

Minutes

City of Soledad Joint
City Council/Successor Agency
Regular Meeting

September 7, 2016

CALL TO ORDER

Mayor Ledesma called the City Council/Successor Agency Meeting to order at 5:34 p.m.

PLEDGE OF ALLEGIANCE was led by Adela Gonzalez

PEACEBUILDERS' PLEDGE was led by Adela Gonzalez

ROLL CALL

The Following Councilmembers/Agencymembers were present when the meeting was called to order:

Mayor/Chair	Fred Ledesma
Mayor Pro Tem/Vice Chair	Alejandro Chavez (Absent/Arrived at 7:00 pm)
Councilmember/Agencymember	Christopher Bourke
Councilmember/Agencymember	Patricia Stephens
Councilmember/Agencymember	Richard Perez

ADDITIONS/MODIFICATIONS TO THE AGENDA

1. Moving Public Hearing Item No. 1 to 7:30 pm
2. Continue with agenda through Consent and Business items and then follow through with the Closed session Items.

MAYOR/COUNCIL PRESENTATIONS

- Mayor Ledesma planned to present Mr. David Garcia with a plaque of appreciation upon his retirement from 27 years of serving the City of Soledad Police Force. Mr. Garcia was not able to attend the Council meeting so the presentation will be continued to the next Regular City Council meeting of October 5, 2016.
- A Proclamation in Honor and Recognition presented by Mayor Ledesma to our City Manager, Adela Gonzalez for her dedication and service to the City of Soledad. Mayor Ledesma thanked her for her courage and leadership in the Community of Soledad.
- A Proclamation in Honor and Recognition was presented to Adela Gonzalez on behalf of Senator Anthony Cannella.

- A Certificate in Honor and Recognition was presented to Adela Gonzalez on behalf of California State Assembly and Assemblymember Luis Alejo
- A Certificate in Honor and Recognition was presented to Adela Gonzalez on behalf of Supervisor Simon Salinas and the Monterey County Board of Supervisors

PUBLIC COMMENT ON CLOSED SESSION ITEMS

- None

PUBLIC COMMENT

1. Mr. Jorge Guzman, Superintendent of Soledad Unified congratulated Adela Gonzalez on her upcoming retirement. Also, wanted to update the Council on what is happening in the Soledad school district. He passed out handout to all Councilmembers. Nine other members from the school district also accompanied Mr. Guzman and gave short updates regarding the different schools located in Soledad. Mr. Tony Garcia, Mr. Tommy Frank, Mr. Cesar Vega, Ms. Diane Witwer, Ms. Rosalinda Silva, Mr. Jesse Swift, Mr. Jeffery Lopez, Mr. Jeff James and Mr. Walker. Mr. Guzman also thanked the Council for continued support to the school District and also thanked Chief Sills and the Soledad Police Department for continuing to work towards keeping the young people safe.
2. Mr. John "Winky" Holguin made council aware of the speed limit leaving the City is 35mph and the speed limit entering Soledad is 25mph. He asked that appropriate change please be made. Adela Gonzalez did let Mr. Holguin know that the issue has made known to our Public Works Department and the problem will be fixed.

MAYOR'S REPORT

Mayor Ledesma reported that he and Mayor Pro Tem Chavez attended the ACCAPS Conference in August. He announced that the City of Soledad will be hosting the ACCAPS Board Meeting in November 2016.

COUNCILMEMBER ANNOUNCEMENTS AND REPORTS

Councilmember Bourke reported that he attended the AMBAG, nothing unusual to report

COUNCILMEMBER PRAISES

Councilmember Perez praised a City staff member Darlene Noriega for continued support with the new tablets that City Council has been newly issued. He also praised the Centennial Partners and Lisajo Duffy for the outstanding job that they did with honoring Soledad putting on the Centennial event.

Councilmember Bourke praised Lisajo Duffy for organizing the Centennial celebration and also thanked Darlene Noriega for helping him with the new tablet.

Councilmember Stephens thanked Lisajo Duffy for coordinating the Centennial event.

Mayor Ledesma also praised Lisajo Duffy for organizing the Centennial event and also thanked Councilmember Perez and the Lions club for the cooking and service at the event.

CONSENT CALENDAR

Motion

Councilmember Perez made a motion to adopt items C-1 through C-8 on the consent Calendar with an exception to C-4. Motion was seconded by Councilmember Bourke and carried by the following vote:

Ayes: Ledesma, Bourke, Stephens and Perez
Noes: None.
Abstain: None.
Absent: Chavez

C-1 Approval of Minutes

Joint City Council/Successor Agency Regular Meeting Minutes of August 3, 2016

C-2 Approval of Warrants

030765 – 031168

C-3 Resolution No. 5214, A Resolution of the City Council of the City of Soledad Approving the Agreement among the City of Salinas, The County of Monterey, The County of Santa Cruz and the Cities of Gonzales, Greenfield, King City and Soledad regarding The Farmworker Housing Study and Action Plan for Salinas Valley and Pajaro Valley.

C-5 Resolution No. 5216, A Resolution of the City Council of the City of Soledad Approving an Agreement for Construction Services with Monterey Peninsula Engineering, Inc. In an Amount Not-to-Exceed \$116,000.00 For the Front Street Lift Station Retrofit Project and Authorizing the City Manager to Execute Said Agreement on behalf of the City of Soledad

C-6 Resolution No. 5217, A Resolution of the City Council of the City of Soledad Approving a Second Amendment to a Consulting Services Agreement for Engineering Service with

- Yamabe & Horn Engineering, Inc., and Authorizing the City Manager to Execute Said Amendment on behalf of the City of Soledad
- C-7 Resolution No. 5218, A Resolution of the City Council of the City of Soledad Approving Task Order #48 with Harris and Associates in the Amount of \$27,755 for Engineering Services for the Rehabilitation of Wells 6 & 7 and Authorizing the City Manager to Execute Said Task Order on behalf of the City of Soledad
- C-8 Receive and accept City of Soledad Monthly Department Activity Reports

Item C-4

This item was pulled from the Consent Agenda by Mayor Ledesma for separate consideration

Resolution No. 5215, A Resolution of the City Council of the City of Soledad Approving a "Visitors Center Management Agreement" with the Salinas Valley Tourism and Visitors Bureau for the Operation of the Soledad Visitors Center and Authorizing and Directing the City Manager to Execute the same on behalf of the City of Soledad

Mayor had pulled this item. Adela Gonzalez presented the Staff Report and updated the Council that the new Agreement is for one year and does include an option for a second year, provided they are able to come up with additional funding to reduce the City's subsidy.

Motion

Mayor Ledesma made a motion to adopt item C-4. Motion was seconded by Councilmember Perez and carried by the following vote:

Ayes: Ledesma, Bourke, Stephens and Perez
Noes: None.
Abstain: None.
Absent: Chavez

PUBLIC HEARING NO. 2

- Receive the Staff report
- Open the Public Hearing
- Close the Public Hearing
- Council Action

2. Introduce and Read by Title Only Ordinance 702 of the City Council of the City of Soledad Amending Chapter 13.40 – "Utility Charges" of the Soledad Municipal Code

Don Wilcox, Public Works Director, presented the Staff Report.

The Public Hearing was opened.

Mr. John Holguin was concerned about charging people double to reconnect after being disconnected for nonpayment. He asked if other cities were charging that much to reconnect. Don Wilcox explained that other cities are charging more than that amount to reconnect. Mr. Holguin seemed satisfied with the explanation that was provided.

There being no other Public comment, Mayor Ledesma closed the Public Hearing.

Motion:

Motion made by Councilmember Stephens to Introduce and Read by Title Only Ordinance 702 of the City Council of the City of Soledad Amending Chapter 13.40 – “Utility Charges” of the Soledad Municipal Code. Motion was seconded by Councilmember Bourke and carried by the following vote:

Ayes: Ledesma, Bourke, Stephens and Perez
Noes: None.
Abstain: None.
Absent: Chavez

BUSINESS

B-1 Consideration of Appointments to the Soledad Planning Commission

Community and Economic Development Director Brent Slama presented the Staff Report

By City Council consensus, Mayor Ledesma reappointed Mr. Thomas Stewart

B-2 Resolution No. 5222, A Resolution of the City Council of the City of Soledad Endorsing Bond Measure “T” of the Hartnell Community College District

City Manager Adela Gonzalez presented the Staff Report

Council Action:

To adopt Resolution No. 5222

Motion:

Motion made by Councilmember Stephens, seconded by Councilmember Perez and carried by the following vote:

Ayes: Ledesma, Bourke, Stephens and Perez
Noes: None.
Abstain: None.
Absent: Chavez

- B-3 Resolution No. 5223, A Resolution of the City Council of the City of Soledad Approving a Contract for Construction Services with Dalian Construction, Inc. In an Amount Not-to-Exceed \$415,416.87 for the 2016 Concrete Sidewalk Replacement Project and Authorizing the City Manager to Execute Said Contract on behalf of the City of Soledad

Public Works Director Don Wilcox presented the Staff Report

Council Action:

To adopt Resolution No. 5223

Motion:

Motion made by Councilmember Stephens, seconded by Councilmember Perez and carried by the following vote:

Ayes: Ledesma, Bourke, Stephens and Perez
Noes: None.
Abstain: None.
Absent: Chavez

- B-4 Resolution No. 5224, A Resolution of the City Council of the City of Soledad Approving a Task Order with Yamabe & Horn Engineering in the Amount of \$45,000 for Construction Administration of the City's 2016 Concrete Sidewalk Replacement Project and Authorizing the City Manager to Execute Said Task Order on behalf of the City of Soledad

Public Works Director Don Wilcox presented the Staff Report

Council Action:

To adopt Resolution No. 5224

Motion:

Motion made by Councilmember Bourke, seconded by Councilmember Perez and carried by the following vote:

Ayes: Ledesma, Bourke, Stephens and Perez
Noes: None.
Abstain: None.
Absent: Chavez

MEETING RECESSED

Mayor Ledesma recessed for Closed Session at 6:25 PM

CLOSED SESSION

1. The City Council will recess to Closed Session pursuant to Government Code Section 54957 to discuss the City Manager position/Recruitment.
2. The City Council of the City of Soledad will recess to closed session pursuant to Government Code Section 54956.9(d)(4)-deciding to initiate litigation.

MEETING RECONVENED

Mayor Ledesma reconvened from Closed Session at approximately 7:33PM

CLOSED SESSION REPORTS

The City Attorney had reported that two items had been discussed

With respect to item #1, City Council discussed matter with the recruiter and provided direction. No other reportable action was taken.

With respect to item #2, City Council received status update from Legal Counsel. No other reportable action was taken.

PUBLIC HEARING NO. 1

- Receive the Staff report
- Open the Public Hearing 7:37PM
- Close the Public Hearing
- Council Action

1. Consideration of an Appeal Submitted by Guillermo & Angela Nieto Family, LP of the Planning Commission's Denial to Amend the Soledad General Plan to Re-designate from Single-Family Residential to Medium Density Residential and Amend the Zoning Code to Rezone from R-1 Residential –Single Family to R-2 Residential Medium Density A 1.5 Acre Parcel Located at the Southeast Corner of San Vicente Road and Vista De Soledad Street (Assessor Parcel Number: 022-451-026) and Receive A Conditional Use Permit (CUP) and Planned Development Permit (PD) to Allow the Construction of an 18 Unit Apartment Complex on the Property

Community and Economic Development Director Brent Slama Presented the Staff Report.

The Public Hearing was opened.

Jason Redere, Represented the Nieto Family and stated the following:

- Many changes have been made in the design and architecture of the plans since the Planning Commission meeting took place. The Nieto family made the changes based on the concerns of the neighbors. The building area was reduced by about 8,000 sq. ft., car ports were reduced by about 4,500 sq. ft., and the numbers of units were reduced by 10. Green landscaped was increased and parking areas.
- Housing Element 1.3.1 encourages development based on the needs of the educators and other professionals in the city. The Nieto Family is ready to meet these needs.
- There are no Environmental impacts from this project.
- There is an additional CEQA exemption called the “Common Sense” that can support the City Council determination. If inclined to approve the project, please add this “Common Sense” reference to the Resolution.

Alex Reynoso and Luis Vargas, Architects with In Studio Architecture presented the project of the Nieto Family. They also had a power point presentation.

- The property is 1.5 acres in side
- The property is in walking distance or parks and schools.
- The property will house 12- 2 bedroom single family units and 6- 2 bedroom Town homes. 36 bedrooms in total.
- The average livable space in most complexes is 800 sq. ft. The livable space in these plans for the single family unit will be 940 sq. ft. and the Town home will be 1,450 sq. ft.
- Parking exceeds the number of required parking by four times the amount.

Mr. Stuart Wolf, a Real Estate Appraiser for the Nieto Family project spoke in support of the plans for development. Mr. Wolf has been an appraiser in the area since 1982. He is a certified General Appraiser and a Real Estate Broker. Mr. Wolf provided information about the Value Impact the property would have on the surrounding neighborhood.

- There were three “Match-Pairs” Studies done which clearly show there should be no measureable impact in the value to the surrounding homes of the neighborhood.
- Cited a Harvard University Study, which also included a hand out to Council and also offered to the public his email so that they may also receive a copy of the study.

Michael Harrington, Attorney from Brian Finnegan and Attorney represented the Rendon Family, immediately adjacent to the proposed project.

- Respectfully request that the Council uphold the previous decision of the Planning Commission. For three key reasons:
 1. The applicant has done no environmental review under CEQA. They have relied on an original EIR from the 1994 sub division and exceptions of the Class 32 infill category, both do not apply.
 - The 1994 EIR did not contemplate this project.

- The Class 32 infill does not apply because the project would have to be consistent with the General Plan designation and the zoning designation. This project would be amending both, so it can not apply.
 - 2. Even if amended, the project would still be inconsistent with the General Plan designation. The applicant is seeking to change the General Plan from Low Density Residential to Duplex Residential. Duplex Residential designation allows for the construction of Duplexes; it does not mention Apartment Complexes, Condominiums or Town houses.
 - 3. Covenants, Conditions and Restrictions
 - Restrictions: the lot was intended for one single family residence.
 - Even though there is a need for Multifamily housing in Soledad, this property is not the proper location.
- Ramon Rendon spoke against the plans for development
 - Alvino Hernandez spoke against the plans for development
 - Martin Sandoval spoke against the plans for development
 - Caesar Dela Rosa spoke against the plans for development
 - Alfred Gavina spoke against the plans for development

Sal Nieto, Property Owner and Developer spoke on behalf of his family and the plans for development.

- Mr. Nieto hopes to meet the needs of the community and professionals that work in Soledad. He hopes to have our young people stay in Soledad or return to Soledad after college. Many teachers signed a petition to build the development to meet the needs of the teachers here in Soledad that are not able to live in the City because of lack of housing that would accommodate the needs of professionals here in this city.
- Mr. Nieto is appealing the decision of the Planning Commission because there is so much support from City staff.
- Mr. Nieto feels he has heard and addressed the concerns of the surrounding neighbors of the development.
- He feels confident that the right people will live in the development because there is an application process that allows for him to be able to go through each application and choose who will live there.

There being no other Public comment, Mayor Ledesma closed the Public Hearing.

City Attorney requested a 5 minute break

MEETING RECESSED

Mayor Ledesma recessed at 9:12PM

MEETING RECONVENED

Mayor Ledesma reconvened at approximately 9:20PM

DISCUSSION OF THE COUNCIL

- Councilmember Perez supports the development due to the need he has seen of the Teachers and Law Enforcement in Soledad.
- Councilmember Bourke supports the development and asked City Attorney Mike Rodriquez if there are any legal issues for the development? He stated that not all renters are bad people, it does not mean they are low class or criminals. If homes are built there, many people will move in and it will become a mess. The project does fill a need. The area has been empty for many years. The property belongs to the Neito family and they can do what they want with it.
- Attorney Mike Rodriquez said if the Council shows a willingness to approve the project then the CEQA study will need to be done before any decision is made.
- Councilmember Stephens is in favor of the project. This element is something the City of Soledad has never been able to address. Teachers and Correctional Officers that work in the area should be given the opportunity to live in Soledad. She feels the project is very well designed. She feels it would be right for the community to try to draw the young professionals into the City and or keep them here in Soledad
- Councilmember Chavez was concerned with traffic and the circulation that would come with the development. He is favorable to looking at the project. He feels the plans have been improved.
- Mayor Ledesma also expressed his support of the development.

Motion

Councilmember Bourke made a motion to continue Resolution No. 5219 and Resolution No. 5221 to the October 5, 2016 Regular Council Meeting, seconded by Councilmember Stephens and carried by unanimous vote.

COUNCILMEMBER'S COMMITTEE REPORTS

- None

CITY MANAGER'S REPORT

- Adela Gonzalez presented a written report dated 9-7-2016


COUNCILMEMBER'S ITEMS AND FUTURE AGENDA ITEMS

- None


ADJOURNMENT

Mayor adjourned the meeting at 9:40PM

Minutes Approved: October 12, 2016



FRED J. LEDESMA, Mayor/Chairman



City Clerk (Acting)

