

**MINUTES OF MEETING  
CITY COUNCIL  
SALINAS, CA**

**January 6, 1998**

**COUNCIL MEETING:** The Salinas City Council convened in regular session in the Chamber Rotunda at 4:10 p.m. on the 6<sup>th</sup> day of January, 1997.

**ROLL CALL**

Present:

Mayor Alan Styles

Councilmember Fernando Armenta

Councilmember Anna Caballero

Councilmember Jan Collins

Councilmember Steve Ish

Councilmember Juan Oliverez (arrived 4:35 p.m.)

Absent:

Councilmember Roberto Ocampo

**ALSO PRESENT:**

City Manager Dave Mora

City Attorney James Sanchez

City Clerk Ann Camel (4 p.m. session)

Deputy City Clerk Cathy Williams (7:30 p.m. session)

**PUBLIC DISCLOSURE**

Mayor Styles announced that, on December 16, 1997, the Salinas City Council met in closed session pursuant to Government Code 54956.9(a), in conference with legal counsel, regarding the worker's compensation litigation of Dennis Pearson WCAB Nos.: SAL 49605, 49606, 49998, 50641, 54374. By unanimous vote (6-0), Council authorized settlement authority in the amount of \$21,000 for a Compromise and Release of all claims. Councilmember Oliverez was absent. A copy of the fully executed Award is on file with the City Clerk's office.

**CONSENT RESOLUTION**

**Consent Item No. 8, Salinas Auto Center**

The "Attachment to the City Council Memorandum of January 6, 1998" and January 6, 1998 revised Mitigation Monitoring and Reporting Program was distributed to the City Council. Charmaine Geiger, Community Development Director, explained that changes to the Mitigation Monitoring and Reporting Program include additions to 5.1-26, San Juan Grade and E. Boronda: "add eastbound to southbound right turn lane"; and 5.1-28, "add, eastbound to southbound turn lane and a fourth southbound turn lane." In the final EIR, a chart indicated what the mitigation measures were, which included these three items. The text did not reflect the mitigation noted in the chart. However, the chart indicated the percent of Auto Center traffic for the impacts and estimate of dollar amount for improvements. There have been no changes for the Auto Center's

responsibilities or the dollar amount for the improvements, because these three improvements were already included in the Auto Center's share. The exhibit and text were changed to match. Other changes in the report program include at the request of the applicant the fair share of the cost improvements in each of the mitigations. These changes have been discussed with the applicant.

Anthony Lombardo confirmed that the description in the EIR does not increase the share of the cost, and this is acceptable. He understands that the dollar amounts in the staff report equate to the contribution of the dollars, and that is fine with the applicant. He would appreciate assistance in moving their item to LAFCO's February agenda. The applicants are paying for four lanes and two lanes on the Long's property, and others will pay for two lanes on the Long's property. He understands the Longs will reimburse the others, so that each party will have paid for four lanes on their property. This should be stated in a reimbursement agreement. He supports the staff recommendation.

City Attorney Jim Sanchez stated that the revised Mitigation and Monitoring Report speaks to the reimbursement agreement which Mr. Lombardo requested in his letter, at the top of page four. Section 5.1-12 states in part "The applicant shall be responsible for constructing the four-lane street improvements from Boronda Road to the existing four lane street at the Westridge Center. City to reimburse (not to exceed \$1.5 million) Auto Center and Westridge developers for all North Davis Road street improvements on the Long's property. City shall enter into a reimbursement agreement" with the applicant for that.

Councilmember Ish noted that the report includes percentages. Mr. Lombardo responded that the percentages equal the number they had before. The applicant will come back in a few months with the Final Map, and they trust there will not be a surprise in the estimates. If Phase 2 does not happen for five years, the numbers may be different. However, if they come back in a short time frame, the numbers should be accurate.

Councilmember Ish stated that if the bid comes back higher, those are the numbers. Mr. Lombardo stated that if there is a bid in 2015, the bids may come back higher. But he is hoping for a six-month window. If the numbers are pretty close, the applicant will be fine. Councilmember Ish asked what will happen if the bids come back 20% higher. Mr. Lombardo stated that at some point there will be a problem, but the closer they are to the estimates the better.

Mr. Mora stated that he believes the numbers are accurate, but bids come in lower and higher. The governing number is the percentage. There is reasonable confidence in the numbers, if the bid happens in the next six months.

Mr. Lombardo stated if the estimates are valid today, they should be valid at the time of the filing of the Phase 1 Final Map within the next two or three months. When Phase 2 comes in, the costs will probably be higher.

Councilmember Caballero noted that she does not foresee some of the projects getting done until

2010 or 2015 because there will be many contributors. She wants it understood that these are best guess estimates.

Ann Marie Tresch stated that the City Council approved assistance for financing the road. Mr. Sanchez stated that the staff report states that the Council has approved in concept a financing for the widening of the road, and any final action will come back to the City Council with the appropriation request. Ms. Tresch stated that the auto dealers are the responsible parties for widening the road. She stated that the City Council should not go forward with certifying the proposed action. She referred to the District Attorney's letter regarding the September 23, 1997 meeting, wherein the District Attorney's Office concluded that the City failed to include language on the agenda regarding the cost of the road and there is an apparent Brown Act violation. She wants this taken care of first, and if not, she will proceed with other action. This is subsidizing two car dealers and should have the voice of the community.

Mr. Sanchez clarified that he discussed this issue with the District Attorney regarding the initial action. There was not an appropriation of funds, and there is no authority for having public funds invested in the project. That will occur when the Auto Center moves forward, and at that point, there will be an item on the agenda consistent with the Brown Act. To date, only a concept regarding the expenditures has been approved.

Brian Finegan, representing the Sammuts, referred to the revised monitoring program, page 4, that states in part "The City to reimburse, not to exceed \$1.5 million, Auto Center and Westridge developers for all North Davis Road street improvements on the Long's property." The Sammut Brothers built two lanes on the Long's property, and they have a contract with the City for the full reimbursement of all costs for this road without dollar limitations. The Sammuts do not interpret this as limiting the Sammut's contract with the City.

Mr. Sanchez stated that the intent was not to limit the reimbursement under the Sammut Brothers' Memorandum of Understanding with the City, but to address the September 23 discussion regarding the Auto Center and Davis Road.

Mr. Lombardo stated the condition is they have to reimburse them for the cost, which Mr. Finegan has estimated at \$950,000. The other amount has to do with the additional construction that has to happen now.

Mr. Mora stated that his understanding of the intent of the motion was to provide a reimbursement of up to \$1.5 million to the developers, Sammuts and Auto Center, for the development of North Davis Road that took place on the Long's property. If the total cost of the Sammut and Auto Center investment on the Long's property is in excess of \$1.5 million, it would eventually be reimbursed by the Longs. It is the City's intent to recover the \$1.5 million from the Longs when the property is developed. Staff will not recommend a reimbursement proposal until all the construction has taken place.

Ms. Tresch asked whether the funds should only be used for road improvements and not for repayment of loans. Mr. Mora stated that there is no question regarding the appropriateness of

the Council's action.

Councilmember Caballero requested that the City act to move the item expeditiously to LAFCO.

**Consent Item No. 15, Intermodal Center**

Councilmember Caballero announced that she owns property within 300 feet of the subject property, and she requested a separate vote on this item.

**COUNCIL ACTION**

**Upon motion by Councilmember Collins and second by Councilmember Oliverez, Council voted to authorize the appropriation and expenditure of \$400,000 in State Highway Account funds for the Salinas Intermodal Center for land acquisition, Project No. 9075.**

**AYES: Councilmembers Armenta, Collins, Ish, Oliverez, and Mayor Styles. ABSTAIN: Councilmember Caballero. ABSENT: Councilmember Ocampo.**

**COUNCIL ACTION**

**Councilmember Armenta made to motion to adopt the Consent Resolution, including amending Consent Item No. 8 to include the City's moving the project expeditiously to LAFCO. The motion was seconded by Councilmember Oliverez and passed by unanimous vote of those members present. Consent Item No. 15 was voted on separately.**

The Consent Resolution contained the following items:

1. Proclaimed local emergency for the rate of HIV infections from injection drug users. The City Council declared a state of local emergency on October 11, 1994 and the rate of HIV infections from injection drug users in Salinas has not decreased. Government Code Section 8630 requires the City Council to review the need for continuing the local emergency at least every fourteen days.
2.
  - a. Approved minutes of December 16, 1997 regular session.
  - b. Approved minutes of December 16, 1997 closed session.
3. Approved Financial Claims report.
4. Adopted **RESOLUTION 16396** authorizing Mayor to sign agreement between City and Golden Gate University for employee training services. (Administration)
5. Adopted **RESOLUTION 16397** authorizing Mayor to sign agreement between City and the law firm of Liebert, Cassidy & Frierson for special services and training through the Employment Relations Consortium of Monterey and Santa Cruz Counties. (Administration)
6. Adopted **RESOLUTION 16398** authorizing Mayor to sign instructional agreement between City and Hartnell College for training services. (Administration)

7. Adopted **RESOLUTION 16399** authorizing the redesign, direct purchase without competitive bid, and installation of modular office furniture from Peninsula Business Interiors at a cost of \$34,087.39. (Library)
8. Adopted **RESOLUTION 16400 and 16401** certifying the Final Environmental Impact Report for the Salinas Auto Center and adopting Findings of Fact and a Statement of Overriding Considerations and (b) adopting the Revised Salinas Auto Center Mitigation Monitoring and Reporting program, and moving this issue expeditiously to LAFCO. (Community Development)
9. Accepted the Drainage Improvements 1996-97, Project 9720, for maintenance and responsibility. (Public Works)
10. Adopted **RESOLUTIONS 16402-16408** authorizing the Mayor to execute real property contracts with various property owners affected by the acquisition of right-of-way easements for the new Kipling Sanitary Sewer Main Trunk Line, Project 9619. (Public Works)
11. Adopted **RESOLUTION 16409** authorizing the Mayor to execute a subdivision agreement with Creekbridge Homes, a limited partnership, approving final map, and accepting easements offered for dedication for Creekbridge Subdivision, Unit No. 17. (Public Works)
12. Adopted **RESOLUTION 16410** authorizing the Mayor to execute a subdivision agreement with Creekbridge Homes, a limited partnership, approving final map, and accepting easements offered for dedication for Creekbridge Subdivision, Unit No. 23-14. (Public Works)
13. Adopted **RESOLUTION 16411** authorizing the Mayor to sign Amendment 97-02 to the Franchise Agreement between the City and the Salinas Disposal Service ending the contractual relationship for the operation of the Crazy Horse Landfill.
14. Adopted **RESOLUTION 16412** authorizing the Mayor to sign agreement providing the City Building Inspection staff to perform inspection services for the City of Marina. (Public Works)
15. Authorize the appropriation and expenditure of \$400,000 in State Highway Account funds for the Salinas Intermodal Center for land acquisition, Project No.9075. (Public Works) **THIS ITEM WAS VOTED ON SEPARATELY.**
16. Accepted the Financial Report for November, 1997. (Finance)

## CONSIDERATION

**1. Suicide Prevention and Crisis Intervention Center.**

Dave Mora presented his report, which is on file in the City Clerk's Office. The Suicide Prevention and Crisis Center has submitted a request for immediate financial support in the amount of \$9,000 through June 30, 1998 and for an annual allocation of \$18,000 to continue operations. The total amount requested from local jurisdictions is \$146,230 annually. The Center's request is not eligible for CDBG funding and would have to come from General Fund. If the City Council wishes to provide funding, they should provide guidelines for similar requests from other agencies in the future. There are only three agencies funded from General Fund, including long-standing funding for Community Human Services and the Sunrise House. Second Chance was funded after a competitive process when Council desired to invest in youth violence prevention. Staff could work with the Finance Committee to recommend guidelines.

Councilmember Oliverez stated that the Second Chance situation was perceived as a crisis, and that should be a funding criteria. Another criteria is the establishment of partnerships.

Councilmember Collins stated that the program is an intervention, and medical costs can be saved. She stated that the \$5 being contributed to the Emergency Medical Service goes completely to the Fire Department for \$190,000. It would have to be made up from General Fund, so it would come from General Fund in any event. She understands there may be problems reallocating the funds due to Proposition 218.

Mr. Sanchez stated that the issue relates to a special tax. The County is addressing whether the another election will have to be held.

David Bianchi, Suicide Prevention and Crisis Intervention Center, referred to his January 5, 1998 letter. There is an opportunity to expand the hot line to limited English speaking residents. Twenty four hour service for a city this size is a bargain. It is not a crisis situation. They need \$250,000, and they have 80% in hand. However, 20% is grant funding which comes and goes. This type of program cannot charge for services.

Steve Culvert spoke in support of funding. On September 6, 1995, his nineteen year old son committed suicide. In the last three years, suicides in Monterey County have outnumbered those killed in auto accidents.

Diane Davis, registered nurse and monitoring agent of Center, stated that health professionals rely on referring people to the Crisis Center.

Kathy Gutierrez, Monterey, volunteer for the Center and Monterey County Mental Health Social Worker, spoke in support of funding. Both suicide and homicide are crises.

Kim Nelson, Pastor of North Minister Presbyterian Church, spoke in support of funding. The Church will house a support group for free. There are already non-formal parameters used to fund the other three programs.

Mr. Mora stated that there is \$130,000 in non-department contingency.

Councilmember Caballero stated that she would like this to be an item of discussion at the annual Council retreat. She stated that there should be a general fund contribution for those programs that support the Council's goals but are ineligible for CDBG funding. She is willing to support \$9,000 from this year's budget and \$9,000 from next year's budget through December, 1988. However, it is difficult to do that one request at a time, and an amount should be put aside for such requests to encourage the development of partnerships.

Councilmember Collins inquired whether they were asking for \$9,000 to the end of the fiscal year, and then \$18,000 for the next fiscal year. Councilmember Caballero stated she is willing to support \$18,000 for 1998, over the two City budget cycles. She does not have a problem with putting aside additional funds for other organizations that would meet their criteria.

Councilmember Ish stated that this goes back to the need for a summit between counties, local foundations, and United Way to ensure the priorities are correctly funded. However, the Summit is not going to happen before June 30. He is ready to support \$18,000 for this physical year- \$18,000 for 1998. The entire \$18,000 can be taken from the contingency fund, and not be dealt with as a budget item in 1998-99.

In response to Councilmember Armenta, Mr. Bianchi stated they are not receiving any County funding right now. They requested funding but were not eligible. They will return to Monterey County for funding now. They are receiving \$40,000 from Santa Cruz County and are making a request from San Benito County.

Councilmember Armenta asked when the Joint Power Authorities will return to Council. Mr. Mora stated that the evaluation of Second Chance will start during this fiscal year. Any phasing down would be directed to similar services. Councilmember Armenta stated that he would like to look at all of the Joint Power Authorities at the same time. There are no assurances that the \$18,000 will be there in the future, because it depends on the other Authorities.

Councilmember Oliverez stated that the February 7 meeting and longer range goals should address the continued support. Sometimes there are issues that should not be so difficult, and the City should be able to say that it will be there for a few years.

#### **COUNCIL ACTION**

**Councilmember Ish made a motion to authorize \$18,000 in funding from the Contingency Fund for the remainder of this year. The motion was seconded by Councilmember Oliverez and passed by unanimous vote of those members present.**

**Mayor Styles announced that the City Council will meet in a closed session pursuant to Government Code Section 54957, Public Employee Performance Evaluation for City Manager.**

**THE MEETING RECESSED AT 5:20 P.M. AND RECONVENED AT 7:37 P.M..**

**PUBLIC HEARING**

**1. Vista Nueva Maintenance Assessment District 97-2**

Jim Garcia, Public Works Administrative Supervisor, presented his report, which is on file in the City Clerk's Office. On July 26, 1996 a failure occurred at the privately owned lift station located at Vista Nueva Subdivision. The City of Salinas Public Works Department and the Monterey County Health Department and other agencies concerned with public health and environmental protection from raw sewage being spilled into the environment intervened.

The Vista Nueva Homeowners Association leadership was in disarray and experiencing a financial crisis and with no funds available for infrastructure repairs, volunteer homeowners lacked the expertise to make repairs to the lift station which resulted in damage to the pumps and electrical panel.

A neighborhood meeting was held on August 2, 1996 to discuss the situation with the Vista Nueva home owners to address the need to form an assessment district to address the financial and maintenance concerns of the subdivision, and allowing the City a venue to recoup current expenditures and guarantee a financial resource for future maintenance costs. The City has incurred to date, costs totaling \$17,374.96 for maintaining the lift station, including the emergency repairs, and some minor street light work in the common area of the housing complex. Emergency repair work cost the City approximately \$13,440.60. Property owners agreed that the formation of the maintenance district would be the best way to permanently resolve the maintenance issue of the lift station. Proposed street lifts will be replaced by the City and paid from Block Grant Funds. Maintenance of new street lights and road surfacing in the common area of the complex will be paid from the proposed maintenance district. Projected cost to the City will reach \$34,000 by the end of June 1998.

Property owners stated that they are willing to vote in favor of forming a maintenance district provided that the assessments do not exceed \$480 per year per resident, the same amount they are currently required to pay for association fees but are not collecting. They have also agreed to an escalator of \$12 per year for the next ten years. The first year's total assessment will be \$23,520, \$10,480 short of paying for last year expenditures and this year's proposed budget. It is estimated that this short fall will be paid-off with future assessments over the next two or three years. In July 1996, the Monterey County Health Department said that if the problem is not resolved, the property owners will have to vacate the homes.

The original Engineer's Report submitted to Council in November 1997, included an escalator clause in the eleventh year and beyond. After further consideration, staff would like to remove the eleventh year clause at this time. At the tenth year of the assessments, staff and member of the Home Owners Association will meet to review the financial status of the district to determine if an inflation factor should be included in the assessments from that time forward. Another

election will be required to officially decide if any future escalator will be needed. If an election process rejects any proposed future escalator factor and if the district is not generating sufficient revenue to meet expenditure needs, subsidizing the district may have to come from General Funds.

The Mayor opened the public hearing.

Alberto Vargas, President of the Vista Nueva Home Owners Association presented a letter to the City Council, which was read by Monica Garza, Treasurer of the Vista Nueva Home Owners Association stating that “on behalf of the Vista Nueva the present is to clarify a point with regards to the tax assessment. Our understanding is that within two(2) years after accepting the assessment, the City of Salinas and Vista Nueva will revisit the sewage problem so that we may find a permanent solution to the sewage pumps by replacing them with a gravity sewage line. Moreover, that state or federal funding will be pursued so that our housing can maintain its affordability. The latter is important because with the new property tax our annual taxes now average \$2,000 per household while the market value of each unit is around \$118,000. As you can see the discrepancy between the value of our houses and the taxes being paid is substantially irregular making them unattractive to prospective buyers. We thank the City for their past assistance and look forward to finding a permanent solution to our sewer system.”

A number of Vista Nueva residents asked that the water from Holly Street be redirected from their property. Public Works will look into this problem.

At 8:30 p.m. Mr. Garcia asked for a ten minute recess to validate signatures on the election ballots. At 8:44 p.m. Council reconvened. Mr. Garcia stated that the ballots have been counted and the results are twelve yes votes, seven no votes and one vote was disqualified because he could not verify.

As there was no one else who wished to speak the Mayor close the public hearing.

### **COUNCIL ACTION**

**Councilmember Armenta made a motion, seconded by Councilmember Oliverez to adopt the necessary RESOLUTION 16413 to form a maintenance district for Vista Nueva Subdivision, amend the Engineer’s Report as previously stated, and retroactively impose assessments accordingly. The motion passed by unanimous vote of those members present.**

Councilmember Armenta asked that staff return with recommendations for a permanent solution to the sewer problems and the water runoff from Holly Street. Mayor Styles asked that the Northeast Maintenance Assessment be brought back for review at the same time.

Councilmember Collins stated that there may be some liability for the City if water drainage is coming from Holly Street. City Attorney Jim Sanchez stated that Council is free to make a policy determination if it is so inclined. But from the standpoint of liability there are a number of issues here, this is private project being dealt with that was not developed to the standards the City would typically have for public improvements. And because of that there would be a

number of issues associated with liability. It is not an easy question to resolve at this point.

Councilmember Armenta and Caballero reiterated for the public that Council has voted to form the Vista Nueva Maintenance Assessment District No. 97-2 and has directed staff to return to Council with recommendations for the sewer and water problems, as well as the Northeast Maintenance Assessment District. However, before coming back to Council the neighborhood will be informed of the recommendations and alternatives and will have the opportunity to give input to Council.

City Manager Dave Mora added that the Street Lighting Improvements Bid will come before Council on January 20<sup>th</sup>, and suggested another meeting with the Vista Nueva Home Owners to go over the work program for the neighborhood. Councilmember Armenta agreed and thanked staff and the home owners for their help.

**ADJOURNMENT**

The meeting adjourned at 9:13 p.m.

**APPROVED:**

**Mayor**

**ATTEST:**

**City Clerk**