

City Council Special Meeting

July 20, 2005

CALL TO ORDER

Mayor Ortiz called the special meeting of the City Council of the City of Soledad to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Lupe Martinez led the Pledge of Allegiance.

ROLL CALL

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

Councilmember Stefanie De La Rosa was excused.

PUBLIC COMMENT

None.

CLOSED SESSION

At 5:31 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 to confer with its attorneys 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 6:29 p.m., Mayor Ortiz reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mayor Ortiz reported that:

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, Mayor Ortiz adjourned the special meeting at 6:30 p.m..

RICHARD V. ORTIZ, Mayor

Approved: August 3, 2005

NOELIA F. CHAPA, City Clerk

City Council Regular Meeting

July 20, 2005

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Charles McKeag 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: Christopher Bourke, Stefanie De La Rosa, Patricia Stephens, Mayor Pro Tem Juan Saavedra and Mayor Richard Ortiz.

MAYOR'S REPORTS

Mayor Ortiz reported that he and Gary Gerbrandt attended the TAMC meeting and were happy to report that they are moving along with different designs in regards to types of transportation TAMC is going to provide from Santa Cruz through Monterey County, including South County. The Mayor felt that TAMC is moving in the right direction to provide the residents of the County with rail service as soon as possible.

COUNCILMEMBER'S ANNOUNCEMENTS

Councilmember Bourke was absent at the last Council Meeting but he informed the Council that he studied the minutes and video and was ready to participate. Councilmember Bourke attended the parks committee meeting on July 18th with the Little League.

Councilmember Stephens spoke to the Soledad Historical Society and the Historical Society requested the Soledad City Council appoint a member of the Council to serve on their committee. The Mayor requested that it be placed on the next Regular Meeting Agenda.

COUNCILMEMBER'S PRAISES

Councilmember De La Rosa thanked Public Works for completing the structure at the park and stated it will be good for summer events. She also praised the Fire Department and Mee Memorial for the acquisition of the defibrillators.

Mayor Pro Tem Saavedra praised the Police Department and Fire Department for the quick actions taken during the recent incident at FoodsCo concerning the child who was abandoned.

Councilmember Stephens praised the Police Department and Fire Department for their responsiveness to the situation with the child at FoodsCo; she stated it was a sad situation but appreciated the departments keeping the Council informed.

Councilmember Bourke praised the Police Department for the fast response to several incidents. He thanked Mee Memorial for the defibrillators and the Soledad Housing Authority for their progress on acquiring funding through the Department of Agriculture.

Councilmember Bourke also shared with the Council that he felt Soledad is getting a reputation due to the past two incidents regarding abandoned babies. He stressed that the word needs to get out about the new California law.

Mayor Ortiz thanked and praised the Police Department and Fire Department for their quick action in regards to the baby having respiratory problems.

PRESENTATIONS

None.

PUBLIC COMMENT

Justin Traina spoke to the Council representing all of the children selected to participate in the Junior National Young Leader's Conference. They will be representing Soledad, which has never occurred in the past. He requested financial assistance from the Council to support their trip. City Manager Chapa stated she would forward to the Council the mailing address if anyone was interested in sending any financial support for the group.

CONSENT CALENDAR

Item #1: Approval of Minutes

Joint City Council/Planning Commissioner Special Meeting Minutes July 6, 2005
City Council Regular Meeting Minutes July 6, 2005

Item #2: Approval of Warrants

#36406 - #36475

Item #3: Resolution No. 3643, "Authorizing the Closure of Main Street to Vehicular Traffic Between Monterey and Market Streets For One Day, from 10 AM to 7 PM on August 14, 2005 for Our Lady of Solitude Annual Fiesta and Approval of the Use of City Property for Fiesta Activities."

MOTION: The Consent Calendar (Items #1, 2 and 3) was approved by majority vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Stephens.

Councilmember De La Rosa and Councilmember Bourke abstained as they were not present at prior meeting.

PUBLIC HEARINGS

Item #4: Resolution No. 3630, “Announcing Findings and Approving Orchard Villas Tentative Subdivision Map (TSM 2003-06) to Subdivide 29.95 Acres (APN 257-111-001, 017, 018, and 020) into 172 Lots of Record, a 26,800 sq. ft. Public Park, and Apply Plan Development Standards to Allow 156 5,000 sq. ft. parcels and 16 3,500 sq. ft. Parcels for the Provision of Affordable Housing.” *(continued from July 6, 2005)*

Staff Presentation

Community Development Director Don Fleming reviewed the staff report. The applicant has modified the tentative map to include the newly proposed on-site public park and has reduced the number of lots from 177 to 172 to accommodate the park.

He said that Award Homes has been working to also improve the Diamond Ridge parks. He stated they continue to make improvements to the design of the parks in the Diamond Ridge area, with the final design to be established by the parks committee.

Councilmember Bourke requested that when selecting the names of the streets to keep in mind what may or may not be appropriate for a city street name. He commented that he did not feel “Tomasini Trail” was appropriate for a city street name. He felt that a trail was a dirt path through a forest. Mayor Pro Tem Saavedra agreed. Staff informed him that the names of the streets have not been finalized yet, and they will forward his recommendations to the Street Naming Committee.

Open hearing to the public

Mayor Ortiz opened the hearing to the public.

Charles McKeag from Award Homes addressed the Council. He stated that the staff report outlines the provisions for conditions of approval. He said they hope to bridge the gap of park fees to improve the park. He added that he hoped the Council was happy with the revisions and details that have been presented.

City Attorney Rodriquez stated that they came up with a solution for inclusionary housing. Financing of the parks will be generated with this project and Award Homes will cover any differences.

Councilmember De La Rosa asked that any of the specific design issues for the parks be discussed with the Parks Committee and City Council. She asked if the tot lot would be included in the park design. She also stated that they welcomed any comments on the street names.

Mr. McKeag stated that the tot lot and park were in a good location for all the kids to play. They will work with the Parks Committee to finalize the Diamond Ridge parks.

Mayor Pro Tem Saavedra commended Award Homes for addressing the street trees and asked if they are considered as public or private property. Mr. McKeag responded that they are on public property and the owners can also plant trees on their property.

Steve Schott, Jr. President of Award Homes addressed the Council. He brought his three sons with him. He stated that parks are an integral part of a community, and that Award Homes wants to make sure it is done right.

Close hearing to the public

There being no further public comments, Mayor Ortiz closed the hearing to the public.

MOTION: Resolution No. 3630 was adopted by a unanimous vote on a motion by Councilmember Bourke and a second by Mayor Pro Tem Saavedra.

Item #5: Resolution No. 3644, “Establishing Findings in Support of the Adoption of the Inclusionary Housing Ordinance.”

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

Staff Presentation

Community Development Director Don Fleming reviewed the staff report. He stated that after several months of work, six sets of revisions with the Planning Commission and Council, the adoption and second reading would be heard tonight.

City Attorney Rodriguez stated that questions in regards to the General Plan has required that a resolution establishing findings in support of the adoption of an Inclusionary Housing Ordinance be adopted.

Open hearing to the public

Charles McKeag from Award Homes addressed the Council. He stated that Award Homes intends to continue doing business in Soledad. The company strongly encourages the City as they move forward with adopting the Ordinance, to allow developers the opportunity to have a dialogue in implementing the ordinance and understand the challenges of implementing it.

Dennis Martin, Boardmember from the Home Builder’s Association of Northern California addressed the Council. He stated that since 2003, the Association has participated in discussions regarding inclusionary housing in Soledad. He strongly encouraged the Council to bring affordability in to Soledad by adopting the Inclusionary Housing Ordinance. He asked that the Council work with the Home Builders Association and Award Homes to establish a committee to study and provide recommendations for how best to achieve the city’s affordable housing goals.

Close hearing to the public

There being no further public comments, Mayor Ortiz closed the hearing to the public.

Councilmember Bourke stated that they had enough meetings and committees and prefers not to go backwards.

Mayor Pro Tem Saavedra stated that at the last meeting they all agreed that this document could be amended or modified in the future and that it was not set in stone. He stated he felt there were some areas that we are weak on and we could pursue and improve the delivery of affordable housing. He commented that the Council is dedicated to providing affordable housing to the community and that they have demonstrated this with the efforts that have been taken by bringing this ordinance to this point.

City Attorney Rodriguez stated that the resolution in front of the Council requires an annual review which will allow for public comment. A built in review period will be included for as long as needed.

MOTION: Resolution No. 3644 was adopted by a unanimous vote on a motion by Mayor Pro Tem Saavedra and a second from Councilmember De La Rosa.

MOTION: Ordinance No. 620 was adopted by a unanimous vote on a motion by Mayor Pro Tem Saavedra and second by Councilmember De La Rosa.

City Attorney Rodriguez stated that for the record, Ordinance No. 620 was read by title only.

Item #6: Ordinance No. 621, “Amending Chapter 9.18 – ‘Firearms/Weapons Discharge or Operation’ of the Soledad Municipal Code.” (Second Reading)

Staff Presentation

City Attorney Mike Rodriguez reviewed the staff report. He stated that the general intent of these changes is to deter weapon use in the City by increasing the penalty for illegal use and discharge and to broaden the scope of the definition of firearms that fall under applicable prohibitions.

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: Ordinance No. 621 was adopted by a unanimous vote on a motion by Councilmember Stephens and a second by Councilmember Bourke. City Attorney Rodriguez read the ordinance by title only.

Item #7: Hearing and Possible Action on Removal of Commissioner from the Housing Authority of the City of Soledad.

Staff Presentation

City Attorney Mike Rodriguez reviewed the staff report. The City received a letter from Soledad Housing Authority Executive Director Jose Gomez regarding two vacancies on the Soledad Housing Authority (SHA). Staff has since learned there has been one vacancy due to death. Executive Director Gomez asked Council to move forward to remove one of the commissioners from the board due to truancy. The City Council has the authority to appoint and remove commissioners on the SHA Board.

Ten days prior to the July 20th Council meeting, City Attorney Rodriguez notified SHA Commissioner Carrillo and Commissioner Arden of the Council's action to remove them from the board and the meeting at which it will take place (Violation section 3, sub 2 – commissioner fails to attend at least three consecutive meeting commissioner will be removed). Commissioner Carrillo was not in attendance at the SHA January, February and March meetings. There was no regular meeting held in April but he did not attend the special meeting on April 26th. Commissioner Carrillo also missed the May and June meetings.

City Attorney Rodriguez informed the Council that due to a lack of diligence of carrying out the duty of a commissioner, it was recommended that the commissioner be removed from the SHA board. The commissioner was informed that he had a right to appear at the Council meeting, but staff has not been aware of any specific comment from the Commissioner or attempt to contact the Council. Based on Council's recommendation, staff would then notify the local newspapers to let the community know there are two vacancies and ask for volunteers.

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: Commissioner John Carrillo was removed from the Soledad Housing Authority Board by a unanimous vote on a motion by Councilmember Stephens and a second by Councilmember Bourke.

It was recommended that a certificate of appreciation be given to Patricia Arden for her service to the Soledad Housing Authority and that a letter of appreciation be drafted for Mr. Carrillo.

BUSINESS

Item #8: Resolution No. 3645, "Authorizing the City Manager to Enter into a Contract with Schaaf and Wheeler for Development of the City's Water System Master Plan."

Public Works Director Clif Price reviewed the staff report. He stated that staff had received three proposals after sending out sixteen RFP's to engineering firms. Staff is recommending that the City Council award the contract to the lowest responsible bidder which is Schaaf and Wheeler.

MOTION: Resolution No. 3645 was adopted on a motion by Councilmember Stephens and a second by Councilmember Bourke by a majority vote. Mayor Ortiz stepped out and was absent from this vote.

Item #9: City Hall/Police Department Expansion Project – Provide update, discuss and provide staff direction on a cost saving design alternative and discuss and provide direction on design alternatives for the City Hall Council Chamber.

Public Works Director Price reviewed the staff report, including the late addition of Attachment F, which he explained was a spreadsheet of the project's change order details. He stated there was a correction to change the contingency approval date from April 21, 2004 to January 5, 2005.

Sam Benavides attended the meeting representing Mark Thomas, the project manager for the expansion project. Mr. Benavides stated that “phase 1” is 98% complete. He has conducted three walk-throughs of the project and generated a punch list of items to be corrected by the contractor. He stated the next and final punch list walk through would be tomorrow. Most of the punch list items have been minor - paint and touch ups, re-gluing carpets and the flooring. The most significant punch list item is the concrete slab, which consists of a number of dips creating irregularities in flooring. He felt this could cause problems down the road and they are trying to address a remedy for the situation.

Mr. Benavides stated that the contract included that the contractor would make provisions to build the project while staff occupied the space. He stated that there is no phasing and it is up to the contractor based on the terms of the contract to provide City staff with what needs to be done. He stated that a few changes have taken place, which is common for remodel projects to have. He informed the Council that since this project was a “Design/Build” project, there are items to be decided on during the course of the project. The project manager and staff have tried to minimize the changes on the results of those clarifications. He assessed the project as being about 60-75% complete as it was bid. In his opinion, Phase I had approximately 60% of the work/money associated with it and the remodel will have about 40%. He informed the Council that the contractor has not responded on how they have weighted the phasing. The project manager and staff have had a few issues with the contractor complying with requests for various issues (payroll, qualified superintendent on site).

Mayor Ortiz asked why the City Council was not notified of the changes being made. Mr. Benavides stated that since this project is a “design/build”, certain aspects of the project are left to the contractor on how to build, as long as it did not change the design or flavor of the design.

Mayor Pro Tem Saavedra stated he had questions such as why was soils testing not done. He stated the concrete had been changed from 4 inches deep to 10 inches deep. These are major changes and asked why this was not caught by the architects or engineers.

Mayor Ortiz stated that during several months of negotiations one of the primary concerns the Council had was that the Police Chief be accessible to the public. He felt there had been a dramatic design change. There were extra doors which could cause problems and the interior walls had been changed. Public Works Director Price stated that in regards to the police department, the only change was the Police Chief’s office. Instead of it being long and wide, it would now be two rooms. He added that staff is asking the Council to approve Staff’s recommended changes to minimize cost and increase square footage.

Mayor Pro Tem Saavedra asked how accessible to the public is the City Manager and Police Chief. Mayor Ortiz and Mayor Pro Tem Saavedra would like to have the Chief of Police and the City Manager office more people friendly.

Councilmember De La Rosa asked if Chief Cox had approved the plans. City Manager Chapa stated he had.

Mayor Pro Tem Saavedra stated that there was no briefing room for the officers to have their meetings and other work related functions.

Councilmember Bourke stated he felt the evidence room was too small, there was no conference room for the police department and he also stated he was concerned for the safety of the police department receptionists and possibly finance receptionists.

Mr. Benavides stated that what he felt the Council was requesting was that staff work with him to incorporate a more friendly public access for the Police Chief in the same place he is now, an addition of a conference room for the Police Chief, a safer reception area for the Police Department and Finance Department and more storage space for evidence room.

Mayor Pro Tem Saavedra stated he had more issues. He had asked for copies of the change orders and all he got were 2 or 3 different schedules of costs the City paid the contractor. He is concerned about the \$15,000 change order #11 and change order #17 for \$30,000 for additional changes on the tower. He said it was ridiculous and costing additional dollars. The concrete was too much. He felt \$100,000 in four change orders was too much. Mr. Benavides stated that it was not out of the ordinary to have these types of change orders. He added that City Hall and the Police Department are essential services buildings.

City Attorney Mike Rodriguez stated that the conversation may be stepping outside the bounds of what should be in open session and suggested that it continue in closed session.

City Attorney Rodriguez asked the Council if they wanted to continue the discussion on the chambers. The consensus of the Council was to discuss this at a future date.

MOTION: Mayor Pro Tem Saavedra motioned and Councilmember De La Rosa seconded the motion by a unanimous vote to continue alternatives for the chambers to future date.

CITY COUNCIL COMMITTEE UPDATES

- a) **Street Naming** - None
- b) **Energy Plant** – City Manager Chapa reminded the Council that any ideas on how the forfeiture monies could be spent should be forwarded to her office as soon as possible. A meeting has been scheduled for August 18th at 5:00 p.m.
- c) **Miravale Section 16** - None
- d) **Development Review** – Community Development Director Don Fleming informed the Council that the rough drawings of what Nader Agha is proposing for Front Street has been submitted to staff. The rough drawings include a six-story condo unit which will be for sale. The building of the condominiums may require a General Plan Amendment since there is currently a 40-foot height limitation.
- e) **Overall Landscape Review** - None
- f) **ADA** - None
- g) **Revolving Loan Fund** - None
- h) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa spoke on behalf of the OSBA and stated they are continuing to work on the Wind and Wine festival in August.

Mayor Ortiz requested that we somehow remind businesses that it is their responsibility to keep their area in front of their business clean.

Councilmember De La Rosa stated she would bring it back to the OSBA and that they had planned on doing some education for the store owners on Front Street.

Councilmember Bourke stated that some of the stores were closed last year and could we make sure they are aware of the event this year.

- i) **Parks** – Mayor Ortiz stated there has been no meeting on parks, but the Council had heard information from Award Homes in regards to what they are proposing. Staff and members of the Soledad Little League Board met to discuss possible redesigning and re-soding of the park. Since it is still in the planning stages they were going to provide some assistance with an engineer designing the park. Once they provide information, staff will look into the possibility of securing a grant that would assist in the financing of the park. Mayor Ortiz stated that he would like the City to provide lighting for night games to allow more games to be played. City Manager Chapa added that the storage area also needed work.

Mayor Ortiz asked staff for a status report on the goal posts at Vosti Park.

Assistant City Manager De La Rosa informed the Council that the goal posts arrived 3-4 weeks ago and that a meeting will need to be arranged with the committee to review placement of the goal posts. He stated that the goal posts could either be set permanently in the ground, or the City would need to provide a key to the yard so they can be returned after each game. Staff will be arranging for a meeting with the Parks Committee and soccer captains to discuss placement of the goal posts.

- j) **Redevelopment Neighborhoods** – Assistant City Manager De La Rosa discussed the meeting held the night before including discussions on the First Five grant. There was also discussion regarding poor street lighting in the Barcelona estates area along Metz Road. Council asked staff to contact PG&E to find out the cost of three additional street lights in the area due to the increase in burglaries and graffiti. An invitation will also be extended to our PG&E representative to attend the next RNC meeting.
- k) **CAC** – Chief Cox said there would be a meeting next week.
- l) **SR146 (Roads)** – City Manager Chapa stated SR146 would be discussed after budget.
- m) **Tree** – Councilmember Stephens stated they would be having a meeting on Tuesday.
- n) **Wastewater Treatment Plant** – See Item XIV a) – City Manager’s Report.

CITY MANAGER’S REPORT

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

Public Works Director Price stated they held a meeting today. He provided the Council with an update on the ponds. The lease for the WWTP at the prison has been fully executed. He stated that staff expects full diversion in a few days. The City discussed ponds three and four. He stated that ponds 3, 7 and 8 are full; 5 and 6 are beginning to empty; and 1 and 2 are completely full. A decision was made to put the four solar bees for the correctional facility in ponds 7 and 8. One solar bee sank but representatives from

the company came to retrieve the solar bee. Staff anticipates that ponds 7 and 8 will begin to drop. Damage was discovered to the primary and secondary ponds, which will be repaired this summer. Public Works Director Price informed the Council that the City participated in the Prop 50 application with the County and will be providing the Council with a timeline of the process.

- b) Council Requests – Status Table – No questions.

CITY COUNCIL ITEMS

Councilmember Stephens requested that the Council review the cell phone policy and add it as an agenda item. She also thanked Public Works for the new street sweeper schedule and asked if the Council is going to consider signage to let people know when their streets will be serviced. She also stated that the foam pads are missing from the play area at the Little League Park.

Councilmember Bourke asked for the status on the Housing Rehab with the Gomez and Aguilar Families. He expressed his concerns that the City has not hired a code enforcement officer.

Mayor Pro Tem Saavedra asked staff if it was possible to create a truck route of some kind for the City to allow the pick up of farmworkers without driving through the residential areas. He expressed concern that there may be an accident of some kind if we do not do something about it now. He requested that it be placed on an agenda for discussion.

Mayor Ortiz stated he agreed with Councilmember Stephens and requested that the Council review the policy of cell phone and regular City phone usage. He also inquired about the contract to have the sidewalks cleaned. City Manager Chapa explained that staff is in the process of getting estimates for the Wind & Wine Festival.

Mayor Ortiz also stated that an area of consideration is creating a janitorial position if we have it in our budget. He felt that the City should not have the Public Works maintenance employees cleaning restrooms and feels that an entry level janitorial position should be created. He also mentioned the possibility of a landscaping position.

Councilmember De La Rosa stated she had a discussion with the Wind and Wine Festival Committee about putting down sod or some other remedy to eliminate the dust. City Manager Chapa stated staff is still looking into all options.

CLOSED SESSION

At 9:21 p.m. Mayor Ortiz called for a recess to convene to Closed Session to discuss the following items:

1. The City Council will recess to closed session to consider personnel matters 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: The title of the litigation is Anadon vs. City of Soledad et al.

3. 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 12:03 a.m., Mayor Ortiz reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mayor Ortiz reported that:

- Item #1. Evaluation performed and continued to July 27, 2005. No other action taken.
- Item #2. Council conferred with legal counsel. No other action taken.
- Item #3. Council conferred with the City negotiators. No other action taken.

ADJOURNMENT

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 12:05 a.m. on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.

RICHARD V. ORTIZ, Mayor

Approved: August 3, 2005

NOELIA F. CHAPA, City Clerk