive comments from members of the public, and provide City Council direction concerning an ordinance that, if subsequently enacted, would allow a city resident to park their recreational vehicle or trailer on the street where they reside subject to receiving a permit for same from the City Manager.

BACKGROUND INFORMATION:

San Juan Bautista Municipal Code §10-5-100(A) now prohibits a recreational vehicle or a trailer from parking on any lot, city street or public place except such vehicles may be parked at the owner's residence, that is, on the owner's lot.

This ordinance would allow the city manager to issue a permit to a city resident who owns a recreational vehicle or a trailer, including a boat trailer, to allow that resident to park the vehicle on their street between the hours of 7 a.m. and 10 p.m. for certain purposes related to preparing the vehicle for travel.

The draft ordinance is brought to you for discussion purposes and to allow the Council to receive public comment. It is not proposed for introduction at this time and the Council may propose revision as may be appropriate.

An ordinance adding two subsections to Section 10-5-100 of the Municipal Code to allow residents to park recreational vehicles and trailers on their street would require two readings and would not go into effect for 30 days' thereafter. The adoption of such ordinance is not a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

RWR

ORDINANCE 2022-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA TO ADD SECTIONS 10-5-100 (E) AND (F) TO THE
SAN JUAN BAUTISTA MUNICIPAL CODE TO AUTHORIZE
PARKING OF TRAILERS AND RECREATIONAL VEHICLES BY CITY RESIDENTS**

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

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

A. California Vehicle Code Section 22507(a) allows the City to prohibit or restrict stopping, parking, or standing of vehicles on certain streets or highways or portions thereof during all hours of the day.

B. Section 10-5-100 A of San Juan Bautista Municipal Code Chapter 10-5 "Mobile Homes" prohibits parking of recreational vehicles on any lot or street, excepting, however, the owner of such a vehicle may park same at his or her residence when the vehicle is not in use.

C. California Vehicle Code Section 22507(a) allows for preferential parking privileges to be given to residents for their use under which the resident may be issued a permit that exempts them from prohibitions.

D. The Council, in the interest of public safety and convenience, desires to exercise its authority under Section 22507(a) of the California Vehicle Code to extend preferential parking privileges to residents upon obtaining a permit for same from the City Manager.

SECTION 2: Subsections 10-5-100 (E) and (F) are hereby added to the San Juan Bautista Municipal Code, to read as follows:

"10-5-100 (E) The prohibition on the parking of trailers and recreational vehicles on the street does not apply if the registered owner of a trailer or recreational vehicle is a resident of a residence on the public street where the trailer or recreational vehicle is parked between the hours of seven a.m. and ten p.m. for the purpose of loading, unloading, cleaning (as permitted by this code), battery changing, or other activity preparatory or incident to travel. In order to qualify for this exception hereunder a resident shall apply for and obtain from the City Manager a permit and an identification sticker to park on the street. Such permits and stickers shall

become void on the permit holder ceases to reside at the residence for which the permit and sticker are issued.

“10-5-100 (F) For purposes of this Chapter:

(i) “Recreational vehicle” shall be as defined in Chapter 12, Article 1, Section 12-1-100 of the San Juan Bautista Municipal Code. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section. This section shall not apply to commercial or construction vehicles otherwise regulated by this Code.

(ii) “Trailer” shall be as defined by California Vehicle Code Section 630, including trailers for vehicles, boats or personal watercraft.”

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Leslie Q. Jordan

ATTEST:

Don Reynolds, City Manager
Acting Deputy City Clerk

APPROVED AS TO FORM:

Robert W. Rathie, City Attorney