

**City Council Regular Meeting
April 20, 2005**

CALL TO ORDER

Mayor Ortiz called the regular meeting of the City Council of the City of Soledad to order at 6:35 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 6:45 p.m.

MAYOR'S REPORTS

None

COUNCIL'S ANNOUNCEMENTS

Councilmember De La Rosa stated she had taken her children to the Monterey Bay Aquarium and found out that the Monterey County Libraries have free tickets available for Monterey County residents. She reminded everyone that the Chamber Circus would be held Sunday, May 1st. She also announced that there would be a behavior health class on May 27th.

Councilmember Stephens reported she had attended the League of California Cities Policy Committee meeting in San Jose. She asked Mayor Ortiz to direct staff to write letters in opposition to the scaling back of CDBG grants and asked the residents of Soledad to write letters to their legislative representatives. She also asked to be kept advised on how this will affect the City.

Councilmember Bourke also asked everyone to go to the Circus and reminded everyone about the barbeque at the Lions Hall for the school program.

COUNCIL PRAISES

Councilmember De La Rosa praised the finance staff, animal control officer and the veterinarian for the successful reduced fee rabies dog clinic on Saturday April 9th.

Councilmember Bourke congratulated the OSBA and the Chamber for the opening of their new office on Front Street.

PRESENTATIONS

Introduction of new employees:

Erica Gortarez, Accounting Assistant

Lionel Munguia, Police Officer

Manuel Reyes, Police Officer

Finance Officer Mark Smith introduced Erica Gortarez and gave a brief background. Ms. Gortarez thanked the City and the Council for giving her the opportunity to work for the City.

Chief Richard Cox stated that first he would like to recognize the promotions at the Police Department. He announced that Officer Jose Moya and Officer Hermogenes Llanes had been promoted to Sergeant. Officers Jose Rodriguez, Abe Aguayo, Clay Hamilton and Wilson Jung were promoted to FTO's (Field Training Officer) and Thomas Marchese as acting Investigator.

Chief Cox introduced Lionel Munguia and Manuel Reyes, the newest Officer for the City. He said that they had started as volunteers and have earned the position of police officer. He gave a brief background on both and City Manager Chapa gave them the Oath of Office.

Officer Reyes thanked the Chief, the Police Department, Sgt. Garcia, Deputy Fernandez and the City for their encouragement and the opportunity. He stated that all his life he wanted to be a police officer but could never find the time. With the help of God and his wife he has achieved his life long dream. Officer Munguia also thanked the Chief, the staff at the Police Department, his wife, the Council and the citizens of the City for giving him the chance to be a police officer.

All the Councilmembers welcomed the new officers and congratulated the Sergeants and FTO's. Councilmember De La Rosa congratulated Chief Cox for the in-house promotions.

Mayor Ortiz called for a five minute recess.

Mayor Ortiz called the meeting back to order at 6:58 p.m.

PUBLIC COMMENT

Petra Mena representing the Soledad Little League Board of Directors stated they had over 300 kids this year and had to add four more teams. They had submitted a wish list a while back and she thanked the Council for the restrooms. She said that the snack bar is needed and that the roof is falling apart. She said there were many holes in the outfield and that five kids had been hurt so far because of this. She brought pictures of the field and asked Council to please fix the field. She also asked if they could share Vosti Park even though it is a soccer park, they would like it to be a baseball park also.

Councilmember Bourke asked if the holes were from gophers or other problems. Ms. Mena stated that the gopher holes are located both in and out of the field.

Mayor Ortiz asked if the City had an on-going maintenance program. City Manager Chapa stated all the parks have a maintenance program but due to staff shortages, other priorities have taken up staff's time. She added that we had two additional maintenance workers that would be hired soon.

A young boy named Gino addressed the Council to say that he was afraid he would get hit by a baseball because the park is not big enough for his age group to play.

After discussing the matter, it was decided that the Parks Committee including Mayor Ortiz, Councilmember Bourke and Planning Commissioner Darrel Sinclair would meet with the Little League to discuss these issues. They set April 28th at 6:30 p.m. at the firehouse to meet.

Eva Banuelos with the Soledad Little League stated she ran the snack bar. She said it was pretty damaged and stated that Councilmember Bourke went out with her last week to review the damage. She asked the City Council to help repair the snack bar and field.

CONSENT CALENDAR

Item #1: **Approval of Minutes**

City Council Regular and Redevelopment Agency Special Meeting Minutes December 15, 2004

ITEM #2 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR RICHARD ORTIZ

Item #2: **Approval of Warrants**

#35767 - #35857

Item #3: **Resolution No. 3608**, “Supporting the Board of Directors of the Association of Monterey Bay Area Governments in Declaring the Month of May 2005 as Clean Air Month in the Monterey Bay Region.”

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER PATRICIA STEPHENS

Item #4: **Resolution No. 3609**, “Authorizing Sponsorship of the Soledad-Mission Chamber of Commerce Special Event ‘Culpepper & Merriweather Circus’ on May 1, 2005, and Providing In-Kind Support Services in an amount not to exceed \$416.00.”

ITEM #5 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR RICHARD ORTIZ

Item #5: **Resolution No. 3610**, “Accepting the Closeout Report for CDBG # 02-EDBG-900 “North Soledad Interchange Commercial Development Study,” and Authorizing the Filing of Said Report.”

ITEM #6 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR RICHARD ORTIZ

Item #6: **Resolution No. 3611**, “Authorizing the Police Chief to Execute a Three Year Memorandum of Agreement with the Soledad Unified School District for Police Personnel Funding and Services.”

Item #7: **Resolution No. 3612**, “Approving and Authorizing the City Manager to Execute Change Order No. 2 for the Section 16 Site Grading and Water Mains Project Due to Changed Site Conditions and Requirement of Additional Fittings and Coordination.”

Item #8: **Resolution No. 3613**, “Approving and Authorizing Execution of Mark Thomas Task Order No. 37 for Additional Design and Construction Engineering of the Section 16 Site Grading and Water Mains and Tanks Project.”

Item #9: **Resolution No. 3614**, “Authorizing the City Manager to Execute a Contract with Fugro West, Inc. in an Amount of \$37,200 to Conduct a Percolation Capacity Analysis of an 80-Acre Agricultural Parcel Located Southeast of the Former State Department of Corrections (SDC) Percolation Ponds.”

MOTION: The Consent Calendar (Item #1, 3, 7, 8 and 9) was unanimously approved on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.

ITEM #2 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR RICHARD ORTIZ

Item #2: Approval of Warrants
#35767 - #35857

City Manager Chapa explained that the numbers were not included and she gave the numbers of the warrants as #35767 to #35857.

MOTION: Warrant #35767 - #35857 were unanimously approved to be paid on a motion by Councilmember De La Rosa and a second by Councilmember Bourke.

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER PATRICIA STEPHENS

Item #4: Resolution No. 3609, “Authorizing Sponsorship of the Soledad-Mission Chamber of Commerce Special Event ‘Culpepper & Merriweather Circus’ on May 1, 2005, and Providing In-Kind Support Services in an amount not to exceed \$416.00.”

Councilmember Pat Stephens asked for a clarification of the in-kind services dollar amount; \$287.20 or \$416.00 because the agenda topsheet shows one amount and the staff report showed another. City Manager Chapa stated it was \$416.00.

MOTION: Resolution No. 3609 was unanimously approved on a motion by Councilmember Stephens and a second by Councilmember Bourke.

ITEM #5 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR RICHARD ORTIZ

Item #5: Resolution No. 3610, “Accepting the Closeout Report for CDBG # 02-EDBG-900 “North Soledad Interchange Commercial Development Study,” and Authorizing the Filing of Said Report.”

City Attorney Michael Rodriguez stated that this item had to be a public hearing and asked the Mayor to move this to the Public Hearing section.

ITEM #6 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR RICHARD ORTIZ

Item #6: Resolution No. 3611, “Authorizing the Police Chief to Execute a Three Year Memorandum of Agreement with the Soledad Unified School District for Police Personnel Funding and Services.”

Police Chief Richard Cox gave a brief report on the memorandum of agreement. He stated that the initial report showed an underestimated dollar amount. The revised report shows the actual dollar amount for police officer services.

Councilmember Bourke asked if the school had been advised of this amount. Chief Cox stated that he communicated with Randy Banks at the school district.

MOTION: Resolution No. 3611 was unanimously approved on a motion by Councilmember Bourke and a second by Councilmember Stephens.

PUBLIC HEARINGS

Item #5: Resolution No. 3610, “Accepting the Closeout Report for CDBG # 02-EDBG-900 “North Soledad Interchange Commercial Development Study,” and Authorizing the Filing of Said Report.”

Staff presentation

Community Development Director Don Fleming presented the staff report. He stated the City had been awarded a grant in the amount of \$35,000 to research and prepare a study to assist the City in obtaining the necessary information to be in a position to evaluate development proposals in the north interchange area of the City. Staff is asking that the City Council review and accept the closeout report so it can be sent to the State Housing and Community Development Department for their review and approval.

Open and Close hearing to the public

Mayor Ortiz opened the hearing to the public and there being no comments, closed the hearing to the public.

MOTION: Resolution No. 3610 was unanimously approved on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Bourke.

BUSINESS

Item #10: Resolution No. 3607, “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”. (Continued from 4/6/05)

Community Development Director Fleming gave a brief background on the request. He stated that at the last meeting Council had questions on how the interior improvements would be maintained. The request was continued to give the proponent time to submit details on how they plan on maintaining the interior improvements.

On April 12th the applicant submitted language and suggested that it be attached to the conditions of approval of the Tentative Map. The language included that all the property owners of record shall execute a Declaration of Restrictions and Maintenance Agreement to create a property owners’ association to control the maintenance of the property.

Councilmember Bourke asked if the trash bin would be enclosed and where would it be installed. Community Development Director Fleming stated it would be enclosed and would be close to the tot lot.

Mayor Ortiz asked if the storm drains could handle the storm flows because of the clay content and was it spelled out in the documentation. Community Development Director Fleming stated that the drains would be cleaned out once every five years and this was specified in the agreement. City Attorney Rodriguez stated he would provide documents with restrictions and a maintenance agreement for the tenants to sign.

Councilmember Bourke asked to see the revised language and City Attorney Rodriguez stated he would bring the revised documents to the Council at a later date.

Mike Mervis, applicant from the City of Marina stated that in Marina prior to the final map, they made it a condition and is willing to accept it here.

MOTION: Resolution No. 3607 was unanimously approved on a motion by Councilmember Bourke and a second by Councilmember Stephens.

Item #11: Review and Discuss Chapter 9.18.010 - Firearms Ordinance of the Soledad Municipal Code

Chief Cox gave a brief report on the request by Council. He stated that on March 16th Council expressed concerns related to the discharge of BB guns in residential structures. Council asked staff to research the process of how violators are cited and if the reporting/complaining citizens were required to identify themselves in court.

Chief Cox asked Council to consider other issues that staff is requesting direction. These include: consider changing present ordinance making it specific to “firearms” and omitting non-combustible devices; consider adopting ordinance specific to non-combustible devices such as BB guns, paint ball guns, and etc.; consider adopting ordinance making BB gun possession/use a misdemeanor offense; and consider no change to present ordinance.

Mayor Pro Tem Saavedra asked if slingshots were included. Chief Cox stated that our current Code does not include non-combustible weapons such as paint balls, BB guns, slingshots and CO2 pistols.

Councilmember Stephens stated that the Code should be changed to add these in.

Mayor Ortiz suggested that we change the Code to make it a misdemeanor instead of an infraction. He added that the first offense could be a fine and the second offense would be a fine and prosecution.

Councilmember Bourke asked if it was acceptable to shoot a soda can with a BB gun in the City limits. Chief Cox stated it was up to the Council if they wanted to add it to the Municipal Code.

Mayor Pro Tem Saavedra asked that age limitations be added also.

City Attorney Rodriguez stated he would prepare a draft ordinance and present it to the Council at the next meeting.

Item #12: Review and Adopt “Protecting Soledad’s Future” as Police Car Slogan winner

Chief Cox gave a brief background on the process to adopt a new police car slogan. He stated that the committee selected as the winner Mark Schaefer from the state of Colorado. There were two runner-ups. Chief Cox stated that if the Council did not approve the recommendation of the committee they could choose from the other two. Chief Cox stated that Mr. Schaefer had asked that the \$100 be donated to the local food bank. He asked that the Council act upon the Committee’s recommendation by minute motion.

Councilmember Bourke asked that a thank you letter be sent to the winner and the two runner-ups.

Mayor Pro Tem Barrera asked that a letter be sent to all the participants.

MOTION: Councilmember Bourke motioned and Councilmember Stephens seconded the motion to unanimously approve the Committee’s recommendation by adopting the new police car slogan ‘Protecting Soledad’s Future’.

Councilmember De La Rosa asked if this could be used on the Soledad Fire Department vehicles also. Chief Casillas recommended that they use their own slogan.

Mayor Ortiz asked staff to send a thank you letter to Ted Barrera for coming up with this idea.

CITY COUNCIL COMMITTEE UPDATES

- a) **Street Naming** – None
- b) **Energy Plant** – Community Development Director Fleming stated he was looking at the study that was done on the energy plant in 2002. He stated he is reviewing the conditions of approval and will bring back the information to the City Council. He added that they may be in the process of trying to sell the plant. City Attorney Rodriquez stated that they could not sell without City approval.

Councilmember De La Rosa stated that there was a lot of garbage and weeds and also a large hole. Mayor Ortiz asked if the permits were transferable and the City Attorney stated they were not.

City Manager Chapa stated that she had spoken to Doug Quetin of the Monterey Bay Unified Air Pollution Control District. He stated that the issues on the imposed penalties had been resolved and the penalties paid. There is about \$50,000 available for City use.

Councilmember Stephens stated she was very concerned with the mess and all the violations. Mayor Ortiz asked if there were safety issues could the police and fire departments issue citations and the City Attorney stated they could.

- b) **Miravale Section 16** – None
- c) **Development Review** – None
- d) **Overall Landscape Review** – None
- e) **ADA** – None

- f) **Revolving Loan Fund** – None
- h) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa stated that the OSBA’ s meeting was held in the new office. There is a lot of work to be done to the new office and they are hoping to have someone staff the office in a couple of months.
- i) **Parks** – Mayor Ortiz stated they would be meeting on April 28th.
- j) **Redevelopment Neighborhoods** – Community Development Director Fleming stated he attended the meeting last night. Street lighting and safety were the main topics of discussion. City Manager Chapa stated they had also discussed the trees and the grant.
- k) **CAC** – None
- l) **SR146 (Roads)** – None
- m) **Tree** – Community Development Director Fleming stated they would be having their meeting on April 28th and they will be sending letters to the service clubs to attend. Councilmember Bourke suggested school students to help plant the trees and earn voluntary community hours.
- n) **Wastewater Treatment Plant** – Councilmember De La Rosa referred this report to City Manager Chapa.

CITY MANAGER’S REPORT

Update of Emergency Work at the Wastewater Treatment Plant

City Manager Chapa stated that discussions are continuing regarding the lease agreement with the prisons. She stated that SB952 will be heard in Sacramento on April 26th. Financial issues and wastewater disposal will be coming before the regional water board meeting on May 13th in Watsonville. Councilmember Stephens offered to attend. City Manager Chapa stated the work on the ponds at the prison was complete and ready to go.

Mayor Ortiz thanked staff for moving fast on the work.

CITY COUNCIL ITEMS

Councilmember De La Rosa praised Public Works Director Clif Price for the relationship he has with the Regional Water Board and for pushing everything along. She stated that the San Vicente landscape between Award Homes and Woodman Development had tall weeds that needed to be removed. She said that at Gabilan Gardens the grass that was put in for the landscaping had fallen since it was at a slope. She added that the City’s parcel at the industrial park was full of weeds and tree branches that had fallen. She asked for an update on the playground equipment at Veterans Park.

Public Works Director Price stated staff had decided on the color scheme and the equipment was due to arrive in June and would be installed by then. He added that the trellis at the Little League Park would also be completed.

Councilmember De La Rosa stated some businesses have entire walls and windows covered with signs. Community Development Director Fleming stated code enforcement had cited a few businesses last week. Councilmember De La Rosa asked if there was a way to get the word out to the public regarding the over abundance of signs and Community Development Director Fleming suggested the Chamber newsletter.

Mayor Pro Tem Saavedra stated the weeds were getting real bad on the south side of Benito Street and asked what could be done. City Manager Chapa stated public works could go in and remove the weeds but we need to look at a long term beautification project.

Fire Chief Casillas stated that staff had completed the weed abatement letters and added that for next year an education program could be done.

Mayor Pro Tem Saavedra asked if a larger sign could be installed at Gallardo Park. Staff will look into the costs of a larger sign. Community Development Director Fleming stated that the sign had been discussed at the Redevelopment Neighborhood Committee meeting. Apparently the family has a plaque. City Manager Chapa will provide the information to the Council.

Mayor Pro Tem Saavedra stated that he had seen a 'conserve water' brochure at the YMCA and asked if this is what staff produced. City Manager Chapa stated it was not and we were in the process of finalizing with the printer the final product.

Councilmember Stephens stated she wanted to piggyback on all the other Council comments and added that the 100 block of Front Street needed some sprucing up. She asked Chief Casillas to keep Council updated on the weed abatement. She asked for an update on the General Plan and Community Development Director Fleming stated that the EIR is in the process of being completed and then it will be circulated.

Councilmember Stephens asked about the status of the financial audits. City Manager Chapa stated it would be presented at the May Council meeting. Councilmember Stephens asked that Chief Cox give an update of how many people attended the child abuse training and how it went.

Councilmember Bourke, asked that the pocket parks be cleared of weeds, asked staff to address the overnight parking at the Park and Ride lot and asked that the new Executive Director of the Housing Authority be invited to meet the Council.

Mayor Ortiz stated that the South County Mayors and City Managers had started meeting and were working on the City Centered Growth principals.

Councilmember De La Rosa stated she had met with Deanna Sessums from the League of California Cities and Ms. Sessums would like before and after photos of the downtown redevelopment to use in a search for new dollars. She added that the new clock looks great.

Councilmember Bourke suggested we apply for the Helen Putnam Award for Excellence for our downtown redevelopment.

Mayor Ortiz stated he would like to see signs at all the parks because he noticed that the Aurelio Ramirez Park does not have a sign. He asked for a status on the flag pole at Veteran's Park and City Manager Chapa stated staff is working on it.

CLOSED SESSION

At 8:15 p.m. Mayor Ortiz called for a recess to convene to Closed Session to discuss the following items:

City Attorney Rodriguez stated that Item #1 would be continued to the next meeting to allow staff to conclude it's investigation.

1. The City Council will recess to closed session pursuant to Government Code Section 54956.9(a) to confer with its Attorney regarding pending litigation which has been formally initiated. The title of the claim is - Holguin
2. The City Council will recess to Closed Session to meet with its designated representative regarding labor relations matters pursuant to Government Code Section 54957.6. The employee/employer organization is California Professional Employees, Local 2345 (CAL-PRO).

MEETING RECONVENED

At 9:35 p.m. Mayor Ortiz reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mayor Ortiz reported that:

Item #2: Direction was given to the negotiator.

ADJOURNMENT

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 9:36 p.m.

RICHARD V. ORTIZ, Mayor

Approved: May 18, 2005

NOELIA F. CHAPA, City Clerk