

## **City Council Regular Meeting**

**September 7, 2005**

### **CALL TO ORDER**

Mayor Pro Tem Juan Saavedra called the meeting to order at 6:35 p.m.

### **PLEDGE OF ALLEGIANCE**

Assistant City Manager Hector De La Rosa, Jr. 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 and Mayor Pro Tem Juan Saavedra.

Mayor Richard Ortiz and City Manager Noelia Chapa were not present due to their trip to Sacramento regarding Senate Bill 952.

### **MAYOR'S REPORTS**

None.

### **COUNCILMEMBER'S ANNOUNCEMENTS**

Councilmember De La Rosa stated that she attended the goal setting session with the City Manager and will be attending the League of California Cities Monterey Bay Division meeting on September 12<sup>th</sup>. She also informed the Council that the Soledad Chamber of Commerce will be holding a Chamber Community Expo on November 3<sup>rd</sup>.

Councilmember Stephens stated that she attended the Tree Committee meeting, the goal setting session with the City Manager and also the 25<sup>th</sup> Anniversary celebration at Clinica de Salud.

Councilmember Bourke stated that he attended the Wind and Wine Festival on August 28<sup>th</sup> and it seemed well attended. He also stated that he attended the goal setting session with the City Manager.

Mayor Pro Tem Saavedra stated that he attended the goal setting session and the Clinica de Salud 25<sup>th</sup> Anniversary celebration.

### **COUNCILMEMBER'S PRAISES**

Councilmember De La Rosa praised the Oldtown Soledad Beautification Association for the Wind and Wine Festival. She also thanked City Manager Chapa for helping during the event, and stated the entire committee did a great job making the event successful. She also thanked the Soledad Fire Department and Women's Auxiliary for a great muster.

Councilmember Stephens praised Assistant City Manager De La Rosa and the Public Works Department for quickly removing the weeds at the Los Coches Adobe.

Councilmember Bourke praised the Public Works staff for a great job during the Wind and Wine Festival; he also thanked all the local businesses and community members for their donations to the Hurricane Katrina relief efforts. He also asked the public to feel free to donate to the American Red Cross due to the fact that there are still many people who need help.

Mayor Pro Tem Saavedra reiterated Councilmember Bourke's statements, and said there was a great need for contributions and donations for the disaster.

### **PRESENTATIONS**

None.

### **PUBLIC COMMENT**

Monica Sullivan from the Soledad YMCA introduced the new program director, Sarah Clarke, to the City Council. Ms. Clarke comes to Soledad from the Turlock area. Ms. Clarke thanked the Council for having her and stated she already loves her job at the YMCA. She is enjoying getting to know the people in Soledad.

Michael Mueller, Los Coches Industrial Park, addressed the Council. He stated that on February 2, 2005, he was notified (and it was his understanding) that he was on a list exempting him for the moratorium. He stated that he received a call from Irene in the Planning Department two weeks ago stating that his plans had gone through and he could come pick them up at City Hall. He contacted staff later, only to find out that he was not on the revised moratorium list. He was frustrated because he did not receive any notification that he was no longer on the exempt list. He stated that out of 11 on the original list, the revised list only contains 2 of those individuals. He stated that he doesn't know which direction he should take and that he had originally proceeded with the project because he was under the impression he was on the exempt list.

Community Development Director Fleming stated that the original Council discussion was of a list of 15, which staff thought Mr. Mueller was a part of. Staff had inadvertently notified applicants that they were on the exempt list, which the Council later had to reevaluate along with the permits that had already been issued. Community Development Director Fleming stated that Mr. Mueller's project was not considered to be exempt because it was still in plan check.

Councilmember Bourke asked staff about the time frame it took to issue building permits and why Mr. Mueller was not included on the exempt list if he submitted his application material prior to the deadline. Community Development Director Fleming stated that being in plan check does not mean that he was exempt, but that he would look into it.

Mayor Pro Tem Saavedra asked staff to bring back to the Council a report on their findings for a discussion. Assistant City Manager De La Rosa stated that staff could provide the information in the City Manager's update. Councilmember Bourke directed staff to work with Mr. Mueller.

Councilmember De La Rosa asked if others had been left off the list and will not be receiving a permit. Community Development Director Fleming stated that there is only one applicant left in plan check, and he will check to see if they have been notified. Mayor Pro Tem Saavedra asked staff to prepare a staff report and if necessary asked that it be agendaized.

Richard Perez, Soledad Lions, addressed the Council and stated that he had been appointed by the Lions Club to spearhead the fundraising drive for Hurricane Katrina. The Lions would like to form a community fundraiser day. He asked that as brothers and sisters, would the City be willing to come out and help support the fundraising efforts.

He stated that he had contacted other organizations and was setting up a luncheon on September 9<sup>th</sup> at the Windmill, and requested that a representative from the City Council be there. Mr. Perez also requested permission to use the Park and Ride on Front Street for the event. He also invited the Soledad Fire Department and Auxiliary to participate in the event and stated that he would like to have it as a Community Event rather than individual fundraisers.

Mayor Pro Tem Saavedra asked him to make sure that City staff is aware of the request for use of the Park and Ride.

Assistant City Manager De La Rosa requested that the Lions Club submit an application for use since there is a fee related to the use, but that the Council has the ability to waive that fee.

Councilmember De La Rosa asked Mr. Perez when the proposed date for the fundraiser would be. He stated that it would be sometime before the end of the month. Councilmember Bourke asked if they were asking for money only, or if people could also donate nonperishable food and clothing. Mr. Perez answered that in addition to monetary donations, they will also be accepting new clothes and new blankets, and he also asked if there was a possibility of the High School or Fire Department setting up a station for people to donate canned food.

Councilmember Stephens asked if he would like City Staff or City Council to participate. Councilmember De La Rosa stated she would be happy to participate. Community Development Director Fleming also stated that he would like to participate.

Alberta Gomez, 211 Montezuma, addressed the Council. She stated that she had received a notice that the work on her home was complete, however she said it was not yet complete. She stated that she was also told that the work had been signed off but that she never signed a sheet of any kind signing off on the work. She stated that Mr. Reyes Venegas had not called or come by her house to speak to her. She also stated that the final inspection and notice to proceed had been done, but that she had never signed the notice to proceed. Ms. Gomez also stated that Mr. Venegas still has several items he needs to complete at the house, including the garbage that needs to be removed. Assistant City Manager De La Rosa requested that staff provide the City Council with an update in the City Manager's Report and also requested that Economic Development Director Rodriguez contact Ms. Gomez to discuss the situation.

John Nuno, Volunteer Fire Fighter, addressed the Council. He stated that he has been a volunteer for the Fire Department for six years and is currently the Association's secretary. He stated that he has watched the department grow over those years to an outstanding department with well trained staff and volunteers. He stated that he has seen changes occur over the past two years, from the administration to the tragedies, and leading staff and volunteers through this and everything else has been the Fire Chief, Jesse Casillas. He stated he felt Chief Casillas has been the backbone of their department and has been there to hold everyone together through thick and thin. He stated that he believed the department is now as strong as it has ever been and that their department is the first South County Fire Department to have 75% of their volunteers graduate from the Academy, which he felt implied the magnitude of support the Fire Chief has

given to his staff, since he was one of the first Academy graduates in the history of the volunteer Fire Department. Firefighter Nuno stated that he is proud of the City of Soledad, the Fire Department and Volunteers in that they make the City a safe place for his family and the community.

Veronica Sanchez, Soledad Fire Department Women's Auxiliary, addressed the Council. She informed the Council that she has recently heard rumors that the fire department was under scrutiny from two City Councilmembers who are on a witch hunt. She stated these two individuals are blaming inadequate training and response on the death of her fiancé, Mario Cunha, and yet they are the same Councilmembers who counseled her during Mario's tragic death. She stated that she felt that these two individuals criticizing the event and response is a slap in her face. She stated that if anyone should be blamed for Mario's death it should be the Council for not providing the Department with adequate equipment and not for the lack of training. She asked that the individuals set aside their personal agendas and witch hunt and focus on what's truly important.

Marcelino Nuno representing the American Legion Post 32 addressed the Council. He stated he supported Veronica's statements. He stated that the Post and its members support and stand behind the Fire Chief and will be doing so always. Mr. Nuno stated that the Fire Department received him with open arms when he back from combat, and for him and all the veterans it means a lot to have a group welcome you home with open arms. He also stated that it was an honor to come back to Soledad and to see the Fire Department completely changed.

Susan Burke, spouse of Firefighter Burke and Soledad resident, read a letter she wrote to the Council supporting the Department.

Carlos Cabrera, Volunteer Firefighter, addressed the Council. He stated that he is living proof of the Chief's positive influence. He stated that the Chief inspired and motivated him to become who he is today, a full time firefighter for the City of Greenfield.

Bertha Cabrera, wife of Volunteer Firefighter Carlos Cabrera, stated she is very proud of Chief Jesse Casillas and is thankful for the motivation he provided her husband to go to the fire academy and become who he is today.

Mayor Pro Tem Saavedra thanked the guests for attending and providing the Council with their point of view. He stated that he has nothing but admiration for those who provide public service and it is a much needed resource in the community and they are doing an outstanding job for the community.

Mayor Pro Tem Saavedra requested a ten minute break. He also recommended that upon return from a ten minute break, the Council take immediate action on Item #10 and Closed Session Item #1. Mayor Pro Tem Saavedra stated that City Manager Chapa and Mayor Ortiz had asked for a continuation of Closed Session Item #3. He also recommended that Closed Session Item #2 be continued as well.

**MOTION: At 7:10 p.m., Councilmember Bourke motioned to take a 10 minute break, move Item #10 up to the next item on the agenda and to continue Closed Session Items # 2 and #3 to the next meeting with a second from Councilmember Stephens by a majority vote.**

Mayor Pro Tem called the meeting back to order at 7:20 p.m.

**Item #10: Resolution No. 3670**, “Designating a Redevelopment Survey Area, Directing Agency Staff and Consultants to Prepare a Preliminary Plan for the Proposed 2006 Amendment to the Redevelopment Plan for the Soledad Redevelopment Project, and Directing Agency Staff to Take Further Actions as Appropriate and Necessary for Preparation of the Proposed 2006 Amendment.”

Assistant City Manager De La Rosa addressed the Council. He stated that part of the process to the amendment is to look at the 1983 survey area and look to expand it. Unfortunately, staff was unable to locate the original resolution regarding the survey area, and is proposing a resolution to amend the redevelopment areas.

John Huffman, Urban Futures Representative, addressed the Council. He reviewed the extensive PowerPoint presentation that he presented the Council. He stated that in his opinion, this would be a good thing for the City of Soledad. He stated that there were two survey areas adopted several years ago, but that no longer represents the City because there have been annexations since then. The purpose of the resolution is to expand the additional parts that can be legally annexed in to the City and with the permission of the County, evaluate over the next month whether it would make sense to include any County project area. He stated that the plan adoption process is a long process, with 25 Council actions needed, which is hoping will become effective August 18, 2006. He informed the Council that staff is recommending continuation of the item because of a potential conflict with members of the Council.

City Attorney Rodriquez explained that after reviewing the map with the new planned area, three Councilmembers reside in the new area or within 500 feet of the area. He informed the Council that the best circumstance would be that all of the residents in the new area would be able to participate. The worst circumstance would be that the three Councilmembers conflicted would be ineligible to participate. City Attorney Rodriquez explained that the rule on necessity allows you to pull back in one member so that a quorum is present. He stated that staff needs a little more time to make a determination. Assistant City Manager De La Rosa stated that we may not be able to get the entire survey area in the new project area, but feels confident that we may be able to get most of it and will try to maximize the area. He also stated that it may be necessary to meet with Monterey County to see what they would be willing to do to add County land to the City territory.

Charles McKeag, Award Homes, stated that their project has been approved, have the tentative maps and they are moving forward assuming the moratorium will be lifted and Award Homes can enter into contracts to sell homes in that area. He asked if the process of the annexation would delay the construction and sale of the homes. Mayor Pro Tem Saavedra asked when they anticipate starting the project, and Mr. McKeag responded at the earliest January of 2006, but anticipates that when the moratorium is lifted they will pull their permits.

Staff stated that this action would not affect their project.

**MOTION: Resolution No. 3670 was continued to September 21<sup>st</sup> by a majority vote on a motion made by Councilmember Stephens and a second by Councilmember Bourke.**

**Mayor Pro Tem Saavedra recessed at 7:45 p.m. to Closed Session for review of Closed Session Item #1.**

**MEETING RECONVENED**

At 8:25 p.m. on a motion made by Councilmember Bourke with a second by Councilmember Stephens, Mayor Pro Tem Saavedra reconvened the meeting from Closed Session.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

Mayor Pro Tem Saavedra made the following announcements with regard to closed session matters:

1. City Council conferred with Attorney, no other action taken.

**CONSENT CALENDAR**

**Item #1: Approval of Minutes**

Redevelopment Agency/City Council Special Meeting Minutes August 10, 2005  
Joint City Council/Planning Commission Special Meeting Minutes January 19, 2005

**Item #2: Approval of Warrants**

#36757 - #36858

**Item #3: Resolution No. 3663, "Accepting Certain Improvements Associated with the Safe Routes to School Project from Don Chapin Company."**

***ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY COUNCILMEMBER STEPHENS***

**Item #4: Resolution No. 3664, "Accepting Certain Improvements Associated with the Toledo Street Re-Alignment Project from Monterey Peninsula Engineering."**

**Item #5: Resolution No. 3665, "Accepting Certain Improvements Associated with the Section 16 Tank Site Grading and Water Mains Project from Granite Rock Pavex, Construction Division." and Resolution No. 3666, "Accepting Certain Improvements Associated with the Section 16 Tanks Project from CB&I Construction Company."**

**Item #6: Resolution No. 3667, "Authorizing the City Manager to Enter into a Contract with Black and Veatch for Development of the City's Long Term Wastewater Management Plan in an Amount Not to Exceed \$380,000."**

**Item #7: Resolution No. 3668, "Canceling the Regular Meeting of October 5, 2005."**

**MOTION: The Consent Calendar (Items #1, 2, 3, 5, 6 and 7) was approved by majority vote on a motion by Councilmember Stephens and a second by Councilmember Bourke.**

***ITEM #4 WAS PULLED BY COUNCILMEMBER STEPHENS***

**Item #4: Resolution No. 3664, "Accepting Certain Improvements Associated with the Toledo Street Re-Alignment Project from Monterey Peninsula Engineering."**

Councilmember Stephens stated that she was concerned about the landscaping on the Benito Street realignment project and the resolution to complete the project. Public Works Director Price stated that due to limited funding, the project was designed with a later date for completion.

He stated he would be happy to put together a landscaping scheme for the Council. Councilmember Stephens stated that she would like to see the landscaping completed. Councilmember De La Rosa reiterated Councilmember Stephen's statements and stated that it looks as though work has been done, but it should be completed and she would like to see a plan.

Councilmember Bourke asked if funding leftover from previously approved projects could be used to complete this project. Assistant City Manager De La Rosa answered that once a contract is completed the funds go back in to reserve. Councilmember Bourke proposed that the project be brought forward and proposed to allocate funds for it.

Mayor Pro Tem Saavedra directed staff to look at funding to do improvements and bring it back to the Council on October 19<sup>th</sup>. Assistant City Manager De La Rosa stated that this item may or may not have to come back to the Council for approval since the City Manager can authorize a project of this dollar amount.

## **PUBLIC HEARINGS**

**Item #8:**      **Resolution No. 3669**, "Requesting the Local Agency Formation Commission of Monterey County to Initiate Proceedings for the Reorganization of Territory for Orchard Villa involving Annexation of 29.95 Acres to the City of City of Soledad and Detachment from the County of Monterey."

### **Staff Presentation**

Assistant City Manager De La Rosa addressed the Council. He stated that everyone in attendance is aware that the Council has approved the map for the Orchard Villas Project, as well as the general plan amendment for the project. He informed the Council that the next step is to annex the project into the City boundaries. He stated that staff has completed the application for LAFCo to initiate the annexation, and there appears to be no issues in regards to the County Water Resource Agency.

Councilmember Bourke asked if the City had reached a written agreement on the quality of the parks and if the Council agrees to this resolution would it effect the bargaining with the developer. Assistant City Manager De La Rosa stated that the City has not reached a written agreement regarding the parks, and the City is going to provide Award Homes with a design for the Parks.

Charles McKeag, Award Homes, stated that they are currently waiting for written comments from the City about the park plans. He stated that the parks committee was comfortable with the design, and they are currently waiting to get construction drawings for the restroom so they can design around it. Assistant City Manager De La Rosa stated that the parks committee met and that staff is proposing that the plans be brought back on the 21<sup>st</sup> of September, including the Orchard Villas project. Mr. McKeag stated that it should be a straight forward matter and that the annexation will not change anything from that perspective.

**Open and close hearing to the public**

Mayor Pro Tem Saavedra opened the hearing to the public and hearing no comments, closed the hearing to the public.

**MOTION: Resolution No. 3669 was passed by a majority vote on a motion by Councilmember Bourke and a second by Councilmember De La Rosa.**

**Item #9: Resolution No. 3659, “Approving the Soledad Police Department’s Proposed Supplemental Law Enforcement Service Funds Spending Plan.”**

**Staff Presentation**

Chief Richard Cox addressed the Council. He informed them that at this time each year they submit a proposal for proposed spending plans for the SLESF funds. He stated that last year they used the monies to fund the investigator position and purchased safety equipment, fire arms and crowd control equipment. He requested that the funds for this year be used to continue to fund the investigator’s position and also designate money for a part-time evidence technician position.

**Open and close hearing to the public**

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

**MOTION: Resolution No. 3659 was passed by a majority vote on a motion by Councilmember Bourke and a second by Councilmember Stephens.**

**BUSINESS**

**Item #11: Resolution No. 3671, “Approving an Amendment to the Legal Service Contract with Meyers, Nave, Riback, Silver, and Wilson.”**

Assistant City Manager De La Rosa addressed the Council with a proposal from the City Attorney recommending a rate increase for this year. He informed the Council that there has not been an increase since 2002. He stated that staff did a survey of other cities and the rates proposed are fair. Councilmember De La Rosa asked if the City of Gonzales had approved the same rate increase. City Attorney Rodriguez stated that it was going to be considered at their meeting on September 14<sup>th</sup>. Councilmember Bourke praised City Attorney Rodriguez, stating that there have been a variety of situations over the past few years that have had to be dealt with. Councilmember De La Rosa stated that it is nice to have an attorney that has done redevelopment, and also over the past few years Meyers Nave has made available a number of resources to the City on very short notice.

**MOTION: Resolution No. 3671 was passed by a majority vote on a motion by Councilmember Bourke and a second by Councilmember Stephens.**

**Item #12: Review and Discuss the Recommendations made by the California Peace Officer’s Standards and Training Regarding the Management Study Performed for the Soledad Police Department.**

Chief Cox addressed the Council. He informed the Council that when he came on board in January of 2004, he requested an evaluation of the department, which is provided free of charge by POST, and was received from in July of 2005. The evaluation included a review of the department's policies and procedures, which had not been addressed for a number of years. One of the first things the report emphasized was the importance of establishing a strategic plan.

The report described tactical and operational services and identified an increase in population and calls for service. Anticipation of the moratorium being lifted and continued development was considered in preparation of the report. Chief Cox then presented a thorough PowerPoint presentation.

Councilmember Bourke asked Chief Cox if the evidence room electronic tracking system was brought forward for the new City Hall. Chief Cox responded that it had not because they were not ready for it and are still working on the evidence that needs to be purged. Chief Cox recommended a facility that is electronically monitored, similar to an alarm system installed in a home. He also stated that the systems are not very expensive, and that their new evidence room will consist of steel, with only one way in and out. Mayor Pro Tem Saavedra stated that it was important that Chief Cox forward this information to the appropriate people so action can be taken for the upcoming remodel.

Councilmember De La Rosa asked about the cold storage and what it contained. Chief Cox responded that it contains biological items such as blood and urine. Any biohazards are given to the fire department. Chief Cox stated that the evidence used to sit for some time to be processed instead of being forwarded to the Department of Justice immediately. Mayor Pro Tem Saavedra asked what is being disposed of and how. Chief Cox answered that most is burned and the guns are melted down, and if the owner of stolen property can be located, their property is returned to them.

Chief Cox stated that in his opinion, the study was fair and objective, with accurate review of the property and evidence procedure that was currently in place, which has helped him to create a plan at which in the near future will need to be decided on whether the department needs a full time evidence technician.

Mayor Pro Tem Saavedra congratulated Chief Cox for the many improvements he made prior to the POST report being completed, with those improvements also being recommended in the report. Councilmember Bourke praised Chief Cox for the initiative he took to request the POST report and he complimented him for the many improvements he has made to the department. Councilmember De La Rosa echoed both Council comments, and stated Chief Cox's performance has been very impressive and it was nice to see that he is continuously re-evaluating pieces of the department to see how it can run more efficiently. Councilmember Stephens stated she was very impressed with the report, and appreciated his pro-active stance. Councilmember Bourke asked that Chief Cox coordinate with Public Works Director Price for plans for the new evidence room. Mayor Pro Tem Saavedra stated that the officers that serve with the Chief speak very highly of him and have tremendous respect for him. Chief Cox responded that they wouldn't have the success they do now if it weren't for the efforts of his team.

**Item #13: Resolution No. 3661, "Approving and Adopting the City of Soledad Fiscal Year 2005-2006 Operating Budget"**

Mayor Pro Tem Saavedra asked that Item #13 be continued to the next Council meeting when Mayor Ortiz would be present.

**MOTION: Resolution No. 3661 was continued until September 21<sup>st</sup> by a majority vote on a motion by Councilmember Stephens and a second by Councilmember De La Rosa.**

**Item #14: Resolution No. 3672, “Declining to Join the County of Monterey in Applying for Designation as a Department of Housing and Urban Development Entitlement Jurisdiction”**

Economic Development Director Izzy Rodriguez addressed the Council and explained that the City was given an opportunity to join the County in applying for designation as a Department of Housing and Urban Development Entitlement jurisdiction. Staff stated that if it came down to competing in the State process for funds or allotment of funds coming to the County and the County dispersing to the jurisdictions, the City would prefer to compete for the monies.

Councilmember Bourke asked if the County would receive \$3.7M, the cities would then have to ask the County for the monies, and the County would determine the amount, which would mean that the City would not have received the money for the WWTP. Mayor Pro Tem Saavedra asked who initiated the proposal, and Economic Development Director Rodriguez answered that the County initiated it. Mayor Pro Tem Saavedra stated that the County has not been that generous to South County cities in the past and feels they should decline.

**MOTION: Resolution No. 3672 was passed by a majority vote on a motion by Councilmember De La Rosa and a second by Councilmember Stephens.**

#### **CITY COUNCIL COMMITTEE UPDATES**

- a) **Street Naming** – None.
- b) **Energy Plant** – None.
- c) **Miravale Section 16** – None.
- d) **Development Review** – Mayor Pro Tem Saavedra informed the Council that the DRC met and reviewed three plans. The Planning Commission meet on September 8<sup>th</sup> and will be reviewing several projects, including the use of the RDA property at the end of Los Coches Drive for a recycling center. Councilmember Bourke asked if the DRC reviews the plans prior to the City Council. Community Development Director Fleming stated that the DRC reviews the initial presentation. Councilmember Bourke expressed concern over the subcommittees changing developer’s projects and the Council not being involved in the process. Community Development Director Fleming stated that the DRC only makes recommendations, not requirements. Councilmember De La Rosa asked about the removal of parking spaces and whether it is something that requires a variance. Community Development Director Fleming stated that they would be coming back and looking at it at a later date. Councilmember De La Rosa asked if changes were made that the Planning Commission needs to approve, does the DRC go back to the Commission and then to the Council. Community Development Director Fleming answered that the DRC discussion only makes recommendations and that they are not requirements. Mayor Pro Tem Saavedra confirmed that the DRC doesn’t have the authority to change anything that has already been approved by the Planning Commission or Council and that the idea is to make the buildings as attractive as possible. Councilmember De La Rosa stated that her concern was that the DRC is making recommendations that are costing developers

money to re-do their plans before the Council ever sees them. Mayor Pro Tem Saavedra answered that if a design is presented that is questionable, it would come before the Council and that the DRC only looks at the aesthetics of the project, which is not something the full Council needs to approve.

- e) **Overall Landscape Review** – None.
- f) **ADA** – None.
- g) **Revolving Loan Fund** – Assistant City Manager De La Rosa stated that there is some money left and staff is expecting to receive two applications, which have not been submitted as of the meeting. Councilmember Bourke asked if it would be brought before the Council soon, and Assistant City Manager De La Rosa stated that staff will be contacting the contractor.
- h) **Oldtown Soledad Beautification Association** – None.
- i) **Parks** – Assistant City Manager De La Rosa stated that based on the meeting of September 21<sup>st</sup>, the City will be sending a letter to Award Homes.
- j) **Redevelopment Neighborhoods** – Councilmember De La Rosa stated the next meeting would be September 20<sup>th</sup> at 6 p.m.
- k) **CAC** – None.
- l) **SR146 (Roads)** – None.
- m) **Tree** – Councilmember Stephens stated that they met on Tuesday and are working on plotting the trees in town.
- n) **Wastewater Treatment Plant** - - Public Works Director Price stated that the next meeting would be held September 21<sup>st</sup> at 4 p.m.
- o) **Soledad Historical Society** – Councilmember Stephens stated that the Historical Society will be meeting on Wednesday, September 14<sup>th</sup>. She informed the Council that the Mayor will be meeting with a structural engineer to inspect the 4 Hermaños building. Assistant City Manager De La Rosa informed the Council that the engineers came today and Economic Development Director Rodriguez provided them a tour of the 4 Hermaños building. Economic Development Director Rodriguez stated that the overall consensus was that a more thorough inspection be done along with a cost analysis to retrofit the building. Councilmember Bourke asked if the engineers felt the building was savable and Economic Development Director Rodriguez stated that they did feel it was savable. Councilmember De La Rosa asked how different the report was from the one the consultant did. Assistant City Manager De La Rosa stated that of the two reports that were done, the first step was a preliminary analysis of the building the second step depends on the full, in depth evaluation as well as a cost analysis. Councilmember De La Rosa stated the reason for her inquiry was that she wanted to make sure we were not duplicating services. Councilmember Stephens stated that the intent was for the Soledad Historical Society to use part of the building for storage and that at this point they are just gathering information. Councilmember De La Rosa stated she was concerned for liability purposes.

### **CITY MANAGER'S REPORT**

- a) Update of Emergency Work at the Wastewater Treatment Plant  
Mayor Pro Tem Saavedra requested an update on the Wastewater Treatment Plant. Public Works Director Price stated that staff has been working on the area around the ponds. They are in the process of emptying ponds 5 and 6 and are making progress, but the process is slow. Currently about 1 to 1.1M gallons of effluent are being diverted to the prison WWTP. He stated staff is hoping to have details of the wastewater management analysis by the next Council meeting. He stated that staff has been able to

service ponds 3 and 4, and also part of pond 5. Currently ponds 7 and 8 are being considered for repairs.

- b) Council Requests – Status Table  
None.

### **CITY COUNCIL ITEMS**

Assistant City Manager De La Rosa informed the Council that the City Manager and Mayor left that morning to Sacramento not to address SB952 but rather AB54. The reason they felt it was important is that our bill (SB952) has language that ties it to AB54. He stated that SB952 had passed in all committees and that it is currently with the Governor's staff.

Councilmember De La Rosa asked that the Air Quality Phone Number be placed on the community Channel. She also requested that the Community Activities and Library hours be placed on the station.

Councilmember De La Rosa forwarded to the Council a comment from a resident that the trees in the median on Front Street looked sick. Councilmember Stephens stated that they are not being watered properly.

Councilmember Bourke asked the Council to consider a donation to the Hurricane Katrina relief efforts, either through the American Red Cross or the Salvation Army. Assistant City Manager De La Rosa stated that the two organizations would have to apply for a grant. Councilmember Bourke asked if the grant application could be completed by staff on behalf of the two organizations. Assistant City Manager De La Rosa stated that there are two funding cycles, and the next one would be the October funding which would be processed in January, unless the Council would like to try something different.

Councilmember Bourke directed staff to contact the American Red Cross and Salvation Army regarding the grant application process.

### **CLOSED SESSION**

At 10:35 p.m. Mayor Pro Tem Saavedra called for a recess to reconvene to Closed Session to discuss the following items:

1. The City Council will recess to closed session to confer with its attorney regarding pending or threatened litigation pursuant to Government Code Section 54956.9(b)(1) and is hereby of the opinion that a significant exposure to litigation exists.
2. The City Council will recess to closed session to consider personnel matters pursuant to Government Code Section 54957- City Attorney Evaluation.
3. The City Council will recess to closed session to confer with its attorney regarding litigation pursuant to Government Code Section 54956.9(b)(2) and is meeting only to decide if a closed session discussing the same is authorized under applicable law.

### **MEETING RECONVENED**

At 10:45 p.m. on a motion made by Councilmember Bourke with a second by Councilmember De La Rosa, Mayor Pro Tem Saavedra reconvened the meeting from Closed Session.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

Mayor Pro Tem Saavedra made the following announcements with regard to closed session matters:

1. City Council conferred with Attorney, no other action taken.
2. The matter was continued to no specific meeting
3. The matter was continued to the next meeting.

**ADJOURNMENT**

There being no other business to come before the Council, Mayor Pro Tem Saavedra adjourned the meeting at 10:50 p.m. on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.

---

RICHARD V. ORTIZ, Mayor

Approved: November 2, 2005

---

NOELIA F. CHAPA, City Clerk