

**Joint City Council / * Redevelopment Agency Regular Meeting
February 15, 2006**

CALL TO ORDER

Acting Mayor/Acting Chairman Chris Bourke called the Joint City Council/Redevelopment Agency Regular Meeting of the City of Soledad to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE

Acting Mayor/Acting Chairman Bourke led the Pledge of Allegiance.

PEACEBUILDERS' PLEDGE

Acting Mayor/Acting Chairman Bourke led the Peacebuilders' Pledge.

ROLL CALL

Present when the meeting was called to order were: Councilmembers/Agencymembers Stefanie De La Rosa, Patricia Stephens and Acting Mayor/Acting Chairman Christopher Bourke.

Mayor/Chairman Ortiz and Mayor Pro Tem/Vice Chairman Saavedra were out of town attending the ACCAP conference and asked to be excused.

MAYOR'S/CHAIRMAN'S REPORT

None.

COUNCILMEMBER'S/AGENCYMEMBER'S ANNOUNCEMENTS

Councilmember/Agencymember De La Rosa stated she attended the community forum at Main Street School regarding youths and alcohol and she also participated in a police ride-along with Sergeant Berring and Officer Aguayo.

Councilmember/Agencymember Stephens stated that she attended the AMBAG meeting where they discussed the interesting issue of recycling plastic bags. She said she will also be attending the League of California Cities Policy Committee meeting in March in Los Angeles.

Acting Mayor/Acting Chairman Bourke stated he attended the Soledad Housing Authority Meeting and reminded residents about the Soledad-Mission Chamber of Commerce Banquet on Friday. He also stated the City had received a copy of a letter from Yanke Energy to the Monterey Bay Unified Air Pollution Control District letting them know the BioMass plant would be shut down as of January 31st.

COUNCILMEMBER'S/AGENCYMEMBER'S PRAISES

Councilmember/Agencymember Stephens praised the Public Works Department for completing the landscaping around City Hall. She also praised staff on the progress with the City Hall/Police Department remodel and expansion.

Councilmember/Agencymember Stephens praised the employees from all the businesses and non-profits in the community and congratulated all those who will be honored on Friday night.

Acting Mayor/Acting Chairman Bourke praised Grace Jaime for being Citizen of the Year and the others being recognized at the event on Friday. He also praised the members of the Police Department who will be graduating from the supervisor's school. He also praised the Fire Chief for his successful completion of the Fire Marshal Command 2B course and also the Public Works Department for their participation in the hazardous material training.

PRESENTATIONS

City Manager/Executive Director Chapa stated she was proud to announce the employee of the year, Frank Trevino.

- **Employee of the Year 2005:**
 - **Frank Trevino**

Public Works Director Price introduced Frank Trevino to the Council/Agency. He stated that he could not say enough about Frank's personal commitment and effort that he puts in to his job everyday. He stated that he goes above and beyond what is necessary, especially when it is related to children. He said that Mr. Trevino takes a personal interest in the community and gives everything he has to the City.

Mr. Trevino thanked his wife and son for attending and thanked the Council/Agency for the award. He said that the award means a great deal to him and he will continue to work hard and do his best.

Councilmember/Agencymember De La Rosa said she could not think of someone more deserving than Mr. Trevino and he was extremely dedicated to his job.

Acting Mayor/Acting Chairman Bourke thanked Mr. Trevino for being such a hard worker and especially for his extra effort when it was related to children.

- **Introduction of New Employees:**
 - **Pat Argueta-Serrano (Promotion – Assistant Engineer)**

Public Works Director Price introduced Mrs. Argueta-Serrano. He stated she was a new addition to the City, beginning as the Public Works Inspector and was promoted in October to Assistant Engineer. He said that she will be handling many projects and will also be the Storm Water coordinator.

Councilmember/Agencymember Stephens thanked Mrs. Argueta-Serrano for taking up such a big job load. She thanked her for her hard work and dedication.

Councilmember/Agencymember De La Rosa thanked her for assisting Public Works Director Price, who has a lot on his plate, and said the Council/Agency was happy to have her on board.

- **Jacob Artiaga – Fire Engineer**

City Manager/Executive Director Chapa asked that the introduction of Fire Engineer Jacob Artiaga be continued to March 1st.

- **Juan Carlos Cabrera – Fire Engineer**

City Manager/Executive Director Chapa asked that the introduction of Fire Engineer Juan Carlos Cabrera be continued to March 1st.

- **Proclamation Honoring Grace Jaime 2005 Citizen of the Year**

Acting Mayor/Acting Chairman Bourke read the proclamation honoring Grace Jaime.

GOALS AND OBJECTIVES UPDATE

City Manager/Executive Director Chapa presented the Council with the PowerPoint version of the goals and objectives spreadsheet that was included in their agenda packets. She said that the spreadsheet was created at the strategic planning session and will be updated and presented to the Council/Agency at the second Council meeting of every month.

PUBLIC COMMENT

Mike Dicesare, COPS, 430 N. Vineyard Avenue, Ontario 91764. Mr. Dicesare addressed the Council/Agency. He stated he was happy to see the City recognizing an employee of the year. He stated he was representing the Soledad Police Officers' Association and the Soledad Police Sergeants' Association. He said that time was approaching for negotiations and he would be forwarding a letter to the City Manager. He stated he hoped for a fair and mutually beneficial contract. He stated he had received a copy of the budget but would like to request a copy of the certified annual financial report. City Manager/Executive Director Chapa stated she would have Finance Officer Smith forward him a copy.

Darryl Kinyon of Global Premier Development, stated that he is the Miravale 1 Subdivision developer for the multifamily units. He also stated that he was trying to bring new businesses and fill vacancies. He stated he had difficulty identifying locations for space but if anyone knows of any vacant lots or businesses to please contact him.

CONSENT CALENDAR

Item #1: Approval of Minutes

Joint City Council/Planning Commission Special Meeting Minutes January 13, 2005

City Council Special Meeting Minutes March 11, 2005

City Council Special Meeting Minutes March 12, 2005

*City Council/Redevelopment Agency Regular Meeting Minutes January 18, 2006

*City Council/Redevelopment Agency Special Meeting Minutes January 31, 2006

*City Council/Redevelopment Agency Regular Meeting Minutes February 1, 2006

Item #2 * Resolution No. 276, "Establishing an In-Lieu Purchase Exception Policy."

Item #3: * Resolution No. 277, "Approving an Expenditure of a Not-to-Exceed Amount of \$21,872.25 for the Purchase and Installation of Playground Equipment at the Vosti Park Child Care Center and Authorizing Use of the Agency's In-lieu Purchase Exception."

Item #4: Approval of Warrants

#37889 - #37980

Item #5: Resolution No. 3732, "Accepting the Subdivision Improvements for Village 'H' of the Pinnacles Phase IV."

Item #6: Resolution No. 3733, "Accepting the Wastewater Treatment Plant Dissolved Oxygen (DO) Probe System."

ITEM #7 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER/EXECUTIVE DIRECTOR CHAPA

Item #7: Resolution No. 3734, "Accepting Improvements for Compliance with 30-30 Effluent Levels and Pond Repairs at the City's Wastewater Treatment Plant"

ITEM #8 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER/AGENCYMEMBER DE LA ROSA

Item #8: Resolution No. 3735, “Authorizing the City Manager to Enter into an Engineering Services Contract with Omni Means in an Amount of \$149,708 for Preparation of the US 101 / SR 146 Corridor Study.”

Item #9: Resolution No. 3736, “Authorizing the City Manager to Enter into a Contract with RM Associates for Preparation of the City’s Storm Water Master Plan in an Amount Not to Exceed \$75,000.”

ITEM #10 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER/EXECUTIVE DIRECTOR CHAPA

Item #10: Resolution No. 3737, “Rescinding Resolution No. 3557-Declaring an Emergency Pursuant to Section 20168 of the Public Contract Code and Authorizing Contracting Without Compliance With Mandatory Contract Bidding Procedures.”

MOTION: The Consent Calendar (Items #1, 2, 3, 4, 5, 6 and 9) were approved by a majority vote on a motion made by Councilmember/Agencymember De La Rosa and a second by Councilmember/Agencymember Stephens.

ITEM #8 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER/AGENCYMEMBER DE LA ROSA

Item #8: Resolution No. 3735, “Authorizing the City Manager to Enter into an Engineering Services Contract with Omni Means in an Amount of \$149,708 for Preparation of the US 101 / SR 146 Corridor Study.”

Councilmember/Agencymember De La Rosa stated that she was concerned that the property the road will have to go through is part of the Williamson Act. She asked how long the study was good for and why the City was performing the study now.

Public Works Director Price stated that there will be many studies and preliminary plans which will be brought forward and will be needed. He said that what they are hoping to get from the study would be recommendations for the next step in major highway and circulation work. He stated that it was a multi year process and that he would like to identify, early on, where the City needs to go so that it wouldn’t affect future developments. He said that the study identifies those areas and also involves CalTrans, there are many public meetings and that it would be a very long public process of establishing the criteria for intersections. He said at the end of the study, the City would be provided with cost estimates, financing options and also a direction on where to go next. City Manager/Executive Director Chapa stated that the first step would be to get State funding for the project. Public Works Director Price stated that Staff wants it done right the first time and does not want to take the chance that a shopping center would go through the route.

Councilmember/Agencymember Stephens stated that with the Williamson Act the property could not be touched for another 18 more years, and asked if the land used would be land not currently in crop. Public Works Director Price responded that there would be many discussions regarding the same issue, and that the City needed the study to identify the next step.

City Manager/Executive Director stated that the property had already given notice and that he has the right to withdraw from the Williamson Act which he is aware of.

MOTION: Resolution No. 3735 was approved by a majority vote on a motion made by Councilmember/Agencymember Stephens and a second by Councilmember/Agencymember De La Rosa.

ITEM #7 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER/EXECUTIVE DIRECTOR CHAPA

Item #7: Resolution No. 3734, “Accepting Improvements for Compliance with 30-30 Effluent Levels and Pond Repairs at the City’s Wastewater Treatment Plant”

Public Works Director Price addressed the Council/Agency. He stated that with the resolution the City would be accepting the level of treatment and that all projects had been completed, with the liner on one pond being postponed until the following Tuesday. He said that maintenance and repairs will be going on for months in order to prepare for winter, and that the work was substantially completed. Councilmember/Agencymember Stephens stated she would like the word *substantially* added to the resolution.

MOTION: Resolution No. 3734 was approved by a majority vote on a motion made by Councilmember/Agencymember Stephens and a second by Councilmember/Agencymember De La Rosa with the word substantially added to Resolution No. 3734.

ITEM #10 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER/EXECUTIVE DIRECTOR CHAPA

Item #10: Resolution No. 3737, “Rescinding Resolution No. 3557-Declaring an Emergency Pursuant to Section 20168 of the Public Contract Code and Authorizing Contracting Without Compliance With Mandatory Contract Bidding Procedures.”

Public Works Director Price stated that Staff pulled Resolution No. 3737 (Item #10) depending on what the Council/Agency elected to do with Resolution No. 3734 (Item #7). He said that approval of Resolution No. 3737 would lift the emergency status and that work done has given the City the capacity needed. He said that Staff was recommending adoption.

MOTION: Resolution No. 3737 was approved by a majority vote on a motion made by Councilmember/Agencymember Stephens and a second by Councilmember/Agencymember De La Rosa.

PUBLIC HEARINGS

Item #11: Ordinance No. 626, “Adding Section 13.04.091 ‘Unauthorized Collection of Recyclables and Other Items for Collection’ to Division 1, Garbage, Chapter 13.04, ‘Collection and Disposal’ of the Soledad Municipal Code.” (2nd reading)

Staff Presentation

Community Development Director Fleming stated that it was the second reading of Ordinance No. 626. He stated the reason for the ordinance was that the hauler takes into account the amount they are able to recycle, which may have a long term impact of potentially raising the

City's rates. He said that Staff was recommending the Council adopt and classify the crime as a misdemeanor, with the Code Enforcement or Police Officer applying an infraction instead if so desired.

Open and close hearing to the public

Acting Mayor Bourke opened the hearing to the public and hearing no comments, closed the hearing to the public.

Councilmember Stephens asked Staff what date it would be effective if approved. City Attorney Rodriguez stated that it would take effect 30 days from the date of adoption. Councilmember Stephens stated the reason she asked was that she had already received calls from the public and she wanted the public to know the exact date it would be effective. Community Development Director Fleming stated that there would also be a series of newspaper articles. City Manager Chapa stated that staff was also looking into door hangers, similar to the ones prepared for water conservation.

MOTION: Ordinance No. 626 was approved by a majority vote on a motion made by Councilmember Stephens and a second by Councilmember De La Rosa.

Item #12: Ordinance No. 627, "Rescinding Urgency Ordinance No. 623." (2nd reading)

Staff Presentation

Public Works Director Price addressed the Council. He stated the first reading of Ordinance No. 627 was done at the February 1st meeting and that the City now has capacity and is no longer in need of a moratorium.

Open and close hearing to the public

Acting Mayor Bourke opened the hearing to the public and hearing no comments, closed the hearing to the public.

Councilmember De La Rosa thanked Public Works Director Price for bringing the issue to a close, when it could have taken a lot longer.

MOTION: Ordinance No. 627 was passed by a majority vote on a motion made by Councilmember De La Rosa and a second by Councilmember Stephens.

BUSINESS

Item #13: Resolution No. 3738, "Authorizing the Execution of a Subdivision Improvement Agreement with C. H. Builders, Inc. for the Miravale II, Unit I Increment 1B and a portion of Increment 1A Subdivision Project."

Community Development Director Fleming addressed the Council. He said that with the Subdivision Improvement Agreement (SIA) in place Staff was recommending adoption, which would be for the Miravale II, Unit 1 Increment 1B and a portion of Increment 1A Subdivision Project, a 236 lot Residential Development located at Orchard Lane and Metz Road. He also indicated that the applicant was in the audience to answer any questions the Council might have. He stated that an SIA identifies the type and quantity of various improvements, such as sewer and water lines and streets, curbs and gutters, and the manner in which such improvements will be installed and will also address landscaping issues. He stated that an SIA is necessary in order

to file and record a final map for a subdivision prior to the time that public improvements have been completed. He stated that everything had been completed with the exception of the CC&R's that was to be prepared, approved and recorded against each of the lots in the Subdivision. He said the City had added language to the SIA indicating that the CC&R's must be prepared before the Final Subdivision Map may be recorded and also because the Vesting Tentative Map had to be modified, the formation of relevant assessment districts could not be commenced until the actual configuration of the map was put into final form and as a result, a requirement had been added that assessment districts be formed prior to approval and recordation of the Final Map.

Chris Colston, Matthew Homes, thanked Staff and the City Attorney for their efforts to get the item on the agenda. He stated they were happy to reach that point and were hoping for approval to move forward with the project.

Acting Mayor Bourke reiterated that until the projects were completed the final map would not be recorded. Mr. Colston confirmed that the map would not be recorded until the CC&R's and maintenance districts were formed.

MOTION: Resolution No. 3738 was approved by a majority vote on a motion made by Councilmember Stephens and a second by Councilmember De La Rosa.

Item #14: Resolution No. 3739, "Accepting the Final Subdivision Map for the Miravale II, Unit 1 Increment 1B and a Portion of Increment 1A Subdivision."

Community Development Director Fleming addressed the Council. He stated with the item in place along with the CC&R's, staff was recommending adoption.

MOTION: Resolution No. 3739 was approved by a majority vote on a motion made by Councilmember De La Rosa and a second by Councilmember Stephens.

Item #15: Resolution No. 3740, "Authorizing the City Manager to Enter into a Contract with Monterey Peninsula Engineering in the Amount of \$173,225 for Construction of the Corporation Yard Paving Project on State Street and Approving an Additional Allocation of \$17,000 as a Construction Contingency and Approval of \$91,000 Local Transportation Funds."

Public Works Director Price addressed the Council. He provided the Council with an overview of the City's corporation yard. He said that the yard has several steel buildings that function as shop and vehicle maintenance areas with most of the equipment and vehicles utilized by Public Works parked in the fenced yard.

He stated that the corporation yard was enlarged in 2002 by the City's acquisition of the portion of the corporation yard on the corner of Park and State Streets that was formerly Soledad Unified School District property (Bus Barn Site) and that this property is fenced with a large shop building and a gravel/dirt yard leading onto Park Street and is across the street from the main yard. He said that the shop areas, equipment and vehicles at both facilities remain covered with a layer of sand and dirt during the dry season most of the time and mud during the wet season and that during the wet season equipment and trucks leaving the yard track mud onto the pavement and sidewalk which adds to the amount of hours required to properly maintain equipment as well as decreasing the life expectancy of the equipment due to damage from the constant presence of dirt and sand.

Public Works Director Price stated that as a part of the City's current budget, paving of the yard would take place as a means of improving the facility that is constantly being used by the public works maintenance crew. He said that \$100,000 was designated from Local Transportation Fund in the Fiscal Year 2005-06 Budget, and that due to the extensive surface areas that needed to be paved to cure the conditions caused by dirt yard, the project was broken down into several alternatives so that at least some of the areas could be paved if the funding required to construct the entire project was insufficient. He reviewed the descriptions of the base bid and the alternatives, which were:

Base Bid: Grading and paving a small amount of the Yard on the south side of State Street in front of the existing trailer and garage.

Add Alternate 1: Grading and paving of the south yard and installation of a storm water interceptor to remove grease and oils from the storm water.

Add Alternate 2: Grading and paving approximately ½ of the north yard (Bus Barn Site).

Add Alternate 3: Complete the grading and paving of the north yard.

Councilmember Stephens said that she would prefer it all be done and that also some landscaping be included to soften the appearance of the corner. She stated that staff should plan for landscaping with funding later.

Councilmember De La Rosa agreed with Councilmember Stephens.

MOTION: Resolution No. 3740 was approved by a majority vote on a motion made by Councilmember De La Rosa and a second by Councilmember Stephens.

COUNCILMEMBER'S/AGENCYMEMBER'S COMMITTEE UPDATES

- a) **Street Naming** – None
- b) **Energy Plant** – Acting Mayor/Acting Chairman Bourke stated that they had a meeting the prior week.
- c) **Miravale Section 16** - None
- d) **Development Review** - None
- e) **Overall Landscape Review** - None
- f) **Revolving Loan Fund** - None
- g) **Oldtown Soledad Beautification Association** - None
- h) **Parks** – Acting Mayor/Acting Chairman Bourke stated there would be a meeting on February 22nd.
- i) **Redevelopment Neighborhoods** - None
- j) **CAC** - None
- k) **SR146 (Roads)** - None
- l) **Tree** – Councilmember/Agencymember Stephens stated it was cancelled due to other meetings.
- m) **Wastewater Treatment Plant** - None
- n) **Soledad Historical Society** – Councilmember/Agencymember Stephens stated that she and the Mayor attended the Historical Society meeting and they were planning a tea and antique doll show for May 6th at Rose Ferrero school.

CITY MANAGER'S/EXECUTIVE DIRECTOR'S REPORT

a) **Update of Emergency Work at the Wastewater Treatment Plant**

City Manager/Executive Director Chapa stated an update was provided in the staff report.

b) **Council Requests – Status Table**

None

COUNCILMEMBER'S/AGENCYMEMBER'S ITEMS

Councilmember/Agencymember Stephens stated that she would like Staff to consider taking a look at the recycling of plastic bags and if needed work with Tri-Cities. She said there were monies available for education and public service announcements regarding the subject.

Councilmember/Agencymember De La Rosa stated she attended a League Board meeting the previous Wednesday with Deanna Sessums and they conducted their strategic planning workshop, settings the goals of housing and fundraising. She said they were looking to gather signatures for another ballot measure that would be similar to 1A, and they would also be planning their dinners for the year.

Acting Mayor/Acting Chairman Bourke stated that in the previous week's administrative report there was a paragraph about the Community Forum held that stated that Soledad had an over abundance of alcohol licenses. He asked that Staff look in to the amount of licenses and report back to Council.

City Manager/Executive Director Chapa stated she had two items the Mayor/Chairman had requested. He asked that the Soledad Historical Society agreement be added to the March 1st agenda for the approval of an agreement. She also stated on his behalf that Thursday there was a press conference regarding the general plan and he would like the item placed on the agenda of March 1st for review and possible Council action.

CLOSED SESSION

At 7:35 p.m. Acting Mayor/Acting Chairman Bourke called for a recess to convene to Closed Session to discuss the following items:

1. The City Council will recess to closed session to confer with its attorney regarding litigation pursuant to Government Code Section 54956.9(b)(1) and is hereby of the opinion that a significant exposure to litigation exists.

MEETING RECONVENED

At 8:05 p.m. Acting Mayor/Acting Chairman Bourke reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Acting Mayor/Acting Chairman Bourke made the following announcements with regard to closed session matters:

Item #1: Council conferred with legal counsel and provided direction. No other reportable action taken.

ADJOURNMENT

There being no other business to come before the Council/Agency, Acting Mayor/Acting Chairman Bourke adjourned the meeting at 8:07 p.m. on a motion by Councilmember/Agencymember Stephens and a second by Councilmember/Agencymember De La Rosa.

RICHARD V. ORTIZ, Mayor/Chairman

Approved: March 1, 2006

NOELIA F. CHAPA, City Clerk/Agency Clerk