

**City Council Regular Meeting
Minutes**

August 17, 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

City Attorney Mike Rodriguez 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, City Manager Chapa and Councilmember Stephens went to Sacramento that week to speak to various assembly appropriations committee members regarding SB952. The Bill was expected to be heard next Wednesday, August 24th, due to the fact that Jeff Denham was not in attendance. Mayor Ortiz stated that they will be returning to Sacramento next week.

COUNCILMEMBER'S ANNOUNCEMENTS

Councilmember De La Rosa stated she and the Redevelopment Neighborhoods Committee met with PG&E officials Tuesday night (August 16th). They received some clarification on the costs of the lighting on the east side of town. PG&E officials informed her that the issues with the dim lighting does not have anything to do with the bulb, but rather the entire fixture, which would cost an estimated \$27,000 to replace. The PG&E representative recommended that more lights be added, which is free of charge, except for the cost of electricity. An analysis will be provided on the options and what can be done by the City. Councilmember De La Rosa stated that they were happy to have PG&E there, with the representative being very informative and willing to assist.

Councilmember De La Rosa also reminded the Council that the Wind and Wine Festival is taking place on Sunday, August 28th. Admission is free for those who will not be drinking. Wine tasting tickets are \$20. There will be nine wineries on site, with various food booths and helicopter rides.

Mayor Ortiz asked staff if the City was going to have time to clean the sidewalks before the event. City Manager Chapa stated that was staff's goal and she will confirm with the responsible party.

Councilmember Stephens stated that she attended the League of California Cities training in Monterey at the end of July. She also attended the Historical Society meeting and an AMBAG meeting last week. Councilmember Stephens stated she also accompanied Mayor Ortiz and City Manager Chapa to Sacramento on Monday for SB952.

Councilmember Bourke stated that school starts on Tuesday, August 23rd.

COUNCILMEMBER'S PRAISES

Councilmember Stephens praised staff for their patience and hard work during the City Hall moving process.

Councilmember Bourke praised Clinica de Salud for their 25th Anniversary and the Harden Foundation for the public safety classes grant. He stated that the grant was a matching grant, matching dollar for dollar what CATS raised.

Mayor Pro Tem Saavedra also praised Clinica de Salud on their 25th Anniversary.

PRESENTATIONS

Mayor Ortiz presented a Certificate of Appreciation to the family of Patricia Arden for her service on the Housing Authority Board. Ms. Arden's nephew, Gary Bechtell, accepted on behalf of their family. He stated that they very much appreciated the recognition of his aunt.

PUBLIC COMMENT

John Carrillo, 1441 Monterey Street, addressed the Council. He asked for their consideration to amend the ordinance to allow for the card game *Texas Hold'em*, which has been approved by the Justice Department for California. He stated that many other local cities have amended their ordinance, and he is requesting that the City of Soledad consider amending their ordinance as well. He informed the Council that it would not be an expansion of his tables, but rather offering more games and expanding his customer base.

Mayor Ortiz asked if other communities were doing this. Mr. Carrillo responded that it has been happening all over California, including the cities of Marina, Seaside, Salinas and Watsonville. Mayor Ortiz informed Mr. Carrillo that the Council cannot take action at the meeting, but they will direct staff to add to a future agenda as a Council action item.

City Attorney Rodriguez stated that an amendment to the existing ordinance to allow for these games to be played in the City would have to be completed.

Mayor Pro Tem Saavedra asked if it would be appropriate to agendaize the item.

City Manager Chapa stated that she would have staff do the research in regards to the changes and amendments to the ordinance. She will also take a look at the workload for the September 7th agenda.

Mayor Pro Tem Saavedra asked Mr. Carrillo if he was pressed for time, and he stated that he was not.

City Manager Chapa stated that staff would aim for the second meeting in September.

The follow public comment was translated by Assistant City Manager Hector De La Rosa for the purpose of minute taking:

Luis Chavez Ceja, Motor Lodge Resident, someone told him to come to the meeting at 6:30.

Mayor Ortiz stated that no one advised the Council about a meeting at 6:30.

Mr. Ceja asked if he could talk about the Motor Lodge. He requested help from the City and asked if they would consider assisting the residents. He stated that Mr. Uranga talked to him on Monday and told him to communicate with the City Council to see if they could help the residents with the rent so it doesn't go as high as it was proposed by the new property owner, including a utility increase.

(Erica Padilla-Chavez translated the remaining for the purpose of minute taking.)

Mr. Ceja stated that the issue is that they are the owners of the homes (trailers) that reside on the property and they feel that they are being charged a horrendous amount of money as if they were renting the mobile homes and not the owners of the mobile homes. He stated that they are requesting help from the Council because the proposed rent increase is dramatic.

Mayor Pro Tem Saavedra asked Mr. Ceja how much they are paying now. Mr. Ceja responded that they are currently paying \$342, and that it used to be \$6 more but they found out they were being overcharged by the local manager. He stated that the amount of the rent the tenants pay varies – some pay in the \$400 range, others in the \$300 range, all with utilities separate. He informed the Council that the reality for him is that they are looking at raising his rate to \$500 a month for the land and that it is a lot of money for a disabled person. He reiterated that he is looking for help or assistance from the Council on the cost because the increase is effective next month.

Aroda Alganta, Motor Lodge Resident, addressed the Council. She stated that they would like to see if the Council has time to meet with the residents to explore the issues with them. She stated that originally when each of the families made an attempt to purchase the trailers they did so based on the fee for each lot associated with the trailer. Because of the new owner, she said it is hard to justify the increase for the space rent. She stated that the residents were informed that the land was purchased after the fact and never received any other notification. The residents have had two meetings with the new owner, one at City Hall with Mayor Ortiz and another with Juan Uranga. She informed the Council that at the meeting with the owner and Mayor Ortiz, they were told that they would get a \$25 rent increase, plus the cost of utilities. The residents have never paid utilities before, and are now being charged \$100. The residents want to know what the justification is for increasing the rent if the new owner wants to build on the land. She stated that the residents have put all their money in the investment of the trailers, and now they feel that their investments will be worth nothing. The new property owner told the residents that the only way that he could eliminate the utility charges were to eliminate the fees from his expense. She thanked the Council for listening.

Mayor Pro Tem Saavedra apologized to the Motor Lodge residents present at the meeting, and told them that the Council cannot take action right now because it was not included on the agenda. He told the residents that the Council has heard what they are trying to say loud and clear, and if it was placed on an agenda the Council could take some kind of action.

Mayor Ortiz asked the residents if they were requesting that something be done in regards to assistance. The residents responded with "Yes." Mayor Ortiz asked staff to agendaize the item for further discussion to determine if the City can or cannot do anything to assist the residents. He asked that it be added to the agenda of September 21st since it would be a joint Council/RDA meeting. The Mayor asked City Manager Chapa if it was too late to add to the agenda of August 24th. City Manager Chapa stated that it was too late to do a staff report on the issue.

Sandra Ramirez, Benito Street Resident, addressed the Council regarding the Housing Authority project. She told the Council that the residents were told to be at City Hall at 6:30 for a meeting. She stated that many residents are concerned about the new development and the rents being increased prior to the construction. She asked the Council that if their rents were increased that the Housing Authority should perform maintenance repairs on the units so that they are worth the value the residents would be charged. She stated that some rents will be going up to around \$1000 a month.

Councilmember De La Rosa asked Ms. Ramirez when the rent increase will take effect. Ms. Ramirez stated that they would decide at the next meeting, and then it would take effect 30-60 days after and that it would now be 30% of their income.

Mayor Pro Tem Saavedra confirmed with the residents that there are two issues 1) the raising of the rents prior to demolition and 2) the new development. All residents stated "Yes."

José Luis Canchola, 603 Benito Street, stated that the residents were informed by the Commissioners that the Soledad Housing Authority Executive Director wants to raise the rent to 30% of the resident's income. The residents are not in agreement with the rent being increased because the units are not worth what they are raising the rent to. He said that he has already spoken to Jose Gomez regarding the problems they were having in their units (water leaks, all cement flooring, heaters broken). He stated that they feel 30% of their income is too much – the units are too cold and everyone gets sick in the winter. They currently pay \$460 for rent, and cannot pay what they are proposing to raise it to. He stated many of the workers don't make enough to be able to pay the new amount. The residents attended the meeting to make the Council aware of what was going on and they thanked the Council for their time.

Mayor Ortiz asked if all were in agreement that they were requesting assistance with the rent. All agreed.

Maria (no last name given), 677 Benito Street, addressed the Council and stated that it was not fair what the Soledad Housing Authority is proposing to charge. Many disabled workers live in the units, others work in the fields, and they would like to request the same help as the Motor Lodge residents. She stated the conditions are not great where they live but the rent is low and they are able to pay it.

José Luis Canchola, 603 Benito Street, stated that last week he attended the Planning Commission meeting and spoke about Soledad Housing Authority Executive Director Jose Gomez. He stated that he informed the Commission of the problems going on and that he believes Mr. Gomez is a liar. Mr. Canchola stated that he did not feel Mr. Gomez was representing the tenants' best interests.

City Manager Chapa informed the Council that the Redevelopment Agency meets next Wednesday, August 24th, and that the proposed Housing Authority developments on each site were on the agenda, as well as a recommitment of RDA dollars. She suggested that maybe the residents heard that and mistakenly thought that it was taking place at the meeting tonight.

Mayor Ortiz informed the residents in attendance that the Housing Authority project will be considered on August 24th. He welcomed them to return the following week to discuss the issues they have brought before the Council.

Mayor Pro Tem Saavedra stated that the Benito Street and First Street projects were approved at the Planning Commission meeting last Thursday. He asked what would happen if an appeal was submitted prior to the RDA meeting on the 24th.

City Attorney Rodriquez informed the Council that if the Planning Commission decision was appealed prior to the RDA meeting on the 24th the item could not move forward and it would have to be continued to a Council agenda for discussion. (Mayor Pro Tem translated for the residents.)

City Attorney Rodriquez said that part of the presentation for the August 24th RDA meeting was a PowerPoint presentation by a Monterey County Housing Authority staff member. They could still do the PowerPoint presentation, but it would be for informational purposes only.

City Manager Chapa confirmed that Monterey County Housing Authority staff member Starla Warren had indicated to her that the presentation would be informational only.

City Attorney Rodriquez stated he felt it would still be appropriate for the RDA to hear the presentation on the project even if the project is appealed. Mayor Pro Tem Saavedra translated for residents. He also asked the residents if they were discussing two issues; 1) the existing units and the condition of the units and 2) the issues with the rent of the new units. The residents agreed.

At 7:30 p.m., Mayor Ortiz motioned to take a five minute break.

At 7:35 p.m., Mayor Ortiz called the meeting back to order.

CONSENT CALENDAR

Item #1: Approval of Minutes

Regular City Council Meeting of August 3, 2005

Item #2: Approval of Warrants

#36601 - #36744

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER BOURKE

Item #3: Resolution No. 3652, "Authorizing Execution of a Memorandum of Understanding Between the City of Soledad and CALPRO/International Union of Painters and Allied Trades, Local #2345, AFL-CIO."

Item #4: **Resolution No. 3653**, “Approving the City of Soledad's Compensation and Benefit Plan for Fiscal Year 2005-06.”

Item #5: **Resolution No. 3654**, “A Resolution of the City Council of the City of Soledad Approving an Amendment to an “Employment Agreement- City Manager/Executive Director.”

Item #6: **Resolution No. 3655**, “Approving a Tax Transfer Formula Between the City of Soledad and Monterey County Associated with the Orchard Villas Subdivision Involving Annexation of 29.95 Acres to the City of Soledad and Detachments from the Monterey County Resources Conservation District and the Mission Soledad Rural Fire Protection District.”

Item #7: **Resolution No. 3656**, “Declaring Surplus Equipment and Authorizing the sale, donation or disposal of such property.”

MOTION: The Consent Calendar (Items #1, 2, 4, 5, 6 and 7), with the exception of Item #3, was approved by a unanimous vote on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER BOURKE

Item #3: **Resolution No. 3652**, “Authorizing Execution of a Memorandum of Understanding Between the City of Soledad and CALPRO/International Union of Painters and Allied Trades, Local #2345, AFL-CIO.”

Councilmember Bourke stated that he needed some clarification on the CalPro Agreement, in regards to the second year of the Pay and Class Plan.

City Manager Chapa stated that it is a three year contract, with the second year of the contract actually being the third year of the Pay Plan, and third year would be cost of living on July 1, 2007 to 2008. There was a range to go by, with the cost of living based on the percentage.

Councilmember Bourke asked if the City was committed to a three year contract. Councilmember De La Rosa stated that the City Attorney included something in the contract with a clause for financial uncertainty.

City Attorney Rodriguez confirmed, and informed Councilmember Bourke that on the fourth page, they agree to open negotiations if the City is facing financial uncertainty.

Councilmember De La Rosa stated that the impression she received from the Council was that with the clause included, the remaining Councilmembers felt comfortable making the agreement with the union. City Manager Chapa confirmed that in the third year of the contract the COLA would be no less than 1% and no greater than 2 1/2 % .

Councilmember Stephens stated that she had no recollection of the agreement being in cement, but felt that this clause was an opportunity to readdress the issue if the City's financial situation becomes hard.

MOTION: Resolution No. 3652 was adopted by a unanimous vote on a motion by Councilmember Bourke and a second by Councilmember Stephens.

PUBLIC HEARINGS

Item #8: Resolution No. 3657, “Accepting the Final Product and Close Out Report for CDBG No. 02-STBG-1792 GEOSPATIAL STUDY and Authorize the Filing of Said Report.”

Staff Presentation

Economic Development Director Izzy Rodriguez addressed the Council. He stated that the City was awarded a planning technical assistance grant in 2003 and the project ended in June of 2005. The scope of the project was broadened and the cost increased from \$35,000 to \$50,000. Staff is requesting acceptance to close out the grant. In planning with the consultant that developed the GIS software, the development of software requires that staff start off with a certain area of the City and begin to overlay different information from the other maps. The end project is a software program that can develop maps for City water lines and much more.

Economic Development Director Rodriguez introduced the City’s Public Works Inspector, Pat Argueta-Serrano, who was present to show the Council the program and how it works.

Ms. Argueta-Serrano did a very extensive presentation on the program, which shows everything down to the last manhole (and depth of the manhole) and fire hydrant. The program also identifies the FEMA flood zones along the river. She stated that information can be added to the program at anytime.

Opening and Closing of Public Hearing

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

MOTION: Resolution No. 3657 was approved by a unanimous vote on a motion by Councilmember Stephens and a second by Councilmember Bourke.

Item #9: Review and discussion of the Annual Progress Report for the 2004 Community Development Block Grant Program - Public Works Sanitary Sewer Infrastructure Replacement Project

Staff Presentation

Economic Development Director Izzy Rodriguez addressed the Council. He informed them that the City had identified in a previous study the need of several sewer lines to be repaired due to under-sizing. The City was awarded a grant of \$1 million, submitted in February 2004, which ran until February 2005. The City had to meet a few conditions and have a public hearing in order to make the funds available, but the City now has clearance. He stated that maps will be submitted to RM Associates for drawings. Once the City receives the documents it will provide in-kind services of about \$10,000 in staff time. He made sure to note that the scope of work exceeded the amount of money received.

Mayor Pro Tem Saavedra asked about the Monterey Street line improvement and whether or not it was extended to Seventh Street. Assistant City Manager De La Rosa was under the impression that it was Second Street. He also stated that because of the congestion on Monterey Street the City had to perform a lot of work on the pipes due to the usage.

Economic Development Director Rodriguez stated that staff prioritized the worst areas and used the money towards improving those areas. Due to the fact that there was so much work to be done, the City will pursue additional funding to continue the project.

Mayor Ortiz asked if the development on Monterey Street (across from Fourth Street) was required, as a condition, to extend the sewer line up Monterey Street. Community Development Director Fleming stated that they had to connect to the sewer line and that they did extend the underground system in the cul-de-sac. Mayor Ortiz asked if it was a condition to extend the system due to the Fourth Street problems. Community Development Director Fleming stated that he would research it. Mayor Ortiz stated that he felt Monterey Street should be a priority due to all the problems and overtime that staff has spent working on it.

Councilmember Bourke asked if it would create a problem to enlarge the pipes in certain areas and not in others. Public Works Director Clif Price answered that staff will be looking at priority setting with the consultant when they are finished with the design work, and he did not feel that it would create a problem, but that the consultant would catch it in their design if it would.

Councilmember Bourke asked again if a smaller diameter pipe is replaced with a larger pipe, are residents going to experience sewer problems in that area. Mayor Ortiz clarified asking if the larger flow will create problems in residential areas by backing up. Public Works Director Price felt that it should not occur, but that they will look at the design with the engineer to try to prevent any problems of that kind.

Opening and Closing of Public Hearing

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

MOTION: The report was accepted by a unanimous vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

Item #10: Resolution No. 3658, “Establishing Diagonal Parking on the East Side of Front Street between Encinal and Benito Streets and Between Kidder and East Streets and the West Side of Front Street between Benito and East Streets”

Staff Presentation

Public Works Director Clif Price stated that Resolution No. 3658 was to establish parking in areas that were improved on Front Street and this will also complete the project.

Opening and Closing of Public Hearing

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

MOTION: Resolution No. 3658 was approved by a unanimous vote on a motion by Councilmember Stephens and a second by Councilmember Bourke.

BUSINESS

Item #11: Consider Appointment of One Planning Commissioner to the Soledad Planning Commission

Mayor Ortiz stated that one applicant did express interest prior to the position becoming available; however, he was out of the country in Spain and therefore his application was accepted after the deadline.

City Manager Chapa stated that two applications were received before the deadline and one was received after.

City Attorney Rodriquez reiterated that the vacancy was noticed and we did receive applications prior to the deadline.

Mayor Ortiz reviewed the applications and recommended appointing Mr. Javier Nieto.

Councilmember De La Rosa stated she felt that the City needs to adhere to the deadlines that are set and it would set a precedent for the future if we do not do so. In the past the City had difficulty getting anyone to apply, and she stated that at this time they have two qualified applicants who met the deadline and are qualified to serve on the Commission.

Mayor Pro Tem Saavedra stated that Mr. Nieto, who submitted his application late, is a very well known resident of the community and he felt the City should accept his application.

Councilmember Stephens stated that the City advertised a deadline and that the deadline should be stuck to. She appreciated the fact that Mr. Nieto was out of town, but felt that it would set a precedent to accept his application and that if the rules were bent it would come back to them in the future. She stated she felt very uncomfortable bending the rules, and that the advertised deadline was August 5th at 5 p.m. She also agreed that Mr. Nieto was a fine applicant, but that the other two were as well and the Council should consider the two applicants who submitted their applications before the cut-off date.

Councilmember De La Rosa stated that she reviewed both applications of the individuals who submitted them prior to the deadline, and felt both were very experienced and qualified for the position. She also stated that the Commission has generally been made up of men, and she would like to see a woman on the Commission at some point. She stated she would like to see Erica Padilla-Chavez appointed.

Councilmember Bourke stated that he would like to see Hector Martinez appointed.

Mayor Ortiz asked the City Attorney to advise. City Attorney Rodriquez stated he did not have a copy of the bylaws, but his recollection was that the Mayor had the authority to appoint an applicant with consensus from the Council. He stated that if there was a split then the Mayor would need to take a vote on each of the nominations.

Mayor Ortiz stated that he would like the Council to consider Javier Nieto. City Attorney Rodriquez reminded him that he will need to take votes for each individual.

Councilmember De La Rosa asked the City Attorney if prior to voting for the individuals if the Council could decide whether to accept the late application or not.

Mayor Ortiz took a vote and it was three against accepting the late application, and two for accepting the application. Mayor Pro Tem Saavedra felt that it was a unique situation in regards to accepting the application or not. Councilmember Bourke stated that the late applicant should have applied when he first expressed interest in the position.

Mayor Ortiz stated that he was glad that people have expressed interest in serving, however the only reason he is picking Mr. Nieto is that he has been a resident of the community longer and is very involved in the community in the past and present.

Councilmember Bourke asked the Mayor to have the Council vote between the three applicants. Mayor Ortiz took a vote, with the results below:

Applicant: Javier Nieto
Yes: Mayor Ortiz, Mayor Pro Tem Saavedra
No: Councilmembers Bourke, Stephens and De La Rosa
Abstains: None

Applicant: Erica Padilla-Chavez
Yes: Councilmember De La Rosa
No: Mayor Ortiz, Mayor Pro Tem Saavedra, Councilmembers Bourke and Stephens
Abstains: None

Applicant: Hector Martinez
Yes: Councilmember Bourke and Councilmember Stephens
No: Mayor Ortiz, Mayor Pro Tem Saavedra, Councilmember De La Rosa
Abstains: None

Mayor Pro Tem Saavedra stated that applicant Erica Padilla-Chavez also applied for a position on the Soledad Housing Authority, which is just as important as the Planning Commission. Councilmember De La Rosa asked if a member of the public can make a comment during this item. Mayor Ortiz stated that he did not want to set a precedent since it was not done in the past.

City Attorney Rodriguez reiterated that there was a nomination made by the Mayor, with not enough votes to accept his nomination. He stated that even if all three were nominated by the Mayor, there would not be enough votes to appoint. He recommended that the Mayor motion to reconsider all three candidates.

Mayor Ortiz opened it up to comment by Council and consideration. City Attorney Rodriguez reminded the Mayor that it is the Mayor's responsibility to make a nomination and in the absence of a motion for reconsideration, then the Council will have to continue the item and leave the vacancy on the Planning Commission until a decision is made.

Mayor Pro Tem Saavedra asked if the Council could direct staff to open the position back up to the public for more applicants.

Mayor Ortiz confirmed that since a consensus could not be reached, the position will need to be re-opened for additional applicants.

Direction was given to staff to re-advertise the position and have current applicants submit a new application.

City Attorney Rodriquez suggested that the new public notice state that applications submitted after the deadline would not be accepted. Mayor Ortiz agreed that it should be included in the notice.

MOTION: On a motion by Mayor Pro Tem Saavedra and a second by Councilmember Bourke, the selection of a Planning Commissioner was continued to a future date by a unanimous vote.

Item #12: Consider Appointment of Two (2) At-Large Boardmembers to the Soledad Housing Authority

City Manager Chapa informed the Council that three applications were received for the two positions available on the Soledad Housing Authority Board.

Mayor Ortiz moved to appoint applicants Erica Padilla-Chavez and Anna Velasquez to fill the positions. The entire Council concurred (5-0).

Mayor Ortiz directed staff to notify the Soledad Housing Authority and the applicants.

At 8:25 p.m. Mayor Ortiz motioned to take a five minute break.

At 8:30 p.m. Mayor Ortiz called the meeting back to order.

Item #13: Design alternative for the City Hall/Police Department Remodel portion of the City Hall/Police Department Expansion Project.”

Public Works Director Price addressed the Council and stated that the design alternative being presented was based on modifications requested from Councilmembers at the last meeting. He informed the Council that Sam Benavides was present to go over the new floor plan with them.

Mr. Benavides began the discussion with the review of what used to be the Police Chief’s office and conference room, which was modified to be two offices. He stated that the current break room was being removed to create a large break room/briefing room. Mayor Ortiz asked why City Hall staff and Police Department staff could not share one break room. Mr. Benavides stated that the Police Department break room would also be used as a briefing room. Police Chief Cox addressed the Council and stated that a separate briefing room is good for tactical situations and training that they don’t necessarily want others to have access to. The Police Department would also use it for briefings for special events, operations, search warrants, etc.

Mayor Ortiz stated that the reason he was asking is because there was some discussion about consideration of utilizing the space for greater needs, such as an evidence room based on the POST report.

Councilmember Stephens stated that she had a chance to review the POST report and it seems to her that the main concern in the report was the evidence room and the handling of the evidence. She stated she felt those concerns were not taken into consideration for the new layout and that the evidence room is not much larger than the current one. She also felt that the ammunition room was not large enough for staff. She directed staff to utilize the areas a little better and to take the opportunity tonight to make sure the Police Department has the things they need because what is being proposed does not meet those needs. She stated that she feels things can still be moved around to come up with the space that is needed.

Mayor Pro Tem Saavedra stated that one area that was of a concern was that the Police Department did not have a briefing room, and that the floor plan being presented does not allow for that unless the floor plan is rearranged. He stated he felt the room should be called "briefing room", but staff would be allowed to take breaks in the room. He also mentioned that there was talk about a large vacant room that the walls could be extended in order to add more space for the Police Department.

Mayor Ortiz stated since the sergeant is located in the rear office, to reverse the evidence and sergeants office, and put the evidence room in the current ammunition room.

Public Works Director Price asked the Council where they would like to move walls.

Mayor Ortiz stated to move the evidence room in to the sergeant's area, to make the evidence room the ammunition room and the remaining office space becomes the sergeant's office. He recommended keeping the briefing room the same.

City Manager Chapa stated that in order to bring the sergeant's office closer to the Chief's they thought they could use the Investigator's office for future growth and that the evidence room was sufficient space. Mayor Ortiz stated that they were not accomplishing anything besides moving the location. He recommended they consider on-going growth in regards to investigations and the accumulation of evidence. He stated there may be a need in the future for the evidence room to be enlarged.

Councilmember Bourke recommended moving the evidence room to the sergeant's office, and moving the Sergeant to the left of the Investigator's office. Chief Cox stated that he would prefer making limited access to the ammunition room. Mayor Ortiz asked how often briefings occur. Chief Cox stated that they happen at the beginning and end of each watch, special events, search warrants, felony warrants, etc. and that the officers need a room in place that has a blackboard and space to layout maps in order to talk about operations. Councilmember De La Rosa asked where the officers currently conduct their briefings. Chief Cox stated that for major events with outside agencies the briefing normally takes place in the Council Chambers and in the Police Department it takes place in the report writing area.

Councilmember Bourke asked if the changes discussed were made, what the additional costs would be. Mr. Benavides stated that this is just a proposal and that he does not have the costs associated with the proposal. Mr. Benavides stated that his interpretation of what the Council is requesting would be a deduction in costs because of the demolition of plumbing that would not take place in their recommendations versus what was bid. He reiterated that there is no dollar amount associated with it at this point and that it has not been given to the contractor for a bid.

Mayor Ortiz asked about the break area; if it were made strictly into a briefing room and instead of adding the equipment for a break room, the monies could be put toward video equipment and other electronic supplies that would be needed by the officers. Mayor Ortiz recommended that the Police Department employees use the City Hall break room as their break room.

Councilmember De La Rosa asked what the purpose was for access to the smaller hallway from the break room to the exterior. She stated that there seemed to be other exits people could use and the hallway is very wide and is wasted space. Mr. Benavides stated that the hallway Councilmember De La Rosa was referring to was an existing hallway which was left in the configuration so that the wall space could be used for storage and eliminate the tearing down of the wall to move it. He also stated that if they were to narrow the hallway it would add square footage to the room but that they also could not cut in to the existing bathroom. Councilmember De La Rosa stated she felt the hallway was wider and longer than the ammunition room. Mr. Benavides stated that the function of the room is determined by how much storage space the Chief feels his department will need. Mayor Pro Tem Saavedra asked if the two walls in the existing hall were weight bearing walls or not. Mr. Benavides stated that he wasn't certain but he believed that the walls mentioned were not weight bearing. He also stated that one advantage of a wide hallway is it provides a break area outside of the break room.

Councilmember Bourke asked about the vacant office and who it belonged to. Chief Cox stated that he had recommended an investigator down the road, and that would be their office. Chief Cox also stated that they would use the vacant office for their current part-time temporary evidence technician.

City Manager Chapa stated that staff would like to receive direction that night from the Council so that the Contractor could start on the second part of the construction.

Councilmember Stephens recommended that they rebid based on the changes. Councilmember Bourke agreed if there was a consensus from the Council.

Mr. Benavides reviewed the changes, which included closing off the door to the vacant office, adding a door and calling it "ammunition room". Changes also included adding a door to the currently labeled ammunition room and calling the room "evidence room". He also stated it was his understanding to leave the existing counter and sink in the current break room.

City Manager Chapa asked Chief Cox if he was in agreement to move the ammunition room, requiring officers to walk through the investigators office. Chief Cox stated that he would like to leave the Sergeant's office far enough from the work area that the Sergeant could monitor the booking area.

Mr. Benavides reviewed the additional changes, which included enlarging the reception area by removing the wall in the existing evidence room and also the Chief's office being enlarged with a conference area which allows for a larger Lieutenant's office.

Councilmember Bourke voiced concern over the reception area not having a barrier to protect the receptionist from hostile customers. Mr. Benavides stated that it wasn't bid that way and if it was to be included it would require a change order. He also stated that safety between the lobby area and the counter could be justified.

Mayor Pro Tem Saavedra asked the Chief if he was okay with the current lobby/counter design. Chief Cox informed the Council that there are barriers that don't allow people under or over, and are not extremely intrusive. He stated that the City of Seaside currently has this. Mayor Pro Tem Saavedra stated that the Cities of Greenfield and Gonzales have glass in their reception areas.

Mr. Benavides stated that he could prepare a cost estimate for the system while the remaining remodeling is taking place. City Manager Chapa stated that at the last meeting the Council stated they were concerned for the safety of both the finance receptionists and the police receptionists.

Item #14: **Resolution No. 3659**, “Approving the Soledad Police Department’s Proposed Supplemental Law Enforcement Service Funds Spending Plan.”

Staff requested a continuance of Resolution No. 3659 due to the fact that it requires a public hearing and will need to be noticed as such.

MOTION: Resolution No. 3659 was continued by a unanimous vote on a motion by Councilmember Stephens and a second by Councilmember De La Rosa.

Item #15: Update on the 24-hour staffing pilot project for Fire Department Personnel and extension of the pilot project date until February of 2006.

Fire Chief Jesse Casillas addressed the Council. He stated that the 24-hour staffing pilot project has been well accepted by both the Community and the Fire Department personnel and volunteers. The 24-hour staffing has allowed a reduction in response time which contributed to lives saved and preservation of property. He stated that it has also proven to be an enhancement of service with the growing community who are accustomed to fire department personnel available 24-7. He also stated that several members of the community stop by throughout the evening to speak to the fire department personnel. The staffing project has also allowed personnel to participate in community events as well. Another good thing Chief Casillas noted is that the reduction in response time has also approved the City’s ISO ratings.

Chief Casillas also reviewed the negatives of the 24-hour staffing. He stated that it is very demanding for paid staff and lack of sleep may be a concern. He stated that OSHA requirements will be addressed when the fire department receives an increase in staff. The project was originally approved to be initiated in November of 2004, but the start date was pushed back to February 2005.

Chief Casillas stated that staff is requesting that the Council approve the project through February 2006 so that they will be able to test the project for an entire year. Councilmember Bourke confirmed with the Fire Chief that 75% of the calls occur during normal hours. Chief Casillas confirmed and stated that there is caution taken because the department does not want to pull all their resources during a certain time and the department tries to maintain a balance.

Councilmember Bourke asked about the recent loss of two homes due to fire. He stated that he was concerned that the department was short staffed and depended on mutual aid because of this. Chief Casillas stated that it was not uncommon for mutual aid to respond.

Councilmember Bourke asked if we had enough staff, with one firefighter and one engine, can the Soledad Fire Department respond to other cities for mutual aid. Chief Casillas stated that the agreement for mutual aid requires three persons and one engine. Councilmember Bourke stated that the City was unable to provide help for those that were helping the City. Chief Casillas stated that it is difficult for the department to guarantee a shift schedule due to the amount of volunteers. He also stated that the current volunteers are dedicated to the Department and they normally have about three to four on an engine. Councilmember Bourke asked if a fire could be fought with one person on an engine. Chief Casillas responded that until there are four persons on an engine only protective measures can be taken.

Councilmember Stephens stated that she noticed for mutual aid only one person responded. She asked to receive the statistics on the issue. She was concerned that if the department was not reaching staffing levels it needs to be explored and addressed due to the safety issue for firefighters. Chief Casillas recommended an increase in staff levels to address the issue.

Councilmember Bourke asked if volunteers were taking shifts during the day. Chief Casillas stated that the volunteers work 12 to 24 hour shifts. He informed the Council that prior to the project there were times that no one responded to a call, but now all calls receive a response. Councilmember Bourke asked the Chief how long it took for a volunteer to arrive at the recent fire on Purisma Street. Chief Casillas stated that the City has become a bedroom community, and the volunteers are out in the community working, mostly out of the City. In the past the volunteers consisted of local merchants and business owners, but that is not the case anymore. He also stated that two personnel responded to the call and that their priority was to save other building because they did not have enough personnel to go into the structure.

City Manager Chapa reiterated that the 24 hour staffing has allowed for response regardless of the time of day.

Chief Casillas stated that the volunteers are required to attend 75% of the drills and that they are constantly monitored.

Mayor Pro Tem Saavedra stated that there has been talk to increase the Police Department Staff and that the Council needs to take a closer look at the Fire Department staffing levels. He felt that once the moratorium was lifted the Council will need to increase the Fire Department staff levels with more paid staff. He felt the Council needed to seriously start looking at how many staff members could be budgeted, because lives and property are in jeopardy.

Chief Casillas responded that the department currently has many qualified volunteers that could fill the vacancies should they become available. All but two firefighters are certified EMTs and he felt recruitment would not be a problem.

Councilmember Bourke stated that if the volunteers were more active the City wouldn't need another paid firefighter. Mayor Ortiz responded that the volunteers have other jobs and have to respond to the demands of their employers.

City Manager Chapa reminded the Council that Chief Casillas submitted an application for a grant that will fund an additional firefighter.

Councilmember De La Rosa asked Chief Casillas for a ratio of firefighter to resident. Chief Casillas stated that it was about 1 firefighter for every 1,000 residents, and 5 volunteers for every 1,000 residents. He also mentioned that the population the firefighters protect also includes the Mission Fire Department.

Councilmember De La Rosa asked for a number of firefighters the Chief felt would be needed. Chief Casillas responded that the grant will have a beneficial impact on the ratio but that the department will need to come up with a plan that addressed the current and future growth of the Community. Councilmember De La Rosa asked if staff was working on a public notice regarding playing with matches/lighters.

Mayor Pro Tem Saavedra stated that he would like the Council to consider looking at the number of staff members it would take to make the Fire Department a viable force.

City Manager Chapa asked the Chief how long until he would know about the grant. Chief Casillas stated that he should know any day.

MOTION: The report on the Fire Department’s 24-hour staffing project was accepted and the project was extended through February 2006 by a unanimous vote on a motion by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

Item #16: Resolution No. 3660, “Amending Soledad Personnel Policy No. 480 - Funding of Community Service Programs and Activities.”

Finance Officer Mark Smith stated that he met with three Councilmember individually and all stated that they would not like to open this up to individuals, with all of the Council interested in having a second period throughout the year to review it. City Manager Chapa stated that there are two members of the committee, and that staff spoke to them separately.

MOTION: Resolution No. 3660 was approved by a unanimous vote on a motion by Councilmember Bourke and a second by Councilmember De La Rosa.

Item #17: Review and Discuss Soledad Personnel Policy No. 419, Policy No. 550, and Policy No. 900 Related to Telephone/Cell Phone Use.

Assistant City Manager De La Rosa stated that included in the Council’s agenda packet was a copy of the cell phone use policy for the Council’s review and discussion. There were also three policies attached that are also part of the personnel policy.

Councilmember Bourke asked how the policies were created. Assistant City Manager De La Rosa stated that staff used an online resource from CSMFO, which includes policies from other agencies that they allow members to access.

Councilmember Bourke asked what “minimal personal calls” was. Assistant City Manager De La Rosa responded that as long as the monthly service minutes were not exceeded, staff could make minimal personal calls. If the monthly service minutes were exceeded, the employee would have to pay the excess. Assistant City Manager De La Rosa stated that staff spends a lot of time at City Hall and may have personal issues they have to deal with therefore, minimal personal calls are allowed.

Councilmember Stephens stated that she would like the opportunity to review the policies from local entities to see what they are doing in comparison and their issues. She stated she would like to continue the item so that staff can provide information for the Council to discuss.

Assistant City Manager De La Rosa asked for clarification as to what exactly Councilmember Stephens would like to see (specific to use of phones during travel, or city land line, etc.). Councilmember Stephens stated she would like to see policies in general, to see if other entities provide cell phones, as well as general telephone use. She requested policies from three to five other agencies.

MOTION: The Personnel Policy regarding telephone/cell phone use was continued until the requested information was made available to the City Council on a motion by Councilmember Stephens and a second by Councilmember Bourke.

Item #18: Designation of Voting Delegate and Alternate for the 2005 League of California Cities Annual Conference.

City Manager Chapa stated that traditionally the voting delegate and alternate have been the Mayor and Mayor Pro Tem.

MOTION: On a motion by Councilmember Stephens and second by Councilmember Bourke by a unanimous vote, Mayor Richard Ortiz was appointed as the voting delegate and Mayor Pro Tem Juan Saavedra was appointed as the alternate voting delegate for the 2005 League of California Cities Annual Conference.

CITY COUNCIL COMMITTEE UPDATES

- a) **Street Naming** – None
- b) **Energy Plant** – Councilmember Bourke stated that there is a meeting on August 18th at 8 p.m. He asked staff if they had come up with a solution for the monies being received. City Manager Chapa stated that there were recommendations of a street sweeper or hybrid vehicle. Mayor Ortiz asked what the mileage is for the hybrid vehicle. Community Development Director Fleming stated that they receive about 55MPG.
- c) **Miravale Section 16** - None
- d) **Development Review** - None
- e) **Overall Landscape Review** - None
- f) **ADA** - None
- g) **Revolving Loan Fund** - None
- h) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa stated that she will be attending the Wind and Wine Festival meeting and the OSBA regular meeting on August 24th.
- i) **Parks** – Public Works Director Price stated that a meeting will be scheduled soon, and the Parks Meeting agenda will be brought to the Council on September 7th for recommendation on what the Parks Committee should include, including signs.
- j) **Redevelopment Neighborhoods** – Councilmember De La Rosa stated that she attended a meeting the previous evening regarding the lights.
- k) **CAC** – Chief Cox stated there was a meeting, but unfortunately he was out of town at the time.
- l) **SR146 (Roads)** - None

- m) **Tree** – Councilmember Stephens stated there will be a meeting on August 23rd.
- n) **Wastewater Treatment Plant** – Mayor Pro Tem Saavedra stated there was a meeting prior to the Council meeting.

Staff was instructed to add the Historical Society to the Council Committee Updates.

CITY MANAGER’S REPORT

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

Public Works Director Price went over the agenda from the meeting, which covered the emergency disposal project and discussion on the moratorium relevant to City operation. He stated the priority is access to the sewer lines once the moratorium is lifted. The Committee will be bringing their recommendations to the next Council meeting.

b) **Council Requests – Status Table**

c) **Propose Cancellation of October 5, 2005 City Council meeting due to League of California Cities Annual Conference in San Francisco**

City Manager Chapa stated that the opening ceremony of the League of California Cities Annual Conference is scheduled for October 5, 2005. She informed the Council that preparation for Council meetings is very time consuming, and if they elect to move the meeting from October 5th to October 12th it would be very difficult to have everything completed. She recommended that the meeting on October 5th be cancelled.

City Attorney Rodriguez recommended that staff notice the cancellation with the fact that there will not be a quorum and he also stated he felt there was plenty of time to cancel the meeting.

d) **Soledad Historical Society**

City Manager Chapa gave the Council an update on the Soledad Historical Society. She stated that currently everything they are soliciting is being put towards the costs of storage. She informed the Council that the item will be added to the agenda of September 7th for consideration.

Mayor Ortiz informed the Council that he received a call from an engineer that day and the engineer will be on site August 29th to review the issues with the 4 Hermanos building. Mayor Ortiz felt there were two rooms that could be secured.

Councilmember De La Rosa stated she did not want the City to be liable for theft and Councilmember Bourke recommended a contract for the Historical Society to sign to release the City from any liability. Mayor Ortiz stated that the two rooms would be secure. Councilmember Stephens responded that the Historical Society would be willing to sign a contract and have already stated that they would be willing to do so. Councilmember De La Rosa also mentioned that she didn’t want the City to be liable for injury, if individuals will be coming and going from the building. City Attorney Rodriguez agreed and suggested that the Council take a look at the issue. He stated that the City’s Risk Manager might find it inappropriate.

Councilmember De La Rosa stated that the Oldtown Soledad Beautification Association hasn't started doing the electrical and flooring yet, and that the room in the rear is large enough to be used for storage. She will talk to the Historical Society about storage in exchange for working the OSBA welcome center.

City Attorney Rodriguez asked how much the Historical Society is paying for storage currently. Councilmember Stephens responded that it was over \$100, and that the price included a discount.

City Manager Chapa informed the Council that the engineer made contact with the Mayor, and the issue will be put on the agenda to continue the discussion. Mayor Ortiz stated that the engineer will be evaluating the building to determine if the building is safe.

CITY COUNCIL ITEMS

Councilmember De La Rosa stated that the signs on Front Street and H. De La Rosa, Sr. Street were turned the wrong way. She also stated that she had requested repeatedly to receive the full Agenda packet for the Planning Commission meetings, and she is still only receiving the agenda. She also asked the Council if any students will be attending the League of California Cities Annual Conference with them this year.

Mayor Ortiz stated that they have taken students before and never received any feedback from the students, and he also felt that it required babysitting by the Council.

Councilmember Stephens reminded the Mayor that the students brought their own advisor and the school district split the cost with the City.

Councilmember Stephens stated that the weeds at the Los Coches Adobe need to be taken care of, and that she also received a letter from AMBAG for the Council to consider an item for public outreach information. City Manager Chapa stated she had received a copy of the letter and had asked Carla to contact AMBAG to schedule the presentation for a future Council meeting.

Councilmember Bourke stated that the Council just finished the City Manager evaluation, and he would like to take a look at the City Attorney evaluation on the next agenda. He also stated that with the energy plant monies the Council consider purchasing a hybrid vehicle. Councilmember Bourke also stated that he would like to discuss some fire department issues in closed session and would like the Fire Chief to be there as well.

CLOSED SESSION

At 10:00 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 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 Ramirez

MEETING RECONVENED

At 10:20 p.m. 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.

ADJOURNMENT

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 10:22 p.m. on a motion by Mayor Pro Tem Saavedra and a second by Councilmember Bourke.

RICHARD V. ORTIZ, Mayor

Approved: October 19, 2005

NOELIA F. CHAPA, City Clerk