

**City Council Regular Meeting
March 2, 2005**

CALL TO ORDER

Mayor Ortiz called the regular meeting of the City Council of the City of Soledad to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Community Development Director Don Fleming led the Pledge of Allegiance.

PEACEBUILDERS' PLEDGE

Mayor Ortiz asked all present to join him in reciting the PeaceBuilders' Pledge.

ROLL CALL

Present when the meeting was called to order were Councilmembers: Christopher Bourke, Stefanie De La Rosa, Patricia Stephens and Mayor Richard Ortiz. Mayor Pro Tem Juan Saavedra arrived at 6:40 p.m.

MAYOR'S REPORTS

Mayor Ortiz stated that he wanted the Fireworks Ordinance brought back to the Council, as well as the BB Gun Ordinance. He said he would also like the Noise Ordinance brought back to the Council for review.

COUNCIL'S ANNOUNCEMENTS

Councilmember De La Rosa said she had just come back from the California Main Street Conference in Davis. She stated that the conference was now under the California State Department of Parks and that the Head of the Department had stated that she is excited to have it under her department, as downtowns are what make cities unique. Councilmember De La Rosa stated that there were nice presentations at the conference including one by Rick Johnson of Monterey. She also stated that if the Council was bringing back ordinances for review she would like to bring back the Sign Ordinance.

Councilmember Stephens stated that on Saturday, April 2nd, AMBAG would be having their Annual Board Retreat at Seascapes in Santa Cruz from 12:00 noon through the evening dinner event. She also said she had received notice from Assemblyman Sam Farr that Monterey County had tentatively received Federal funding for many improvements.

Councilmember Bourke stated that on February 26th he attended the Ribbon Cutting Ceremony at Singh Furniture. He also announced the Round Table Pizza Ribbon Cutting Ceremony to take place on March 15th. He said he would be attending the Council and Staff Goals and Objectives and Team Building Meeting on March 11th and 12th.

He added that he would like the Political Sign Ordinance added to the list of ordinances to be brought back for review by the Council.

COUNCIL PRAISES

Councilmember De La Rosa praised Secretary to the City Manager Susanne Bañuelos for her hard work taking minutes and helping the Councilmembers with their calendars. She thanked her for her help.

Councilmember Bourke and Stephens added their praises and thanks.

Mayor Ortiz also added his thanks to Ms. Bañuelos for helping him maintain his calendar.

PRESENTATIONS

New Fire Engineer:

Fire Chief Casillas introduced the new temporary full-time Engineer – Jacob Artiaga. He said that Mr. Artiaga began his employment with the City on February 25th. Mr. Artiaga graduated from Gonzales High School in June of 1998 and from the Monterey Peninsula College Fire Academy in December of 2002.

Mr. Artiaga has obtained various California State Fire Marshal fire service and Emergency Medical Service certifications, such as Emergency Medical Technician I, Firefighter I & II, Hazardous Materials First Responder, Confined Space Rescue, Incident Command 100 and 200, CDF Wildland Firefighter, Driver Operator 1A and Driver Operator 1b. He comes to us with three years of firefighting experience.

City Manager Chapa read Mr. Artiaga the Oath of Office.

Employees of the Quarter:

Acting Finance Officer Kristie Quitevis introduced the Employees of the Quarter: Community Development Director Don Fleming, Police Officer Jose Moya and Utility Operator Jason Clifford.

City Manager Chapa gave a brief introduction of Don Fleming. She said that he was selected by his peers and it was evident that Mr. Fleming was always willing to help others by the fact that he was here late one Friday night copying agenda documents for Susanne.

Mr. Fleming accepted the certificate and said it was easy to maintain a positive attitude when he worked with such fun people every day.

Police Chief Cox introduced Officer Moya. He stated that Officer Moya graduated from North County High School and attended Hartnell College. He was hired as a Soledad Reserve Police Officer in 1993 and within six months was hired as a Full Time Officer.

Chief Cox stated that Officer Moya has worked a wide range of cases including: thefts, sexual assaults, crimes against children, and narcotic related violations. Officer Moya has worked bike patrol, special events, neighborhood Watch and is senior Field Training Officer with the Soledad Police Department. He has developed a particular expertise in the area of narcotics enforcement and has written over twenty search warrants and has seized over thousands of dollars in vehicles, cash, property and contraband.

Public Works Director Clif Price introduced Jason Clifford. He stated that Mr. Clifford was hired in July of 2004 and that he was a dedicated worker. He said that Jason strives every day to be a better employee. Mr. Price stated that Mr. Clifford calls him after hours and on weekends to update him on situations in the City that he needs to be made aware of. Mr. Price stated that Mr. Clifford was a most conscientious and determined employee.

City Manager Chapa added that since the Employee Recognition Program had been put in place, Jason was the first employee to be recognized twice.

Mayor Pro Tem Saavedra said he felt the program was a good thing because it was a good way for employees to recognize their peers.

Councilmember Bourke thanked Officer Moya for being a Field Training Officer, as that is a very important role, he thanked Jason Clifford for taking initiative on self improvement, and thanked Don Fleming for his handling of the Community Development department and getting personally involved in the community.

Councilmember De La Rosa thanked Don Fleming for the above-mentioned comments and also for getting involved with the Design Committee of the Oldtown Soledad Business Association (OSBA). She thanked Jason Clifford for his hard work and dedication. She thanked Officer Moya for his help earlier that day when she called the Police Department Sergeant's cell phone number and he answered and was able to help her.

Councilmember Stephens thanked all the Employees of the Quarter for their hard work and dedication.

PUBLIC COMMENT

None

CONSENT CALENDAR

ITEM #1 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER STEPHENS

Item #1: Approval of Minutes

City Council Regular Meeting December 1, 2004

City Council Special Meeting December 3, 2004

Item #2: Approval of Warrants

#35429 - #35523

Item #3: Appointment of Two Members to Soledad-Mission Recreation District Board

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER DE LA ROSA

Item #4: Appointment of Members to the Ad Hoc City Tree Committee

Item #5: Street Closure of Andalucia Drive Between Ticino Street and Metz Road/North Street for Each Saturday During the 2005 Little League Baseball Season, As Required

ITEM #6 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER SAAVEDRA

Item #6: Resolution No. 3596, “Approving a Contract For Professional Services With EMC Planning Group, Inc. in an Amount not to Exceed \$127,954 for the Preparation of an Environmental Impact Report for the Proposed Soledad Plaza Commercial Development.”

MOTION: The Consent Calendar (Items #2, 3 and 5) was unanimously approved on a motion by Councilmember Bourke and a second by Councilmember Stephens.

ITEM #1 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER STEPHENS

Item #1: Approval of Minutes

City Council Regular Meeting December 1, 2004

City Council Special Meeting December 3, 2004

Councilmember Stephens pulled Item #1 to abstain from the vote, as she was not on the Council during those meetings.

MOTION: Item #1 was approved by a majority vote on a motion by Councilmember Bourke and a second by Mayor Pro Tem Saavedra, with Councilmember Stephens abstaining.

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER DE LA ROSA

Item #4: Appointment of Members to the Ad Hoc City Tree Committee

Councilmember De La Rosa stated that while she was in Davis at the California Main Street Conference, they had recently installed Black Walnut trees in their downtown. She said that it was a beautiful street and that their city had a tree committee in charge of determining placement of trees.

City Manager Chapa added that there was a correction to the staff report. She noted that the Councilmember that was appointed to the Tree Committee was Patricia Stephens. Councilmember Chapa read through the list of all Committee members.

MOTION: Item #4 was unanimously approved on a motion by Councilmember Bourke and a second by Councilmember Stephens.

ITEM #6 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR PRO TEM SAAVEDRA

Item #6: Resolution No. 3596, “Approving a Contract For Professional Services With EMC Planning Group, Inc. in an Amount not to Exceed \$127,954 for the Preparation of an Environmental Impact Report for the Proposed Soledad Plaza Commercial Development.”

Councilmember Saavedra asked if the Environment Impact Report (EIR) was bid. Community Development Director Don Fleming said it was.

MOTION: Resolution No. 3596 was unanimously approved on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Bourke.

PUBLIC HEARINGS

Item #7: Ordinance No. 615, “Amending Chapter 2.28 – ‘Compensation of Elected Officials’ of the Soledad Municipal Code Pertaining to the Compensation of the Elected Mayor of the City Council.” (Second Reading)

Assistant City Manager De La Rosa stated that this was a continuation of the discussion from the last Council Meeting. He asked Mayor Ortiz to open the meeting to the public for comments and then close it to the public. He stated that, if approved, the Mayor’s compensation would be increase by an additional \$100 per month.

Hearing opened to the public

Mayor Ortiz opened the hearing to the public.

There was no comment from the public.

Hearing closed to the public

Mayor Ortiz closed the hearing to the public.

MOTION: Ordinance No. 615 was adopted by a majority vote on a motion by Councilmember Stephens and a second by Councilmember Bourke, with Mayor Ortiz abstaining.

BUSINESS

Item #8: Resolution No. 3597, “Announcing Findings and Approving a Conditional Use Permit for Operation of a Mini-Market Within an Existing Building at 920 Front Street (APN 022-038-005) in the C-2 (General Commercial) Zoning District.”

Community Development Director Don Fleming said staff was asked to prepare findings after the last Council Meeting. He stated that those findings were included in the staff report.

City Attorney Michael Rodriguez added that a revised Conditional Use Permit (CUP), with all the findings, had also been included in the staff report. He also stated that adoption of the resolution would adopt the mitigated negative declaration.

Mr. Rodriquez said even though the hearing was open and closed at the last meeting, this meeting could be opened for public comment as well.

Mayor Ortiz asked if a limit could be placed on the speakers. Mr. Rodriquez said there could be a limit placed on the speakers, as this was not a public hearing.

Hearing opened to the public

Mayor Ortiz opened the hearing to the public.

There was no comment from the public.

Hearing closed to the public

Mayor Ortiz closed the hearing to the public.

City Attorney Rodriquez said that included for the record were two letters received by the Attorney for neighboring businesses, Valley Liquors and Soledad Tire and Wheel Service.

Mayor Pro Tem Saavedra expressed concerns regarding special condition number 11 of the CUP, stating that he felt a six months review was not enough time for the proprietor to establish his business. He also felt special condition number 3, pots of shrubbery would die and become eyesores. He felt there could be better alternatives. He stated that condition number 4, a sign posting a parking time limit was not necessary as it would cause excessive signs posted at the site, as the proprietor would most likely talk to his employees about parking on the street and customers would not be parking for long periods of time anyway. He felt posting of signs would cause more work for the police to monitor and excessive, unsightly and unattractive downtown business appearance.

Councilmember Bourke said regarding special condition number 3, the question of placement of decorative pots, he echoed Councilmember's comments.

Councilmember De La Rosa said regarding special condition number 2, the design standards, she asked Mr. Nijmeddin to work with Don Fleming on making his business look as nice as it could. Mr. Fleming said that no final design had been submitted yet for the planters.

Mayor Pro Tem Saavedra stated, regarding the letters received from the attorney for the other two business owners, that he felt the parking issue needed to be functional for all of the businesses. He stated that he felt the tone of the letters was out of line.

The attorney for Mr. Nijmeddin stated that they agreed with the suggested changes to the CUP and that Mr. Nijmeddin would be willing to work with Mr. Fleming to make his building as attractive as possible.

City Attorney Rodriquez stated he would make the requested changes to the CUP. He restated that per the consensus of the Council, in reference to special condition number 6, in recognition that there is limited parking, staff would not use on-site parking. He confirmed that the Council consensus was to drop all reference to signs regarding a parking time limit.

Councilmember Bourke asked if there were violations of the CUP, does the public have a chance to ask questions. City Attorney Rodriguez said to his recollection, they do, as the matter would come back as a public hearing. Councilmember Bourke said in that case, he felt a year would be an adequate amount of time for review of the CUP. Councilmember De La Rosa agreed.

Council consensus was that a year was adequate amount of time for the review of the CUP. Mayor Ortiz asked Mr. Nijmeddin if he realized that if there were any violations of the CUP that it could be revoked. Mr. Nijmeddin acknowledged that he was aware of that.

City Attorney Rodriguez reminded the Council that they could revoke any CUP that does not correct their violations.

MOTION: Resolution No. 3597, with revisions as stated to the CUP, was approved by a majority vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa, with Mayor Ortiz's Nay vote.

Item #9: Resolution No. 3598, "Ratifying the Issuance of Fifteen (15) Building Permits."

City Attorney Michael Rodriguez introduced the staff report. He said that in October 2004 the Council adopted the Urgency Ordinance No. 612 which established a prohibition on the issuance of building permits for projects that would require new sewer connections or expansion of existing connections. He stated that the moratorium was adopted as the result of the City's discovery that treatment and capacity deficiencies at the Wastewater Treatment Plant (WWTP) were creating a potential for a spill into the Salinas River.

He said the moratorium was adopted to protect the health and safety of the citizens of Soledad and to provide the City with time to find an appropriate means to address capacity and treatment issues. He said that staff has been successful in identifying both a short-term and long-term solution to capacity and treatment issues, in the form of the use of the Soledad Prison Waste Water Treatment Facility (PWWTP) and is on the verge of completing documents that will enable the City to divert flows from the Soledad Correctional Facility to the City operated PWWTP.

In crafting the moratorium, staff performed an audit on the number of projects with permits already issued and those with permits in planning stages or in proposal stage. Based on this audit, staff determined that the City could accommodate the connection of those projects for which building permits had already been issued without risk of exacerbating existing conditions at the WWTP. Those projects that were thus exempted from the moratorium were commonly referred to as the "218".

In late January of 2005, members of the City's WWTP Subcommittee were made aware of the fact that eleven building permits for residential uses had been issued for projects after the adoption of the moratorium. The explanation for this was that although these projects did not have building permits at the time of adoption of the moratorium, they had been included in the "218". The same explanation for granting permits had also been offered by staff during the City Council meeting of February 2, 2005, when the Council was considering relief to eleven applicants on a list of pending projects.

Council was informed that the projects, which were in various stages of progress, had been included in the original "218". Based on these representations, Council and staff concurred that no specific council action needed to be taken with respect to the permits in question, since they were being handled administratively in the same manner as all other project on the "218" list. Mr. Rodriquez stated that since February 2, 2005 four of the eleven applicants on the pending projects list have been granted building permits, one pursuant to the Urgency Ordinances exception for projects that are exchanging an old use for a new use with no increase in flow.

Mr. Rodriquez also stated that unfortunately, subsequent to the February 2nd meeting, staff discovered that none of the eleven residential building permits issued in 2004 or any of the projects included on the eleven item pending projects list were included in the "218" list. He said this error resulted in the issuance of fifteen building permits.

He stated that staff recommended that the Council ratify the previous issuance of the fifteen building permits, as staff does not believe the flow produced by the fifteen projects at issue will, in and of itself, represent a significant increase in flow and should not pose an immediate threat to WWTP operations. He also stated that legal complications that could arise from formerly declaring the involved permits void could result in a significant diversion of both staff time and City finances.

He added that staff was recommending that staff be provided with direction to notify the remaining seven applicants on the Pending Projects List that, absent some applicable moratorium exemption, they are not entitled to building permits. He stated that staff would send apologies letters as well.

Mr. Rodriquez stated that staff members involved in building permit issuance have been informed that no building permits, for any project, may now be issued without the express consent of the Community Development Director.

Councilmember Bourke asked if staff had explained the situation to the Regional Water Quality Control Board. City Attorney Rodriquez said staff would provide a copy of the staff report to them and this would show that there was not added danger to the community or causing any extra excessive flow to the WWTP.

MOTION: Resolution No. 3598, was unanimously approved on a motion by Councilmember Bourke and a second by Councilmember Stephens.

Item #10: Review and Discuss City's Park & Ride Lot Policy

Assistant City Manager De La Rosa said that in anticipation that other organizations may be requesting the use of the City's Park & Ride Lot for special events, such as the Oldtown Soledad Beautification Association's (OSBA) Farmers Market, staff began the process of creating a policy to address this future need.

He stated that a policy for use of the Park and Ride Lot for special events had been prepared for the Council's review and discussion. He said that any use of the lot would be governed by the Temporary Use Permit which would have to be obtained by the group holding the event and would address most questions. He said the Ordinance does not address the hours of use for the Park and Ride Lot or fees.

Assistant City Manager De La Rosa said that the Policy addresses the hours of use of the parking lot for purposes of a Park and Ride, Monday through Friday, 8:00 a.m. through 6:00 p.m. He said after that, and on weekends and holidays, it can be used for other purposes.

He said in the proposed policy, staff is recommending a fee associated with the use of the Park and Ride Lot of \$150 per day for the entire lot and \$100 per day for use of a portion of the lot. The fee would be used to pay for the maintenance of the lot and landscaping.

Councilmember Bourke asked if the policy could include in writing and in diagram form that the access to streets could not be blocked. Assistant City Manager De La Rosa said he could make sure that was clear.

Councilmember De La Rosa said regarding Number six, Rules for Special Use, she asked why onsite cooking should be limited. Assistant City Manager De La Rosa said because of the lack of water hookups and no access to fire hydrants, staff felt it should be limited. Councilmember Bourke added the City might consider allowing on site cooking if the vendors provided health permits and fire extinguishers and if their equipment was inspected prior to the event.

Councilmember Stephens asked regarding item #3 if staff might want to reconsider allowing alcohol for events such as the Wind and Wine Festival.

Direction to staff was to make changes and bring back to Council for final review.

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** – Public Works Director Clif Price said he was getting quotes to hook up the utilities, with Little League Park being the priority, and the other two parks to follow.
- g) **ADA** - None
- h) **Revolving Loan Fund** – Councilmember Bourke asked if those on the list from last time for the First Time Homebuyer’s Program would have to reapply. Community Development Director Don Fleming said he was researching that and would let the Council know. It was added that the applicants might want to reapply if their status had changed.
- i) **Oldtown Soledad Beautification Association** - None
- j) **Parks** – Assistant City Manager De La Rosa said that City Attorney Rodriquez was working on the MOU from Award Homes.
- k) **Redevelopment Neighborhoods** - None
- l) **CAC** – Mayor Pro Tem Saavedra said there would be a meeting next week.
- m) **SR146 (Roads)** – Mayor Ortiz said he would like staff to contact Richard Smith. City Manager Chapa stated that she had talked to him and was trying to arrange a meeting on March 21st at 4:00 p.m.
- n) **Tree** – City Manager Chapa said staff would be convening a meeting in the upcoming weeks.

- o) Wastewater Treatment Plant** – City Manager Chapa said that had been no meeting today.

CITY MANAGER’S REPORT

Update of Emergency Work at the Wastewater Treatment Plant

City Manager Chapa said that three contracts had been initiated. She said that currently all ponds were filled. She stated that the river had gone up to 18 feet, but was back down to 15 feet. City Manager Chapa said that staff met with Roger Dolan and are developing a timeline. She said that staff would be meeting again next week on Thursday.

Councilmember Stephens questioned if a Project Manager was hired. City Manager Chapa stated that after some questions, she had been able to hire a Project Manager for the Wastewater Treatment Project.

CITY COUNCIL ITEMS

Councilmember De La Rosa made mention to Police bike patrol and stated that the downtown businesses in Davis appreciated the extra security. She also mentioned the list of current violators of the CUPs and said she would like to see them agendized. City Manager Chapa stated that staff must follow the proper process.

Councilmember De La Rosa also stated that there had been a list of policy committees distributed to the Council for the League of California Cities. She stated that she hoped some Councilmembers would be interested in joining some committees.

Mayor Pro Tem Saavedra said he was pleased to see the CUP report. He said on Oak Street driving towards Front Street traffic is congested and making a left turn is difficult.

Councilmember Stephens said regarding the ponding near the Biomass Plant, it was blocking both lanes. Mayor Ortiz asked City Attorney Rodriguez how much “teeth” the City had in a situation where the CUP holder is not rectifying their violations. Mr. Rodriguez said the City has the power to revoke their CUP.

Councilmember Bourke asked for a General Plan update. Community Development Director Don Fleming said that staff was waiting for information from the consultants and should be updating the Council in a few weeks. Councilmember Bourke asked if there was a specific date. Mr. Fleming said no. City Manager Chapa said staff could get a specific date and report back to the Council.

City Manager stated that staff has hired a consultant who has been directed to revise the Zoning Ordinance. She asked for direction on whether the Sign Ordinance should be included. Councilmember De La Rosa said she would like it included and the Council concurred.

City Manager Chapa said staff would meet with Councilmember De La Rosa to get specifics on the Sign Ordinance to be revised.

CLOSED SESSION

At 8:25 p.m. Mayor Ortiz called for a recess to convene to Closed Session to discuss the following item:

1. The City Council will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the City's negotiator regarding the purchase of property identified as APN: 257-051-010 (Huntington Farms). Instructions to the negotiator will concern price and terms of payment.

MEETING RECONVENED

At 8:40 p.m. Mayor Ortiz reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mayor Ortiz reported that:

- Item #1 Council conferred with and provided direction to its negotiators. No other reportable action taken.

ADJOURNMENT

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 8:45 pm.

RICHARD V. ORTIZ, Mayor

Approved: March 16, 2005

NOELIA F. CHAPA, City Clerk