

**City Council Regular Meeting
October 19, 2005**

CALL TO ORDER

Mayor Pro Tem Saavedra called the Regular City Council Meeting of the City of Soledad to order at 6:40 p.m.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Saavedra led the Pledge of Allegiance.

PEACEBUILDERS' PLEDGE

Mayor Pro Tem Saavedra led the Peacebuilders' 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 asked to be excused due to a funeral.

MAYOR'S REPORTS

None.

COUNCILMEMBER'S ANNOUNCEMENTS

Councilmember De La Rosa stated that she attended the League of California Cities conference and also an emergency training with Fire Chief Jesse Casillas and Councilmember Chris Bourke. Councilmember De La Rosa thanked the City of Greenfield for hosting the emergency training seminar. She also stated that she attended the Hurricane Katrina fundraising event the prior Sunday and thanked the Community for stepping forward to assist. Councilmember De La Rosa stated that she brought information for the rest of the Council regarding the South County Expo.

Councilmember Stephens stated that it had been a busy month and she attended a variety of meetings, including the League of California Cities conference in San Francisco, the Hurricane Katrina Community Fundraiser, Tree Committee Meeting, Soledad Historical Society Meeting, and an AMBAG meeting. She stated that she and the Mayor met with the Soledad Historical Society on Sunday and took a tour of the 4 Hermanos building.

Councilmember Bourke stated that he attended the League of California Cities conference in San Francisco, the emergency training seminar hosted by the City of Greenfield and the Hurricane Katrina Community Fundraiser.

Mayor Pro Tem Saavedra stated that he attended the League of California Cities conference in San Francisco and the Hurricane Katrina Community Fundraising event.

COUNCILMEMBER'S PRAISES

Councilmember Stephens praised the Lions Club and Richard Perez for hosting the community fundraising event for Hurricane Katrina.

Councilmember Bourke praised the Public Works Department for the lights in the parks, the Lions Club for their hard work during the Hurricane Katrina community fundraising event, he congratulated Lorenzo Sanchez the new Code Enforcement Officer on his position, and informed the Council that the new Longs Drugs would be opening on Saturday. He also thanked all the employees of the quarter for their hard work.

PRESENTATIONS

Employees of the Quarter (2nd and 3rd Quarters)

Finance Officer Smith addressed the Council and stated that one of the goals of City was to attract and retain quality Staff and recognize the employees' contributions to the City each quarter. Finance Officer Smith stated that each Department Director would make a presentation.

2nd Quarter

- Hilda Ramirez, City Administration/Community Development

City Manager Chapa introduced Hilda Ramirez, who works for the Community Development Department. As the Office Specialist in the Community Development Department, she stated that Hilda is always ready, willing and able to help with the various things that need to be done in the department. Hilda stated that what she likes most about her work are her co-workers.

Mayor Pro Tem Saavedra stated that he has had a lot of contact with Hilda and she is very attentive to the customers and treats everyone with equal respect and courtesy.

- Richard Cox, Police/Fire Departments

City Manager Chapa introduced Richard Cox, Police Chief. Chief Cox has been with the City's Police Department since January 2004. She stated that his fellow coworkers nominated him and indicated on their nomination form that since the Chief began he has led the Department to new heights in terms of excellence and professionalism and that he is also regarded as a mentor both within and outside his Department.

Chief Cox stated that he would like to specifically thank the Police Department and all of his officers for working so hard to keep the community safe.

- Frank Trevino, Public Works/Utilities Department

Public Works Director Price introduced Frank Trevino. He stated that Frank continues to show an incredible amount of dedication to his job and that there was nothing that was asked of him that he wouldn't do. He stated that Frank's continued efforts of the way he performs rubs off on everyone around him, increasing the morale of the entire department. Frank was hired as a Maintenance Worker in March 1975. In January, he was promoted to Foreman. During his time with the City, Frank has performed numerous duties and he is certified in a number of different areas. He is dedicated, driven to do his best, hard working and has assumed his new leadership position.

3rd Quarter

- Veronica Fernandez, Public Works/Utilities Department

Public Works Director Price introduced Veronica Fernandez. Veronica started working for the City in November 2002 and was promoted to Administrative Secretary in the Public Works Department in March 2004. He stated that Veronica is the grease that keeps the engine running in the Public Works Department. He stated that she works with the Administration Department, maintenance personnel, contractors, engineering firms and Frank and his group in a supporting role making sure payments go out and she also helps him with staff reports. He stated that she fills in when he can't and the Department's accomplishments are in large part due to Veronica's efforts. Her co-workers say she has a friendly and pleasant demeanor and positive customer service skills. Veronica was unable to attend the Council meeting due to a prior family obligation.

- Rosa Natera, City Administration/Community Development

Finance Officer Smith introduced Rosa Natera. He stated that Rosa started as an intern in the Planning Department and that she received a number of votes for the employee of the quarter award. He stated that Rosa is very good with people, including the customers and her coworkers. He stated that currently she is the Office Assistant in the Finance Department. Rosa thanked her coworkers for voting for her and stated that she enjoyed working with them and the customers and getting to know each of the customers.

- Jorge Alvarado, Police/Fire Departments

Police Chief Cox introduced Jorge Alvarado. He stated that Jorge started with the City on February 1, 2005 and came to the City with an extensive military background. He stated that Officer Alvarado exudes character, loyalty and confidence and he exemplifies the type of employee the Department wishes to attract and retain. Chief Cox also stated that Officer Alvarado's military unit was recently reactivated and he is scheduled to be deployed on November 3rd for another tour in Iraq. Police Chief Cox stated that Mayor Ortiz and Staff have been working diligently to try to interfere with the reactivation but haven't had much luck.

Officer Alvarado thanked his fellow employees for selecting him.

At 7 p.m. Mayor Pro Tem Saavedra requested a ten minute break so that the Council may congratulate each of the employees.

Mayor Pro Tem Saavedra called the meeting back to order at 7:10 p.m.

PUBLIC COMMENT

None.

CONSENT CALENDAR

Item #1: Approval of Minutes

Joint City Council/Planning Commission Special Meeting March 30, 2005

Joint City Council/Planning Commission Special Meeting April 27, 2005

Redevelopment Agency Regular Meeting January 26, 2005

City Council Regular Meeting August 17, 2005

Item #2: Approval of Warrants

#36939 - #37139

#37140 - #37217

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER CHAPA

Item #3: Resolution No. 3686, “Sponsoring the Soledad-Mission Chamber of Commerce’s Annual Awards Banquet which includes use of approximately Twenty (20) hours for the City’s Community Center.”

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER CHAPA

Item #4: Resolution No. 3687, “Approving Soledad Police Officers Association Request for use of the Community Center for an Annual Fundraising Event and Authorizing use of approximately Fifteen City Hours.”

Item #5: Resolution No. 3688, “Authorizing And Approving Execution Of An Amendment To The Contract For Professional Services with EMC Planning Group, Inc. In An Amount Not To Exceed \$32,602.00 For The Preparation Of Optional Tasks To The Environmental Impact Report For The Soledad Plaza Commercial Development.

Item #6: Resolution No. 3689, “Authorizing The City Manager To Execute An Amendment To The Black And Veatch Long Term Wastewater Management Plan Contract, For Development Of The Plans, Specifications And Engineer’s Estimate, Construction Support And Start-Up Services For Compliance With 30-30-5 Effluent Levels In An Amount Not To Exceed \$59,670.”

Item #7: Resolution No. 3690, “Authorizing the City Manager to Execute Task Order No. 38 with Mark Thomas & Company Inc. for Construction Management, Inspection and General Assistance for City Wastewater Treatment Plant Modifications for Conformance with Waste Discharge Requirements 30-30-05 Effluent Levels in an Amount not to Exceed \$35,490.”

ITEM #8 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER CHAPA

Item #8: Resolution No. 3691, “Authorizing the City Manager to Execute a Contract with Manito Construction, Inc. For Construction of Improvements for Compliance with 30-30-5 Effluent Levels and Pond Repairs in an Amount Not To Exceed \$1,009,840.”

Item #9: **Resolution No. 3692**, “Authorizing the City Manager to Enter into a Contract with Harris and Associates for Development of the City’s Urban Water Management Plan in an Amount Not to Exceed \$27,280.”

MOTION: The Consent Calendar (Items #1, 2, 5, 6, 7 and 9), with the dollar amount for Item #5 being corrected to the amount of \$36,062.00 were approved by a majority vote on a motion made by Councilmember De La Rosa and a second by Councilmember Stephens.

ITEM #3 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER CHAPA

Item #3: **Resolution No. 3686**, “Sponsoring the Soledad-Mission Chamber of Commerce’s Annual Awards Banquet which includes use of approximately Twenty (20) hours for the City’s Community Center.”

City Manager Chapa stated that Consent Calendar Item #3 involved a request of 30 hours of the Community Center for the Chamber’s Annual Awards Banquet. She informed the Council that the City had a total of 50 hours of use of the Community Center.

MOTION: The Consent Calendar Item #3 (Resolution No. 3686) was approved by a majority vote on a motion made by Councilmember Stephens and second by Councilmember De La Rosa.

ITEM #4 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER CHAPA

Item #4: **Resolution No. 3687**, “Approving Soledad Police Officers Association Request for use of the Community Center for an Annual Fundraising Event and Authorizing use of approximately Fifteen City Hours.”

City Manager Chapa stated that Consent Calendar Item #4 (Resolution No. 3687) was a request from the Soledad Police Officers’ Associates requesting use of the Community Center for a total of 15 hours for their annual fundraiser.

Councilmember De La Rosa asked if they were asking for co-sponsorship or just City hours. Assistant City Manager De La Rosa responded that they would like a sponsorship in form of City hours.

MOTION: The Consent Calendar Item #4 (Resolution No. 3687) was approved by a majority vote on a motion made by Councilmember Stephens and a second by Councilmember Bourke.

ITEM #8 WAS PULLED FROM THE CONSENT CALENDAR BY CITY MANAGER CHAPA

Item #8: **Resolution No. 3691**, “Authorizing the City Manager to Execute a Contract with Manito Construction, Inc. For Construction of Improvements for Compliance with 30-30-5 Effluent Levels and Pond Repairs in an Amount Not To Exceed \$1,009,840.”

Public Works Director Price stated that for Consent Calendar Item #8 he wanted Black and Veatch to present what the 30-30-5 project consists of. He stated that if the weather cooperates the project can be completed by the end of December.

Randy Kruger from Black and Veatch addressed the Council. He informed the Council that there was a requirement that the City treat effluent that meets a 30-30-5 compliance. He stated that effluent is getting closer to that requirement but has not met the level of degree of treatment. Mr. Kruger stated that he has been working with City Staff to see what improvements could be made to meet the requirements. Some of the pond repairs will address a portion of the City's WWTP disposal capacity for the winter by allowing the ponds to be operated at higher levels than previously operated without damage to the plant. Additionally, he stated the City plant modifications need to be made to assure the appropriate level of treatment. The improvements are in line with the tertiary plant designs. He indicated that the pond repairs shall include, but not be limited to grading and re-shaping of the levee slopes, installation of a 40 mil liner material to protect the slopes, spot patching of multiple ponds with backfill and slurry cap and purchase and installation of a dry-prime trash pump and portable piping with a pumping capacity of 3MGD or better. Mr. Kruger indicated that the work would be completed under the provisions of the emergency ordinance for repairs to the wastewater treatment plant that was approved by the City Council on October 20, 2004. He highly encouraged the Council's approval due to the fact that the pond repairs need to be completed prior to the onset of the wet season and were necessitated by the extreme operating conditions experienced at the facility during last year's wet season.

Councilmember Bourke asked what would be done if the improvements did not meet the requirements. Mr. Kruger stated that testing has been done to see the effectiveness of the chemical, which he believes works very well. He stated that the pond situation is slightly different, but he was certain it would work and he did not want to be adding too many chemicals due to the added costs, and he stated he felt very confident they will reach the 30-30-5 requirement with the chemical, which they will try to optimize and perform monthly testing on.

Councilmember Bourke asked about the size of the ponds and if any back up would be created due to reducing the number of ponds by one. Mr. Kruger responded that the ponds are very large and with the improvements made there should not be a problem. Councilmember Bourke asked when the project needed to be done and cleared by the water agency. Mr. Kruger stated that the project has to be done by the end of the year. Public Works Director Price stated that most of the work is repair work. Councilmember Bourke asked if some coordination was taking place due to many people working on different things. Public Works Director Price stated that they are all working together on the project.

Walter Grant, City Engineer, stated that when the original levees were raised there were high water levels which created some erosion which will be repaired. He presented the Council with an overhead picture of the ponds and described the work that would be done to the ponds. Public Works Director Price stated that they felt the liner option was the best option, and also the least expensive, which would include repairing the lining all over. He stated he felt the back levee would not reach capacity which would provide an emergency cushion. Mayor Pro Tem Saavedra asked what the timeline would be to have the repairs completed. Public Works Director Price stated that his opinion was that the whole project could be completed by the end of the year, with cooperation with the weather.

City Manager Chapa asked Walter Grant, City Engineer, to review the three options presented to the Council. Mr. Grant stated the liner option would last approximately 15 – 20 years, with a minimum of 15 years. He stated that the Correctional Training Facility has started to laminate certain spots. He stated that the rocks will last approximately 30 years, but require routine maintenance and cost approximately twice as much as the liner repair. Councilmember Bourke asked what would be done in an emergency situation if the ponds were to fill, and if it would do anything to the levee on the Salinas River side. Mr. Grant responded that the levee is designed for water either way, and they all rise to the same height. Public Works Director Price stated that relative to long term plans, the capacity that would be developed with the repairs would not be extra capacity, but would only allow the permitted amount. He stated that the City needs approximately 4.5mgd for the next phase, and that this was a very good way to get added disposal capacity without purchasing additional property. Public Works Director Price also indicated that this is a good thing to do for now and once it is done and the reports are in with the project being complete, Staff will come before the Council with a recommendation at that time.

Councilmember Bourke asked when the work is completed could the moratorium be lifted. Public Works Director Price responded that if all things go as planned and there is no bad weather, then Staff would be coming forward with a recommendation to lift the moratorium. Public Works Director Price stated that the \$1.09M figure given to the Council does not include raising the levee. He stated for all contracts and construction efforts raise the price tag is \$1.4M, which means there is a need for about another \$300,000 from the reserve funds. He asked the Council to adjust the contract to an amount not to exceed \$1.4M for the construction. Councilmember Bourke stated that the monies weren't budgeted. Public Works Director Price responded that they were budgeted, with the exception of \$295,000.

City Manager Chapa requested that in the motion the Council authorize \$1.4M for the contract and adjust the amount by \$295,000 appropriated from reserves. She stated that the City has the impact fee reserve portion and the reserves, leaving the dedicated reserves. She asked that the resolution be revised to reflect the new amount.

Public Works Director Price stated that the project would be handled the same as the prison wastewater treatment plant, with a budget of a certain amount created and not exceeded. He stated that all the contractors are aware that when the money runs out the project is done, and Staff will be watching the dollars closely.

MOTION: The Consent Calendar Item #8 (Resolution No. 3691) was approved by a majority vote on a motion made by Councilmember Bourke and a second by Councilmember Stephens with an amendment to the contract not to exceed \$1.45M.

PUBLIC HEARINGS

Item #10: Receive Input and Direct Staff, by Minute Motion, to Submit Public Comments on Unmet Transit Needs to the Transportation Agency of Monterey County.

Staff Presentation

Finance Officer Smith addressed the Council. He stated the purpose this evening was to have a public hearing on unmet transit needs that the City is required to do every year. He stated that currently the funds were used for the City's taxi service and also be used toward the transit line. Finance Officer Smith informed the Council that the City is currently in negotiations with a local company to provide a full time taxi driver, which the City Attorney will be reviewing the contract and Staff hopes to have it resolved soon.

Mayor Pro Tem Saavedra asked Finance Officer Smith if any local organizations were contacted in regards to this item. Finance Officer Smith stated that none had been contacted; however, the item is on the City's agenda every year at the same time of year. Councilmember Bourke stated that it might be something for Staff to look in to for next year so that those in need of something besides a regular taxi, for example the City's taxi which is wheelchair accessible, can be heard. Mayor Pro Tem Saavedra asked if there was a requirement of a public notice. Finance Officer Smith stated that there was and it had been noticed and the City met the requirements for the public hearing. Councilmember De La Rosa asked about the Rail Committee. City Manager Chapa stated that the Rail Committee is dealing primarily with Amtrak, and they are meeting on a quarterly basis.

Finance Officer Smith stated that TAMC provided a survey for citizens to complete, both in Spanish and English, which was made available on the City of Soledad's taxi service.

Walt Allen, TAMC, addressed the Council. He commended the City for continuing to serve the residents by providing taxi service and their ongoing efforts to improve the transportation for South County residents. He informed the Council that over the past few years TAMC had been working with MST (Monterey-Salinas Transit) to make sure what they were doing was effective in terms of transportation. Mr. Allen estimated that there are up to 8,000 riders a month in South County using the recently implemented South County Lines, with 65% using it for school, work or medical appointments. Mr. Allen stated that every year the City has to provide their unmet transit needs, and TAMC had a survey which was provided to Staff to make available on the taxi service and in public locations. Mr. Allen also stated that TAMC met with the South County Outreach Efforts representatives at the Community Center and they were going to take the information presented to have a public meeting on December 7th at various South County locations, which will allow everyone to be a part of the discussion. Mr. Allen stated that the money was being used for local transportation based on the population provided by the County, which was based on sales tax. Mr. Allen stated that most of the money is given to MST (Monterey-Salinas Transit), but that several local cities use the money for streets and roads. Mr. Allen stated that it is very important for the City of Soledad move forward with providing an eight hour taxi service so the City can receive local transportation agency funds.

City Manager Chapa stated that the City did have a full time driver who resigned, and have tried to recruit with no success. She stated that the City is currently in negotiations with MST to create a contract providing a driver.

Councilmember Bourke asked that the process of contracting out services be completed by December 15th.

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: Staff was directed by a majority vote to forward comments to the Transportation Agency of Monterey County (TAMC) on a motion made by Councilmember Stephens and second by Councilmember Bourke.

Item #11: Resolution No. 3693, “Determining the Appropriations Limitation for Fiscal Year 2005-06 Pursuant to Article XIII ‘B’ of the California Constitution.”

Staff Presentation

Finance Office Mark Smith addressed the Council. He stated that in accordance with “Article XIII B” of the California Constitution (known as Proposition 4, the “Gann Initiative”), the City was required to conduct a public hearing for the purpose of establishing the City’s appropriations limitation for Fiscal Year 2005-06. He stated that the initiative’s impact was to limit increases in government appropriations and expenditures to a factor based on annual population growth and the annual increase in the cost of living and that each year municipalities must adopt a spending limitation, which establishes limits on the amount of revenues (proceeds of taxes) that can be appropriated and expended. He informed the Council that Internal Service Funds (such as the Vehicle Fund) and Enterprise Funds (Water and Wastewater) are exempt because they are not defined as proceeds of taxes under Proposition 4 and that intergovernmental grants and loans are also exempt from this constitutionally imposed limitation.

Finance Officer Smith informed the Council that the City’s appropriation limit for Fiscal Year 2005-06 is \$12,621,841 and that this appropriation ceiling limits the amount of tax collected and expended in Fiscal Year 2005-06. He stated that the City is well below the limit since it anticipates collecting only \$3,342,815 in taxes, subject to the constitutional limitations.

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. 3693 was approved by a majority vote on a motion made by Councilmember Stephens and a second by Councilmember Bourke.

BUSINESS

Item #12: Consider and Provide Staff with Direction on Participating in the Development of a Monterey Bay Regional Energy Efficiency Plan in Cooperation with AMBAG and Other Local Agencies

City Manager Chapa introduced Carrie Mann from AMBAG.

Ms. Mann thanked the Council for the opportunity to attend. She provided a PowerPoint presentation on the final draft of the Monterey Bay Regional Energy Plan, which AMBAG was seeking feedback from cities and residents regarding the plan. Ms. Mann provided the Council with an overview of the Regional Energy Plan Program. She stated AMBAG received a grant from the California Energy Commission to develop a Monterey Bay Regional Energy Efficiency Plan in cooperation with the local agencies. The Energy Plan's purpose is to set goals to help meet the future energy needs of the Monterey Bay Region and to create strategies and programs to meet those goals. Through partnerships with local organizations and government, the goal is to reduce energy costs.

She stated that AMBAG is currently proceeding with the Public Outreach Task of the Program which means they will be presenting a draft plan to the jurisdictions and constituents in a series of presentations and workshops in order to get feedback. She stated that AMBAG is hoping to have the plan adopted by early 2006. She asked the Council for any comments or recommendations they may have based on the PowerPoint presentation and information that was forwarded to them prior to the Council meeting.

Councilmember Bourke asked why the energy plant in Soledad wasn't included on the advisory panel or on the list of participants. Ms. Mann stated she was not sure why they were overlooked but that she would check with AMBAG's consultant to follow up.

Item #13: Report on Tri Cities Disposal and Recycling Third and Fourth Quarters

City Manager Chapa informed the Council that Steve Johnson, General Manager of the Salinas Valley Solid Waste Authority, was present at the meeting to provide the report.

Steve Johnson addressed the Council. He stated that when the City renewed the contract with Tri-Cities, along with the cities of Greenfield and Gonzales, it was asked that the Authority act as the contractor administrator. He stated that in the Third Quarter, there was an increase of waste by 117 tons, an increase of 197 accounts with total disposal costing \$10,250. In the Fourth Quarter, there was a decrease of 29 tons, an increase of 217 accounts with total disposal costing \$9,392. He informed the Council that during the past two quarters curbside yard waste was implemented, the roll out of new solid waste containers, which the Authority believed would result in the decrease of solid waste tons per household and an increase in yard waste tons. He stated that there were only 41 complaints, with most of them being overfill complaints. Mr. Johnson stated that the other item the Council had directed him to do was to begin the process of meeting with the City Manager regarding a recyclables roll out cart. He stated he hoped to have the information ready by the meeting, but was only able to provide rough numbers, which would be an additional charge to the City of \$1.10/month increasing with the size of the cart.

Councilmember Bourke asked about any reports on stolen trash containers. Mr. Johnson stated that there have been minimal problems with containers being stolen.

Councilmember De La Rosa asked if literature would be distributed to residents regarding the new charges and how they can upgrade. Mr. Johnson responded that the extra charges would not be implemented until a flyer was sent to all residents and the City Manager was able to review it.

Councilmember Stephens stated that in order to encourage recycling she would like to see the City move forward with a cart for recyclables.

Staff was directed by the consensus of the Council to move forward with a cart for recycling.

Item #14: Accept and Discuss the Public Facilities Presentation by Rollins Consulting Inc.

City Manager Chapa requested that the Council continue Item #14 to the November 2, 2005 Council meeting.

MOTION: Item #14 was continued until the November 2, 2005 Council meeting by a majority vote on a motion made by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

Item #15: Review and Discuss Soledad Municipal Code Chapter 5.36 Cardrooms and Provide Direction to Staff Regarding Proposed Amendments to Said Ordinance

City Manager Chapa addressed the Council and stated that John Carrillo had asked the Council to consider the addition of the card game Texas Hold'Em in the municipal code. She stated that if the Council directed Staff to move forward with the revision it would be brought back at an upcoming Council meeting.

City Attorney Rodriguez stated that in the past other Police Chiefs have had input on what games were allowed in cardrooms. Chief Cox stated that he was personally opposed to increasing the amount of games offered. He stated that in this instance it would attract more people and would not benefit the City. He stated that it does not necessarily mean an increase in revenue nor does it mean an increase in the quality of life for the residents. Councilmember Bourke stated that he felt it should be allowed as long as it does not create a problem. Councilmember De La Rosa asked if the number of tables was increasing; Mr. Carrillo responded that it was not increasing the number of tables, just the variety of the games offered. City Attorney Rodriguez stated that in order for Mr. Carrillo to increase the number of tables it would require a permit and approval from the Council. Mayor Pro Tem Saavedra stated that he didn't foresee any problems with adding the games.

Councilmember Bourke requested that the Police Chief bring back an update in six months relating to any increase in problems at the gaming room.

MOTION: Staff was directed to bring back the ordinance with the two games included for a first reading by a majority vote on a motion made by Councilmember Bourke and second by Councilmember Stephens.

Item #16: Appointment of One Board Member to the Soledad Recreation District Board

City Manager Chapa stated that Staff was seeking an appointment from the Council due to the recent vacancy on the Board by Aaron Casillas. She stated the board is currently made up of five representatives, with two being appointed by the County of Monterey and three from the City of Soledad. She indicated that Staff had advertised the vacancy and received two applications which were forwarded to the Council (Richard Avelino and Crystal Beget).

MOTION: Richard Avelino was appointed to serve on the Soledad Recreation District Board by a majority vote on a motion made by Mayor Pro Tem Saavedra and a second by Councilmember Stephens.

Item #17: Appointment of the Economic Development Director as the Alternate to the Overall Economic Development Commission

City Manager Chapa indicated that Staff had been asked to bring before the Council the appointment of an alternate to the Overall Economic Development Commission due to the conflict that Mayor Pro Tem Saavedra had on the scheduled dates of the meetings.

Mayor Pro Tem Saavedra requested to make Economic Development Director Izzy Rodriguez the representative, leaving the City Manager as the alternate representative.

MOTION: On a motion made by Mayor Pro Tem Saavedra and second by Councilmember Stephens with a majority vote, the Economic Development Director was appointed as the OEDC representative with the City Manager as the alternate representative.

Item #18: Receive Update on Soledad Municipal Code Chapter 9.09 - Noise Ordinance

Police Chief Cox addressed the Council. He stated that the Council had requested an update on the ordinance due to the result of several complaints and the concern that the reporting party's identity could not be protected. Chief Cox stated it is constitutional law that everyone is entitled to face their accusers. He stated that his staff had compared the City's noise ordinance to other local jurisdictions and they were fairly consistent. He stated that after review of the ordinance the department implemented a tracking component to identify those who continually receive complaints and in six months had 18 loud music complaints, with 16 individuals being cited for loud music from vehicles, one of those a habitual offender. Chief Cox stated that it was his recommendation to leave the ordinance as is, but continue to track the offenders and address habitual offenders appropriately.

Councilmember Bourke asked how the department monitors cars that are too loud. Chief Cox stated that most often the officers on routine patrol cite those vehicles. Chief Cox stated that his recommendation would be to continue to monitor the subject matter and report back to the Council after six months.

Item #19: Resolution No. 3694, "Amending Policy No. 550 "Cell Phone and Pager Use" of the Soledad Personnel Policy Manual."

Assistant City Manager De La Rosa stated that on three separate occasions Staff has presented the Council with an overview of the personnel policy. He stated that at the September 21st meeting he was asked to make modifications to the policy in regards to the use of personal cell phones at work. He stated that Staff has made the appropriate changes based on those recommendations and are back before the Council for approval. If approved, a final version of the policy would be distributed to Staff. Mayor Pro Tem Saavedra asked if the policy applied to Councilmembers as well. Assistant City Manager De La Rosa responded that it did.

MOTION: Resolution No. 3694 was adopted by a majority vote on a motion made by Councilmember Stephens and a second by Councilmember Bourke.

CITY COUNCIL COMMITTEE UPDATES

- a) **Street Naming** – Mayor Pro Tem Saavedra stated that they would be meeting soon. He informed the Council that he had received a phone call from Nader Agha who requested that he participate in the committee.
- b) **Energy Plant** – None.
- c) **Miravale Section 16** – None.
- d) **Development Review** – Mayor Pro Tem Saavedra stated there had been a meeting and recommendations were given to the property owner.
- e) **Overall Landscape Review** – None.
- f) **ADA** – None.
- g) **Revolving Loan Fund** – None.
- h) **Oldtown Soledad Beautification Association** – Councilmember De La Rosa stated that the next meeting would be the following Wednesday.
- i) **Parks** – Councilmember De La Rosa asked when the CSI childcare center would be installed at Vosti Park. City Manager Chapa stated that she had spoken to the company that day regarding the carpeting and it was in the process of being completed. Mayor Pro Tem Saavedra asked about the flagpole and the park signs.
- j) **Redevelopment Neighborhoods** – Councilmember De La Rosa stated that the RNC met the evening before and discussed lighting. She indicated that Frederick Smith had a map from PG&E and had located areas that needed additional lighting. She informed the Council that the information would be forwarded back to PG&E for their recommendation. Councilmember De La Rosa also indicated that the committee chose a “child-at-play” sign, which the committee would be recommending property owners install in certain complexes. She stated that one issue of concern was individuals who are vandalizing property in the alleys (destruction, graffiti, broken glass). She stated that Sgt. Garcia was present at the meeting and made a few suggestions, including gates but Sgt. Garcia indicated that may become a problem for the Fire Department.
- k) **CAC** – None.
- l) **SR146 (Roads)** – None.
- m) **Tree** – Councilmember Stephens stated that the Tree Committee met in September and set dates to plant trees, which was the second Saturday of the month for the next several months. She indicated that Community Development Director Fleming was to check in to the types of trees and indicated that the two targeted areas were East Street and Metz Road.
- n) **Wastewater Treatment Plant** – Covered under City Manager’s Update.
- o) **Soledad Historical Society** – Councilmember Stephens stated that the Society met the prior week and took a tour with the Mayor of the 4 Hermanos building, which would be on the agenda for October 26th.

CITY MANAGER’S REPORT

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

Public Works Director Price stated that he met with the WWTP Committee meeting that day. He stated that Staff would be coming back before the Council on November 2nd with alternatives to keep the project moving and the possibility of the purchase of the prison plant.

b) **Council Requests – Status Table**

None.

City Manager Chapa stated that Staff was trying to schedule a meeting with the Council to discuss the moratorium. She stated that November 9th currently looked as though it was the best date and she asked Council for any conflicts that they might have on that day.

Councilmember Stephens stated that November 9th was a difficult day for her due to several other meetings, and asked if it was possible to come up with an alternate date.

Mayor Pro Tem Saavedra asked if it was possible to have the special meeting prior to the Planning Commission meeting on November 10th.

City Manager Chapa stated that Staff will check the calendar and Carla will be polling the Council to see what date would work for the entire Council. She also indicated that the Planning Commission would be invited to the special meeting along with developers and all interested parties.

CITY COUNCIL ITEMS

Councilmember De La Rosa stated that she had received a complaint the previous week from a resident regarding their recycling and individuals taking their recyclables out of the container prior to Tri-Cities. City Attorney Rodriguez stated that a specific ordinance needed to be prepared addressing the subject.

Councilmember De La Rosa reminded the Council that the South County Expo was coming and the City would have a booth.

Councilmember Stephens thanked the Public Works Department for cleaning the gutters. She asked if there was a policy in place protecting trees, due to a tree being removed in a public right of way behind the 99 Cent store. She stated she felt there should be a permit process for removal of trees. City Manager Chapa stated that Staff would look into whether or not it was on public or private property.

Councilmember Bourke stated that he would like the Council to consider taking a look at future facilities, Fire Department expansion and an emergency operations center. He stated that what was in place was not adequate and that the City should look at building a new fire station extension with an emergency operations center in it. Councilmember De La Rosa stated that the Fire Chief had spoken to the Council about what the City of Monterey has and it was a possibility that Soledad could carry their plan over. Councilmember Bourke stated that his goal was to develop a City emergency management plan. City Manager Chapa stated that she and the Fire Chief had recently spoken about the same subject and updating the current plan.

ADJOURNMENT

There being no other business to come before the Council, Mayor Pro Tem Saavedra adjourned the meeting at 9:35 p.m. on a motion by Councilmember Stephens and a second by Councilmember De La Rosa.

RICHARD V. ORTIZ, Mayor

Approved: January 18, 2006

NOELIA F. CHAPA, City Clerk