

City Council Regular Meeting Minutes

August 3, 2005

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

City Attorney Mike Rodriguez led the Pledge of Allegiance.

PEACEBUILDERS' PLEDGE

Mayor Ortiz led the Peacebuilders' Pledge.

ROLL CALL

Present when the meeting was called to order were Councilmembers: Christopher Bourke, Stefanie De La Rosa, Mayor Pro Tem Juan Saavedra and Mayor Richard Ortiz.

Councilmember Patricia Stephens was excused.

MAYOR'S REPORTS

None.

COUNCILMEMBER'S ANNOUNCEMENTS

Councilmember De La Rosa stated that she attended the League of California Cities Workshop and the Monterey Bay Division dinner last week, both held in Monterey.

Mayor Pro Tem Saavedra stated that he reviewed the plans for the Housing Authority projects and thought that the design presented was very good.

Councilmember Bourke stated that he attended the League of California Cities Workshop and the Monterey Bay Division dinner last week, both held in Monterey. He also attended the Mee Memorial grand opening on Monday, and the Parks Committee meeting on Tuesday. He also reminded the Council that the Wind and Wine Festival is going to be held on August 28th.

COUNCILMEMBER'S PRAISES

Councilmember De La Rosa praised the new Mee Memorial center for opening their new facility and also praised the new laundry mat for their grand opening on Saturday.

Mayor Pro Tem Saavedra praised the Police Department and Fire Department for various activities over the week, including the Fire Department's response to the fire on La Purisma. He praised them for their quick response and how they handled the fire under the circumstances.

He also praised Clinica de Salud for their 25th anniversary. He stated they came in when there were limited services in Soledad, and he thanked them for their support of our community.

Councilmember Bourke stated that the new Mee Memorial Medical Center offers a variety of services and specialties. He also stated that although the building looks small from the outside, it is fairly large inside. He congratulated the owners of the new Mexican candy store on Dixie Street and the laundry mat in new shopping center.

PRESENTATIONS

None.

PUBLIC COMMENT

None.

CONSENT CALENDAR

Item #1: Approval of Minutes

City Council Special and Regular Meeting July 20, 2005

Item #2: Approval of Warrants

#36476 - #36600

Item #3: Resolution No. 3646, “Amending the Benefit and Compensation Plan to Reclassify the Position of Assistant Planner to Associate Planner, Adopting a Job Description and Establishing a Salary.”

Item #4: Resolution No. 3647, “Authorizing the Closure of Front Street to Vehicular Traffic Between Kidder and Benito Streets on August 28, 2005, from 6 AM to 10 PM for the Oldtown Soledad Beautification Association’s ‘Wind and Wine Festival’, Approval of the Use of City Property and Providing In-Kind Support Services at an Estimated Cost of \$1,160.”

Item #5: Resolution No. 3648, "Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments and Property-Related Fees and Charges for the Rancho San Vicente Parks and Open Spaces Maintenance District; the Diamond Ridge Parks and Open Space Maintenance Assessment District No. 1; and the Diamond Ridge Benefit Assessment District No. 1.”

Mayor Ortiz requested that item #5 be pulled.

Mayor Pro Tem Saavedra made a correction to the minutes of the last meeting – Councilmember Bourke praised the Housing Authority for their funding services from Department of Agriculture, not Department of Labor as stated in the minutes.

MOTION: The Consent Calendar (Items #1, 2, 3 and 4), with the exception of Item #5, was approved by majority vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

Assistant City Manager De La Rosa stated that Finance Officer Mark Smith would be making a presentation on Item #5.

Finance Officer Smith addressed the Council. He stated that on Monday they received a telephone call from the Monterey County Auditor’s Office informing staff that the two bonded districts needed to be included in a County required resolution (Vineyards and Diamond Ridge Assessment Districts).

Councilmember Bourke asked if the County’s required language was included in the resolution. Finance Officer Smith verified that it was included.

MOTION: The Consent Calendar Item #5 was approved by majority vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

PUBLIC HEARINGS

Item #6: Resolution No. 3649, “Confirming Report of Costs for Abatement of Weeds on Parcels 022-445-028 and 022-064-002 and Directing the Recording of a Special Assessment for Said Costs if Not Paid, In Accordance with Sections 9.04.130 through 9.04.170 of Chapter 9.04 ‘Noticed Nuisance Abatement Procedure’ of the Soledad Municipal Code”.

Staff Presentation

Fire Chief Jesse Casillas addressed the Council. He informed the Council that Mr. Joe Burch, owner of Parcel #000-445-028, has submitted a check in the amount needed to satisfy the weed abatement costs. He stated that the Fire Department conducts weed abatement projects to determine whether parcels are in non-compliance of the City’s weed abatement standards. The Fire Department and Code Enforcement Division work together to complete the project. Since the Code Enforcement Division is currently vacant, the Fire Department completed the entire project. He stated that two parcels did not meet the required deadline and that all of the procedures staff took were in accordance with the Soledad Municipal Code notifying owners and also included a warning posted on the property. Chief Casillas recommended the Council consider adopting Resolution #3649 as amended to include satisfactory payment of Mr. Burch’s property costs and request the recording of the assessment of said costs for weed abatement for the remaining property.

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.

Councilmember Bourke asked Fire Chief Casillas if the letters were sent certified and if additional attempts to contact the property owners were made.

Chief Casillas responded that the letters were sent certified return receipt, and three attempts were made to contact the property owners. The property owners were also given a second extended deadline.

MOTION: Resolution No. 3649 as amended was adopted by a majority vote on a motion by Councilmember Bourke and a second from Councilmember De La Rosa.

BUSINESS

Item #7: Consider Appointment of a Councilmember to the Soledad Historical Society Committee

Mayor Ortiz met with the Soledad Historical Society Committee and they requested that a representative from the Council be appointed to serve on their committee. With the concurrence of Council members in attendance, Councilmember Stephens was appointed to serve on the Soledad Historical Society Committee.

Item #8: Resolution No. 3650, “Authorizing the Approval and Submission of an Application in the Amount of \$4,000,000 for HOME Funds to the State of California for Reconstruction of the Benito Farm Labor Camp in the City of Soledad.”

Economic Development Director Rodriguez addressed the Council. He recommended to the Council that they approve and direct staff to submit an application for this grant. This submission is in response to the State’s notice of funding. The City has partnered with the County, Soledad Housing Authority and the Monterey County Housing Authority. He informed the Council that the County Housing Authority would prepare the application in the amount of \$4M. The first phase of the project would be to demolish the existing 36 units, and construct 72 new units. The grant would be to the City and will not require any matching funds. He stated that the City would then loan the money to the Soledad Housing Authority, with the Monterey County Housing Authority acting as the developer. The Soledad Housing Authority will conduct the annual monitoring. The Economic Development director also stated that in June the Soledad Housing Authority received a pre-authorization commitment, with an application deadline of August 15th.

Economic Development Director Rodriguez introduced to the Council Starla Warren, a representative from the Monterey County Housing Authority to answer any questions from the Council.

Councilmember Bourke asked if the HOME loan was a grant to the City, and if the City is loaning it to the Soledad Housing Authority, who are the payments made to and will the State come after the City for costs if payment is not received?

Monterey County Housing Authority rep stated that it is actually a loan, passing through the City. The Soledad Housing Authority will be making payments, but she was unsure if the payments were made directly to the City or to the State. She did mention, however, that no payments will be due during construction.

Assistant City Manager De La Rosa stated that it is actually a grant to the City, with a loan to the Soledad Housing Authority, and that the repayment will go into the City’s program income fund. He informed the Council that within 15 days of receipt of the Program Income the City will need to send the money to the State, although HOME has not stuck to the 15 day requirement.

Mayor Pro Tem Saavedra stated that a loan is more favorable to those developing affordable housing because of use of tax credits.

Assistant City Manager De La Rosa responded that the payment to HOME isn’t really due until the 30th year, but it is an item that the City and the Soledad Housing Authority will need to discuss.

Mayor Pro Tem Saavedra stated that it was his understanding that tax credits are a 15 year threshold and after 15 years the project is turned over to the Soledad Housing Authority and that is when it is payable. He asked if the affordability is there for 30 years.

Monterey County Housing Authority rep answered that the affordability is set at 55 years. Mayor Pro Tem Saavedra asked if this was unusual. Monterey County Housing Authority Representative stated that was State to retain affordability.

Minutes of the Regular City Council Meeting of August 3, 2005

Councilmember Bourke thanked the Monterey County Housing Authority representative for coming on board the project and helping to make things happen.

Councilmember De La Rosa asked when the City would know if the grant was awarded.

The Monterey County Housing Authority Representative stated that the applications were due on the 15th of the month, and she expects to hear from them within 30-60 days. HOME is really trying to push funding, so it may be sooner rather than later.

Mayor Pro Tem Saavedra asked if the Housing Authority has a CHDO. Starla Warren stated that the Monterey County Housing Authority has a Chodo.

Councilmember Bourke asked what CHDO was? Starla Warren stated that a CHDO was an acronym for Community Housing Development Organization

Mayor Ortiz thanked all those involved for their hard work in getting the application process moving so fast.

Soledad Housing Authority Executive Director, Jose Gomez, addressed the Council. He thanked the Council and Monterey County Housing Authority for their support. He stated that his goal for the Soledad Housing Authority is to become the leader, and with the foundation they are laying, he is confident they will become the leader in providing affordable housing to the community.

MOTION: Resolution No. 3650 was adopted by a majority vote on a motion by Councilmember Bourke and a second from Councilmember De La Rosa.

CITY COUNCIL COMMITTEE UPDATES

- a) **Street Naming** - None
- b) **Energy Plant** – Councilmember De La Rosa stated there was a meeting set for August 18th at 5 p.m. at Soledad City Hall
- c) **Miravale Section 16** - None
- d) **Development Review** – None
- e) **Overall Landscape Review** – Mayor Pro Tem Saavedra stated he looked at the plans for the Housing Authority and he would like to suggest that they save as many trees as possible. He recommended that when the plans come before the Planning Commission to take this in to consideration.
- f) **ADA** - None
- g) **Revolving Loan Fund** – Assistant City Manager De La Rosa stated that an audit had been performed on the books for the housing rehabilitation project. Laurin and Associates has one more loan that they would like the Council to approve and given that the Council would like to review all applications, Economic Development Director Rodriguez will be presenting it to the Council.

Councilmember Bourke asked where the money from this additional loan is coming from. Assistant City Manager De La Rosa stated that the monies were left over from previous projects and from those who fell out of the project. There are currently 18 people on the waiting list to participate.

- h) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa held a meeting July 27th, with Community Development Director Fleming and Economic Development Director Rodriguez in attendance. The primary purpose of the meeting was to discuss the Wind and Wine Festival. Construction is continuing on the OSBA office on Front Street, but should be completed fairly soon. Local businesses will be able to obtain information on how to better their business and visitors will be able to learn more about the City.

Mayor Ortiz asked about the status of keeping the sidewalks clean in Oldtown Soledad. Councilmember De La Rosa stated they did not have the opportunity to discuss the issue, but will plan on discussing it with the businesses after the Wind and Wine Festival. Mayor Ortiz stated that he had asked staff to have it completed before the Wind and Wine Festival. Councilmember De La Rosa stated that she has seen several businesses recently cleaning the sidewalks.

- i) **Parks** – Mayor Ortiz discussed the Parks meeting that was held on August 2nd. They discussed Lum Park and the Award Home Parks, which will come back to the Council for final approval. One of the biggest concerns were providing enough BBQ pits and picnic tables. The Parks Committee would also like to provide Lum Park with baseball backstops, in addition to accommodating the local soccer teams. The Committee also recommended that the Santa Barbara park consider drinking fountains and additional lighting. Councilmember Bourke suggested that the parks be wired for additional lighting so they can be added at a later date. Councilmember De La Rosa asked if the backstops were for soccer or baseball. Mayor Ortiz stated they were for baseball, but the field was large enough for soccer to be played there as well. Memorial Park will also have an additional soccer area. The Mayor also stated that there will be some equipment in the tot area.
- j) **Redevelopment Neighborhoods** – Councilmember De La Rosa stated they will be having a meeting on August 16th
- k) **CAC** - None
- l) **SR146 (Roads)** - None
- m) **Trees** – Community Development Director Fleming stated that they held a meeting but did not have a quorum present. Three out of four areas have been walked through and marked, with the final layout this week.
- n) **Wastewater Treatment Plant** – None

CITY MANAGER’S REPORT

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

Assistant City Manager De La Rosa informed that Council that the City is now diverting 1M gallons a day of waste to the prison WWTP, with the remainder diverted to our treatment facilities. This has provided staff the opportunity to disk pond #5. Pond #4 has already had maintenance performed. He stated there are still funding issues that need to be addressed and will hopefully be resolved during the budget process. Staff is also performing maintenance on the prison WWTP and as mentioned in the City Manager’s update, staff has found a solution to the situation that occurred at the PWWTP so what happened will not happen again. A final draft of the waste rate study was delivered Aug. 4th at which time staff is reviewing.

Mayor Ortiz asked if staff had received the report on the property next to the ponds and if it was available for review. Assistant City Manager De La Rosa informed the Council that he has a copy of the report but has not yet reviewed it. He mentioned that the report is available for Council review.

Mayor Ortiz asked what the City is doing for domestic water problems. Assistant City Manager De La Rosa informed the Council that the previous Friday there was a situation that required the lines to be flushed. The water was dirty; however, after testing by the Health Department, it was determined that the water was safe to drink, but only discolored. The contractor that installed the pump on Well #10 was contacted and they pulled the pump on Saturday, which was not working properly. He stated that staff has been calling the contractor every day to get a report on what is wrong with the pump or pump motor.

Councilmember Bourke asked how many pumps were currently working. Assistant City Manager De La Rosa stated that Well #5 is not currently in operation, in addition to Well #10 which just had the pump pulled. Well #11 provided problems with the contractor in relationship to the sizing of the pump. An update related to Well #11 will be included in the City Manager's Update.

b) **Council Requests** – Status Table

Assistant City Manager De La Rosa asked if the Council had a chance to review their Status Tables. Mayor Pro Tem inquired if the gentleman who called about the truck/bus route had been contacted and provided additional information. Mayor Ortiz stated that after starting to research the subject, it was determined that extensive research needs to be done on the subject matter.

Assistant City Manager stated he did contact the individual yesterday and our Attorney on what they can continue to do. The subject matter will be brought back to the Council after additional research has been performed by staff.

CITY COUNCIL ITEMS

Councilmember De La Rosa asked about the trailer at Vosti and if staff had notified CSI of the Council/Agency's decision last week. She stated that since we don't know how long it will take for the state to inspect the trailer we need to start the process as soon as possible so they can acquire the proper licensing.

Mayor Ortiz asked staff if the modular (trailer) had any special requirements for set up. Community Development Director Fleming stated that the trailer would be connected to the water and sewer, as will be skirted and it will have a handicap ramp.

Mayor Ortiz then asked if the trailer required a concrete slab, and Community Development Director Fleming stated that it would not require a concrete slab, but would sit on the soil.

Mayor Pro Tem Saavedra stated that he had 11 mobile units and that they all had to be placed on a concrete foundation. The Mayor confirmed that the state also had to put there trailers on concrete slabs.

Councilmember De La Rosa confirmed that the only cement will be the walk areas and before the play area starts.

CLOSED SESSION

At 7:19 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 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 – United Rentals
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 7:52 p.m. on a motion made by Councilmember Bourke with a second by Councilmember De La Rosa, Mayor Ortiz reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mayor Ortiz made the following announcements with regard to closed session matters:

- Item #1. Council conferred with legal counsel. No other reportable action taken.
- Item #2. Council conferred with legal counsel. No other reportable action taken.
- Item #3. Council conferred with its negotiator and provided direction. No other reportable action taken.

ADJOURNMENT

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 7:53 p.m. on a motion by Mayor Pro Tem Saavedra and a second by Mayor Ortiz.

RICHARD V. ORTIZ, Mayor

Approved: August 17, 2005

NOELIA F. CHAPA, City Clerk