

Special City Council Meeting

September 21, 2005

**CALL TO ORDER**

Mayor Richard Ortiz called the meeting to order at 5:05 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Ortiz led the Pledge of Allegiance.

**ROLL CALL**

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

**PUBLIC COMMENT**

None.

**CLOSED SESSION**

At 5:07 p.m. Mayor Ortiz 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 attorneys regarding litigation pursuant to Government Code Section 54956.9(b)(1) and is hereby of the opinion that a significant exposure to litigation exists.

**MEETING RECONVENED**

At 6:20 p.m. Mayor Ortiz reconvened the meeting from Closed Session.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

Mayor Ortiz made the following announcement with regard to closed session matter:

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

**ADJOURNMENT**

There being no other business to come before the Council, Mayor Ortiz adjourned the meeting at 6:25 p.m. on a motion by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.

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RICHARD V. ORTIZ, Mayor

Approved: \_\_\_\_\_

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NOELIA F. CHAPA, City Clerk

City Council Regular and Redevelopment Agency Special Meeting

September 21, 2005

**CALL TO ORDER**

Mayor Richard Ortiz called the Regular City Council Meeting and Special Redevelopment Agency Meeting to order at 6:32 p.m.

**PLEDGE OF ALLEGIANCE**

City Manager Noelia Chapa led the Pledge of Allegiance.

**PEACEBUILDERS**

Mayor Ortiz led the Peacebuilders Pledge.

**ROLL CALL**

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

**MAYOR'S/CHAIRMAN'S REPORTS**

Mayor/Chairman Ortiz informed the Council that he went to Sacramento with City Manager Noelia Chapa regarding SB952 and that he also had a chance to meet with the Center for Employment Training program director, which will soon be opening a center in Soledad. He stated they are eager to get their program started in Soledad and will be serving all the residents of South County. Mayor/Chairman Ortiz recently attended the Mayor's meeting where the City of Greenfield Police Chief made a presentation about the new programs available to the department, grants available for police departments and new equipment. Mayor/Chairman Ortiz stated that he has asked City Manager Chapa to share this information with Chief Cox. Mayor/Chairman Ortiz also shared the City of Carmel has a challenge on with the cities to assist the local chapter of the American Red Cross with the Hurricane Katrina Relief Efforts. They have asked each City to donate \$10,000 and are also looking to the public for input so that all twelve cities are able to participate as one.

**COUNCILMEMBER'S/AGENCYMEMBER'S ANNOUNCEMENTS**

Councilmember/Agencymember De La Rosa stated that she attended the RNC meeting the previous evening and also the Hurricane Katrina Fundraiser meeting the prior Friday. She informed the Council that the fundraiser will be a city-wide event and the money raised will be split between the American Red Cross, Salvation Army and Global Uplift. Community Development Director Don Fleming followed up and informed the Council that the fundraising event is scheduled for October 16<sup>th</sup> and is being spearheaded by the Lions Club, but all local service clubs are participating. They will be collecting new clothing and are working on the arrangements to transport the materials to the Gulf Coast. He encouraged the Community to participate by either donating money or donating new materials such as new blankets and new clothes. He informed the Council that all monies raised will go directly to Hurricane Katrina victims.

Councilmember/Agencymember De La Rosa reminded the Council that on November 3<sup>rd</sup> from 4 p.m. to 7 p.m. the Chamber will be holding a business expo at the Community Center. Anyone with any questions can contact her or Lucy Jenson.

Mayor Pro Tem Saavedra informed the Council that he will be in Oakland attending a conference for the next few days.

Councilmember Stephens stated that she attended the Historical Society meeting last week, an AMBAG barbeque last week and also a League of California Cities meeting on September 12<sup>th</sup>.

Councilmember Bourke stated he attended the League meeting on September 12<sup>th</sup>, the Veteran's Appreciation dinner on August 27<sup>th</sup> and he reminded everyone that it was not too late to donate to the American Red Cross or Salvation Army to help Hurricane Katrina victims.

Mayor Ortiz stated that with another Hurricane coming towards the Gulf Coast region, the Red Cross will need your help long after it hits ground. He also reported that he attended several meetings with the Motor Lodge Residents. Mayor Ortiz stated he would like to move Item #9 to be heard after the Consent Calendar, the Council concurred.

### **COUNCILMEMBER'S/AGENCYMEMBER'S PRAISES**

Mayor Pro Tem/Vice Chairman Saavedra praised the Mayor and City Manager for their hard work they did in Sacramento on behalf of the City.

Councilmember/Agencymember Stephens echoed the praises to the City Manager and Mayor and she also passed on a comment from a visitor who came to Front Street and told her that it was beautiful.

Councilmember/Agencymember Bourke echoed the praises to the City Manager and Mayor and thanked them for their hard work in getting the Bill to the Governors desk. He also praised Fire Engineer Artiaga for explaining the carpet issue in the firehouse and for going through the boot cleaning procedure with him.

Mayor Ortiz praised the whole Council for their support on their many Sacramento trips.

### **PRESENTATIONS**

City Manager Chapa informed the Council that there were four presentations that evening, recognizing the students who will be representing the City in Washington, DC for high achievement.

Mayor Ortiz recognized each student and presented them each with a certificate of recognition for 'High Achievement in Scholastic Merit'. The students presented with certificates were: Justin Traina, Leah Beza, Caisen Mirassou and Robert Jacob Ramirez.

### **PUBLIC COMMENT**

Honorio Della, 273 Dixie Street, asked the Council to consider placement of a stop sign on the corner of Monterey Street and Main Street.

Bobbie Reynolds, on behalf of the Soledad-Mission Chamber of Commerce, asked the Council for their consideration for use of the Community Center and City Hours for their Citizen of the Year banquet in February.

City Attorney Rodriguez stated that the Council could pass it on as a request on a future agenda item.

**CONSENT CALENDAR**

**Item #1: Approval of Minutes**

\* Redevelopment Agency Regular and City Council Special Meeting Minutes August 24, 2005

**Item #2: Approval of Warrants**

#36859 - #36938

**Item #3: Resolution No. 3673 / 3674, "Accepting Improvements and Concrete Associated with the Front Street Revitalization Project."**

**Item #4: Resolution No. 3675, "Amending the Benefit and Compensation Plan to Reclassify the Position of Housing Specialist to Economic Development/Housing Program Coordinator, Adopting a Job Description and Establishing a Salary."**

**Item #5: Resolution No. 3676, "Accepting Grant Funds from the California Office of Traffic Safety for the Purchase of Highway Safety Equipment and authorizing the City Manager to Execute the Associated Memorandum of Understanding."**

**MOTION: The Consent Calendar (Items #1, 2, 3, 4 and 5) were approved by a unanimous vote on a motion made by Mayor Pro Tem Saavedra and second by Councilmember De La Rosa.**

**Item #9: Review, Discuss and Provide Staff with Direction on Assistance to Residents of the Soledad Motorlodge/Trailer Park.**

Mayor Ortiz informed the Council that at a recent Council meeting he asked that the Soledad Motorlodge be placed on the agenda so that staff could research the matter.

Assistant City Manager De La Rosa addressed the Council. He stated that at the August 17<sup>th</sup> Council meeting the Motorlodge residents asked the City for assistance regarding the proposed rent and utility increase their new landlord was proposing. He stated that the Motorlodge consists of 24 rooms and 31 motor home trailers. The units are metered for water purposes and utility purposes by one meter, with the exception of 15 trailers that have individual meters, which are not read. All of the readings come from the master meter and upon purchase of the property by Mr. Nader Agha, he evaluated the costs and determined that the tenants were not paying enough toward utilities. In June of 2005 Mr. Agha sent a letter to the tenants stating that he would be increasing the utility charges for each tenant in the amount of \$120. The tenants as well as Mr. Juan Uranga from the Center for Community Advocacy have spoken to Mr. Agha and decided to defer rates until September. Mr. Uranga informed the residents that he would be contacting PG&E to work on reducing the cost of utilities. Assistant City Manager De La Rosa stated that each resident received information from PG&E regarding the program and they have been asked to complete the application and return it to PG&E and upon approval their utilities

would be reduced by 20%. He stated there is also another program that could reduce the utilities by 6-7% but only mobile homes are eligible. For this benefit the property owner must install individual meters.

Assistant City Manager De La Rosa stated that there are also other options such as financial assistance from the City but he felt that at the present time staff was looking for direction from Council. He stated that in this circumstance it could also be considered an owner-tenant issue and not a City issue, but that at the request of the Council staff was seeking directions on the various options presented.

Mayor Ortiz welcomed comments from the many residents of the Motor Lodge who were present at the meeting.

*The following Public Comment was translated by a professional interpreter hired by the City as an unbiased participant.*

Maria, Motor Lodge Resident, addressed the Council. She stated the tenants are not in agreement with the increase in rent and utilities. She stated that the tenants are willing to negotiate with the new owner, Mr. Nader Agha. She asked the Council to speak to Mr. Agha on behalf of the residents so that a new fair agreement can be made. She thanked the Council for their time and for listening.

Jesus Garibal, Motor Lodge Resident, addressed the Council. He stated the residents do not think the new increase is fair and asked that if Mr. Agha was planning on evicting them that he first find a place for the tenant's trailers.

Luis Chavez, Motor Lodge Resident, addressed the Council and stated he was present representing all the residents of the Motor Lodge. He stated that Mr. Agha wants to raise the rent by \$150 a month, and the residents were in agreement with \$50 a month, but not the additional \$100. He asked that if there was some help the City could provide and PG&E, with assistance from the owner, the residents are willing to cooperate. He thanked the Council.

Ramon Sanchez, Motor Lodge Resident, stated that they are not in agreement with the rent increase. He stated that the residents would like to work out an agreement with the owner because they are open minded about the rent increase but do not feel it is responsible to raise the rent as high as Mr. Agha is proposing. He stated that the residents felt Mr. Agha was raising the rent that high so that he can kick the residents out. Mr. Sanchez asked the Council for their help and stated that the residents do not want to move and would like to come to some kind of agreement. He stated that even \$75 would be agreeable.

Juan Uranga, Center for Community Advocacy, representing the families in the Motor Lodge, addressed the Council. He stated that the reason this subject has become an issue is not just because the new owner is requesting a severe increase in rent, but because Mr. Agha purchased the property so that he could develop it with private funds so that he does not have to comply with redevelopment laws. Mr. Uranga stated that families may be displaced in the near future and it is causing severe stress amongst the families. He also stated that City Staff has been incredibly helpful, and he thanked the City Manager and Assistant City Manager for their efforts in coming to some kind of negotiable agreement. Mr. Uranga asked the Council to request that Nader Agha come back to the negotiating table and continue to negotiate with the families to come to an agreement. He also stated that Mr. Agha suggested that if PG&E reduced their

charges and the City offered some sort of discount that he could credit that towards the increase. Mr. Uranga stated that those two things would make the rent affordable and then the residents could move on relocating once the development starts.

Mr. Uranga stated that Assistant City Manager De La Rosa informed him of the PG&E strategy to save residents approximately 20%, and he suggested that the City apply a discount as well to make the rents more affordable for the families who lived there. Mr. Uranga asked the Council to encourage Mr. Agha to continue to negotiate and to also make City staff available as part of the negotiations.

Councilmember Bourke asked Mr. Uranga if he felt that City government should interfere with landlord-tenant issues. Mr. Uranga answered that it is the local government's responsibility to help local residents who would be dramatically displaced, some after 25 years of living in this location, and other families who will be losing their investments.

Councilmember Stephens asked Community Development Director Don Fleming to provide the residents with a timeline for the new development project so that the residents understand it is not something that happens extremely fast. Community Development Director Fleming stated that he could give the residents an idea, but it would not be exact. He then proceeded to go over the requirements and paperwork for a development, the review process and plan check process. He concluded that it could take a year and a half to two years before a project starts construction.

Mayor Ortiz directed staff to find out what is charged for sewer and water at the Motor Lodge and asked the City to assist in the resident's reaching an agreement with Mr. Agha. Mayor Ortiz stated that he would be willing to assist and asked the Council to assist. City Manager Chapa stated that staff indicated that the time frame would be one to two years and that the development would be a private venture. Mayor Ortiz stated he would like the City to assist the residents and for staff to continue negotiating with them. Councilmember Stephens stated that she felt the City has been to the negotiating table in the past and that the City should go back and at least be a part of the negotiations. She stated whether or not the City helps with the reduction in water and sewer costs should be directed to the City Attorney.

Mayor Ortiz asked the Council what they would like to do. Councilmember Bourke stated that he would like the City and Mr. Agha to keep negotiating with the residents to see if something agreeable could be arranged. Mayor Pro Tem Saavedra stated that the City provided assistance to another group in the past and that the City should not rule assistance out, but should bring Mr. Agha to the negotiating table to come to a balanced decision.

Mayor Ortiz directed staff to prepare a letter from the Council and Mayor to ask Mr. Agha to continue to negotiate with the residents. City Attorney Rodriguez suggested that Mayor Ortiz designate representatives to be involved. Mayor Ortiz responded that he would be involved, and Councilmember Stephens indicated she would also like to participate.

At 7:55 p.m., Mayor Ortiz requested a five minute break.

Mayor Ortiz called the meeting back to order at 8:05 p.m.

## **PUBLIC HEARINGS**

**Item #6:**     **Resolution No. 3677**, “Announcing Findings on Appeal of the Approval of a Conditional Use Permit (CUP) for Demolition of 98 Units of Affordable Housing and Redevelopment of 195 Units of Affordable Housing at 439 Benito Street and 1333 Monterey Street (APN’s 022-111-008, 022-111-010, 022-041-001 and 022-071-001).” (***Recommendation to continue to the September 28, 2005 City Council Special and Redevelopment Agency Regular Meeting***)

**Staff Presentation**

City Manager Chapa addressed the Council and stated that staff is recommending that this item be continued to the September 28<sup>th</sup> City Council Special and Redevelopment Agency Regular Meeting. Mayor Pro Tem Saavedra asked that for the September 28<sup>th</sup> meeting, full size plans be made available for the Council.

**Open Hearing to the Public**

Mayor Ortiz opened the hearing to the public.

Maria Mendoza, California Rural Legal Assistance, stated she had been contacted by the residents at the Benito and Monterey Street Housing. Their primary concern is the relocation of residents and they also feel there should be an agreement and that it be included in the plan.

**Close hearing to the public**

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

**MOTION:**     **Resolution No. 3677 was continued to September 28<sup>th</sup> by a unanimous vote on a motion by Councilmember Stephens and a second by Councilmember Bourke.**

**Item #7:**     **Resolution No. 3678**, “Certifying the Final Environmental Impact Report for the 2004 General Plan and Wastewater Treatment and Disposal Master Plan prepared in Compliance with the California Environmental Quality Act (CEQA), Making Certain Findings of Fact Regarding the Environmental Impacts of the General Plan and Wastewater Treatment and Disposal Master Plan, and Adopting a Statement of Overriding Considerations.”

**Staff Presentation**

Community Development Director Fleming addressed the Council and stated that the Consultant who was one of the principal authors of the plan will be making the presentation.

Dave Moran, from Crawford, Multari & Clark Associates, addressed the Council. He stated that it is not required that the Council adopt the plan, but if they decided not to an explanation needs to be provided.

Councilmember Bourke stated that there have been significant changes to the City which should be reflected on pages 59 and 60 (downtown, expansion of cemetery, parks, etc.). He stated that it would be nice if they sat down with staff to review pages 59 and 60 in order to get the most current information.

Mr. Moran stated that he would take that under advisement and that general planning is the slowest thing that can occur, however now that the City has an up-to-date one it will just need to be continually updated.

**Opening and Closing of Public Hearing**

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

Community Development Director Fleming stated that the City will be adopting impact fees on a local level to satisfy local traffic needs, and staff is recommending that the Council not adopt the impact fees TAMC is proposing, which would be regional. City Attorney Rodriguez stated that the concern was that the Council did not have an opportunity to review the impact fees but it did not look like the General Plan contains that language.

Councilmember De La Rosa stated that she was also concerned about the same item the City Attorney mentioned, and that there was a reference to a letter from the Department of Transportation but her packet only had the second and third page of the document, missing pages 12, 13 and part of 14. She stated that in the comments from TAMC a representative was talking about impact fees (page 21 second paragraph) suggesting the City collect the fee, and that she was worried this was not what the Council had agreed on.

Councilmember Bourke stated that TAMC expressed a concern on the impact fees, but it was not attached to the EIR. City Attorney Rodriguez answered that they are required to produce the letter that was sent and a response and that the City is not bound to do anything. One comment that appeared would suggest that the City is going to adopt, but the Council is not bound to approving the impact fees.

City Manager Chapa stated that TAMC will be on the road again in November and December and have asked the South County managers to be on the agendas.

Mr. Moran stated that the EIR prepared is an analytical tool and has a lot of recommendations, which the City is not bound to follow. He stated that with the comments he received he will make the changes and bring back to the Council, since they were all minor changes.

**MOTION: Resolution No. 3678 was adopted by a unanimous vote with changes to pages 59 and 60, and replacing the missing pages, on a motion made by Councilmember Bourke and a second by Councilmember Stephens.**

**Mayor Ortiz requested that Item #13 be moved up on the agenda after Item #7 under Public Hearings.**

**Item #13: Resolution No. 3680, "Agreeing to Sponsor the Soledad-Mission Chamber of Commerce South County Chamber Business Expo, Which Includes Use of Approximately Twenty Hours for the Community Center and In-kind Contribution in the amount of \$500 for the Purchase of Bags."**

Bobbie Reynolds, on behalf of Soledad Mission Chamber of Commerce, stated that the Chamber is putting together a business expo to be held in November. They have gotten the word out in letters to local businesses and the response has been fantastic. The Chamber also contacted local wineries and restaurants asking them to consider having a booth with samplings of foods for approximately 400 people. She stated that the response has been so great that they may have to expand into other rooms. Other local South County Chambers were invited to participate but so far there has been no response. She asked the Council for their consideration in providing in-kind services by providing plastic bags with the City logo. She stated they are anticipating between 400-500 attendees, with the event running from 4 p.m. to 7 p.m., and she stated she

believed that \$500 should be enough money to cover the bags. Ms. Reynolds also asked for the Council's consideration for use of 20 City hours of the community center. Ms. Reynolds also asked for the Council's consideration for the use of City hours for their Citizen of the Year Banquet to be held on February 17<sup>th</sup>, 2006.

City Manager Chapa stated that the City was planning on putting flyers in each of the bags, including water conservation flyers and fact sheets. She also stated that the City would be recognized as a sponsor of the event. Councilmember De La Rosa informed the Council that there are three levels of sponsorships, and the City would be at the top of those levels and that there would be professional pipe and drape on all the booths, making it a very first class event.

**MOTION: Resolution No. 3680 was unanimously adopted on a motion by Councilmember Bourke and a second by Councilmember De La Rosa.**

**Councilmember Bourke requested that the Citizen of the Year Banquet in February be put on the Agenda for consideration.**

**Item #8: Resolution No. 3679, "Approving the 2004 Soledad General Plan."**

**Staff Presentation**

Community Development Director Fleming addressed the Council and stated that Item #8 is a follow up to Item #7. Councilmember Bourke asked if the population included the prison. Mr. Moran stated that it did not.

**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. 3679 was adopted by a unanimous vote on a motion made by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.**

**BUSINESS**

**Item #9: Review, Discuss and Provide Staff with Direction on Assistance to Residents of the Soledad Motorlodge/Trailer Park.**

Item #9 was discussed after Item #5 of the Consent Calendar.

**Item # 10:\* Resolution No. 263, "Approving and Authorizing the Executive Director to Execute a Sublease and Operations Agreement Between the Agency and Children's Services International."**

City Attorney Rodriguez stated that all outstanding issues have been resolved with the CSI attorney and the Agency is able to move forward with it. The new terms of the lease will commence once the City has completed the installation of the modular unit, or 30 days thereafter, whichever comes first. He stated that CSI has to notify the City within 120 days if they do not receive necessary funding, and that either party can terminate the contract with 180 days notice.

Vice Chair Saavedra praised Agencymember De La Rosa for pushing the item and for her hard work in making the project come together. Agencymember Bourke echoed Vice Chair Saavedra's praises, and congratulated her for making it happen.

Agencymember De La Rosa stated that it was a long process and once the facility is in use it will be her reward.

**MOTION: Resolution No. 263 was unanimously adopted on a motion made by Agencymember De La Rosa and a second by Vice Chair Saavedra.**

**Item #11:** Review/Discussion of Moratorium, Emergency Ordinance Review and Moratorium Ordinance Extension

City Manager Chapa asked the Council to schedule a special meeting on October 12<sup>th</sup> to allow staff to continue to investigate options.

City Attorney Rodriquez recommended that we agendize the issue brought up by Mike Mueller and have this during the same meeting.

City Manager Chapa indicated that it was originally scheduled to begin at 5:30 p.m., but Councilmember Stephens has another meeting to attend at 6:00 p.m. so she asked if all were in agreement to start the meeting at 4:30 p.m. All agreed.

**MOTION: The review/discussion of the moratorium was continued to October 12<sup>th</sup> for a special meeting by a unanimous vote with a motion made by Councilmember Stephens and second by Councilmember Bourke.**

**Item #12:** Appointment of One Commissioner to the Soledad Planning Commission

City Manager Chapa addressed the Council. She stated at the last Council meeting three applications were presented for consideration and at that time Council directed staff to re-advertise the position and notify the applicants of such. Since then staff re-advertised and received three applications for one vacancy with a term to expire August 2007.

Mayor Ortiz recommended the appointment of Mr. Javier Nieto because of what he has done in the community. Mayor Pro Tem Saavedra stated he was in consensus with the Mayor in regards to Mr. Nieto.

Councilmember Bourke stated that he disagreed and felt Mr. Nieto was not right for the position. Councilmember De La Rosa stated that after much deliberation as the tie breaker from the last time, her decision was with the Mayor.

Mayor Ortiz asked that Mr. Nieto be notified of his appointment and the other applicants be notified that the position had been filled.

**MOTION: Mr. Javier Nieto was appointed to serve on the Planning Commission by a majority vote on a motion made by Mayor Ortiz and a second by Mayor Pro Tem Saavedra with Councilmember Bourke and Councilmember Stephens opposing.**

**Item #13: Resolution No. 3680**, “Agreeing to Sponsor the Soledad-Mission Chamber of Commerce South County Chamber Business Expo, Which Includes Use of Approximately Twenty Hours for the Community Center and In-kind Contribution in the amount of \$500 for the Purchase of Bags.”

Item #13 was heard after Item #7 under Public Hearings.

**Item #14: Resolution No. 3681**, “Approving the Amended Vesting Tentative Map for the Miravale II Subdivision.”

Community Development Director Fleming asked the Council to continue Item #14 to the October 19<sup>th</sup> meeting due to the fact there were still outstanding issues needing resolution.

**MOTION: Resolution No. 3681 was continued to October 19<sup>th</sup> by a unanimous vote with a motion made by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.**

**Item #15: 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 stated that this item came before the Council at the last meeting; however based on the City Attorney’s recommendations it was continued to the September 21<sup>st</sup> meeting. The concern was that there were designated survey areas that may create a conflict of interest for Councilmembers who live in the area or within 500 feet of the survey area. City Attorney Rodriguez stated that there are some exceptions, which are listed in the staff report, and after an analysis of two exceptions it was determined that the population within the survey area is greater than 10% and the entire Council can now participate with no conflict.

Assistant City Manager De La Rosa stated that staff was looking for action to move forward on the amendment of the plan, with the entire Council able to vote on issues.

Councilmember Bourke asked if being included in certain areas affect the homeowner’s ability to refinance or CDBG grants, etc. Assistant City Manager De La Rosa stated that it will actually enhance their ability because they will have greater areas to review for CDBG purposes and that it will also be a benefit to the City/Agency because property tax will now come to RDA.

**MOTION: Resolution No. 3670 was adopted by a unanimous vote on a motion made by Councilmember Stephens and a second by Councilmember Bourke.**

**Item #16:** 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 staff presented to the Council the City’s policy in regards to telecommunications. He stated that staff was asked to obtain policies from other agencies, which after review are similar to the City of Soledad’s which allow for minimal use of cell phones or office phones with the immediate supervisor making sure all employees adhere to City policies.

Mayor Ortiz asked if there was a way of making the person responsible besides reimbursement in case it becomes an ongoing problem. Assistant City Manager De La Rosa stated that there is a policy that outlines the specific and general abuse of City systems; however the policy isn't general but does include language on theft, which could be construed as use of cellular minutes, which the City could take disciplinary action against.

Mayor Pro Tem Saavedra asked if it is the supervisor's responsibility to monitor if any abuse is taking place. Assistant City Manager De La Rosa stated that it applies to cell phones, office phones, computers and anything else related to City business. Councilmember Stephens stated that she noticed there is no mention specific to private cell phones during work hours. City Manager Chapa stated that it is not currently included in the policy.

Councilmember Stephens asked that a policy be drafted to outline the use of personal cell phones during business hours. Assistant City Manager De La Rosa stated that there is currently a policy that addresses personnel issues, and if the Council wants to add a specific policy regarding use of personal cell phones that can be incorporated into that policy. Councilmember Stephens stated she felt the rules were too vague.

Mayor Pro Tem Saavedra asked that a policy regarding abuse of computers be drafted. Assistant City Manager De La Rosa stated that there was already a policy addressing that, which allows for personal use after work and on lunch breaks and that no employee shall install any software without the City's authorization and that the City has the authority to monitor computers, desk lockers, etc. for City business.

City Manager Chapa informed the Council that each employee has a code for long distance, which is how abuse is identified. Assistant City Manager De La Rosa stated that the accounting department verifies and evaluates the bills, and monitors the numbers dialed to any odd times or frequency. In some cases it may require reimbursement and in other cases it may be City related.

Councilmember De La Rosa asked what other mechanism there was to find out if there is abuse. Assistant City Manager De La Rosa stated that the Finance Department is responsible for looking at the bills and determining if usage is excessive. Assistant City Manager De La Rosa then explained how the cell phone plan works, which has shared usage of minutes.

Staff was directed to come back with a policy specifically addressing the use of personal cell phones and to incorporate it into the cell phone policy.

City Manager Chapa confirmed with the Council that they would like to see use of personal cell phones incorporated into a policy.

**Item #17: Resolution No. 3661, "Approving and Adopting the City of Soledad Fiscal Year 2005-06 Budget."**

Finance Officer Mark Smith addressed the Council and stated that there were five items raised at the last meeting which staff has attempted to address. City Manager Chapa stated that there was a request from ACCAP to increase dues by \$1000 for lobbying efforts, which will be absorbed in next year's budget. Mayor Ortiz praised ACCAP for the help they have provided the City of Soledad on numerous issues.

Councilmember Bourke requested an amendment to the budget to move reserve funds for use to purchase furniture and carpet for the fire department, totaling \$26,000. He asked that furniture be re-used as much as possible. He stated that due to the fact the City is looking to remove the moratorium and the current impact fees would be increased and the City will have a full year of tax from new shopping center, he felt that there will be more money coming in than what is listed. He stated that the City is looking to attract and retain quality employees, and these employees need ergonomically correct furniture, which will prevent injuries and cause less sick days, in addition to making a good first impression to new employees and to visitors.

Mayor Pro Tem Saavedra stated that he would like the Council to consider a police officer and firefighter which was pulled out at the last discussion. Councilmember Bourke stated that he would not like to see an ongoing position funded with reserve monies. Mayor Pro Tem Saavedra stated that he recognized the importance of that, but that the financial health of the City would allow a more aggressive approach and in order to provide security to the growing community there is a need to look at those positions now and in the future.

Councilmember Stephens thanked Councilmember Bourke for adding the carpeting and furniture and stated that the reserves have been set aside for a rainy day, and realizes that the police and fire positions would be ongoing, there is a need to increase these departments. She stated that in 12 months there has been a significant increase in police and fire calls, and there is a need for at least two police officers and one firefighter.

Mayor Ortiz stated that he was not able to attend the last two Council meetings, but was also looking at recommending an increase for the police and fire departments. He stated he felt that was a critical area and seems as though the City is doing catch up with staff compared to the population and it warrants a strong look at police officers and firefighters. He stated he supported the funding of two positions (one in police and one in fire).

Councilmember Stephens stated that at the Council meeting two weeks prior an individual representing the Firefighters Association made a comment that the Council historically has not supported the Fire Department and that she did not disagree with that. She informed the Council that she could not support a budget that was not balanced, and she felt that adding additional personnel to the budget coming from reserves was not responsible but that when the Council meets to review the budget in January the issue should be brought forward. She stated the Police Chief has many open positions currently and doubts that they will fill them in the next four months. She requested that the budget be approved as presented putting back in the furniture, carpeting and ACCAP fees. She stated she felt in four months there would be a better understanding of how much money will be received and can make adjustments at that time.

Councilmember De La Rosa agreed with Councilmember Stephens in regards to the number of positions currently open, but she stated she felt that it was important to include the additional positions in the budget so the officers know the Council is supporting them.

Councilmember Stephens called for a vote.

**MOTION: Councilmember Bourke made a motion to approve the budget as presented with the inclusion of monies for furniture, fire department carpeting and ACCAP fees, with a second from Councilmember Stephens. Those opposing were Mayor Ortiz, Mayor Pro Tem Saavedra and Councilmember De La Rosa. Motion died due to a lack of a majority.**

Mayor Ortiz stated he felt the community was in need of additional emergency response and he wanted to include in the request a new police officer position and a new firefighter position. City Manager Chapa clarified that this new police officer position would be in addition to the one included in the budget originally. Councilmember Stephens asked if before adding a firefighter the City should wait to see if there was approval for the grant to fund a position. Mayor Ortiz stated if we receive the funding that position would be in addition to the one being proposed.

**MOTION: Resolution No. 3661 was approved by a majority vote with the changes of adding monies for furniture, carpeting and ACCAP fees, and the funding from reserves for one police officer and one firefighter, on a motion made by Mayor Ortiz and a second by Mayor Pro Tem Saavedra. Those opposing the motion were Councilmember Bourke and Councilmember Stephens.**

**Item #18:** Consider and Provide Staff with Direction on Monetary Donation in Support of the Relief Efforts for the Victims of Hurricane Katrina

Finance Officer Smith addressed the Council and stated that at the last meeting it was requested to donate to the Hurricane Katrina efforts, which staff has identified sources to provide said funding.

Councilmember De La Rosa stated that she would like to see that whatever the Council decides be presented in the form of a presentation at the community fundraiser on October 16<sup>th</sup>. Councilmember Bourke suggested that the monies be split equally between the American Red Cross and the Salvation Army.

Councilmember Bourke asked Finance Officer Smith to investigate to see if funding could be found from other areas and suggested that it be continued to the October 12<sup>th</sup> meeting.

**MOTION: Item #18 was continued to the October 12<sup>th</sup> Special City Council Meeting by a unanimous vote on a motion made by Councilmember Bourke and a second by Councilmember Stephens.**

**Item #19:** Review and Provide Staff Direction on Duties and Responsibilities of Council Committees and Subcommittees

Assistant City Manager De La Rosa addressed the Council. He stated that the Council had created committees and commissions which included some community members and staff. Staff brought forward to the Council the list of committees and requested clarification of each including their roles and responsibilities. He stated that Staff was looking to get some direction from Council to get a better understanding of the roles and responsibilities of these committees.

Assistant City Manager De La Rosa reviewed the updated chart listing the committees. He stated that some committees may require proper agendaing, which the City Attorney and City Manager will review to determine. Assistant City Manager De La Rosa also mentioned that Economic Development Director Izzy Rodriguez attended a seminar and informed him that no Councilmember can participate in a committee which approves use of CDBG funds. He stated that staff was trying to get clarification on this item.

Mayor Pro Tem Saavedra stated that regarding CDBG funds most decisions were being made by key staff members which made it difficult for the Council to review since the information was primarily confidential. Assistant City Manager De La Rosa stated that as soon as Staff receives clarification they will report back to the Council regarding the issue.

Assistant City Manager De La Rosa stated that ADA is an important committee, but unfortunately was not receiving participation, which the City Attorney and City Manager have discussed. He also stated that ongoing committees will need to be agendized but not adhoc committees. The parks committee has expanded, and the DRC started as landscape and has been extended. He recommended deleting restrooms, and anything related to parks would be reviewed by the Parks Committee.

Mayor Pro Tem Saavedra asked how much time staff is requesting to come back with information and some ideas. Assistant City Manager De La Rosa recommended the first meeting in November with the decision from the Council.

Mayor Pro Tem Saavedra asked if the street naming committee already had a list of names created. Assistant City Manager De La Rosa stated that he did not know if every name had been brought back to the Council, but rather the list was a selection of street names the street naming committee had created with the Council's input.

City Manager Chapa requested that the Council inform staff what they feel each committee's role/responsibility should be.

Mayor Pro Tem Saavedra suggested that they all be advisory. The entire Council agreed that they should all be advisory.

Councilmember Stephens asked what the procedure was prior to the committees. Assistant City Manager De La Rosa stated that the Council appointed staff members, staff reviewed the material and moved forward with approval.

Staff was directed to come back with the roles and responsibilities of each committee at the November 2, 2005 Council meeting and to eliminate the ADA Committee.

**Item #20: Resolution No. 3682**, "Authorizing the City Manager to Make Industrial Disability Retirement Determinations Under Section 21152(c) of the Government Code on Behalf of the City Council of Soledad."

City Manager Chapa asked the Council to consider Item #20 after coming out of Closed Session.

**MOTION: Resolution No. 3682 was approved by a unanimous vote on a motion made by Councilmember Bourke and a second made by Councilmember De La Rosa.**

### **CITY COUNCIL COMMITTEE UPDATES**

- a) **Street Naming** – None.
- b) **Energy Plant** – None.
- c) **Miravale Section 16** – None.
- d) **Development Review** – Community Development Director Fleming stated that the DRC met on Tuesday, September 20<sup>th</sup> to review two items regarding the landscaping for the

Burch industrial subdivision. The DRC recommended the landscape architect be contacted to remove a certain type of tree which has done a lot of damage in other parts of the City. The committee also reviewed the proposal by the Center for Employment Training who is considering locating in the industrial area.

- e) **Overall Landscape Review** – None.
- f) **ADA** – None.
- g) **Revolving Loan Fund** – Economic Development Director Rodriguez stated that there is one to approve, with the applicant receiving a rehab loan. Staff is trying to determine if it was CDBG or redevelopment monies.
- h) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa stated that she attended the wrap up meeting for the Wind and Wine Festival and the OSBA also met to discuss future endeavors.
- i) **Parks** – Assistant City Manager De La Rosa reminded the Council that staff provided information in the current City Manager Update that Staff has not received the large maps requested for any of the parks, and are hoping that their request is fulfilled for the October 19<sup>th</sup> meeting so that the Council can move forward on the park developments.

Councilmember Bourke asked if the new plans were going to include BBQs and water fountains. Assistant City Manager De La Rosa stated that the role of the committee is recommending and that all recommendations would be brought back to the Council to lay out where those items should be. Councilmember Stephens stated that she felt it was the staff's responsibility to use their best judgment on where trash cans should be placed and BBQ pits, etc. and she didn't want the Council micromanaging the situation.

- j) **Redevelopment Neighborhoods** – Councilmember De La Rosa stated that the RNC held a meeting on September 20<sup>th</sup> and they discussed a variety of issues, including street lights. Representatives from the Committee met with PG&E and inquired as to installing additional lighting in the older part of town that either has no lighting or minimal lighting. She stated there was also a discussion regarding *Children at Play* signs, which the committee will be putting together a proposal for the Council's review. She also stated that they were considering requesting the RDA purchase the signs or have some kind of mechanism requiring the landlords to install them. She also stated that there was some discussion regarding the restrooms not staying open late enough at the Little League Park. Councilmember De La Rosa also informed staff that once a code enforcement officer is hired, that a focus be placed on the end of Palm Street and Monterey to address the property owners about maintaining their lots.
- k) **CAC** – None.
- l) **SR146 (Roads)** – None.
- m) **Tree** – Councilmember Stephens stated that she will be attending a meeting on September 27<sup>th</sup> where they will be selecting the trees to be planted.
- n) **Wastewater Treatment Plant** – addressed under City Manager Update.
- o) **Soledad Historical Society** – Councilmember Stephens stated that the Historical Society met on September 14<sup>th</sup> and they are anxiously waiting for the report from the engineer regarding the 4 Hermanos building.

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

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

City Manager Chapa informed the Council that there was a WWTP meeting that day. Public Works Director Price then went over the agenda for the meeting and also stated that it would be included in the City Manager's update that week. The discussion centered over the update on SB952 and AB54, and also the long term management plan. He also stated that the committee talked about the moratorium and options, priorities, and touched on financing with impact fees.

b) Council Requests – Status Table

Mayor Pro Tem Saavedra asked since the budget was approved, if the Park signs would be installed. City Manager Chapa stated that staff will be coming back to the Council and Parks Committee with several options.

Mayor Pro Tem Saavedra asked that staff get from the Soledad Housing Authority, their five-year plan. He also inquired about an update on the rent structures stating that it was important for the families to know. Assistant City Manager De La Rosa stated that staff had the information and would be forwarding the confidential information through the City Manager's update on Friday.

Councilmember De La Rosa asked for an update on the lights on West Street. She also asked that preparations for next year's Wind and Wine Festival be addressed early so that the issue of laying sod be considered. She also asked about the landscaping on San Vicente Road. City Manager Chapa stated that staff is working with the developer regarding the landscaping.

**CITY COUNCIL ITEMS**

Councilmember De La Rosa stated that she received a comment from a resident regarding horses and the horse's deposits and who is responsible for the cleanup. She also mentioned the garbage on the lot on the corner of Monterey, 8<sup>th</sup> and Palm. Councilmember De La Rosa asked that staff add the website address for the community center to the City's website rather than direct visitors to the national YMCA website.

Councilmember Bourke asked that staff agendaize the Chamber's request for City Hours use of the Community Center for their Citizen's of the Year banquet.

Councilmember Stephens recommended pulling the City Attorney Evaluation (Closed Session Item #5), Councilmember Bourke seconded her recommendation.

**CLOSED SESSION**

At 10:30 p.m. Mayor Ortiz called for a recess to reconvene to Closed Session to discuss the following items:

1. The City Council will recess to closed session pursuant to Government Code Section 54956.9(a) to confer with its Attorney regarding pending litigation which has been formally initiated. The title of the matter is – Claim of Barajas
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 of Urquidez

3. The City Council will recess to closed session pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party: The title of the litigation is Anadon vs. City of Soledad et al.
4. 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.
5. The City Council will recess to closed session to consider personnel matters pursuant to Government Code Section 54957- City Attorney Evaluation.

**MEETING RECONVENED**

At 10:45 p.m. Mayor Ortiz reconvened the meeting from Closed Session.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

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

1. City Council conferred with Attorney, Claim of Barajas was denied.
2. City Council conferred with Attorney, Claim of Urquidez was denied.
3. City Council conferred with Attorney. No reportable action taken.
4. City Council conferred with Attorney. No reportable action taken.
5. The matter was continued to no specific meeting.

**ADJOURNMENT**

There being no other business to come before the Agency/Council, Chairman/Mayor Ortiz adjourned the meeting at 11:20 p.m. on a motion by Vice Chair/Mayor Pro Tem Saavedra and a second by Agencymember/Councilmember Stephens.

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RICHARD V. ORTIZ, Chairman/Mayor

Approved: November 16, 2005

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NOELIA F. CHAPA, Executive Director/City Clerk