

MINUTES

JOINT GONZALES CITY COUNCIL & REDEVELOPMENT AGENCY
REGULAR MEETING
SEPTEMBER 19, 2011
6:00P.M.

CALL TO ORDER

Mayor Orozco called the meeting to order at 6:00p.m.

PLEDGE OF ALLEGIANCE

The flag salute was recited by all present.

Mayor Orozco announced in English and Spanish that there were head sets available for those needing translation services.

1. ROLL CALL-

CITY COUNCIL AND REDEVELOPMENT AGENCY MEMBERS PRESENT:

Mayor Pro Tem Scott Funk, Liz Silva, Jose G. Lopez, Jack L. Reed, and Mayor Maria Orozco.

STAFF PRESENT:

City Manager René L. Mendez, City Attorney Dan Doporto, Community Development Director Thomas Truskowski, Administrative Specialist/Deputy City Clerk Mary Villegas, Recreation Coordinator/Administrative Analyst Sara Papineau-Brandt, Building Official/Fire Marshal Michael Lechman, Public Safety Director Paul Miller, Public Works Director Carlos Lopez, and Emergency Services Director/Special Projects Analyst Harold Wolgamott.

* Redevelopment Agency Item

PRESENTATIONS

2. Legislative Update by Assembly Member Luis Alejo

City Manager Mendez informed that Assemblymember Alejo unfortunately had to be away on business.

BUSINESS FROM THE PUBLIC

3. Roman Barba, Gonzales resident, asked why the water tower was not being maintained. He said he brought this up before. He wanted to find out if there were any cell phone towers or antennas there, and how many were there. He also wanted to know if the City is getting

money for every tower up there, and if the towers were suppose to maintain the water tank or if the City is supposed to do that.

City Manager Mendez responded yes, we do have cell towers up there.

Public Works Director Lopez mentioned there were three carriers.

Mr. Barba asked who they were.

Public Works Director responded they were Sprint, Verizon and Metro PCS.

City Manager Mendez indicated that the City receives revenue from that and it goes to the Recreation Fund for recreational programs, and that is not being used to maintain the tanks.

Mr. Barba asked if the City had a contract when it was approached by Sprint or Verizon to have them maintain the water tank.

City Manager Mendez responded that they maintain the tower, not the water tank.

Mr. Barba asked if the City did not have any type of contract with them.

City Manager Mendez said not to maintain the water tanks. He mentioned staff was working in another potential project to see if we can have that tank maintained, fixed up and improved.

Mr. Barba said he would like to request a copy of the contracts the City has on all three companies.

City Manager Mendez responded yes.

CONSENT AGENDA

4. Approve the September 6, 2011 Joint City Council and Redevelopment Agency Minutes
5. Approve City Accounts Payable Warrants #27544 - 27583
6. Review Building Department Assessor Permit Report for August 2011
7. Departmental Activity Reports
 - a. Building/Fire Marshal Department
 - b. Community Development Department
 - c. Public Safety Department
 - d. Recreation Department
8. Consider Approval of Resolution No. 2011-78 A Resolution of the City Council of the City of Gonzales Approving an Application for Funding from the Planning and Technical Assistance Allocation of the State Community Development Block Grant (CDBG) Program, and Authorizing the City Manager to Execute a Grant Agreement and any Amendments Thereto with the State of California, and Rescinding Resolution No. 2011-33
9. Council Approval of Resolution No. 2011-79, A Resolution of the City Council of the City of Gonzales Approving the Application for Statewide Park Program Grant Funds

Action: Councilmember Lopez made a motion to approve the consent agenda items. Councilmember Silva seconded the motion. Approved by vote; all ayes.

REGULAR AGENDA

10. Informational Item Regarding the City of Gonzales and the Salinas Valley Solid Waste Authority

Tema Informativa Referente a la Ciudad de Gonzales y la Autoridad de Desperdicios Sólidos del Valle de Salinas

City Manager Mendez reported this item was brought at the request of a few Councilmembers over the last several meetings, there has been some discussion about a few aspects of the relation with the Salinas Valley Solid Waste Authority, an MOU that the City has with the Authority that was negotiated starting back in 2006 and approved at the end of 2007, so we have had an MOU with the Authority for a number of years. He indicated that also, there has been a lot of discussion about the Waste Technology Project that the Authority is moving forward, and he just wants to go over some informational items. He said he will present the information and maybe answer questions from the Council, or questions from residents they would like to ask us.

He said the City has had a long relationship with the Authority, as many of you may know, that we are one member of the authority, and all the Salinas Valley Cities as well as the County of Monterey are in the Authority. There is a JPA that we have that all the Cities and the County entered as far as the Authority and we provided a copy of the JPA in the packet, and unfortunately staff did not have sufficient time to translate it. He said it does take a while to translate documents, so if folks would like it translated, we will make it available in the future.

He explained that the Joint Powers Authority was created in the mid 1990s acquiring and managing the landfill assets in the Valley. It provides a unified and coordinated effort for solid waste, so one of the things he believes the Cities attempted to do at the time was sort of consolidate and not be so disjoint it, which he believes Harold was a part of that back then as a Councilmember, and also to look at ways to run the landfill a lot more effective to dispose of waste, and have some consistencies in our waste hauling agreements that we have. He mentioned that the JPA has been amended a few times where the last agreement occurred about a year and a half ago, which was also included in the agenda packet. After many years of the City with the Authority, as you know we have the Johnson Canyon Landfill, the Authority started discussing and looking at ways to dispose of waste more efficiently and the landfill is a significant asset to the Authority. So the Cities had a unique relationship with the Authority and that we have Johnson Canyon Landfill, what now is the only landfill in the Salinas Valley. As part of that, the negotiations started on the Memorandum of Understanding to look at ways to improve the relationship to maybe derive some benefits to the City and to encourage better utilization of the routes to the landfill and some of the way the waste was disposed of.

He mentioned that today, staff is working on several fronts with the Authority. Staff is working on a Franchise Agreement so all the South County Cities are trying to work on a joint franchise agreement with Tri-Cities Disposal. He said staff was working with them to

evaluate and improve the truck routes to Johnson Canyon, the Gonzales Grows Green Initiative, and general waste management issues and recycling. He stated that in addition, staff has been following closely the Waste Conversion Technology Selection Process. Since we are a member of the Authority, our representatives on the Authority have been part of the evaluation, assessment, and visits done evaluating different types of technologies. As part of that, he said staff has been aware of the project for keeping a close watch on it, and participating from the Authority's perspective. He mentioned that he has had a few community members come to him and say that the City has a position on the Waste Technology or Plasco Project and we support it. He added that the City has not taken a position on the project. Certainly as one member of the Authority, we are aware of the evaluation process and the evolution of the overall Waste Conversion Technology process. However, as one member of the Authority, it is important to stress that we would have one vote, so a support or oppose or any other type of voting that was done by the Authority, we carry one vote. He realizes that sometimes it gets confusing as far as City boundaries, where does our responsibility begin and end, but in this packet there is a map provided of the City limits as well as where the landfill is. He indicated that the landfill is significantly several miles out east of our City limits but it is in the path of City growth. The General Plan was adopted a few months ago and the City is going in that direction, therefore presenting another challenge, problem, opportunity for the City as we grow in that direction.

He stated that there has been a lot of discussion about the Memorandum of Understanding between the City of Gonzales and the Salinas Valley Solid Waste Authority and he would like to clarify a few things. The MOU is included as attachment B and it has been translated into Spanish. The MOU was entered into in December 2007 after years of negotiating with the Authority. The major reasons for the MOU he believes are clearly identified and articulated in the MOU. He made reference to the paragraph "*WHEREAS, the parties concur that the City and its residents may suffer impacts from their proximity to the Johnson Canyon Landfill, including traffic, litter, noise, aesthetic, and other environmental impacts*". He said that after many years of being critical of the landfill, trying to eliminate or reduce the timeframe of the landfill to be active, the City and Authority got together and tried to figure out some ways to benefit from the landfill. We also had other reasons for the landfill. He also made reference to the paragraph "*WHEREAS, the Authority agrees, conditioned on the City's performance of its covenants herein, to implement various measures described in this MOU to mitigate the environmental impacts of the Landfill on the City and its residents, and to make certain payments and provide other rights as defined in this Agreement, to the City*". He said that other things that we get benefit from is that we participate with them on the routes, and frankly have the benefit to work with the Authority on some sort of environmental technology park in the future from an employment perspective, and we also have the ability to work with the Authority on energy generation in the landfill whatever technology is for that, so there is other benefits derived from the MOU besides the payments. He mentioned that as he has been talking to folks throughout the community, one of the things people have been asking him about is what are the payments that the City receives as a result of the MOU. He indicated that we characterize those payments in our budget which the Council adopts every year, as a host fee, which is very similar to a franchise fee that the cable company will pay or other providers pay. Tri-Cities for example provides the City a franchise fee for the right to haul our waste. So it was kind of a pattern after that, at that time there was a lot of discussion about the use of those payments. The Authority had the City use those payments for waste activities, environmental activities, and so forth. He said the City Council was very adamant as wanting to make those payments discretionary

revenue to the City, not tie them to anything. Initially the first year and a half of those payments, it was \$150,000 a year, and as soon as Crazy Horse further north of the County closed, those payments were increased to \$250,000 a year. We stayed at that level for a number of years. There is another provision in the MOU where those payments would increase to \$500,000 a year, but we have not yet triggered that provision nor at this point it is expected that we would trigger that provision. Those payments were simply negotiated to derive some financial benefit for the City of Gonzales. He mentioned that at the time, while we were working with the Authority as part of our representative to the Authority to evaluate conversion technologies and other things there was no specific company nor technology selected with the Authority, and a lot of the folks that negotiated that MOU including the Executive Director of the Authority is no longer there. It was discussed at a Council meeting and staff provided the minutes of that meeting in the packet and in fact it was not a unanimous vote by the Council. He said he also provided copies of all the payments that we have received and which are audited every year, and it is a payment stream that was identified by the audit team a few years ago that we had to explain and justify. Another misconception or opinion out there from the MOU is that the City can not oppose anything that has to do with the landfill. He said that when the Council adopted this, it was part of the discussions and in fact he provided a copy of the agenda item that was drafted by staff and this very issue was highlighted since there was a concern by the Council about this provision. Suffice to say that the MOU does not bind the City of Gonzales nor the Authority in any way at any given time, the City Council or the Authority can exercise whatever they think is appropriate for their respective agencies, for the City for the respective residents and citizens. All that would result from an oppose position would be that the MOU would be null and void. It does not prohibit the Council from ever saying no, and certainly an MOU is an agreement between two agencies, and they are negotiated all the time between agencies, there are revenue sharing agreements throughout the nation, throughout the State of California, that derive benefit between two entities that have triggers for performance.

He mentioned it was also important to clarify that any position taken from this Council, which they are free to do at any time on any issue, would simply result on the Council providing and giving direction to the representative on the Authority to vote accordingly, but it is one vote. We do not carry a weight of vote, it would simply be one vote. So to the extent we want to throw our position in the Authority to influence an outcome, we would have to clearly get some other of our City neighbors to vote along with us. He added that something that is from the MOU's perspective that is not mentioned a lot that there is a provision on the MOU, Section 14, that allows for a renegotiation for significant changes in the MOU and as part of the negotiators that was put in place because we did not know what the future entailed. We knew that we were starting to take a critical and hard look at us burying garbage, we knew that there were some technologies that were in its infancy stages or out there that were being explored, we did not know what the future had from a regulatory environment or the economy, so this provision was put in there as a way to give either party the ability to come back to the table and request a discussion to potentially renegotiate the MOU. He said that "significant change" was the words used. The definition of significant change in the MOU as defined included the size of the landfill, traffic into the landfill, processing, recycling, transformation and/or waste conversion activities, generation of electrical energy, access, and material change in State or Federal law.

He said that this was in 2007 and the world is a lot different in 2011 than in 2007. He mentioned that this provision allows us for the Council to give direction to go back and

relook at the MOU and attempt to renegotiate it. He said certainly both parties need to agree. From the Authority's perspective they did not know whether this MOU was going to work out or whether some of the financial considerations were going to work, and from the regulatory environment, it has been sort of changing from year to year, so he gave them the ability to sit back on the table.

City Manager Mendez mentioned that the other thing was possible City action and whether the City would take a position on this project, and what should be our role in the Waste Conversion Technology Project. He stated that there are different steps the City can take. The Council can take no action and simply monitor the project as it proceeds to the EIR process. He told the Council he provided them in the packet the agenda item that went before the Authority last week on the EIR which was translated by the Authority and the translation was included in the packet as well. He said one of the challenges with translating documents is that sometimes you use the software, but you have to re-read it because the software translates literally the words but not the phrasing or order of words, so that is what takes quite a bit of time. Partly is because none of us have professional translators on staff, but City staff does a great job and Authority also tries to present the best translation possible. He mentioned that right now it was in the environmental review process. Per the schedule with the company that the Authority was considering last week, the EIR work was thru December 31, 2012 so that is still ways away from any decision on the project. The other thing that he asked the Community Development Director was to put together a quick flow of the CEQA process as well as some bullets about CEQA and those were also translated in Spanish. That was simply just to present the information as far as the environmental review process and the CEQA process.

City Manager Mendez indicated that we had Dan Doport from our legal firm since Mike Rodriguez informed the Council at the last meeting that he could not be here tonight. He said that Mr. Doport was very knowledgeable in CEQA and has been brought up to speed in this MOU and was here to answer any questions and provide clarification. He mentioned that in the State of California you had to go through the CEQA process and a permitting process, and were ways away from the Authority making any decision in this project. That does not mean that at any given time, the Council can not provide comments, keep track of it, or try to be critical of some of the comments provided and to get information needed, which takes us into a more proactive role that we have, that the Council can direct staff to monitor the project, the EIR process, provide monthly status reports to the residents of Gonzales, and in addition we can ask the Authority to also provide monthly status reports both in English and Spanish, and we can go a step further and try to distribute all that information monthly or quarterly thru the utility bills which seems to be our best way of getting information out to our residents. He said staff can also request that all meetings held on this project be held in Gonzales including the executive meetings, and be advertised with sufficient lead time to maximize public participation, and that any and all future information on this project be done in English and Spanish. He mentioned that from a staff's perspective as another alternative is to take a much more proactive role in the information flow, analysis, and what is being presented to the public, etc. He added that the other thing for the Council to consider taking a formal position on this project whatever that position is in the near future, months, in a year, or at any given time. If that is the Council's direction, he would like to recommend that we give ample time to have a workshop discussion on the project and hold it maybe at a bigger place like the gym that can hold more people, to discuss the

project. He said that now certainly can ask questions, provide input to the Council, but today is more from an informational perspective.

He summarized that we have been a member of the JPA for a number of years, which was negotiated to try to bring some consistencies of waste disposal in the Valley and reduce costs. We have a more unique relationship with the Authority than the other cities because we happen to be very close to the landfill that the City has been very interested for a number of years. Certainly we are concerned with any activity that would happen at the landfill that would impact us at all, we all live here, we all have kids and family members here, the Council is the most volunteer Council in the entire County so they are out there in the community, vesting in the community and to him it would make absolutely no sense to not respond or take a position on something that was going to be of negative consequences to the City. So from a perspective of the landfill, the landfill has always been a huge concern for the City and from the perspective of the MOU since we have to dispose of our waste, the Council at that time was looking at ways to get some benefit that would benefit the citizens and residents of the community. He said he already talked about some of those benefits. The revenue that comes in that is in the General Fund is being used to offset General Fund activities and he provided that. This MOU was never necessarily about the money, but we use it in the General Fund so its there. To summarize, another important aspect of the MOU, is that the Council can take a position at any time on any given issue with the landfill. The MOU does not prohibit the Council from taking any position on any issue with the Authority. It does have a provision in there to renegotiate the MOU which does not mean that we would be successful, so we can attempt to renegotiate as per the MOU. The Waste Conversion Technology Project is underway and the Authority has moved the EIR forward which he believes is the action they took last week. We can work with the Authority as proactive as possible as far as making sure the information is getting out to our residents and citizens in English and Spanish, or we can take a position at any given time on any given issue that pertains to the Authority. He mentioned that he provided a lot of information and from CEQA perspective, we had a team of our Legal Counsel and Community Development Director who are very well versed in the CEQA process, and from the MOU perspective there is at least one Councilmember that was here at the time it was negotiated and he was in the negotiation team from a City's perspective so we can discuss that.

Councilmember Reed asked if we know right now what the present levels of dioxins and furans that the landfill is presently admitting into the atmosphere. He said his understanding is that one of the things that the Waste Technology Conversion claims is that they bring down the dioxins and furan levels.

City Manager Mendez responded that we can request that information.

Councilmember Reed said he would also like information on the water liners that have been in the landfill. His understanding is that the landfill has been past its original dates and wants to know what safety measures have been taken to make sure we do not have contaminants leaking into our water system.

City Manager Mendez responded staff can certainly provide all that information. He mentioned that the local enforcement agency, which is the County Environmental Health Department the landfill has to go through all the regulatory process which is done on an annual basis. He mentioned that General Manager Patrick Mathews was here to provide

more information, but these kind of questions he would like to bring all the information at once if that would be ok.

Councilmember Reed also said that citizens have told him that they have heard rumors of trucks going up to the landfill or they have stopped trucks and asked them where they come from and they tell them that trucks are originating out of Los Angeles. He wants to know what the purpose of those trucks are if they have a valid purpose. If one of the concerns is that the waste conversion technology is bringing trash in from outside of the area, what trash is coming in and going to the Johnson Canyon Landfill currently, and where that is originating from. The other thing is in regards to the Waste Authority Board, if the Johnson Canyon is closest to Gonzales and at some point in time it was not the only landfill but now it is the only landfill that is open and active in this area, he knows that Salinas has a couple of members on the Executive Board, why does Gonzales not have another voting member on the Executive Board, and how do we get another voting member since the impact of any waste conversion technology will impact Gonzales more than it will the other South County Cities.

City Manager Mendez mentioned that when the JPA was set up at that time, it was a different environment as far as landfills. His suspicion is like everything else in TAMC, MST and others, Salinas and the County tend to have more representation because they are the largest City. He believes is the same in the Peninsula where Monterey is the main City. He said staff can explore this, but we would have to convince the other members to go along with us which may not be an easy thing. He mentioned that every time you sit down with negotiations on anything it has to be of mutual benefit to both parties, so we can sit down and discuss it and see if we can work something out.

Councilmember Reed indicated that in regards to other technology, he would like to have information brought back to discuss if anaerobic technologies have been looked at in the case if the waste conversion technology proposed by Plasco does not meet the standards that we as a City would expect it to meet. In regards to the environmental impact report, he believed it was an important part of this process and was almost fundamental in this process because this is how we are going to get information. The Environmental Impact Report will take personalities out of the equation because he knows there are a lot of personal issues that are going on in regard to outside groups, inside groups, the Waste Management Authority, and all and this is a good way to get facts. His concerns in regards to the waste conversion technology are with the water contaminants that even their research or their report has put out from Plasco. What happens with waste water that can not be used, because he does not want Gonzales to be known as a place that is shipping contaminant water somewhere else to be wasted. That is not a good image for Gonzales to have and that is one of his concerns. The other concern he has is that he believes it is important that we do not accept information that has not been verified. He personally does not like to hear something and just accept it at that moment. He said he likes to take his time and go and research it and he believes our citizens want or expect that same level of commitment from its elected officials. He thinks that in this process, it has to be important to have a time set aside and the process explained to the people who can not make regular meetings like ours here at 6:00pm on a Monday or 6:00pm at a Solid Waste Authority meeting. He believes our farm workers have a harder time making it to these meetings, yet they are going to be the ones that are heavily impacted by whatever decision that we make. He pointed out that they as public officials have an obligation to do our research, present their opinions based

on facts available to them at the time to the residents, and listen to our residents; however, a blanket no before the facts are known does not lead to good or effective governance. He urged the Council that we are not ready to take a position on this for a yes or no because we do not have those facts, the EIR process will give us those facts.

City Manager Mendez indicated that a lot of the questions that Councilmember Reed brought up are excellent questions when we are in the EIR process. He said we will have ample opportunity to comment and respond, we can have hearings, workshops in here or on the weekends to get the information and present it. His thought would be that whatever comments we provide the Authority as it pertains to EIR that they come from the full Council so there before you, you take a formal action on it, the letter is drafted, and everybody knows what the letter is going to be and all gets provided through the process to the Authority.

Community Development Director Truskowski explained that part of the CEQA process is the circulation of a Notice of Preparation for an EIR and during that time, the City of Gonzales as well as other agencies can provide letters with the questions that were just asked to make sure that information is contained in the EIR and analyzed in the context of the EIR so that is out there for full disclosure. He said that would be the letter that we would probably bring back to Council for their approval and to send it to the Authority.

Councilmember Reed said that if that was available to the Council he was sure it was also available to the residents about the process. He indicated we need to make sure that information gets out to the concerned parties and residents, especially the farm workers who may not be able to make it to a meeting so they can have their voices heard also.

Mayor Orozco believed it should be available to everyone in the community.

City Manager Mendez added anybody is free to provide comments to an EIR. So once is put out there, residents can provide their individual comments, parties, companies, agencies, groups, City of Gonzales and all the Salinas Valley Cities, the Ag, the Farm Bureau, individual companies and everyone can provide their comments. He said the Authority will be required to respond to those comments.

Councilmember Lopez mentioned he has been getting the sense from our community members that they might be misunderstanding the MOU in that the way he sees it is the MOU came into effect or was signed with the Solid Waste Authority before the proposed Plasco or Conversion Technology Project came to mind. He believes this is one of the confusions that he sees from our community members is that they think that maybe the City was being bought by the Authority Board by this MOU, but now that staff presented information that we as Council can take a position either against it or for it or we can amend the MOU or simply let go of it. He just wanted to clarify two things. One is that the MOU that we have in effect now was signed prior to the Plasco Project that the Authority was envisioning right now.

City Manager Mendez said that was correct. It was approved and signed by the Council in 2007 and we did not know who Plasco was. In fact, Patrick Mathews came into the picture a while after that, and we knew and were participating in the evaluation of what to do with the landfill which included a variety of technologies and a variety of things, but Plasco was

not in the mix. He mentioned that another thing, the City requested financial consideration. The Authority did not want to give us any money, so it was not something that the Authority came to us and say here is some money. He said that if they look at the record of the Authority's discussion, there are members in the Authority that are still not happy that they provided some financial consideration to the City of Gonzales. He said the number was considerably less than what ended up being. The other thing that is important if you look back is that they wanted us to use the money for specific things designated by the Authority, and the Council at that time as staff recommended, it was going to be purely discretionary revenue for the City. He added he has talked to many people in the community about that and the only think he can offer is to look at the timing when it was done, negotiations going under, and if they look at the Authority, there are members of the Authority that are still not happy they are providing us that money.

Councilmember Lopez indicated that another idea that was thrown at him from members of the community was what are the chances or is there a possibility that the Authority Board would even consider this Plasco Project to even go on a ballot as an election and let the residents or the County elect whether yes or know.

City Manager Mendez stated that the Authority is not a taxing entity and it derives its powers from the JPA what the members that signed the JPA gave it. If we want to change the JPA we have to go back to the membership which is the Salinas Valley Cities and County to do so. He said he had this discussion as well and from a ballot measure perspective, lets say that the City of Gonzales put it on a ballot because the City Council wanted some information, if the citizens of Gonzales who would be the ones to vote, voted to oppose this project all that would do is tell our member of the Authority to go oppose this project, which was one vote on the Authority. We do not have any jurisdiction of what Soledad, Greenfield, Salinas, or County does. He said we can ask for some sort of advisory measure from all the other cities but then you get into the issue of how you craft it, how does it apply, who pays for it and other issues. He mentioned that a ballot measure from the City of Gonzales all it does is tells the Council what the citizens want them to do, and whatever decision the Council makes, they ask the Council's representative on the Authority Board to vote accordingly to whatever that decision is. He stated it does not influence the City of Salinas, City of Soledad, City of Greenfield, City of King nor the County of Monterey. He commented that whenever we want to influence the Authority to take a position or decision, we have to convince other members of the Authority to vote with us, which is what happened when this MOU was negotiated.

Councilmember Lopez commented that the Authority is the final authority, the ultimate voice as whether this project continues or not, not the City.

City Manager Mendez clarified that the Authority is going to make its decision. He mentioned we can attempt to influence that decision, we have the legal process if we think we have grounds for something. Whether we are successful or not that is another story, the cost and all of that. The Authority is going to vote as an Authority Board on this project. He believes that they will work with us on things that would be a negative impact to the City of Gonzales. He does not envision our neighbors agreeing to do something that is going to damage the City of Gonzales, but nothing is definite. He said the County unincorporated area is also part of our area and the other interest here is the Ag interest. The Ag interest in the Salinas Valley are not going to be supportive of a project that would impact that because

the heart and soul of our valley is agriculture, and it is in our General Plan, and it is around the landfill. So they are also going to weigh in if there is a project that they believe is going to affect the Ag.

Councilmember Lopez asked if they had weighted in to the topic at all.

City Manager Mendez believed that they had been presenting their information to the Authority. He said they are looking at this and monitoring it. He indicated that when we did the MOU, they were monitoring the MOU.

Mayor Orozco mentioned that at this point she would ask for public comment and after that have City Attorney Doportto give the review of the CEQA process for clarification purposes. She reminded the public that they had three minutes.

Public Comment/Comentarios del Público: Roman Barba mentioned that the reason he brought up the water tank issue was because the cell phone towers caused radiation and his mom and sister live across the street and he is going to have them check those homes for radiation levels, which he was concerned about. He said this was a big thing for Gonzales and was sure the City did not know if it will have smoke stacks or emissions or anything like that. He was worried about the health of the citizens and his family since he had probably over one thousand family here. To put an incinerator that is so close where they will be building new homes, sod in the water is big and he thanked Councilmember Reed because he seems the one who was doing research, and did not see anyone else doing research. He believed the Council is ready to just let the project go forward which he thinks they should do a research before. He said he remembered when Cipriani Estates wanted to build homes and the City did not let them build those homes on the other side because there was a concern about toxics, but he and Julia took the builders in his car and showed them the other side of the property, and someone else in the Council took the credit for it but it was he and Julia that took them and told them they should trade land. He believed the Council should get in their cars and go see another facility just like that and what is going on before they let this through, and also do research. He told them they opened themselves for a lot of lawsuits because he talked to his family and they are ready to go forward with a lawsuit if it affects their health. He told them they should take their time and slow everything down. In regards to the contract they signed, they say it is out of the City limits, but Soledad Prison is outside the City limits and the City does get money from the City of Soledad. He said they can not say the dump is not part of Gonzales because it is, it is right in the back yard.

Aurora Valdez, Gonzales resident, said she heard all the comments and believes they are good comments, but she would like to say that the decisions that this Council makes are decisions that impact the health of the people here, because she understood that when this decision was made, it did not take into account the citizens point of view. She asked that in the future whenever these types of projects are being considered, before the Council makes any decision for the Council to have meetings with the residents and talk about what these projects are all about and how they can affect people in the future. Her impression was that this was not really a democratic process were residents were informed of all these things going on, and she has participated in different community assemblies and as far as this project is concern, she knows little about it and as a consequence was not able to inform our residents about these projects. The Hispanic people in this community are always willing to support the City but we are also here to get information so that our residents are well

informed of what is going on. She said she would not want in the future this project have nothing but politics for Gonzales, because the Hispanic community here in Gonzales believes that the Council is interested in working for the interest of the citizens here in Gonzales. She would like for the projects that the City is considering to inform the residents in English and Spanish. She said she has always collaborated in politics here with Maria and that is why it makes her sad that they are not informed of this project. She thanked the Council.

Kristina Chavez Wyatt, Senior Account Executive for Meridian Pacific, commented she has been hired by Plasco Energy Group to assist in facilitating communications throughout the community. She said they also have Spanish speaking staff members that have been available to meet with community members, etc. She commented that over the last year and a half they have given out a lot of information in both English and Spanish, one of them is a one sheet fact sheet which they have given out approximately 700 within the community, and they have also recently produced a fact booklet that are looking to hand out as well in the mail to all residents and commercial property owners within the City of Gonzales in English and Spanish, printed locally on post consumer recycled paper with vegetable base inks. She noted that during the discussion with the Salinas Valley Solid Waste Authority last Thursday, there were several letters of comments that were submitted by stakeholder organizations within the community, one of those was the Monterey/Santa Cruz County's Building Trades and Construction Council and she quoted a portion of their letter. She also read the comments given by Norm Groot a Monterey County resident and Farm Bureau Executive Director and Member of the Board of Directors for the Salinas Valley Chamber of Commerce and on behalf of the Grower Shipper Association. She wanted to enter into the record copies of comments that were submitted by all those organizations as well as David Roberti who is a 27 year California Legislator and served 17 years as a President Pro Tem of the Senate and is now President of the Bio Energy Producers Association. She said that also in there is a letter of support for moving forward with the environmental review from our Senator Anthony Cannella. She added that her contact information, email address and phone number has been made public. She said she has made every effort to present to every organization, to meet with every community member that has a question or concern whether they spoke Spanish or not. Unfortunately some community members and organizations have refused the opportunity to receive such information and have moved forward to disseminate information from outside of our community to the City's community members, which she feels to be unfortunate which is one of the reasons why we are being more proactive to reach community residents directly. She encouraged anyone if they have any questions or concerns as it directly relates to Plasco Energy Group or their proposal to share them with her so she can make sure every question is answered and every concern is addressed to its fullest.

Julia Rocha, Gonzales Resident, thanked the City Manager for meeting with some of them on Friday. He clarified and alleviated many concerns about the MOU between the City and the Solid Waste Authority. It is clear to her now that the City acted with best intentions at the time of entering into the agreement. She also thanked Councilmember Reed for listening to his residents. She said she was here as a concerned citizen. She mentioned that last week she emailed all of the Councilmembers including Mayor Orozco and City Manager Mendez documents and articles regarding the Plasma Art Technology and she asked them to please take the time to review and analyze these documents that will provide them with much information. Several of newspapers articles of communities such as Watsonville, Sacramento, which have turned down similar projects in their communities after finding out

the real facts. Plasco claims that environmental activists are using scare tactics to persuade us in their favor, but she believes these are not scare tactics, they are true facts, scary but true, so please take the time to read them. She said she will do her own translation after this. She also urged the Council to please obtain the latest updates from the Plasco test facility out of Ottawa, Canada then they will find out about its many chronic problems, emissions violations, spills, etc. since it started operating in 2008. She added she has attended several Waste Authority meetings and they have yet to provide her with a straight answer. All she gets is more misleading statements, for example at last Board Meeting, Board Member Jyl Lutes in answer to one of her questions stated that the US is far behind in conversion technology and that is time that the US get with it and this would be an excellent opportunity, she stated that Denmark, Switzerland, and Germany are all using conversion technology and are doing well, however she omitted to say the fact that these are not Plasma gasification plants, these are anaerobic technology, very different or in other words industrial size compost facility or simply incinerators. She translated to the Spanish speaking community. She thanked everyone for listening and she trust that they will make the right decision when the time comes for our community and she trust that decision will be to reconsider the MOU and to oppose the Plasco Project.

Roberta Camacho, Gonzales Resident, said she had something to say regarding Ms. Kristina's comment wanting to contact some of us in the community. She said she was one of the people she was trying to contact and she almost had her loose her job because she contacted the President of her job because she sent out an email regarding a meeting that was going to be held for the community. She said she has not had any contact with her. She did hear what Plasco had to say at a meeting in March, and the group that started this information with the community has decided not to have Plasco come and speak with them since they already heard what they had to say. In regards to Plasco, she read an article from one of the newspapers about Plasco getting royalties for up to \$3.5 million a year if another Plasco plant is also here in North America. She hoped that we do not get this here, and she knows that they need to wait for the study to be done, but she wanted to let them know that they are going to petition this with the community.

Susan Warner, Diversion Manager for the Salinas Valley Solid Waste Authority and a Resident of the City of Gonzales, commented she specifically wanted to address Ms. Rocha's comments about facilities that have been turned down by Watsonville and Sacramento and believed her source was newspaper articles, so she wanted to bring to the Council's attention two documents, one from the County of Santa Cruz concerning the Watsonville Project which is specifically from the Public Works Director when the County Board of Supervisors considered the adaptive arc plasma gasification system that was proposed for the Buena Vista Landfill and she quoted from Public Works Director Thomas Bullock. She mentioned that from the City Council meeting of January 15, 2009 from the City of Sacramento, there was an agreement before the City Council in August of 2008 which would allow the City Manager to execute the principles of an agreement between the City of Sacramento and the United States Science and Technology Corporation for development of the waste energy project, and the conclusion of that request on January 15, 2009 from the specific motion was to direct staff not to bring the item back and to begin the process over from scratch, concentrate on the policy issue of how best to get out of the landfill business, take a look at multiple approaches and technologies, to work with Sacramento Municipal Utility District and the County of Sacramento for an inclusive evaluation process and lastly examine using an AdHoc Committee to look at the proposed contract with USST the firm that they had

considered an earlier agreement with. She added that in February of this year, the County of Sacramento did indeed issue a request for proposals for an energy conversion process which would be located at the County's south area transfer station which was actually within the City limits of the City of Sacramento. She thanked the Council for allowing her to clarify that.

Matt Gourley, 324 Center Street, said there was a woman who got up and spoke and believed it was Roberta, and said he was the one who contacted her President of the College since it was his concern of her conflict of interest sending out an email with propaganda and having the school's name on that propaganda really bothered him since he is a tax payer, he was very concerned about that. He commented it was going to be very hard if this Council gets up and opposes the previous MOU, \$250,000 he can see us no longer supporting any activities in this community, it would all dry up and go away. He believed Gonzales is probably one of the safest Cities left in this County and we do a whole lot in this community. He indicated we had to definitely look at that going back and opening up those negotiations again, he has heard it time and time again, being very involved in the last fifteen or twenty years in anything having to do with the landfill. He mentioned there was several people that sit on the Authority Board that do not want to see Gonzales have any part of that money, so it is going to be thin eyes getting there and it was a tough road to even get anything out of the Authority. We did not have any incline what they were going to be bringing us, what was coming down the pipe at the time, we were looking for a new landfill site, were trying to site the landfill on another jurisdiction down south, and there is no way any new landfills are going to be sited in this State. He added that hours and hours of testimony later they tried to, as the City's representative, keep the landfill from any expansion and they had the Ag behind them 100% trying to stop the expansion, and it did not work, it did not have the votes, and learned early how to count and get our votes on the Authority Board. He said they were puzzled at that time why we did not have more votes on the Authority and there is just no way to get those votes. We can not open the JPA back up for negotiation again, it is just the predicament we are in currently. He said at first we were looking at the methane gas and generation from that and creating power, which gave Gonzales the thought of creating our own Municipal Utility District and thought it was a great advantage to bring business to our City. He thought that there could be positive things for this community and believes there will be positive things with this new conversion technology, like permanent jobs, technology field trips, etc. He said his kids go to school here with everyone else's kids and play on the fields, and there is no way he wants any contamination to happen here, but we need to not rush the judgment, we need to have the science, the project needs to be defined, and without the science the Ag folks are not going to weight in on this because there is nothing to weight in on. He added that anybody that gets up and spreads propaganda or lies at this point, there is no science or nothing backed up, the studies have not been done. Another positive thing is that we are not baring all that trash. He believed this conversion technology fits right in there with our G3 Initiative that staff has brought on board, and if this plant gets built in a couple of years the technology is only going to get safer, is probably going to change, and it is probably not the exact technology that they are looking at in the EIR currently, so there will be supplemental EIRs to the projects coming down the pipe. He said he will be continuing to get educated on this process and when the science comes out, we will be able to make that decision and he will be up before the Council either supporting or opposing the project depending on where that science comes in. He indicated that Councilmember Silva has been doing a good job representing the City well. He said we do not know until we bring the science but to be on the cutting edge of technology and putting

Gonzales on a landmark, he believed this was great for this community and there is a lot to learn for other colleges' field trips down here to look at this technology.

Ofelia Leon, Community Member and Concerned Citizen, apologized since it is the first time she comes to these meetings and was not aware of this until someone invited her, which she is grateful for and it shows the lack of communication there is between the Spanish speaking and English speaking communities and we need to fill in that gap. She said that was unfortunate but she was here because it is a concern to her because she has children here and lives here. She stated that the question is who this is going to profit more. She believed it is probably going to profit those big agencies that will make a lot of money but taxpayers are going to pay that. She added this is a big health concern issue for her because she works with an agency that has worked with disable children and due to a lot of environmental factors children are becoming disabled, and those people that are legal in California qualify for assistance from the government, but what about the undocumented worker who works in the field and their children who are US born and do not get any benefits at all. She asked ultimately what will happen to all those disabled children and we encourage this project to be based upon us. She asked them to highly take that into consideration, ultimately who is it going to benefit financially. In her perspective, she said there are a lot of negative factors that are going to health wise affect our future children.

Patrick Mathew, SVSWA General Manager, appreciated all the comments on both sides of this argument. He said this has been an ongoing discussion in communities all over the United States because other agencies like ourselves are looking at alternatives to landfilling. He did not think that there is anybody in this room that thinks that landfilling is a sustainable practice, something that we want to continue to want to do, no one likes landfills. So this agency, as others, are looking at other alternatives, conversion technologies. He indicated that the decision the Board made and the support letters they received last week, were not about the project, they are about moving forward a community public process that involves the Council, the public, staff, many professionals and experts in the field to help us get those answers because that is when they make a decision. He said they do not make decisions based on the motion or newspaper articles, they make them on science. He echoed Councilmember Reed's comments which was how we make decisions in California in particular, that is what the CEQA process is about. He added that the Authority has not taken a position on this project, we have gone through a process to select a company that they believe has the technology that could fit here and be a positive of the community. He indicated that if the CEQA document comes out and says this is more toxic or more hazardous than the continued landfilling, we will not do it. He said they had no desire to put something in this community or any community within the Salinas Valley that is going to have a negative impact. He added that their job is to try to make life better, and if we can create jobs and clean energy and do it in a way that is safe and sound, we should look at it, and that is what they are doing, looking at it. He appreciated the comments, even the negative comments in opposition. He believed this gives them an opportunity to connect with people that either do not understand the process or have been giving bad information, to help inform them on both sides of the argument so they can also make informed decisions and form their own opinions based on facts and science. He concluded that the Authority many years ago made a decision to have all of their meetings here in Gonzales which was a commitment they made to connect better with this community, so while it may seem like this has been a non transparent process, the third Thursday of every month we are here in this building and it is duly advertised talking about Authority business including conversion

technology, recycling, public education and all the different things they do in the community. He was glad to see a lot more people involved in this process and asking questions and he encouraged them to continue to do that and look to the Authority as well, they can provide a balanced opinion on this and they want to get that opinion out there. He said they were not going to tell people they were wrong or right, they just want to make sure the facts are clear with everybody, that this is a balanced process as we go through the study.

Fernando Meza, Gonzales Resident, believed this project is going to affect the health, the future growth and agriculture. He said he does not know how much money this is going to generate but agriculture is going to be affected here. He does not believe Japan is going to buy contaminated lettuce and does not think other people are going to want to buy houses here if we have contaminated areas.

Juan Antonio Perea, Active Community Member, commented that as one of the Plasco representatives said this was not necessarily a transparent process and we are interested in a transparent process here. He stated that other things he has seen in this community are that there is going to be future growth and that growth is going to head towards that projected site and he does not know how that is going to affect that area. He added that he knows this is one of the safest Cities in the County and if we are bringing these types of projects around here, it is going to reduce that security and make it one of the worst in the County. He was glad we were having this conversation and giving each other our point of views, but the company is going to say what they have to say because it will be making money, but you are probably aware that there is a lot of cancer in the community like he has many relatives who have cancer so this is something the Council needs to take into account. He thanked them and hopes the Council takes into account the words of the people who vote.

Cecilia Tejeda, Gonzales Resident, commented she was worried and concerned about Mr. Gourley referring to Ms. Camacho about him being a tax payer and that is why he told her boss for her to get fired. She asked about the rest of them, if he knows who they are, and if he is going to go tell their bosses. She gave an example of her knowing Liz and asked if she was going to tell people not to hang around with her because she is against them. She did not think that was right. She said we are all together.

Salvador Tejeda, Gonzales Resident, commented that he was not aware of this process and believed part of the problem here is that there has been lack of communication. He mentioned he was involved with the school and they always send them information with flyers and we have not received that type of information from the City. He believed that communication can be improved, so he was ignorant about what was going on with this issue. He also expressed that before the City moves forward with this project, that they take the citizenry into account. He wanted to know if the City has already spoken with an environmental specialist to see if research has been done about the potential consequences whether for or against this particular project. He also asked if the City has received other project proposals related to other types of technologies like this Plasco Project.

Mayor Orozco asked Attorney Doportto to explain a little bit about the CEQA process before proceeding with Council discussion.

Attorney Doportto, mentioned that Community Development Director Truskowski provided a nice explanation in the packet materials which he will be summarizing.

He explained that the CEQA process is initiated when a lead agency which in this case is the Authority, the decision maker for the project, issues a notice of preparation for an environmental impact report. The purpose of the environmental impact report is to require the lead agency/decision maker to consider the potential environmental effects of its decision before it makes a decision of the project, and the second one is to provide information to the decision maker as well as to other interested agencies like the City and to the public so that people have an opportunity to comment on and participate in the environmental review process and voice their opinion on the project. Once the notice of preparation is issued, there will be what is called the scoping period where the Authority will consider comments that are received from members of the public in response to the notice of preparation and takes those comments into account as it develops the scope of the environmental impact report. There is normally a 30 day period following the issuance of the notice of preparation for the public and other interested agencies and parties to provide comments and those comments should be provided in writing, and they provide a basis for the decision making Authority to then define what the scope of the environmental review is going to be. Normally the scope of an environmental impact report is intended to identify the whole universe of possible environmental effects that might result in a project, and there are various guidelines that are issued under State regulations that describe what the normal scope of an EIR is. He mentioned this because that does not limit what the scope of the EIR will be if someone issues a comment letter on the notice of preparation that identifies a possible environmental impact that is not listed in the State guidelines, and there is a reasonable assumption that this is a possible effect to the project, then the lead agency could be required to expand the scope of the EIR to address those kinds of potential impacts.

Attorney Doport indicated that after the 30 day scoping day period is completed, then the Authority will send its consultant off to prepare a draft of the environmental impact report. The draft is required to contain a number of components, one of which is a project description which provides a detailed explanation of what the project is going to do, and how it is going to do it. Another component is the existing environment in the location of the project. He told Councilmember Reed that this goes to the questions he was raising earlier about for example what the existing emissions are, what the current ground water protections are, etc. He gave an example if the City submitted a comment letter on the notice of preparation that raised those questions, then the Authority would be required to address those issues in the environmental impact report. He continued that there are about thirteen or fourteen of different categories of environmental impacts that the guidelines suggest be included, and that was not the limit, if there are issues that the public or another agency has that do not appear to be encompassed by those then, they can expand that by submitting a comment to the Authority and say we would like to see this issue addressed. He added that a third component of the environmental impact report will be identification of the potentially significant impacts of the project and mitigation measures that will be developed by the Authority and the EIR Consultant in conjunction with input from the public for ways to feasibly mitigate the potential impacts of the project. The feasibility of mitigation measures is important because the Authority will be required under CEQA to implement all feasible mitigation measures if provided they will effectively mitigate the impacts of the project, which means reduce those to a level that is deemed to be less than significant. The Authority will be the agency that determines whether or not an impact is significant but they are required to mitigate all impacts to the extent feasible. Another component that would be in the EIR is an analysis of the alternatives to the project. The Authority will be required to

evaluate a reasonable range of alternatives to the project, which may include alternative technologies on the current location, alternative sites for implementing that technology, and the range of alternatives will be determined by what the objectives are for the project, in this case the objectives are likely to be effectively disposed of solid waste in an environmentally friendly manner. In the EIR, the agency will list its objectives and those objectives will then influence the range of alternatives that they will be required to consider, so anyone that is interested in commenting on the project will want to look at the objectives that the agency is trying to achieve, which is the best way to evaluate whether they have addressed a reasonable range of alternatives. Once the consultant and Authority have prepared the EIR, it will be published for a public review and comment period, and that will be at least 30 days or likely to be 45 days, which are the minimum requirements. He believed in this case it will be 45 day minimum public comment period. The Authority will be required to make the document available to the public in a reasonable way, often times that means having copies available at the public library, posting it on its website, in this case given that this is a County-wide agency, they are going to be required to make it reasonably available to people throughout the County. He noted that the 30 and 45 day comment periods are minimum requirements and if the Authority determines that it would be reasonable or is necessary to provide an extended comment period they have the discretion to do that, and often times interested parties will comment and ask for an extension of time to comment on the EIR, and most of the time, agencies in an effort to be reasonable and ensure public comment, are willing to grant extensions of the public comment period. Once the public comment period closes, then the Authority will be required to prepare a final EIR which will include written responses to all of the comments that are received during the public comment period. That is a requirement of CEQA and they are required to make a reasonable good faith effort to address all comments that raised substantial or significant environmental issues. All those responses to comments will be packaged together and included in the final EIR. Another component of the final EIR will be any revisions that the Authority deems are necessary to respond to the comments submitted on the project. They are required to make the final EIR available to all public agencies that have commented on the project at least ten days prior to making a decision on the project. This is not to say that they are required to re-circulate the final EIR in the same manner that they did the draft EIR, but statute does require them to provide written responses to public agencies who commented. In the City's case if the City were to submit a comment on it, you would be expected to get a copy of the final EIR and the Authority will not be allowed to act on the project for at least ten days from that time. Normally there is a longer period of time between the publication of the final EIR and agency action. He noted there is no public hearing requirement, the Authority is not required to hold a public hearing on the EIR, most agencies do as a matter of making sure they comply with the intent of CEQA for public participation, but there is no requirement. They would be required in this case to conduct a hearing on the project approval itself and normally at that time the Authority would consider certification of the EIR, which is required under the statute. They are required to certify that the EIR complies with CEQA in all various respects. The certification would trigger the end of the EIR process, under CEQA there is a 30 day statute of limitations for anyone who has established standing by participating in the process to file a legal challenge. If no legal challenge is filed within 30 days of the filing of a notice of determination which follows a day or two after certification of the project. The notice of determination filed with the County Clerk triggers the 30 day statute of limitations, and if no legal action is filed within the 30 day period, then the action is deemed to be in compliance with CEQA and any challenges after that would be barred.

In regards to the vote taken last Thursday, Councilmember Reed mentioned there was one supervisor and a few citizens that were concerned about the financing of the EIR and the fact that Plasco is going to be giving some control over the auditing of the money. He asked if those concerns could be addressed as far as what can we do or how is it regulated so that people are put at ease that Plasco is not actually influencing the results of the EIR through their control of costs towards the EIR.

Attorney Doportto responded that was a common dynamic for when an agency retains a consultant to prepare an EIR and the consultant is being paid by the project proponent. He mentioned that the lead agency is required to certify that it has exercised its independent judgment and properly supervised the preparation of the EIR. The contracts between an agency and an EIR consultant are normally contracts between those two and the project proponent is not normally a party to that contract, so the consultant that has been hired to retain the EIR answers to the lead agency and not the person that might be funding the EIR.

Councilmember Lopez thanked SVSWA General Manager Patrick Mathews since it was reassuring to him that if the CEQA process comes back with a negative result, the Authority will not go forward with the project. He believed that was important for all of us to realize that, and we are all waiting for this environmental impact study to be conducted in order to answer those questions that are of concern to all of us. He also thanked the public for sharing their concerns which were very important to the Council because they are also residents here in the community just like everyone. He told them the Council was not going to support a project that can harm our community, which he thought it was very important for all of them to know. In regards to the CEQA process, he said he totally supports the Authority's move to continue the process in order to get that scientific data that we need that all the people have been asking in order to answer those questions, we need that to make the best informed decision whether this project is something that is going to happen or not. He encouraged the public to continue doing their research as many of them mentioned, listen to both sides of the project, not just the negative, but really get a balanced approach to what this project is all about and bring those questions or concerns to the Authority and also let the Council know. He added the Council is here to help them and listen to their concerns.

Councilmember Silva thanked the public for being here tonight, for being involved and for coming the other night because it does help them to make the decisions they need to make for our town. She mentioned that as she said the other night, she is a third generation resident of Gonzales and her grandchildren are the fifth generation, so there is nothing that would make her vote for something that is not safe. She indicated she serves as a Board Representative for Gonzales and she is on the Executive Committee as well and we have one vote of nine, there is eight other people that share the vote with her. In regards to the EIR process, she mentioned that if the EIR comes in and it says that everything meets all the standards, and if everything is safe, the Authority Board still has a choice whether to move forward or not. She reminded them that just because the environmental impact report says that everything is fine, the Board still can decide not to move forward at that time. She invited everyone as she does at every Council meeting, the Council meetings are the first and third Mondays of every month unless there is a holiday, at 6:00pm. The agendas are always posted at the door as are also the meetings for the Solid Waste Authority meeting, which are the third Thursday of every month at 6:00pm. She said it was also mentioned that some of the public meetings that will be held for the EIR will be held here in Gonzales,

so that is very important for the public to have another opportunity to voice their opinions at that time. She reminded everyone that the review of this technology only began about four years ago and it started with about 70 proposals initially, they went out to bid, it came back, and narrowed down to about nine companies, and a couple of years ago they narrowed down to two companies which was Plasco and Urbaser. She indicated that it took about a year and a half to two years to decide to move forward with the Plasco project. It was just moving forward with one company to do the EIR. She added that the decision is on the Board of the Salinas Valley Solid Waste Authority. She knows there has been a misconception that the landfill belongs to the City of Gonzales but it does not. It sits a couple of miles east of us and as she mentioned, she grew up here and know many of the people in the public since she went to school with many of them. She said that when she was a little girl, the landfill or dump as it they used to call it in those days, was actually located at the river, so a lot of strides have been made to do things better and safer. She assured all of our residents that she would not vote for anything that is not going to be safe. She mentioned that people have mentioned that they have contacted people and informed them that her phone number is listed in the phone book and she can be called anytime. She said she has never heard from any of the residents, and some of the residents have seen her on the street and nobody has ever stopped her, she has attended a Poder Popular meeting along with the Solid Waste Authority people and appreciated being able to attend their meeting. She indicated that it was very informative because a lot of good questions were asked and answered at that time. As far an email that went out last Friday, she believed Julia found out that she had sent an email to her wrong email address but she got it this morning because she was out on Friday, and thanked her for that information. She believed we should all keep each other informed, if they have questions, they can ask any Councilmember because they are here to serve them the community and do not have any special agendas up here. She thanked them for their time, invited them to attend more meetings, and told them if they have any questions she speaks Spanish.

Mayor Pro Tem Funk appreciated all the comments from the public and encouraged any information to the Council. He said we are at a point where we need that additional information and we need to understand what the data is out there. He thanked Julia for providing that information, which he has read, and has also attended a couple of meetings where Plasco information has been available, and he has gotten a lot more anti Plasco information and he is at a point now where he wants to know from a data perspective what is right, what is true and what is not true. He agrees with members of the public that we need to be informed as a community, but the process is working as is now. He said that is a different agency that is moving forward and the City is within that agency, and part of the process is going through the environmental impact report and going through the CEQA process, which were state and local agency steps that are in place to help us understand and to help with the information. He appreciated the walk through of the CEQA process which was very clear that there is ample opportunity for not only the Council to get information and be able to comment on it, but also the community in which we will have the opportunity to get comments, and is great to hear that they will be required by law to respond to comments. He said his family is here, his kids go to local schools and last thing he wants to see is pollution coming from the hills or the ground. He told the public that they had a solid Council that is behind them, and now are going through the process, and next step is the data part that will let us know what legitimate information is out there and what is not.

Mayor Orozco thanked Nicolas Sandoval for being able to translate for us. She really appreciated his help.

Councilmember Reed thanked everyone in the community that came out to offered advise or give their perspective. He also thanked the SVSWA and City Attorney for clarifying questions.

Mayor Orozco echoed her Council colleague's comments and wants to make sure all of the issues and concerns that have been mentioned by the public are addressed. She asked City Manager Mendez to schedule a meeting with Mr. Barba to discuss the issue about the water tank and his concerns, and she would like to be present for the meeting.

She thanked Attorney Doporto for explaining the process to us. She said the concerns raised were very valid concerns and we should all be alarmed and concerned about the environment and whether this project is going to have issues regarding cancer, deformities, environment, etc. She thought one of the things we need to focus on is the process, she would like for us to be able to have meetings and follow the process mentioned by the City Manager for community meetings, and perhaps making our meetings more accessible in having some sort of facilitator whether it could be Mr. Sandoval or someone else to facilitate the process to get those questions from the citizens addressed and asked while we go through the environmental process. She said we can do the meetings in English only and same process in Spanish, make them available during the working hours that people are available to attend the meetings. She indicated the questions raised about health issues will be answered as part of the EIR process, and she would like to be able to get them to ask those questions in an appropriate manner so they can get to the right people when the questions need to be asked. She added that the City Manager also mentioned that as part of the CEQA process we can monitor that process and she would like for us to do that however that may be, and he also mentioned providing the Council with status reports, so all the recommendations that the City Manager mentioned that we could do are the things that we should be doing, so notices quarterly or in the monthly water bills is another way to be able to communicate.

She also asked staff if we can have the documents in the packet that were translated regarding the CEQA process available at the library and City Hall for people to review which she believed would be helpful. She liked the idea of having the Authority's Executive Committee meetings here, even though we only have one vote when the item is up for discussion.

City Manager Mendez said it was clear to him like Julia and others said, we talk all the time about stuff so they understand as far as access. He mentioned that sometimes we assume certain things that maybe are not occurring, but what he would like to do based on the Council's direction about some of the comments, is bring back to the Council information on how we are going to do the public review process for this item to the extent of how we are going to set the notifications, how we are going to disseminate the information, meetings, etc. He indicated he talked to Authority's General Manager Mathews about the public review process and he assured that he is willing to work with us. He added that he would like to present something to the Council on how we are going to move forward and what we are going to do to make sure our residents and citizens have the information and provide their input. As part of that he suggested having sort of a less informal workshop on CEQA

and how to provide information along the lines the Mayor said. He concluded that he would bring it back at a future agenda for the Council to adopt it and give the residents and citizens an opportunity to comment whether they are ok with what we are suggesting or whether they would like to suggest other things.

Mayor Orozco said that was a great idea and would also like to see if it is possible when staff brings it back that we can make that information available to the public in terms of the recommendation whether by putting it in the newspaper, utility bill, or however which way we can do it to get the information out, which she believed it was important. She indicated that once folks know what the process is going to be, then we would be able to move forward, and have as much information to the public as we possibly can.

City Manager Mendez agreed.

Councilmember Lopez wondered about the other South County cities.

City Manager Mendez mentioned that they have representatives on the Authority.

Mayor Orozco commented what we can do is once we have the process out, staff can share it. She asked Councilmember Silva and Manager Mathews to make sure that information is made available.

City Manager Mendez added that he can provide it to the other Cities.

Mayor Orozco reiterated that what the City Manager Mendez recommended earlier was good ideas and that is the direction she would like to give the City Manager to proceed.

She thanked the public for attending and for their comments and reassured them that their comments, suggestions and recommendations will be taken into consideration as we move forward with this process.

Public Works Director Lopez responded in regards to the comments made early on by Mr. Barba about the water tank. He indicated that the water tank was originally fabricated as a water tank and it has not functioned as a water tank since 1989. He said it was more of a structure than anything else, and is not in operation.

Mayor Orozco stated it is a landmark and we can not tear it down.

City Manager Mendez added that he will get the information out and will bring back the public review process and will try to coincide it with our way to distribute it to the public so it is the meeting after we distribute it to the public.

Mayor Orozco thanked him.

11. **Public Hearing** to Consider Approval of Resolution No. 2011-77, A Resolution of the City Council of the City of Gonzales Approving the Gonzales Police Department's Proposed Supplemental Law Enforcement Spending Plan for Fiscal Year 2011-2012

Public Safety Director Miller presented the staff report.

Mayor Orozco opened the public hearing at 8:15pm.

Public Hearing: No comments came forward.

Being there no comments from the public, Mayor Orozco closed the public hearing at 8:15pm.

Action: Councilmember Reed made a motion to adopt Resolution No. 2011-77. Mayor Pro Tem Funk seconded the motion. Approved by vote; all ayes.

BUSINESS FROM CITY COUNCIL

12. City Council Board/Committee Reports

- a. League of California Cities Monterey Bay Division – Councilmember Lopez announced the conference this week. City Manager Mendez informed the Council they needed to appoint a Voting Delegate and Alternate in order for them to vote at the Conference. Mayor Pro Tem Funk was appointed as the Voting Delegate and Mayor Orozco as Alternate.
- b. Association of Monterey Bay Area Governments – Mayor Pro Tem Funk reported on the evaluation of AMBAG.
- c. Transportation Agency for Monterey County – Mayor Orozco reported about setting up meeting dates and times for an Executive Committee and announced the next meeting on September 28th.
- d. Mayor Selection Committee - Mayor Orozco announced next meeting on October 7th.
- e. Salinas Valley Solid Waste Authority – Councilmember Silva announced next meeting October 20th at 6:00pm here in the Council Chambers, and Authority Board Retreat on October 21st. She also reported that the Authority Board vote was 7 to 2 last Thursday, September 15th to move forward with the EIR. There was one member absent and one member who opposed it due to financial implications he was concerned about.
- f. Monterey Salinas Transit – No report.
- g. City & School Joint Steering Committee – No report.
- h. Citizens Advisory Committee – Community Development Director Truskowski reported on the Climate Action Plan and future meeting in October or early November.
- i. Community Center Committee – No report.
- j. Economic Development Committee – Community Development Director Truskowski reported on the last meeting where they talked about planning projects in process and effective ways to reach out to businesses. He announced next meeting on October 10th.

13. Oral Communication

Councilmember Reed appreciated the community participation tonight. He also expressed his thanks and gratitude to the Gonzales Police Department for their professionalism at all times. He mentioned the Fairview Middle School sports program just started and cautioned people because kids would be home later in the evening.

Councilmember Silva reminded everyone about the Annual Rob's Run October 9th, registration 7:00am, will leave in front of Rabobank at 9:00am, and barbecue at 11:00am at the Swiss Rifle Club. She asked staff if there will be helmets available for children at the Health and Safety Fair.

Recreation Coordinator Papineau responded not at this time unless funding is found.

Councilmember Silva shared her concern about young people being on their bicycles and skate boards without helmets.

Mayor Pro Tem Funk thanked the community for coming out tonight. He announced the Health and Safety Fair October 15th where the Rotary Club will barbecuing that day.

Mayor Orozco thanked the public for expressing their concerns tonight. She also mentioned to the folks at home or who can not make it to the meetings, that they can provide written comments so if they have any questions or concerns they have for any project, they can write us or give us a call. She also thanked the Public Works and Police Department for assisting with the Annual Church Carnival last Sunday.

BUSINESS FROM CITY MANAGER

14. Oral Communication

City Manager Mendez announced he will be attending the Annual League Conference along with the Mayor and Mayor Pro Tem Wednesday thru Friday. He indicated that we are continuing to do a lot of stuff with the Redevelopment Agencies about stuff we maybe have to post and are being extra careful. He added that there will be a section on the website about all the actions we have taken even though the Court has stayed some of the legislation and CRA and League of California Cities are suing the State for the actions taken.

* ***BUSINESS FROM EXECUTIVE DIRECTOR***

15. Oral Communication

Executive Director Mendez mentioned that there are a few projects that are potentially promising and continue to do the bare minimum that we are allowed to do in the redevelopment.

Mayor Orozco invited students or any agency or nonprofit group to come before the Council under public comments and announce their events.

Department Head Updates

Community Development Director Truskowski reported on his availability and open door policy for people to talk to him about planning or CEQA process and do not need appointments.

Special Projects Analyst Wolgamott reported on any group events to give a note to City Hall so we can put it on the web and Channel 7, successful End of Summer event, and bringing back something that might entail the water ball.

Mayor Pro Tem Funk asked if staff knows what the Channel 7 viewership is for Gonzales.

Special Projects Wolgamott responded no.

Councilmember Silva asked if there was a possibility to have some sort of a TV screen at either one of the businesses or at City Hall so they can see all the things happening.

Special Projects Wolgamott indicated having a kiosk at City Hall is on his list of things to do, having a computer that will be running 24/7.

Councilmember Silva asked if it will be inside City Hall.

City Managers Mendez indicated we will figure it out.

Councilmember Reed asked if it is possible to have the City Council meetings either broadcasted or streaming in the future.

Special Projects Wolgamott responded that was on his list also.

Public Works Director Lopez reported on the CEC Grant bids due by September 28th, and Crosswalk Project equipment.

Councilmember Silva asked how long that would disrupt traffic.

Public Works Director Lopez responded that when they talked about it, it seems like it will not affect the traffic very much, everything is a wireless technology and will close one lane at a time, but will be able to get it done in one day.

City Manager Mendez added that they will not start during rush hour traffic.

Public Safety Director Miller reported on the incident free events last weekend.

Recreation Coordinator Papineau reported on the Soccer League available spots in the preschool/kinder and first and third age group, youth volleyball registration October 3rd, basketball registration November 14th, Health and Safety Fair October 15th from 11am – 3pm at Centennial Park, and Holiday Lights December 10th from 5pm – 9pm at Gonzales High School.

Councilmember Reed asked about information about the pool.

Recreation Coordinator Papineau responded that there will be a Parks and Recreation Commission meeting scheduled on September 29th at 6:00pm here at the Council Chambers where they will be addressing the pool issues. She added that the City Manager, Public Works Director, and Building Official will be there to answer questions about the pool.

In regards to the helmets, she mentioned that helmets are available if someone is interested in making a donation. She said we can get about 350 helmets for about \$1,500 and they do take a considerable amount of time to get here so we would need to do it soon and there is still a possibility.

* **CLOSED SESSION**

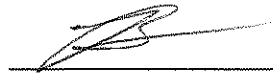
16. The Redevelopment Agency Board will recess to closed session to confer with its attorney regarding litigation pursuant to Government Code Section 54956.9(c) – deciding whether to initiate litigation.

Agency conferred with attorney. No other reportable action taken.

ADJOURNMENT

The Joint City Council and Redevelopment Agency meeting was adjourned at 9:15pm.

ATTEST:



René L. Mendez, City Clerk