

**City Council Regular Meeting and  
\* Redevelopment Agency Special Meeting**

**May 18, 2005**

**CALL TO ORDER**

Mayor Pro Tem/Vice-Chairman Saavedra called the regular meeting of the City Council and the special meeting of the Redevelopment Agency of the City of Soledad to order at 6:35 p.m.

**PLEDGE OF ALLEGIANCE**

Councilmember/Agencymember Bourke led the Pledge of Allegiance.

**PEACEBUILDERS' PLEDGE**

Mayor Pro Tem/Vice-Chairman Saavedra asked all present to join him in reciting the PeaceBuilder's Pledge.

**ROLL CALL**

Present when the meeting was called to order were Councilmember/Agencymembers: Christopher Bourke, Stefanie De La Rosa, Patricia Stephens, Mayor Pro Tem/Vice Chair Juan Saavedra. City Manager/Executive Director Chapa announced that Mayor/Chairman Richard Ortiz had stepped out to present a Certificate of Commendation to Jack and Marceline Franscioni at the last Bingo Game and would return shortly.

**MAYOR'S/CHAIRMAN'S REPORTS**

Mayor Pro Tem/Vice Chair Saavedra stated this report would be deferred for now.

**COUNCILMEMBERS/AGENCYMEMBERS ANNOUNCEMENTS**

Councilmember/Agencymember Stephens reported she had attended the AMBAG meeting last Wednesday and they discussed the Gateway monuments program and PG & E's partnership with communities to construct buildings to conserve energy. She also stated she would be attending the League of California Cities Policy Committee Meeting on June 23<sup>rd</sup> in Ontario.

Councilmember/Agencymember Bourke reported he had attended the League of California Cities Monterey Bay Division Dinner in Watsonville on May 9<sup>th</sup> and reminded everyone that the Redevelopment Agency Meeting of May 25<sup>th</sup> would probably be cancelled.

Councilmember/Agencymember De La Rosa reported she attended the League of California Cities Monterey Bay Division Dinner and meeting in Watsonville, she met with Bill Shaw and stated she would be attending and presenting scholarships at the Soledad Senior Awards Night.

Mayor Pro Tem/Vice Chair Saavedra stated he had attended the recognition dinner for former Mayor Pro Tem Ted Barrera and said he had a very nice time.

**COUNCILMEMBER/AGENCYMEMBER PRAISES**

Mayor Pro Tem/Vice Chair Saavedra stated he would like to praise Mayor/Chairman Ortiz for the tremendous job he is doing for the City and referenced the articles in the newspaper.

**PRESENTATIONS**

**Resolution No. 3617**, "Commending the Monterey County Head Start Program on their 40<sup>th</sup> Anniversary."

City Manager Chapa stated that the Head Start Program was having their dinner meeting for their 40<sup>th</sup> Anniversary tonight and that is why no one was available to accept the resolution. She stated the resolution would be finalized and mailed to them.

**MOTION: Resolution No. 3617 was unanimously approved on a motion by Councilmember Bourke and a second by Councilmember De La Rosa.**

**PUBLIC COMMENT**

Alberta Gomez, 211 Montezuma Drive addressed the Council. She stated that she had entered into a contract to have her home rehabilitated in October of 2003. She said to date the house has not been finished. The contractor for the work is Reyes Venegas. She said he has done shoddy work and has been paid too much money, namely \$6,000 for cabinets that you could buy for \$360. Instead of removing the old linoleum, he just slapped on the new tile on top of it. She stated she had mushrooms growing in her house and there is mildew in the bathroom. She stated she had not signed off on the finished paperwork. She said that she needed to refinance her home to pay off some bills but the City was requiring her to repay her rehabilitation loan while she refinanced.

Mayor/Chairman Ortiz returned at 6:45 p.m.

Ms. Gomez asked the Council to have Mr. Venegas finish the jobs he started. She said that she also wanted the Council to know that the refinance requirements of paying off her rehabilitation loan were not on her contract. She would only have to pay off the rehabilitation loan if she sold the home. She said that Mr. Venegas has construction garbage in her front and back yards and she understood the contractor is supposed to remove it. She said that Laurin Associates had talked to Mr. Venegas but he would slack off. She asked for the City's help in resolving this matter before she had to seek legal counsel.

Mayor Pro Tem Saavedra asked if the Building Official Otis Justice had signed off on the inspections. She stated only three times. Mayor Pro Tem Saavedra asked if the rehabilitation had been completed before the refinance. She said she did not know she had a lot of rights such as choosing the contractor and choosing the tiles. She said she did not sign off on anything that she could recall. She asked the Council to come and see her home.

Ms. Gomez stated that after she received the documents from Laurin Associates, she found out that she did not know she had a lot of rights such as, being able to choose the contractor, choose the tile she wanted and other rights she did not realize she had because the document had never really been explained to her. She again stated that she did not sign off on anything that she could recall. She invited the Council to come and view her home.

City Attorney Rodriguez asked Ms. Gomez if she currently had an attorney and she stated she did not.

Councilmember De La Rosa asked Ms. Gomez if she had contacted the Contractor's License Board. Ms. Gomez stated she had and as of yet had not received the form to fill out a formal complaint. She also wanted the Council to know that Mr. Venegas had been paid double the amount as compared to another rehabilitation job.

Annette Aguilar, 1532 Vineyard Drive addressed that Council. She passed out a letter she typed along with copies of pictures of her home because she was very upset and could not explain her problem. She stated she had never been given an explanation of the guidelines. Initially she was requesting funds for rehabilitation of her fence. She said Tom Rodgers of Laurin Associates took out the fence on the initial write-up and took out the costs of the fence. She stated she wanted to get her fence done and Tom Rodgers stated he would put it back in along with the costs, but he didn't. She stated she had not signed off on the project and stated according to the guidelines, she could go through an arbitration hearing. She said that when she asked Tom Rodgers about a hearing, he told her that Mr. Venegas had done more work than he had been paid for. She added that Ken Hubler and Tom Rodgers had made her decisions for her and did not allow her to decide. They picked the contractor not her.

Councilmember Bourke apologized on behalf of the City for what they both have gone through. He wants City staff to look into this.

Mayor Ortiz asked that this item be presented to the Council as an agenda item. He would like to know why this has not been addressed and what can be done to assist these two ladies.

City Manager Chapa stated staff was already reviewing the complaints and would bring the information back to the Council.

Councilmember Bourke asked that inquiry letters be sent to other people that had rehabilitated their homes with these funds to see if they were satisfied with the work performed.

City Manager Chapa stated that Barry Polster of Laurin Associates had done a satisfaction survey but she had not seen it yet.

Mayor Pro Tem Saavedra stated that staff should explain the rules and guidelines to the customers from the beginning to the end. He stated he was very dissatisfied with this and stated it should have been resolved at the consultant level.

City Attorney Rodriquez stated there are some restrictions but the City's hands are not tied.

Mayor Ortiz stated that he knew this was an on-going problem and this was not the first time he had heard complaints.

City Manager Chapa stated she would be agendizing this item for the June 15<sup>th</sup> Council meeting to give staff time to review and obtain the information needed for the Council.

City Attorney Rodriquez stated he would look into the arbitration language in the paperwork.

Ms. Gomez also invited the Council to come over and see her home. She added that every day she sleeps with the windows open because of the smell of the mildew.

**CONSENT CALENDAR**

**Item #1:      **Approval of Minutes****

- Joint City Council/Planning Commission Special Meeting Minutes July 1, 2004
- Joint City Council/Planning Commission Special Meeting Minutes July 8, 2004
- City Council Regular Meeting Minutes April 20, 2005

**ITEM #2 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER/AGENCYMEMBER BOURKE**

**Item #2:      **Approval of Warrants**  
#35965 - #36082**

**Item #3: \*      **Resolution No. 3618/254**, “A Joint Resolution of the City Council and the Redevelopment Agency of the City of Soledad Authorizing the City Manager/Executive Director to Execute a Contract with TCA Partners, CPA to Perform Annual Auditing Services.”**

**Item #4:      **Resolution No. 3619**, “A Resolution of the City Council of the City of Soledad Authorizing the City Manager to Execute Amendment #2 to the Contract for Animal Sheltering Services with Los Coches Animal Hospital to Allow For the Provision of Services for an Additional Year.”**

**Item #5:      **Resolution No. 3620**, “Making Findings on Special and Public Transportation Needs and Approving the Filing of Applications for TDA and STA Funds, "Public Transit" and Local Transportation Funds for Street and Road Purposes for Fiscal Year 2005-06.”**

**And**

**Resolution No. 3621**, “Making Findings on Special and Public Transportation Needs and Approving the Filing of an Amended Application For STA Funds for “Public Transit” for Fiscal Year 2004-05.”

**Item 6:      **Resolution No. 3622**, “Authorizing the City Manager to enter into an Agreement for Mutual Exchange of Fire, Medical and Rescue Services - Automatic Aid between the City and the Soledad Correctional Training Facility”**

**MOTION: The Consent Calendar (Items #1, 3, 4, 5, and 6) was approved by a unanimous vote on a motion by Mayor Pro Tem/Vice Chairman Saavedra and a second by Councilmember/Agencymember De La Rosa.**

**ITEM #2 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER BOURKE**

**Item #2:      **Approval of Warrants**  
#35965 - #36082**

Councilmember Bourke asked about Warrant No. 35967 a Federal Deposit Penalty. Mark Smith, Finance Officer explained that the payroll taxes had arrived one day late to the Internal Revenue Service and thus the City was penalized. Councilmember Bourke asked that this not happen again and City Manager Chapa stated that she had talked to staff regarding this already.

Councilmember Bourke asked about the duplicated fire stipends for the firefighters. Fire Chief Casillas explained that there were two line item accounts; one for shift work and one for paid per call.

**MOTION: Warrants #35965 through #36082 were approved by a unanimous vote on a motion by Councilmember Bourke and a second by Mayor Pro Tem Saavedra.**

**PUBLIC HEARINGS**

None

**BUSINESS**

**Item #7: Ordinance No. 618** “Amending Chapter 8.16 – Fireworks of the Soledad Municipal Code” (First Reading)

Fire Chief Jesse Casillas presented the staff report. He stated that upon the direction of the City Council, staff made the changes to the ordinance. This ordinance will limit the parks that can be used to discharge safe and sane fireworks, limit the dates and times for the sale of safe and sane fireworks and increase the violation from an infraction to a misdemeanor.

**MOTION: Ordinance No. 618 was introduced and read by title only and was approved by a unanimous vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.**

Chief Casillas stated that he would be contacting the organizations that sell the safe and sane fireworks to inform them of the changes in the ordinance.

**Item #8: Student Scholarship Awards**

Assistant City Manager De La Rosa reviewed the process for the Student Scholarship Awards. He stated that this year there are two nominees selected by the Committee. There were a total of six candidates that applied. Staff is asking the Council to concur with the selections of the Committee. Assistant City Manager De La Rosa stated all the applications are available for Council’s review.

Councilmember Bourke asked when the students would get the award. Assistant City Manager De La Rosa stated that once the City receives transcripts showing they have enrolled in college, staff will have the warrant issued.

**MOTION: Mayor Pro Tem Saavedra motioned and Councilmember Bourke seconded the motion to approve the Committee’s recommendation to award Nohemy Chavez and Juan Carlos Reyes this year’s scholarship recipients by a unanimous vote.**

**Item #9:** Receive and Provide Staff Direction on Location of the Flagpole at Veteran's Park

Public Works Director Clif Price reviewed the staff report. On the overhead projector he showed a layout of the park. He pointed out where the restrooms were and where they were proposing to install the flagpole.

Mayor Ortiz asked if there was enough room for the raising of the flag ceremony. City Manager Chapa stated there was not.

Councilmember De La Rosa stated it should be placed closer to Gabilan Drive.

Mayor Pro Tem Saavedra asked if the VFW and the American Legion had been involved in the decision on where to install the flag. He felt it would be critical for them to make a recommendation. He would like to have their input and recommended the flag be placed closer to the corner of San Vicente Road and Gabilan Drive.

Public Works Director Price stated that the electrical connection would come from the restroom area and it would only be a matter of conduit cost to move the location. He also stated that the flagpole is designed to sustain 70 mile per hour winds.

Mayor Ortiz asked if a pedestal for plaques had been considered. Mayor Pro Tem Saavedra and Councilmember De La Rosa would like to have events spread around the park, a nice park sign and other flags or plaques around the park. They also thought that a monument sign would look nice on the corner of Gabilan and San Vicente Road.

City Manager Chapa stated she would meet with the VFW and American Legion and would also talk to the Soledad Rotary to seek donations. She stated that the Council had agreed on looking at two locations, one on Gabilan and one on San Vicente Road with the monument sign on the corner. She would bring this back for Council consideration in June.

**Item #10:** Discussion of Preservation of Historic Homes in Soledad

Community Development Director Don Fleming reviewed the staff report. He said that the Soledad Municipal Code had very little in regards to preservation of historic homes. He gave other alternatives for the preservation of historic structures; the formation of a historic district, a business improvement district and a lighting and landscaping assessment district may be of interest to the Council.

Councilmember Bourke asked if there was any history on a home that was rehabilitated such as the year it was built. Also he asked if staff had a roster of historical structures in town. Community Development Director Fleming stated in "no" to both questions.

Mayor Ortiz felt that an inventory should be conducted of homes or structures in Soledad and when they were built. Community Development Director Fleming stated he could color code the files tagging the age of the homes.

Councilmember Bourke suggested staff could start by putting the date a home was built on the applications for demolitions and building permits.

Mayor Pro Tem Saavedra suggested that incentives for the homeowner to conserve the home could be developed. Community Development Director Fleming stated that under state preservation there are tax credits and other incentives in place.

Councilmember De La Rosa asked staff to obtain a copy of Pacific Grove's ordinance on historical homes.

**Item #11:** Acceptance of the City's Audited Financial Statements for Fiscal Year 2003-04

City Manager Chapa asked Council to continue this item to the June 1<sup>st</sup> City Council meeting.

**MOTION: Councilmember Stephens motioned and Mayor Pro Tem Saavedra seconded the motion to continue Item #11 to the June 1<sup>st</sup> meeting by a unanimous vote.**

Councilmember Bourke stated the auditors were paid to attend and make the presentation. He asked staff to assure that a representative of Moss Levy attend the next meeting.

### **MAYOR'S/CHAIRMAN'S REPORTS**

Mayor/Chairman Ortiz stated he would give his report at this time. He reported that he had made a presentation of a Certificate of Commendation to Jack and Marceline Franscioni for starting the CATS Bingo Games to pay for swimming lessons and books for kids. He stated they were very surprised and the school district made a presentation to them also. Councilmember Stephens thanked Mayor Ortiz for making the presentation.

### **CITY COUNCIL COMMITTEE UPDATES**

- a) **Street Naming** – Mayor Pro Saavedra reported they hadn't met but will be meeting soon. City Manager Chapa stated Nader Agha was asking to see the names chosen for his new streets.
- b) **Energy Plant** - None
- c) **Miravale Section 16** - None
- d) **Development Review** – Mayor Ortiz reported that Mike Gutierrez had his groundbreaking ceremony for his new car lot. City Manager Chapa stated they also had a development review of Bill Shaw's phase 2 of his shopping center project. Mayor Ortiz felt it was more of a negotiations meeting than a presentation. City Manager Chapa stated this would be agendized for closed session at the Redevelopment Agency Meeting of June 22<sup>nd</sup>.
- e) **Overall Landscape Review** - None
- f) **ADA** - None
- g) **Revolving Loan Fund** - None
- h) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa stated they had met last week regarding the Wind & Wine Festival. She stated that OSBA will be approaching the City for funding. City Manager Chapa stated staff would be looking into providing coverage for the dirt area where the Festival will take place.
- i) **Parks** - None

- j) **Redevelopment Neighborhoods** – Councilmember De La Rosa reported that RNC had a meeting last night but there was no quorum. There was a new member asking for help on getting additional lighting in the Greenleaf Estates/Barcelona Estates. He is the Vice President of their Homeowners Association.
- k) **CAC** – Mayor Ortiz asked staff to have the two appointed members come to the next Council meeting to make a report.
- l) **SR146 (Roads)** - None
- m) **Tree** - None
- n) **Wastewater Treatment Plant** – Public Works Director Price stated a meeting was held earlier in the day relative to long-term waste management plan. The RFP was reviewed at the WWTP Committee meeting and staff will be bringing the long-term waste management plan RFP to the Council on June 1<sup>st</sup>. Public Works Director Price stated that Ruben Moreno had reported on the trip to Sacramento and the new list for the State Revolving Funds was updated but we are in the same place and he said he would try to move us up.

### **CITY MANAGER’S REPORT**

#### **Update of Emergency Work at the Wastewater Treatment Plant**

City Manager Chapa stated we had secured our permit to run both facilities from the Regional Water Quality Board. Public Works Director Price stated the ponds are still full and three are slowing down. They did start up testing the prison plant and diverted approximately 1/2 million gallons. He added that the aerators are in place and we have power.

#### **Council Requests – Status Table**

City Manager Chapa stated that this status table will be updated for the Council at every meeting to keep them informed of the status on their particular questions and requests.

### **CITY COUNCIL ITEMS**

Councilmember De La Rosa stated that a complete review has to be done and an exit interview has to be conducted by Laurin Associates. She asked for an update on the child care center, an update on project lists and priorities and stated that the lights on West Street were not put in the correct place.

Mayor Pro Tem Saavedra asked for an update on the City Hall completion. City Manager Chapa stated the contractor is on target, but staff will provide a report to the Council.

Mayor Pro Tem Saavedra stated he had several complaints regarding the painting of the red curbs where the fire hydrants are located. City Manager Chapa stated that in new construction, the developer will be responsible to paint the curbs and in the old development the curbs will be targeted for painting by maintenance staff. Mayor Pro Tem Saavedra asked staff to look into the regulations regarding weed clean up of the four-foot sidewalk strip.

Mayor Ortiz asked why the curbs by the fire hydrants were painted red by the Fire Department and not the maintenance workers.

Councilmember Stephens stated the visibility at East and Monterey and East and Market was very poor if someone was parked by the corners. She asked if staff could paint the curbs to keep this area clear. City Manager Chapa stated this was on the state highway and staff would have to check with CalTrans.

Councilmember De La Rosa stated the visibility was poor at Monterey and Main Streets also.

Councilmember Bourke asked for a status report on the General Plan, electricity for the bathrooms and the Ralph Lopez project.

Mayor Ortiz asked staff to follow-up on the Housing Authority request regarding the removal of two Commissioners.

### **CLOSED SESSION**

At 8:24 p.m. Mayor Ortiz called for a recess to convene to Closed Session to discuss the following items:

1. \* The Agency will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the Agency's negotiator regarding the purchase of property identified as APN: 022-291-010 (Zepeda). Instructions to the negotiator will concern price and terms of payment.
2. The City Council will recess to closed session pursuant to Government Code Section 54956.9(b) to confer with legal counsel concerning a matter representing a significant exposure to litigation.
3. 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 matter is – Claim of Holguin
4. 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).
5. The City Council will recess to closed session pursuant to Government Code Section 54956.8 to meet with its real property negotiators. The property in question consists of a parcel or parcels located just north of the northern City limits. Instructions to the negotiator will concern terms and prices related to a proposed acquisition.

### **MEETING RECONVENED**

At 10:29 p.m. Mayor Ortiz reconvened the meeting from Closed Session.

### **REPORT OF ACTION TAKEN IN CLOSED SESSION**

Mayor Ortiz reported that:

- Item #1. \* Agency Board provided direction to its negotiators. No other reportable action taken.

- Item #2. Council conferred with legal counsel and provided direction. No other reportable action taken.
- Item #3. Claim denied by unanimous vote of the Council- 5-0. Direction provided to legal counsel. No other reportable action taken.
- Item #4. Direction provided to City's designated representatives. No other reportable action taken.
- Item #5. Direction provided to negotiators. No other reportable action taken.

**ADJOURNMENT**

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 10:30 p.m.

Approved: June 1, 2005

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RICHARD V. ORTIZ, Mayor

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NOELIA F. CHAPA, City Clerk