

**Joint City Council/Redevelopment Agency Special Meeting Minutes
August 30, 2006**

CALL TO ORDER

Mayor/Chairman Richard Ortiz called the Joint City Council/Redevelopment Agency Special Meeting of the City of Soledad to order at 5:01 p.m.

PLEDGE OF ALLEGIANCE

Councilmember/Agencymember Pat Stephens led the Pledge of Allegiance.

ROLL CALL

Present when the meeting was called to order were: Councilmember/Agencymember Chris Bourke, Councilmember/Agencymember Pat Stephens, Mayor Pro Tem/Vice Chair Juan Saavedra and Mayor/Chairman Richard Ortiz.

Councilmember/Agencymember Stefanie De La Rosa arrived at 5:04 p.m.

Mayor/Chairman Ortiz provided the Council with an update on SB297.

PUBLIC COMMENT

None

At 5:04 p.m., Mayor Ortiz adjourned the meeting to Closed Session on a motion made by Councilmember Stephens and a second by Councilmember Bourke.

CLOSED SESSION

1. The City Council will recess to closed session to meet with its designated representatives regarding labor relations matters pursuant to Government Code Section 54957.6. The employee organization is the Soledad Police Sergeants' Association.
2. The City Council will recess to closed session to meet with its designated representatives regarding labor relations matters pursuant to Government Code Section 54957.6. The employee organization is the Soledad Police Officers' Association.

MEETING RECONVENED

At 6:50 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:

1. Council conferred with legal counsel and provided direction. No other reportable action taken.
2. Council conferred with legal counsel and provided direction. No other reportable action taken.

CONSENT CALENDAR

Item #1: **Resolution No. 3857**, “Rescinding Resolution No. 3819 and Approving a Tax Transfer Formula Between the City of Soledad and Monterey County Associated with Annexation of Approximately 46.67 acres to the City of Soledad (APN’s 257-091-010, 257-091-002, 257-091-006 and 3.26 Acres of Public Right-of-way (Moranda Road) and Detachments from the Mission Soledad Rural Fire Protection District”.

MOTION: Resolution No. 3857 was adopted by a unanimous vote on a motion made by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

PUBLIC HEARING

Item #2: **Resolution No. 3850**, “Determining the Appropriations Limit for Fiscal Year 2006-07 Pursuant to Article XIII ‘B’ of the California Constitution.” *(continued from August 23, 2006 Council/RDA Meeting)*

City Manager Chapa asked that Item # 2 (Resolution No. 3850) be continued until after Agenda Item #7.

MOTION: Agenda Item #2 was continued to after Agenda Item #7 by a unanimous vote on a motion made by Councilmember Stephens and second by Councilmember De La Rosa.

Item #3: **Ordinance No. 636**, “An Ordinance of the City Council of the City of Soledad Extending Ordinance No. 635 for a Period of Ten (10) Months and Fifteen (15) Days.”

Staff Presentation

Community Development Director presented the staff report. He stated that this would be an extension of the Ordinance that was approved at the July 19, 2006 City Council meeting.

Open and Close of Public Hearing

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

MOTION: Ordinance No. 636 was adopted by a unanimous vote on a motion made by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

BUSINESS

Item #4: Consider a Request from the Soledad Police Officers Association and Soledad Police Sergeants Association Request for State Mediation and Conciliation Services in Compliance with Section 15 of the Employer–Employee Resolution No. 1005 and Provide Staff with Direction on the Items in Dispute.

City Manager Chapa stated that Staff had received a request from the SPOA and SPSA requesting mediation. She stated that their negotiator was not in attendance that evening and asked if anyone was here to represent them.

Jose Rodriguez, SPOA President, addressed the Council. He stated that he was present representing both the SPOA and SPSA and they were requesting mediation.

MOTION: The SPOA and SPSA's request for mediation was approved by a unanimous vote on a motion made by Councilmember Stephens and a second by Councilmember Bourke.

Item #5: Resolution No. 3858, "Granting Consent to the City of Monterey to Form the Monterey County Tourism Improvement District (TID) Within the City of Soledad."

Assistant City Manager De La Rosa presented the staff report. He stated that the Monterey County Convention and Visitor's Bureau (MCCVB) had requested the City's participation in the Tourism Improvement District. He said that staff had met with both of the local hotel owners, and that Mr. Lopez from the Motel 8 stated that he would not approve or oppose the matter, but that he was concerned about advertising. Mr. Trout from the Best Western Valley Harvest Inn agreed to participate. City Manager Chapa stated that she had spoken to Mr. Lopez and had informed him that the District would be for a period of one year and at that point the City would be looking for some validation from the Monterey County Convention and Visitor's Bureau.

Mayor Ortiz asked about monitoring of the program. Assistant City Manager De La Rosa said that the MCCVB tracks the phone calls and topics, which they could provide in a report to the City.

Councilmember Bourke asked about Shaw Development's Holiday Inn Express. Assistant City Manager De La Rosa stated that it only applies to current businesses.

MOTION: Resolution No. 3858 was adopted by a unanimous vote on a motion made by Councilmember Bourke and a second by Councilmember Stephens.

Item #6:* Discuss and Provide Staff with Direction Regarding a Lease Agreement Between the Soledad Redevelopment Agency of the City of Soledad and Soledad Yard Services for Use of Agency Property Located at the Eastern End of Los Coches Drive. *(continued from August 23, 2006 Council/RDA Meeting)*

Assistant Executive Director De La Rosa presented the staff report and provided the Agency with the background on the item. He stated that Mr. Zepeda's attorney was not present at his client's request. Agency Attorney Rodriguez stated that Mr. Zepeda's legal counsel had contacted him to notify Agency Counsel that they would not be present at their client's request.

Mike Hagen, attorney from Salinas, addressed the Agency and stated that the Zepeda's are in the process of finalizing an agreement for his legal services. Chairman Ortiz asked if he would be the legal counsel representing Zepeda. Mr. Hagen stated that no formal document has been signed yet but he wanted to appear to introduce himself since there are items pertaining to Zepeda on the agenda. Agencymember Bourke asked Mr. Hagen if he was up to speed enough to represent Zepeda that evening. Mr. Hagen responded that he was not.

MOTION: Item #6 was continued to the meeting of September 20th by a unanimous vote on a motion made by Agencymember Bourke and a second by Vice Chair Saavedra.

Item #7:* **Resolution No. 3854/294**, “Approving and Adopting the City of Soledad/Soledad Redevelopment Agency Fiscal Year 2006-07 Budget.” *(continued from August 23, 2006 Council/RDA Meeting)*

City Manager/Executive Director Chapa presented the staff report. Mayor Pro Tem/Vice Chair Saavedra stated that there were items he had brought up at the previous meeting and thought there was a consensus but they were not included in the budget. He also stated that he was strong in stating that he wanted two additional police units and thought there was a consensus for that but did not see it in the budget document. Mayor/Chairman Ortiz asked City Manager/Executive Director Chapa if any items had been removed from the budget administratively. City Manager/Executive Director Chapa responded that nothing had been removed administratively.

Councilmember/Agencymember De La Rosa said that at the first budget workshop, she recommended two additional officers, and at the meeting the Police Chief stated that he did not feel there was a need for two officers, just the two clerical non-sworn positions. Mayor Pro Tem/Vice Chair Saavedra stated that last year’s budget had two positions funded and two unfunded and that he had requested the two unfunded positions to be funded. Councilmember/Agencymember Bourke stated that he only recalled a consensus for the clerical non-sworn positions and with the addition of two officers the budget would be unbalanced.

Police Chief Cox stated that this past year the department was down 4 to 5 positions, and there was an understanding that as soon as all vacancies were filled two additional officers would be added. Councilmember/Agencymember Stephens responded that she was under the impression that the numbers in population would drive the increase in staffing. Police Chief Cox said that he was asked why he was requesting two non-sworn versus two sworn. He stated that by adding the clerical staff to assist the officers with report writing, it would put the officers we currently have on the streets more rather than behind a computer.

Councilmember/Agencymember De La Rosa asked why the Evidence Technician was listed under the Police Department when the position is a contracted position. She also asked why one of the new clerical staff couldn’t perform the duties of Evidence Technician. She asked that it be looked at for something that needs to be funded on a continual basis. Police Chief Cox stated that in the POST study done two years ago, they identified the evidence room having significant problems. He said that after a temporary Evidence Technician was brought in, it was made clear that the problems with the evidence room were worse than anticipated. It was his understanding that the Lieutenant would take over after all the problems were corrected, but that the position would need to be a permanent position.

Mayor Pro Tem/Vice Chair Saavedra asked what types of items were moved from the Police Department to fund the new officers. Finance Officer Smith stated that three items were moved from capital purchases to reserve purchases, since they were one time expenses.

Mayor Pro Tem/Vice Chair Saavedra asked why there was a need for the Los Coches Adobe consultant. City Manager/Executive Director Chapa stated that the consultant would be preparing the grant application for the funding cycle to repair the Adobe. She said that the applications call for detailed public participating and outlines the process, and that the contract had already been approved by the Council/Agency at a previous City Council/RDA meeting.

Mayor/Chairman Ortiz asked about the contract with Mr. Lopez. Assistant City Manager/Assistant Executive Director De La Rosa stated that the family was no longer interested in moving forward. He also said that there were some issues with the lease transfer. Mayor/Chairman Ortiz asked that the item be placed on the agenda for a future City Council/RDA meeting.

Councilmember/Agencymember Stephens reviewed the Fire Department requests and asked that the department be looked at down the road for addition of employees. She said she doesn't think that the Council should wait until January to fund two positions in the department when there is a deficit in the department. Mayor Pro Tem/Vice Chair Saavedra said that public safety has been neglected for a long time and at this point the City has a healthy financial outlook to take action now for both departments. Councilmember/Agencymember Bourke asked how long the firefighter hiring process takes. Interim Fire Chief Negro responded that if approved, he would be able to hire by December. Police Chief Cox stated that it would take six to eight weeks to get someone on board and currently they have 21. Councilmember/Agencymember Stephens recommended to fund the police positions in January and the fire positions immediately.

Councilmember/Agencymember De La Rosa recommended that the Police Chief put together a plan so in the future they know what to plan for and it is not a guessing game. Police Chief Cox stated that the POST study already did that for the department, recommending four positions, which the Council funded two and did not fund the other two. He stated that the strategic plan is being worked on and will be put together by the him based on data received on calls for service and population.

Mayor/Chairman Ortiz asked Interim Fire Chief Negro about responding to calls. Interim Fire Chief Negro responded that they are working on it and trying to deal with it. He said that currently they only have seven volunteers, and they are not participating consistently due in part to the new requirement of two twelve hour shifts a month, with only three currently fulfilling the requirement. Mayor/Chairman Ortiz asked that the shift schedule be reviewed as the Council's primary concern was daytime calls. Interim Fire Chief Negro stated that daytime calls are not the bulk of their calls anymore and there needs to be someone in the station 24-7.

Councilmember/Agencymember De La Rosa asked about the General Fund on the first page, the amount of \$162,000, she wanted to know what the money was for. City Manager/Executive Director Chapa responded that the money was left over from a lawsuit with Gonzales, then corrected herself stating that the money was for restrooms, which needs to be zeroed. Councilmember/Agencymember De La Rosa asked for an explanation of the miscellaneous outlay tab. Finance Officer Smith stated that those items were expenditures that didn't fit into any department. She asked if the FY 2005-06 year end totals should match the beginning totals for FY 2006-07, Finance Officer Smith responded yes they should but that there seemed to be a \$40,000 difference.

MOTION: A motion was made to amend the budget with the addition of two firefighters immediately and 2 police officers in January on a motion made by Councilmember/Agencymember Bourke and a second by Councilmember/Agencymember Stephens. The motion died due to lack of a majority vote.

Mayor Pro Tem/Vice Chair Saavedra said that he did not want to sacrifice the police officers.

Councilmember/Agencymember De La Rosa asked for clarification from Police Chief Cox regarding staffing levels. Police Chief Cox stated that at peak times they have three to four officers on duty. He said that occasionally there are two officers on duty when sick time, vacation or training takes place. He said emergencies require multiple officers and there is always a need for more officers.

Councilmember/Agencymember Bourke asked for an explanation as to why there were only two officers on duty the night of the homicide. Police Chief Cox said that one officer was on vacation, and that currently the department had two officers on administrative leave.

Councilmember/Agencymember Stephens asked Interim Fire Chief Negro how many firefighters it would take to staff the department. Interim Fire Chief Negro responded that the Citygate report suggested a three person engine company, but in a perfect world he would prefer a four engine company to comply with the 2/2. He said that with the addition of two full time firefighters he would put them on a 40 hour work schedule, with himself and 2 people, and he would use the part-time paid and volunteers for the evening.

MOTION: A motion was made and approved to fund two firefighters positions immediately by a unanimous vote on a motion made by Councilmember/Agencymember Bourke and a second by Councilmember/Agencymember Stephens.

MOTION: Mayor Pro Tem/Vice Chair Saavedra motioned to adopt the budget with the addition of two additional funded police cars and two non-sworn positions. The motion died due to a lack of a second.

Councilmember/Agencymember Stephens asked that it be reviewed at mid-year.

Councilmember/Agencymember De La Rosa stated that she agrees with adding the two non-sworn positions and added she would like to eliminate the contract for Evidence Technician by having one of the non-sworn take over those responsibilities. Mayor Pro Tem/Vice Chair Saavedra agreed.

MOTION: A motion was made and approved by a majority vote to fund the two non-sworn police positions and consider the two additional police officers in January on a motion made by Councilmember/Agencymember Bourke and a second by Councilmember/Agencymember Stephens. Mayor Pro Tem/Vice Chair Saavedra abstained, but City interpretation of when a person abstains is a “yes” vote.

At 9:05 p.m., Mayor Pro Tem Saavedra requested a recess.

At 9:20 p.m. the meeting was called back to order by Mayor Ortiz.

Item #2: **Resolution No. 3850**, “Determining the Appropriations Limit for Fiscal Year 2006-07 Pursuant to Article XIII ‘B’ of the California Constitution.” *(continued from August 23, 2006 Council/RDA Meeting)*

Staff Presentation

Finance Officer Smith presented the staff report and stated that this was the second step in approval of the budget.

Open and Close of Public Hearing

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

MOTION: Resolution No. 3850 was adopted by a unanimous vote on a motion made by Councilmember Bourke and second by Councilmember Stephens.

Item #8: **Resolution No. 3859**, “Approving the Job Classifications of Firefighter and Part-Time Firefighter, Adopting a New Job Description and Establishing a New Salary Range for Each Classification.”

Interim Fire Chief Negro presented the staff report. He stated the approval of the job classifications is the first step in the recommendations from the Citygate report. He thanked the Council for adding additional Fire Department staff. He also stated that in the part-time firefighter job description there was an error under qualifications license and certificate. He stated that it should read CPR First Responder or EMT 1.

MOTION: Resolution No. 3859 was adopted by a unanimous vote on a motion made by Councilmember Bourke and a second by Councilmember Stephens.

City Attorney Rodriquez stated that currently there is no salary schedule for the firefighter position but that it will be brought back to the Council for approval at an upcoming meeting.

City/Agency Attorney Rodriquez also stated that the Council/Agency acted on a motion to make changes to the budget, but did not adopt the actual budget for the Council and Agency.

MOTION: Resolution 3854/294 was adopted by a unanimous vote with modifications on a motion made by Mayor/Chairman Ortiz and a second by Mayor Pro Tem/Vice Chair Saavedra.

Item #9 was discussed after Closed Session

Item #9: **Resolution No. 3856**, “Amending Policy # 10, #70, #120, # 311, and # 313 of the City of Soledad Personnel Policy Manual Related to Management Personnel and Approving the Performance Evaluation Criteria as part of the Pay for Performance Plan.” *(continued from August 23, 2006 Council/RDA Meeting)*

CLOSED SESSION

At 9:27 p.m. Mayor/Chairman Ortiz called for a recess to convene to Closed Session to discuss the following items:

CLOSED SESSION

1. The City Council will recess to closed session to consider personnel matters pursuant to Government Code Section 54957- Recruitment and Retention Considerations for Managerial Positions - Employment Contracts
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 formally initiated. The title of the matter is – Claim – Slagle

REPORT OF ACTION TAKEN IN CLOSED SESSION

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

1. Council conferred with and provided direction to representatives. No other reportable action taken.
2. Council conferred with and provided direction to representatives. No other reportable action taken.

Item #9 was discussed after Closed Session

Item #9: Resolution No. 3856, “Amending Policy # 10, #70, #120, # 311, and # 313 of the City of Soledad Personnel Policy Manual Related to Management Personnel and Approving the Performance Evaluation Criteria as part of the Pay for Performance Plan.” *(continued from August 23, 2006 Council/RDA Meeting)*

MOTION: Resolution No. 3856 was adopted by a majority vote on a motion made by Councilmember Bourke and a second by Councilmember De La Rosa. Mayor Pro Tem Saavedra and Mayor Ortiz opposed.

ADJOURNMENT

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

RICHARD V. ORTIZ, Mayor/Chairman

Approved: October 4, 2006

NOELIA F. CHAPA, City Clerk/Agency Clerk