

Minutes

City of Soledad
Joint City Council/Redevelopment Agency
Regular Meeting

January 6, 2010

5:30 P.M.
Closed Session Meeting

CALL TO ORDER

Mayor/Chairman Richard Ortiz called the Joint City Council/Redevelopment Agency Meeting to order at 5:32 p.m.

ROLL CALL

Present when the meeting was called to order were: Councilmember/Agencymember Juan Saavedra, Councilmember/Agencymember Patricia Stephens, Mayor Pro Tem/Vice Chair Martha Camacho and Mayor/Chairman Richard V. Ortiz.

Councilmember/Agencymember Richard J. Perez arrived at 5:40 p.m.

PUBLIC COMMENT

None.

MEETING RECESS

Mayor/Chairman Ortiz adjourned to Closed Session at 5:35 p.m.

CLOSED SESSION

Of the two (2) items listed on the Closed Session Agenda, item # 1 (below) was considered:

1. The City Council will recess to closed session to confer with its attorney regarding litigation pursuant to Government Code Section 54956.9(c) – deciding whether to initiate litigation.

MEETING RECONVENED

Mayor/Chairman Ortiz reconvened the meeting from Closed Session at 6:27 p.m.

REPORT OF ACTION TAKEN

Mayor/Chairman Ortiz reported on the following Closed Session items:

With respect to item #: 1, Mayor/Chairman Ortiz reported that Staff had been given direction. No other reportable action taken.

Mayor/Chairman Ortiz reported that the City Council would return to Closed Session at the end of the meeting to consider Closed Session item #: 2.

6:30 p.m.
Open Session Meeting

PLEDGE OF ALLEGIANCE was lead by Mr. Fred Ledesma.

PEACEBUILDERS' PLEDGE was recited.

ROLL CALL

Present when the meeting was called to order were: Councilmember/Agencymember Richard J. Perez, Councilmember/Agencymember Juan Saavedra, Councilmember/Agencymember Patricia Stephens, Mayor Pro Tem/Vice Chair Martha Camacho and Mayor/Chairman Richard Ortiz.

MAYOR'S/CHAIRMAN'S REPORT

Mayor/Chairman Ortiz reported that he had attended the Salinas Valley Solid Waste Authority (SVSWA) board meeting and stated that the County wide ordinance regarding the "Mandatory Recycling" has been approved.

COUNCILMEMBER'S/AGENCYMEMBER'S ANNOUNCEMENTS AND REPORTS

Announcements and Reports on meetings attended by Councilmembers/Agencymembers at City of Soledad expense as required by State law (AB1234).

Councilmember/Agencymember Stephens reported that she had attended the local chapter of the League of CA Cities meeting on December 14, 2009 in Hollister and she had also attended the AMBAG meeting on December 9, 2009. She stated she would be attending the Monterey Salinas Transit (MST) visioning meeting on January 11, 2010.

Councilmember/Agencymember Saavedra stated he had attended the YMCA agreement committee meeting as well as the Soledad Redevelopment Agency Workshop.

Councilmember/Agencymember Perez reported that he had attended the Chamber of Commerce Board of Directors meeting, the Regular Chamber of Commerce meeting and the League of California Cities meeting on December 14, 2009.

Mayor Pro Tem/Vice Chair Camacho reported that the Soledad Fiesta Days Committee grant applications are available starting January 4th. She stated that the deadline to submit the grant applications will be on January 29th at 5:00 p.m. no exceptions. She also stated that the grant applications could be picked up and dropped off at Ledesma Insurance located on 155 Kidder Street or by going onto their website at www.soledadfiestadays.org. She also reported that the Soledad Fiesta Days Committee meetings would start up again during the month of January 2010.

COUNCILMEMBER'S/AGENCYMEMBER'S PRAISES

Councilmember/Agencymember Stephens wished the residents of Soledad a Happy New Year.

PRESENTATIONS

City Manager Gonzalez stated that the representatives of PG&E were not present at the meeting and that the presentation of the rebate check would be continued to the next City Council meeting.

PUBLIC COMMENT

Mr. Fred Ledesma, Soledad resident, expressed his gratitude the City and City Council on behalf of his family for their support during his father's Mr. Frank Ledesma's funeral service. He especially thanked the Soledad Police Department for the police escort the day of the funeral service.

CONSENT CALENDAR

Councilmember/Agencymember Stephens made a motion to approve the following Consent Calendar items. Motion was seconded by Mayor Pro Tem/Vice Chair Camacho and carried by unanimous vote.

C-1. Approval of Minutes

- a) Joint City Council/*Redevelopment Agency Regular Meeting Minutes December 2, 2009.
- b) Joint City Council/*Redevelopment Agency Special Meeting Minutes December 10, 2009.

C-2. Approval of Warrants

#12866 - #13187

C-3. Resolution No. 4458, "Approving a Side Letter of Agreement Between the City of Soledad and the Soledad Police Officer's Association

and,

Resolution No. 4459, "Approving Amendment No. 3 of the City of Soledad's Compensation and Benefit Plan for Fiscal Year 2009-2010."

C-4. Resolution No. 4460, "Authorizing the City Manager to Accept the "Sobriety Checkpoint 2009-2010" Traffic Safety Grant and Enter into the Grant Agreement and Any Amendments, with the Traffic Safety Center (TSC) at the University of California, Berkeley to Fund Increased Enforcement Levels for Driving Under the Influence Violations in the Amount of \$16,428.85, for the Period of December 16, 2009 to November 30, 2010."

PUBLIC HEARINGS

PH-1. Resolution No. 4461, "Authorizing the City to Join the CaliforniaFirst Program; Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessment Within the Territory of the County; and Authorizing Related Actions."

Public Works Director Price introduced CaliforniaFirst Project Manager for the County of Monterey Karen Riley-Olms to present the staff report.

Ms. Riley-Olms gave a PowerPoint presentation about the benefits of adopting the program.

Mayor Ortiz asked how long the individual would have to pay the loans off. Ms. Riley-Olms responded that the loans would be for up to the life time of the product that was installed.

Councilmember Stephens asked if there were any solar companies operating in Monterey County. Ms. Riley-Olms responded that there were no current companies, but she did know that there were two companies interested in coming to the Salinas Valley. Councilmember Stephens asked how other cities were embracing the program. Ms. Riley-Olms stated that they had received letters of commitment from most of the cities in the County.

Public Hearing Comment

None.

Action: Councilmember Stephens made a motion to adopt Resolution No. 4461. Motion was seconded by Councilmember Perez and carried by unanimous vote.

PH-2. Resolution No. 4447, “Requesting that the Local Agency Formation Commission (LAFCO) of Monterey County Amend the City of Soledad’s Sphere of Influence to Enable Annexation of Territory to Complete the Miravale II Annexation (Miravale II-B).” *(Continued from the December 2, 2009 meeting)*

and;

Resolution No. 4452, “Requesting that the Local Agency Formation Commission of Monterey County to Initiate Proceedings for the Reorganization of Territory for Miravale II-B Involving Annexation of 46.23 Acres to the City of Soledad and Detachment from the Monterey County Resource Conservation District and the Mission Soledad Rural Fire Protection District.” *(Continued from the December 2, 2009 meeting)*

and;

Resolution No. 4453, “Authorizing the City Manager to Sign a Letter of Agreement with the Monterey County Water Resource Agency Concerning Maintenance and Improvement of a Section of the Bryant Canyon Channel.” *(Continued from the December 2, 2009 meeting)*

Public Works Director Price presented the staff report. In his presentation Public Works Director Price stated that the section of Bryant Canyon channel between the cemetery and Metz Road would become the City’s responsibility to maintain and the developer’s responsibility to improve to satisfy the Monterey County Water Resources Agency (MCWRA). MCWRA would also require the City to jointly participate with the agency in a proposition 218 ballot for funding

to make the capital improvements and maintenance thereafter to the channel upstream of the section the developer would improve. The channel culvert that needed to be changed under the Bryant Canyon Road would be the responsibility of the MCWRA. The culvert under Metz Road would be the City's responsibility once the developer improved section of channel was annexed to the City.

Following discussion, City Manager Gonzalez informed Council that this item was not an urgent matter and could be continued to a later date. She suggested that the MOU be set up clearly to read who is responsible for what. She also informed them that the Monterey County will not allow the annexation to go through without the agreement for the maintenance and improvement of a section of the Bryant Canyon Channel.

Mayor Ortiz stated that the Monterey County is trying to pass on the problem to the City.

Public Works Director Price stated he would bring the item back with the draft Memorandum of Understanding (MOU).

Public Hearing Comment

Christopher Bourke, 833 La Colina Street, asked a few questions about some of the location specifications regarding the reorganization and maintenance of the properties. Public Works Director Price responded with a brief description of what their intentions were.

Honorio Della, 273 Dixi Street, felt that this was the Monterey County's problem and stated that the City should not have any participation.

Action: Following discussion, Mayor Ortiz made a motion to table this item until Staff has gathered all information. Motion was seconded by Councilmember Stephens and carried by unanimous vote.

BUSINESS

B-1. "Discussion with the City Council of the City of Soledad and Redevelopment Agency Concerning the City/Agency Investment Policy."

Finance Director Compton presented the staff report.

Mayor/Chairman Ortiz stated that he favors option number one identified in the staff report establishing a Standing Finance and Audit Committee. He appointed Mayor Pro Tem/Vice Chair Camacho and Councilmember/Agencymember Stephens to the Committee.

Finance Director Compton asked if Council would like the Committee to be called something else other than the Finance and Audit Committee. Councilmember/Agencymember Perez responded that the committee should be called the Finance Investment Committee.

City Manager/Executive Director Gonzalez stated that Staff would hold meetings with the Finance Investment Committee to develop language of the revised policy which would be brought back for City Council approval.

B-2. “Acceptance of the City and Redevelopment Agency’s Audited Financial Statements for Fiscal Year 2008-09.”

Finance Director Compton introduced Mr. Bryant Jolley, CPA Auditor to give a brief summary of the Audited Financial Statements.

Mr. Jolley stated that except for the General Fund, most of the funds were performing as intended. He mentioned that the RDA fund is very healthy. He did want to focus on the General Fund statement of expenses; he stated that it was performing with a \$2.7 million deficit and required a transfer of \$2.9 million from the Enterprise Fund. He stated this would not have been a problem but it had created a deficit in the domestic Garbage Fund of \$1.5 million. He recommends that \$1.6 million be transferred back into the Garbage Fund.

City Manager/Executive Director Gonzalez asked Mr. Jolley to talk about the General Fund information found on page 31 of the audit. He stated that revenues had been better than expected. He also stated that expenses were over about 400,000 but the extra revenues sort of made up for it. He did mention that one of the problems was that last Fiscal Year there had been some negative budgeting.

Mayor Pro Tem/Vice Chair Camacho asked how the auditor would suggest that the City handle developer receivables. Mr. Jolley stated that the developer receivables were old and were more like capitalized costs that departments would treat expenditures as receivables in the hope that they would recoup the money from the developers. He suggested that any developer who comes with a project, should show proof of the money. He stated no business should be done until they pay the money for the project. Mayor Pro Tem/Vice Chair Camacho also asked what the beginning balance would be. Mr. Jolley responded that the beginning General Fund balance would be \$4.867 million. Mr. Jolley stated that even though the beginning balance is \$4.867 million, the Garbage fund needs \$1.6 million. Mayor Pro Tem/Vice Chair Camacho then asked if he would like to talk to Council about internal controls. He responded that he had prepared a management letter with critical items.

Finance Director Compton stated that he had created a memorandum for the management letter. He stated that the memorandum notifies Council/Agency of the Management letter items Staff has already addressed.

City Manager/Executive Director Gonzalez stated that Staff would come back to Council possibly at mid year in regards to the pay back of the Garbage Fund.

Action: Following discussion, Councilmember/Agencymember Saavedra made a motion to receive and file the City and Redevelopment Agency’s Audited Financial Statements. Motion was seconded by Mayor Pro Tem/Vice Chair Camacho and carried by unanimous vote.

B-3. Resolution No. 4449, “Announcing Findings for Establishing Appropriate Lease Rates for the Soledad Lions Club.” *(Continued from the December 2, 2009 meeting)*

City Manager Gonzalez stated that it was Staff’s recommendation to continue this item to the Regular City Council Meeting of February 3, 2010.

Action: Councilmember Stephens made a motion to continue Resolution No. 4449 to the next Regular City Council Meeting on February 3, 2010. Motion was seconded by Councilmember Saavedra and carried by the following vote:

- AYES: Mayor Ortiz
 Mayor Pro Tem Camacho
 Councilmember Saavedra
 Councilmember Stephens
- ABSTAIN: Councilmember Perez
- NOES: None.

COUNCILMEMBER’S/AGENCYMEMBER’S COMMITTEE UPDATES

Standing Committees	Liaison Committees	Ad Hoc Committees
ADA	Oldtown Soledad Beautification Assn.	Recreation Committee
Parks	Soledad Historical Society	Information Technology (IT)
Street Naming	Soledad Housing Authority	Non-Profit Grants
Development/Overall Landscape Review	Soledad Fiesta Days	Revolving Loan Fund

Councilmember/Agencymember Stephens stated that the Soledad Historical Society had changed the meeting time to from 3:00 to 3:30 and that the next meeting would be Wednesday, January 13, 2010.

Mayor/Chairman Ortiz introduced Mr. Gillman with the Citizen Advisory Committee.

Mr. Gillman stated that he was present to convey his and new Correction Training Facility (CTF) Warden, Mr. Randy Grounds, support to the City of Soledad. He wanted to notify the Soledad residents and City Council that they will be more involved in the community, due to CTF being part of the Soledad community. He encouraged residents to go onto their website at www.cdcr.ca.gov to find out more information about community meeting being held at CTF.

Mayor/Chairman Ortiz stated that he would attend the ACCAP meeting on January 20th in Sacramento. He stated that ACCAP is encouraging that Department of Corrections be more involved with the Cities.

CITY MANAGER’S/EXECUTIVE DIRECTOR’S REPORT

City Manager/Executive Director Gonzalez stated that Council had received the Council Status Table in their agenda packet and that it was apparent a dent was being made in the number of Council items remaining in the status table.

COUNCILMEMBER'S/AGENCYMEMBER'S ITEMS AND FUTURE AGENDA ITEMS

Comments from the Councilmembers/Agencymembers on general items of concern and on matters that they wish to put on future agendas.

Councilmember/Agencymember Stephens would like for Staff to bring an item to Council regarding the Marijuana Clinics that are appearing in neighboring cities.

Mayor/Chairman Ortiz asked that Staff look into placing stop signs near Vosti Park. He knows there was another incident involving a child and would like to take preventative action. He requested a report at the next City Council meeting.

CLOSED SESSION

Mayor/Chairman Ortiz recessed to Closed Session at 7:57 p.m. to discuss item #: 2 from the Closed Session Agenda list.

2. * The City Council/Redevelopment Agency will recess to Closed Session pursuant to Government Code Section 54956.8 to give instructions to the City's real property negotiator regarding lease of the property located at APN 022-133-009. Instructions to the negotiator will concern rate and terms of property lease.

MEETING RECONVENED

Mayor/Chairman Ortiz reconvened the meeting from Closed Session at 8:22 p.m.

REPORT OF ACTION TAKEN

Mayor/Chairman Ortiz reported on the following Closed Session items:

With respect to Closed Session item #2, staff was given direction. No other reportable action taken. Mayor/Chairman Ortiz stated for the record that he abstained from any decision making regarding this item.

ADJOURNMENT

There being no other business to come before the Council or Agency, Mayor/Chairman Ortiz adjourned the meeting at 8:23 p.m.

RICHARD V. ORTIZ, Mayor/Chairman

Approved: February 3, 2010.

ADELA P. GONZALEZ, City Clerk/Agency Clerk