

City Council Regular Meeting

July 6, 2005

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Lupe Martinez led the Pledge of Allegiance.

PEACEBUILDERS' PLEDGE

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

ROLL CALL

Present when the meeting was called to order were Councilmembers: Patricia Stephens, Mayor Pro Tem Juan Saavedra and Mayor Richard Ortiz.

Councilmembers Christopher Bourke and Stefanie De La Rosa were excused.

MAYOR'S REPORTS

Mayor Ortiz reported that he, City Manager Noelia Chapa and Councilmember Bourke had made a recent trip to Sacramento regarding Senate Bill 952 that is sponsored by Jeff Denham. In Committee the Bill faced some struggles. It was down to one vote in the Assembly Committee and thanks to Juan Vargas, Assemblyman from the San Diego area, the proposed bill was passed out of Committee.

Mayor Ortiz also responded to the public regarding the closure of California Fresh Cut carrot plant and the recent article printed in the *Soledad Bee*. On numerous occasions, the City offered financial assistance and guidance to the owner. The conditional use permit expired and the City gave Mr. Bigiogni a few extensions. Mayor Ortiz stated the City had nothing to do with the closing of the facility. Facts contained in the article were incorrect. The City wants to retain all businesses. Many services were offered to help prevent the plant from closing but to no avail. The City is still prepared to assist in any way they can to keep the business open and the jobs intact. Mayor Ortiz stated he was sorry that the press was not there to give the City's side of the story to the public.

COUNCILMEMBER'S PRAISES

Mayor Pro Tem Saavedra thanked and praised the Calvary Baptist Church group from Alberta Canada who visit Soledad every year to perform community service. Councilmember Stephens read praises on behalf of Councilmember Bourke. He praised Irene McCormick for receiving an A in her class; praised the Public Works Department for their quick response to the recent graffiti; the Police Department for the quick arrests after the murder; City staff for their patience during the City Hall expansion; Fourth of July Committee for a great show; Jeff Denham for his support with SB952 and our lobbyist, John Arriaga, for his successful efforts as the staff lobbyist and added that his contacts and experience made a huge difference.

Councilmember Stephens praised the Fourth of July Committee for their efforts, the Public Works Department for the Little League Park improvements especially the shade structure and the inmate crew from the California Department of Corrections for the cleanup and City Staff for the Fourth of July events.

Mayor Ortiz praised the Fourth of July Committee for their efforts the day of the event and preparation for the fireworks display including finding people to donate and help with the event. He stated the visiting Canadians did a fantastic job keeping the parks clean and in preparation for the event. Mayor Ortiz also applauded the Fire Department and Police Department's softball teams.

PRESENTATIONS

Introduction of new employee:

Carla Stewart – Secretary to the City Manager

City Manager Noelia Chapa introduced Carla Stewart, Secretary to the City Manager. She further shared Carla's most recent employers, including the County of Monterey Office of Economic Development and Northern California Golf Association in Pebble Beach. While at the NCGA, She served as secretary in the membership department, Executive Assistant to the Executive Director, and served as Office Manager and as liaison between staff, Executive Director and 21 member board of directors. Born and raised in Atascadero, she moved to Monterey County almost seven years ago when her husband, Adam, received employment in Salinas. Carla is a graduate of Santa Barbara Business College and is currently working on her degree through Hartnell College. She is also a Notary Public and National Notary Association Signing Agent.

Carla and her husband, Adam, have been Soledad residents for 1 ½ years and on the weekends enjoy walking their two dogs, working on projects around the house, and coaching their two godson's little league teams. They are also involved with Salinas PAL program.

Carla thanked the City Council for providing her an opportunity to work for the City of Soledad, and looks forward to her future with the City.

PUBLIC COMMENT

None

CONSENT CALENDAR

Item #1: Approval of Minutes

None

Item #2: Approval of Warrants

#36268 - #36405

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR ORTIZ

Item #3: Resolution No. 3639, "Approving and Authorizing Execution of a Communications Facilities Site Lease Between the City and Metro PCS for Use of City Property Located at San Vicente Road and Market Street"

MOTION: The Consent Calendar (Items #1 & 2) was approved by a majority vote on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY MAYOR ORTIZ

Item #3: Resolution No. 3639, “Approving and Authorizing Execution of a Communications Facilities Site Lease Between the City and Metro PCS for Use of City Property Located at San Vicente Road and Market Street”

Mayor Ortiz expressed concern over the placement of the tower and asked if approval was received by PG&E. His concern was that this was a new location, and that others would want to be installed in the same location. The City already had two areas in the City.

City Attorney Mike Rodriguez stated he spoke about the aesthetics and cost sharing with Metro PCS and PG&E. Councilmember Stephens asked if we had placed restrictions in the past to keep them in one spot. City Manager Chapa stated staff would research this.

City Attorney Mike Rodriguez questioned that the CUP for this item had already been approved by the Planning Commission.

MOTION: Resolution No. 3639 was adopted on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra by a majority vote.

Mayor Ortiz stated that an item regarding Prop 50 grant fund application preparation had to be added to the agenda.

City Attorney, Mike Rodriguez, stated that pursuant to Government Code 54954.2 an agenda item could be added to the agenda that arose after the posting of the agenda under two conditions: 1) This item was received after the agenda was posted, and 2) The item is needed to be acted on, completed and turned in by Friday, July 8th.

MOTION: The above item was approved to be added as Item #8 under the Business section by a unanimous vote of those present, on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens.

PUBLIC HEARINGS

Item #4: DIAMOND RIDGE BENEFIT, DIAMOND RIDGE PARKS AND OPEN SPACE AND RANCHO SAN VICENTE PARKS AND OPEN SPACE ASSESSMENT DISTRICTS

Staff presentation

Finance Officer Mark Smith reviewed the staff report. He stated he had received the information from the consultant MuniFinancial and would be forwarding the documents to the County Assessor’s Office if Council adopted the resolutions this evening. He added that a consultant was present at the meeting in case the Council had any further questions.

Finance Officer Smith stated that each resolution required a public hearing and asked the Mayor to open each one separately for public comment, receive testimony, close the public hearing and then adopt each one separately.

Resolution No. 3640, “Ordering the Levy and Collection of Assessments within the Diamond Ridge Benefit Assessment District No. 1 for Fiscal Year 2005/2006.”

Open and close hearing to the public

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

MOTION: Resolution No. 3640 was adopted on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens by a majority vote.

Resolution No. 3641, “Ordering the Levy and Collection of Assessments within the Diamond Ridge Parks and Open Space Maintenance Assessment District No. 1 for Fiscal Year 2005/2006.”

Open and close hearing to the public

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

MOTION: Resolution No. 3641 was adopted on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra by a majority vote.

Resolution No. 3642, “Ordering the Levy and Collection of Assessments within the Rancho San Vicente Parks and Open Spaces Maintenance Assessment District for Fiscal Year 2005/2006.”

Open and close hearing to the public

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

MOTION: Resolution No. 3642 was adopted on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra by a unanimous vote.

BUSINESS

Item #5: Resolution No. 3630, “Announcing Findings and Approving Orchard Villas Tentative Subdivision Map (TSM 2003-06) to Subdivide 29.95 Acres into 177 Lots of Record and Apply Plan Development Standards to Allow 161 Lots with a Minimum Size of 5,000 Sq. Ft. and 16 Lots with a Minimum Lot Size of 3,500 Sq. Ft.” (*RECOMMENDED ACTION: to continue to July 20, 2005*).

City Manager Chapa stated that staff is recommending this item be continued to the July 20th meeting when it is anticipated that a full Council will be present.

MOTION: Resolution No. 3630 was continued to the July 20, 2005 City Council meeting by a majority vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens.

Item #6: Ordinance No. 620, “Adding Chapter 17.41 – ‘Inclusionary Housing’ to Chapter 17 – ‘Zoning’ of the Soledad Municipal Code.” (First Reading)

Community Development Director Fleming stated that a joint meeting of the City Council and the Planning Commission was held at 5 p.m. earlier this evening to discuss this ordinance. It was recommended by the Planning Commission that the City Council introduce, waive the first reading and reading by title only. Mayor Ortiz added that there were some corrections made and wording changed from the previous meeting that should be incorporated.

Mayor Ortiz asked if anyone in the audience had any comments.

Aaron Casillas, 210 Amador, spoke about the housing ordinance limitations. Mr. Casillas has been a resident of Soledad for six months and has felt very welcome by the community. He gave a history of his experience in affordable and inclusionary housing in Southern California. Recently Mr. Casillas was interested in starting his own business, and went to our local bank for a loan borrowed against the home. He was denied the loan because he lives in an affordable home. He felt very frustrated by this because he is appreciative of the affordable housing, but at the same time feels that he is paying property taxes and rent on a unit that is truly not his.

Councilmember Stephens informed Mr. Casillas that the Planning Commission/City Council made a commitment at their joint meeting to visit the subject and she thanked him for his comments.

MOTION: On a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens the Council by a majority vote concurred to introduce Ordinance No. 620, waive its first reading and read by title only.

Item #7: Ordinance No. 621, “Amending Chapter 9.18 – ‘Firearms/Weapons Discharge or Operation’ of the Soledad Municipal Code.” (First Reading)

City Attorney Michael Rodriguez reviewed the staff report. He stated that after the June 15, 2005 meeting, staff made some additional recommended changes which are incorporated into this document. Staff is requesting that the Council introduce the ordinance, waive the first reading and read by title only.

MOTION: On a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens the Council by a majority vote concurred to introduce Ordinance No. 621, waive its first reaing and read by title only.

Item #8: Approval of Prop. 50 Grant Application Preparation

Public Works Director Clif Price reviewed the staff report. He stated that previously the City Council on June 1, 2005 approved a resolution approving RM Associates preparation of the Prop. 50 grant application for the first phase of the program. This would of required a 10% match by the City. During the preparation of the grant application in conjunction with the Monterey County Water Agency grant application, RM Associates was informed that the percentage of match in this application would need to be 60% in order to capture additional points in the grant selection process making the city of Soledad more competitive.

Public Works Director Price and the City Manager were informed of this urgency of the change. The 60% match to increase points is expected to be funded by the State Revolving Fund 0% interest loan and other sources which City staff is currently pursuing. The 60% match includes the treatment component and the City would be seeking approximately \$20,000,000. He added that the 60% match would not be allocated until successful award and formal acceptance of the grant award by the City Council.

MOTION: Item #8 was approved by a majority vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens.

CITY COUNCIL COMMITTEE UPDATES

- a) **Street Naming** – None
- b) **Energy Plant** – City Manager Chapa informed the Council that dates for a meeting with the Monterey Bay Air Pollution Control District had been identified. Mayor Ortiz has requested that the contact information for Monterey Bay Air Pollution Control District be added to the Access Channel. Mayor Pro Tem Saavedra also asked that the information be added to the bottom of the utility bills.
- c) **Miravale Section 16** - None
- d) **Development Review** – None
- e) **Overall Landscape Review** – None
- f) **ADA** - None
- g) **Revolving Loan Fund** – None but Mayor Ortiz, Mayor Pro Tem Saavedra and Councilmember Stephens agreed that staff should research if the Revolving Loan Fund can be used as an avenue for the inclusionary housing assistance.
- h) **Oldtown Soledad Beautification Association** – None
- i) **Parks** – None
- j) **Redevelopment Neighborhoods** – None
- k) **CAC** – None
- l) **SR146 (Roads)** – None
- m) **Tree** – Community Development Director Don Fleming informed the Council that they have split up the old part of town into five sections and they are looking at old tree maps in comparison to what is there and what is no longer there.
- n) **Wastewater Treatment Plant** - None

CITY MANAGER'S REPORT

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

Public Works Director Price stated that they are continuing work for testing at prison. The lease is being circulated and they are waiting on the Warden's response.

- b) Council Requests – Status Table

City Manager Chapa informed the Council that the table was not included in the packet, but was distributed today on the dias. She asked them to please review for discussion at the next Council meeting.

CITY COUNCIL ITEMS

Mayor Pro Tem Saavedra expressed his frustration and issues regarding the City Hall Expansion project. He said he felt that it keeps changing and he would like to see a breakdown of costs, bid plans, change orders and how they compare to the original plans. He would like to know why there was no soil testing on the site, etc.

Councilmember Stephens stated she would also like to see the plans for the remodel and cost estimates. She also stated that on behalf of Councilmember Bourke: he would like a report on the Housing Rehab issue, he would like to see a copy of the management discussion and analysis letter that is part of the audit and wants an updated report on legal matters regarding the City .

Mayor Ortiz said he echoed the same concerns on the City Hall / Police Department expansion project.

CLOSED SESSION

At 7:42 p.m. Mayor Ortiz called for a recess to convene to Closed Session to discuss the following items:

1. The City Council recess to closed session to consider personnel matter pursuant to Government Code Section 54957 – City Manager Evaluation.
2. 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 initiated formally and to which the City is a party – two matters – Anadon v. City of Soledad; B-4 Concrete vs. City of Soledad, et. al.
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 Lusk.
4. 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 Ceja (Housing Authority).

MEETING RECONVENED

At 8:15 p.m. Mayor Ortiz reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mayor Ortiz reported that:

- Item #1. Council postponed review until July 20, 2005 City Council Meeting.
- Item #2. Council postponed review until July 20, 2005 City Council Meeting.
- Item #3. Council met with City Attorney. A unanimous vote to deny the claim was made.
- Item #4. Council met with City Attorney. A unanimous vote to deny the claim was made.

ADJOURNMENT

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 8:16 p.m. on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens.

RICHARD V. ORTIZ, Mayor

Approved: July 20, 2005

NOELIA F. CHAPA, City Clerk