

**City Council Regular Meeting
January 5, 2005**

CALL TO ORDER

Mayor Ortiz called the regular meeting of the City Council of the City of Soledad to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE

Building Official Otis Justice led the Pledge of Allegiance.

PEACEBUILDERS' PLEDGE

Mayor Ortiz asked all present to join him in reciting the PeaceBuilders' Pledge. Mayor Ortiz asked for a moment of silence for those less fortunate affected in the Pacific by the earthquake and tsunami. He said he saw two former Presidents of the United States on television asking for donations to the Red Cross to help the victims. He thanked anyone who had already donated and encouraged those who hadn't yet to do so if they had the means.

ROLL CALL

Present when the meeting was called to order were Councilmembers: Christopher Bourke, Stefanie De La Rosa, Patricia Stephens, Mayor Pro Tem Juan Saavedra and Mayor Richard Ortiz.

MAYOR'S REPORTS

Mayor Ortiz reported that he had gone to Sacramento originally a trip for ACCAP, but also met with Senator Denham and Assemblymember Salinas to discuss the purchase of the prison wastewater treatment facility.

COUNCIL'S ANNOUNCEMENTS

Councilmember De La Rosa stated she had been attending the Wastewater Treatment Plant (WWTP) Committee meeting. On January 24th is the Monterey Bay League of California Cities dinner meeting in Scotts Valley and stated she needs a quorum.

Mayor Pro Tem Saavedra stated he also attended the WWTP Committee meeting.

Councilmember Bourke reported he had participated in the ride-along program with the Fire Department. He commented that it was very useful and interesting.

COUNCIL PRAISES

Councilmember De La Rosa praised the Soledad Police Department for arresting the murderer and former Lt. Fred Perez for his involvement in the investigation.

Councilmember Stephens praised Public Works staff for coming out in rainy conditions on the holiday.

Councilmember Bourke praised the Fire Department and the Soledad Auto Parts for the toy drive and also all the people involved.

Mayor Ortiz praised the Police Department for the murder case and the Fire Department for donating gifts to the needy.

PRESENTATIONS

Employee of the Year – Jesse Casillas

Acting Finance Officer Kristie Quitevis presented the staff report. She stated that the process had changed this year to allow employees to choose from all eligible employees of the quarter. She stated that this year’s Employee of the Year is Jesse Casillas.

City Manager Chapa stated that Jesse had started his employment with the City in August of 2000 as a temporary Fire Engineer. Following completion of the Fire Academy, Jesse was promoted to Fire Captain and held that position until August 1, 2004 when he was promoted to Fire Chief. She said that originally Chief Casillas came from Hollister but now lives in Soledad with his wife and three children.

Mayor Ortiz congratulated Chief Casillas and recalled how he saw him grow up from a Firefighter to a Fire Chief.

Councilmember De La Rosa stated that she felt even though he may only have been Chief on paper for so long, he had been the Chief a lot longer.

The rest of the Council congratulated and thanked him for his work and dedication.

Chief Casillas thanked the Council and his peers for the award and stated he was only as good as his department. He thanked his parents who were always there for him and he dedicated the award to Mario Cunha.

PUBLIC COMMENT

Honorio Della, 273 Dixi Street stated he had been approached by an irate citizen who was upset because the City was removing trees all over town. The citizen said that when he asked why, he was told that the trees were interfering with the sewer line and/or lifting the sidewalks. Mr. Della stated that 131 trees on Monterey and Palm Streets to Dixi from Eighth Street were going to be removed. He suggested that the thinking process should be, “is there a way to preserve the tree”.

Councilmember Bourke asked if an invitation had been extended to Mr. Della to be on the Tree Committee. Mr. Della said yes and added that he just wanted to point out that some of the trees might have been able to be worked around.

Mayor Ortiz called for a five-minute recess at 7:05 p.m. to allow the press to take pictures and do their interviews.

Mayor Ortiz called the meeting back to order at 7:15 p.m.

Mayor Ortiz welcomed the students to the meeting and told them to feel free to ask questions.

CONSENT CALENDAR

Item #1: **Approval of Minutes**
None

Item #2: **Approval of Warrants**
#34960 - #35128

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR PRO TEM SAAVEDRA

Item #3: **Resolution No. 3574**, “Granting a Third Extension to the Non-Exclusive Cable Franchise Granted to Charter Communications, Inc.

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR PRO TEM SAAVEDRA

Item #4: **Resolution No. 3575**, “Adopting city of Soledad Public Works Department Design Standards and Standard Specifications for Public Works Improvements”.

ITEM #5 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER BOURKE

Item #5: **Resolution No. 3576**, “Accepting the Subdivision Improvements for the Diamond Ridge Phase II (Miravale Phase II) Improvements.”

Item #6: **Resolution No. 3577**, “Authorizing the City Manager to Enter into a Contract with North State Playgrounds in the Amount of \$38,084 for the Purchase of Playground Equipment for Veterans and Ramirez Parks.”

ITEM #7 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER DE LA ROSA

Item #7: **Resolution No. 3578**, “Authorizing the City Manager to Enter into a Contract with Playgrounds Unlimited in the Amount of \$46,175 for the Installation of Playground Equipment for Veterans and Ramirez Parks.”

Item #8: **Resolution No. 3579**, “Approving an Amendment to the Memorandum of Understanding (MOU) between the City of Soledad and the Soledad Police Officer’s Association (SPOA) Related to the 3/12 Work Schedule Pilot Program.”

Item #9: **Resolution No. 3580**, “Approving a Second Amendment to the City of Soledad’s Compensation and Benefit Plan for Fiscal Year 2004-2005.”

MOTION: The Consent Calendar (Items #1, 2, 6, 8 and 9) was unanimously approved on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR PRO TEM SAAVEDRA

Item #3: **Resolution No. 3574**, “Granting a Third Extension to the Non-Exclusive Cable Franchise Granted to Charter Communications, Inc.

City Manager Chapa presented the staff report. She stated that the City along with the Cities of Gonzales and Greenfield are presenting before their City Councils a one-year extension of the agreement.

Mayor Pro Tem Saavedra asked if there were any other cities that were considering a one-year agreement. City Attorney Michael Rodriguez stated he could only speak for the City of Gonzales and it was to come before their Council at their next meeting.

Mayor Pro Tem Saavedra asked if Charter Communications was asking for an increase in rates. City Manager Chapa stated they were not; this was just an extension.

MOTION: Resolution No. 3574 was adopted on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa by a unanimous vote.

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR PRO TEM SAAVEDRA

Item #4: Resolution No. 3575, “Adopting city of Soledad Public Works Department Design Standards and Standard Specifications for Public Works Improvements”.

Mayor Pro Tem Saavedra asked if the document before them was the final document with the corrections incorporating Council and staff comments. Public Works Director Clif Price stated that everything was already incorporated into this final draft.

MOTION: Resolution No. 3575 was adopted on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Bourke by a unanimous vote.

ITEM #5 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER BOURKE

Item #5: Resolution No. 3576, “Accepting the Subdivision Improvements for the Diamond Ridge Phase II (Miravale Phase II) Improvements.”

Councilmember Bourke stated that he had concerns about the parks. He asked if by accepting these improvements now we had to release the bonds. City Engineer Walter Grant stated staff would not release the bonding amounts that cover the parks. Councilmember Bourke asked if staff had talked to Award Homes regarding the parks and when they would be moving ahead on the parks.

Mayor Ortiz asked that if this resolution were adopted, would the City lose leverage on the proposed work on the parks. City Attorney Rodriguez stated that as long as the City held on to the bonds, they would be obligated to follow through on the parks.

Mayor Pro Tem Saavedra asked if the street names were already approved and Building Official Otis Justice stated they were.

MOTION: Resolution No. 3576 was adopted on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens by a unanimous vote.

ITEM #7 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER DE LA ROSA

Item #7: Resolution No. 3578, “Authorizing the City Manager to Enter into a Contract with Playgrounds Unlimited in the Amount of \$46,175 for the Installation of Playground Equipment for Veterans and Ramirez Parks.”

Councilmember De La Rosa asked if once the contract is approved, she wanted the approximate date of installation. Public Works Director Price stated that there is a timeline in the contract. City Manager Chapa stated that staff would get the dates to the City Council.

MOTION: Resolution No. 3578 was adopted on a motion by Councilmember De La Rosa and a second by Councilmember Bourke by a unanimous vote.

PUBLIC HEARINGS

Item #10: Annual Community Development Block Grant (CDBG) Grantee Performance Reports For: (1) Program Income Housing Rehabilitation Revolving Loan Account (RLA); (2) Economic Development Allocation Grant #01-EDBG-824 - Business Revolving Fund; and (3) General Program Allocation #02-STBG-1722 - First-Time Homebuyer Assistance Program

Staff Presentation

Community Development Director Fleming presented the staff report. He stated that these items had come before the City Council at the December 15, 2004 Council meeting but the consultants had not received all the information from the State to complete their report. He stated that one of the requirements associated with the CDBG Program is the submission of annual reports to the State Department of Housing and Community Development Block Grant Program. Community Development Director Fleming asked that each of the reports be considered separately by opening the public hearing, taking testimony and authorizing the City Manager to submit the reports to the State.

Community Development Director Fleming stated that the first report is the Program Income Housing Rehabilitation Revolving Loan Account (RLA). These funds are used primarily to fund activities in the City's Housing Rehabilitation Program but Council has recently directed that funds also be used for other activities including the First Time Homebuyers Program, the Business Enterprise Loan Program, Code Enforcement, the City Web Site and other CDBG open grants.

Open hearing to the public

Mayor Ortiz opened the hearing to the public.

Close hearing to the public

There being no public comment, Mayor Ortiz closed the hearing to the public.

MOTION: Councilmember Bourke motioned and Mayor Pro Tem Saavedra seconded the motion to authorize the City Manager to submit the Program Income Housing Rehabilitation Revolving Loan Account (RLA) report to the State by a unanimous vote.

Staff presentation

Community Development Director Fleming stated that the second report is the Economic Development Allocation Grant #01-EDBG-824 - Business Revolving Fund. These funds are used primarily to fund new businesses and staff was successful in tentatively approving three businesses that were interested in opening their business in the new Soledad Mission Shopping Center. However, funds were not disbursed because the deadline to use the funds was October 2004 and the shopping center did not start opening businesses until the spring of 2004. The funds were returned to the State.

Open hearing to the public

Mayor Ortiz opened the hearing to the public.

Close hearing to the public

There being no public comment, Mayor Ortiz closed the hearing to the public.

MOTION: Mayor Pro Tem Saavedra motioned and Councilmember Bourke seconded the motion to authorize the City Manager to submit the Economic Development Allocation Grant #01-EDBG-824 - Business Revolving Fund report to the State by a unanimous vote.

Staff presentation

Community Development Director Fleming stated that the third report is the General Program Allocation #02-STBG-1722 - First-Time Homebuyer Assistance Program. These funds are used primarily to fund first time homebuyers. Staff was successful in assisting seven (7) families in purchasing their first home in Soledad.

Open hearing to the public

Mayor Ortiz opened the hearing to the public.

Close hearing to the public

There being no public comment, Mayor Ortiz closed the hearing to the public.

MOTION: Councilmember Bourke motioned and Councilmember Stephens seconded the motion to authorize the City Manager to submit the General Program Allocation #02-STBG-1722 - First-Time Homebuyer Assistance Program report to the State by a unanimous vote.

BUSINESS

Item #11: Resolution No. 3581, Approving a Tentative Subdivision Map (TSM 2004-02) and Conditional Use Permit (CUP 2004-07) to Subdivide a 26,158 Square Foot Parcel (APN 022-051-019-000) into 8 Lots of Record and Apply Plan Development Standards in Order to Create a Townhome Development Located at 1612 and 1624 Monterey Street."

Community Development Director Fleming stated that Assistant Planner Nadia Amador would present the staff report. Ms. Amador gave a brief background on the request. She stated that at the Planning Commission meeting the developer proposed installing a tot lot in lieu of park fees. She stated that this would be added to the Conditions of Approval.

Ms. Amador stated that two (2) existing single-family dwellings would be demolished for the development of the site. The applicant has submitted a draft Declaration of Restrictions and Roadway Maintenance Agreement for the project which is being reviewed by the City Attorney. She stated the applicant is proposing a Planned Development and the City allows the Planned Development to depart from the standard property development regulations of the R-3 district when the proposed development is a unified, integrated whole and incorporates outstanding design features and amenities. In this particular situation, the applicant has applied under a Planned Development in order to construct the town homes with zero lot lines.

Ms. Amador stated that the project is two (2) parking spaces short of the requirement. The Planning Commission recommended that the Council allow a minor variance from the City's parking standards.

Mayor Pro Tem Saavedra stated that he felt the turn around cul-de-sac did not have sufficient room for a large fire truck to turn around.

Councilmember Bourke asked what was unusual or the exception regarding this project that would be considered as a Planned Development. Ms. Amador stated the applicant applied under a Planned Development in order to construct the town homes with zero lot lines.

Councilmember De La Rosa asked if any of the town homes were affordable units. Ms. Amador stated they were not. Councilmember De La Rosa said she felt that the project was not in line with the inclusionary housing ordinance the Council has been working towards.

Councilmember Stephens stated she had an issue with the tot lot and felt the same as Mayor Pro Tem Saavedra that the language on the agreement is not stringent enough. She did not have a problem with the zero lot lines.

Mayor Ortiz stated he would like to reject the item until the Inclusionary Housing Ordinance can be established. City Attorney Rodriguez stated the Council could not reject an item based on an ordinance that does not exist. He suggested the Council either table the item or continue it to a specific meeting date.

MOTION: Councilmember De La Rosa motioned to table the project and direct Staff to look at issues with the applicant including the creation of a Homeowner's Association, tot lot location and the overall design of the project and Mayor Pro Tem Saavedra seconded the motion by a unanimous vote.

Regarding the moratorium, City Attorney Rodriguez stated the ordinance states that the City will continue to receive and process applications. Rejecting a project based on inclusionary goals does not send a very good message to developers.

Mr. Ed Rhinehardt, 107 Church Street in Salinas stated he was the architect for this project. He said the maintenance of the project would be handled by a private company and could be a tenant. He also explained that he recently was asked to add the tot lot, so he quickly wrote it in. He said he would re-design it more specifically.

Mayor Ortiz asked Staff to look into removing the in lieu park fee option from developers.

Item #12: Resolution No. 3582, "1) Approving a Contingency Amount of \$162,290 or Fifteen Percent (15%) of the Contract Award Amount for the City Hall/Police Department Addition and Remodel Project and, 2) Authorizing the City Manager to Approve Contract Change Orders Within the 15% Limit and, 3) Authorizing a Budget Adjustment of \$162,290 for Said Project to be Funded From the General Government Impact Fee Fund."

Public Works Director Clif Price reviewed the staff report. He stated that when Council awarded the contract to Sanchez, Inc., the 15% normal contingency amount was not included in the contract. He said this strategy was common when unknown or remodel conditions exist. He said there was unforeseen conditions which cause change orders that result in an increase in the contract amount. One of the design decisions was changing the foundation from conventional slab-on-grade design to a mat slab design. Staff went with the mat slab design because it is a more stable seismic solution and this would not require relocation major utilities. The other design change involved a redesign of interior walls for the new Police Department. This change would reduce the amount of plumbing work and maximizes a very much-needed square footage by reducing hallways. He concluded his report by stating that this could save the City as much as \$20,000.

Mayor Pro Tem Saavedra stated he wanted to reiterate his concern regarding change orders. He felt change orders over a certain amount should be required to come before the Council.

Sam Benavides, consultant for the City stated that the construction documents were prepared with the intent that some design decisions would be made during the construction. He said this is what makes it important to have a contingency amount in the contract.

MOTION: Resolution No. 3582 was adopted by a majority vote on a motion by Councilmember Stephens and a second by Councilmember Bourke with Mayor Pro Tem Saavedra casting the no vote.

Item #13: Legislative Priorities for 2005

City Manager Chapa reviewed the staff report stating that our lobbyist John Arriaga has recommended that the City adopt a list of legislative priorities for the coming year. She said Staff had developed a list based on the current identified needs of the City. The projects are critical to the continued growth and economic well being of the City. With this list our lobbyist John Arriaga could look into changes in legislation that would benefit the City. She asked that Council focus on a few issues that are of higher priority than the others and add, delete or change any of the items on the list.

Councilmember Bourke asked that AB 495, which deals with prevailing wages be added to the list.

Councilmember De La Rosa stated she would like to see the item on sexual violent predators being placed within the municipality that has a prison moved up on the priority list.

Maria Corralejo, 1435 Palm Avenue addressed the Council. She stated that her phone bill has increased substantially because of the Utility User's Tax imposed by the City. She said she paid this tax for local service, for long distance service and now her Sprint service. She suggested that Staff look into having hearings with the FCC and Public Utility Commission to see if they could be combined or if this was an economic development issue, the cities could get together and handle this for the residents.

Item #14: Consideration of Modifications to the City of Soledad City Council Rules, Policies and Procedures Resulting from Creation of Elected Mayor's Office

City Attorney Rodriguez reviewed the staff report. He stated he had listed the items that needed to be modified in the staff report. He said that now that the City has an elected Mayor, it may be necessary to make changes to reflect statutory direction with respect to the authority of the Mayor. He asked for Council direction.

Councilmember Bourke asked if the Mayor was the only one that could add items to the agenda. City Attorney Rodriguez stated any Councilmember could request an item but had to follow the procedure under Article II, Section 8 (c).

Councilmember Stephens stated she had no problem with the document and felt that an additional stipend for the Mayor would be appropriate. The rest of the Council agreed.

Staff was directed to make the agreed changes and return with a strike out version for Council's final approval.

Item #15: Appointments to Agencies, Commissions, and Subcommittees (Continued from December 15, 2004 Council Meeting)

City Manager Chapa reviewed the staff report. She stated that this item had been continued from the December 15th Council meeting and asked Council to review the document and make changes. She stated that since Ted Barrera is no longer on the Council, his spots needed to be filled.

The Mayor nominated and appointed several changes including: the ACCAP alternate is Mayor Pro Tem Saavedra; Councilmember Stephens will be the AMBAG representative; Councilmember Bourke will be the alternate; the EMS 1st alternate will be the Fire Chief; the alternate for the Salinas Valley Solid Waste Authority will be Councilmember Bourke; and the TAMC representative will be Mayor Ortiz.

Other appointments include: the Street Naming appointee will be Councilmember De La Rosa with Ted Barrera as the Citizen Representative; suggested that Darryl Sinclair be appointed to the Parks/Restroom Committee; the Redevelopment Neighborhoods alternate will now be Mayor Pro Tem Saavedra; Councilmember Stephens will be the representative along with Mayor Ortiz on the SR146 Committee; and Councilmember Stephens will replace Ted Barrera on the Tree Committee.

All the Council concurred with the Mayor's nominations and appointments. Staff was directed to send a letter to Ted Barrera to see if he is still interested in being the citizen representative on the Street Naming Committee and the Citizen Advisory Committee.

Item #16: Naming of future City Streets

Building Official Otis Justice reviewed the staff report. He stated that two street names had been suggested by the Street Naming Committee for the Burch Subdivision. He stated Staff is recommending 'Mora Street' and 'Carmel Street'. After little discussion, the City Council selected Mora Street and to change Carmel Street to Sequoia Street.

CITY COUNCIL COMMITTEE UPDATES

- a) **Street Naming** – None
- b) **Energy Plant** – None
- c) **Miravale Section 16** – None
- d) **Development Review** – None
- e) **Overall Landscape Review** – None
- f) **Restroom** – None
- g) **ADA** – None
- h) **Revolving Loan Fund** – None
- i) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa stated there was no meeting in December.
- j) **Parks** – City Attorney Rodriguez stated that Charles McKeag of Award Homes is in the process of reviewing the parks proposal. Councilmember Bourke asked for an update.
- k) **Redevelopment Neighborhoods** – Mayor Pro Tem Saavedra stated there was no meeting in December.
- l) **CAC** – None
- m) **SR146 (Roads)** – None
- n) **Tree** - None
- o) **Wastewater Treatment Plant** – Councilmember De La Rosa stated they have a meeting each Wednesday at 4:00 p.m. She added Public Works Director Price will update everyone under the City Manager’s Report.

CITY MANAGER’S REPORT

Update of Emergency Work at the Wastewater Treatment Plant – Public Works Director Price updated everyone on the completed levees stating the City Engineer will inspect and turn over the report to Council for their review. He said he had asked the group handling the design component tertiary project to do a proposal for the design/build for the prison wastewater facility. He said staff had been in contact with CDC regarding the lease and asked for a timeline. CDC said it was their top priority.

Councilmember Bourke asked how the ponds were holding up and Public Works Director Price stated they were full but maintaining the waste.

CITY COUNCIL ITEMS

Councilmember De La Rosa asked for a report on the missing light poles on West Street between Entrada Drive and Gabilan Drive. She also asked if a building permit was required regarding the DeVries trailer on prison grounds.

Councilmember Stephens mentioned that the stakes on some of the trees on Front Street could be too small. She also requested that the Employee Vehicle Policy be brought before the Council at a future agenda for review.

Councilmember Bourke asked for a copy of the Grand Jury Report and asked to place on the next Council agenda the Code of Ethics.

Mayor Pro Tem Saavedra asked the Council if there was a consensus to place the Code of Ethics on the next agenda. Council's decision was to have Staff check the minutes to see if the item was tabled or continued.

Mayor Ortiz stated a large amount of refuse and fire damaged refuse was being dumped on Orchard Lane. The Mayor also commented that he was concerned with the issue of an employee falling into one of the sewer ponds due to the type of boat they are using. Public Works Director Price stated Staff obtained a larger boat. City Manager Chapa added that employees had to be trained in tying the boat down to avoid being pulled into the aerators when they are turned on.

CLOSED SESSION

None

ADJOURNMENT

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 9:40 p.m.

RICHARD V. ORTIZ, Mayor

Approved: January 18, 2006

NOELIA F. CHAPA, City Clerk