

Minutes

City of Soledad

Adjourned

Joint City Council/Successor Agency/Housing Authority
Regular Meeting

February 15, 2017

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 Lisajo Duffy

PEACEBUILDERS' PLEDGE was led by Luis Vargas

ROLL CALL

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

Mayor/Chair	Fred Ledesma
Mayor Pro Tem	Alejandro Chavez
Councilmember/Agencymember	Christopher Bourke
Councilmember/Agencymember	Anna Velazquez
Councilmember/Agencymember	Carla Stewart

The Following Councilmembers were absent:

- None

PUBLIC COMMENT ON CLOSED SESSION ITEMS

- None

MEETING RECESSED FOR CLOSED SESSION

Mayor Ledesma recessed for Closed Session at 5:37 p.m.

CLOSED SESSION

1. The City Council of the City of Soledad will recess to closed session pursuant to Government Code Section 54956.9(d)(4)- meeting to decide whether to initiate litigation.

2. The City Council of the City of Soledad will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the City's Real Property Negotiator concerning property located at the North West corner of Metz Road and Bryant Canyon Road (APN 257-111-022). Instructions to the negotiator will concern price, terms of payment and other relevant conditions. City Negotiator- Brent Slama.
3. The City Council of the City of Soledad will recess to closed session pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation- Claim of Ayo.
4. The City Council of the City of Soledad will recess to closed session pursuant to Government Code Section 54956.8 to give instructions to the City's real property negotiator regarding renegotiation of an Option/Lease Agreement for property located at 35520 Morisoli Road, City of Soledad, between the City and Foundation Windpower. Items of discussion will include the price and terms of payment of the lease

MEETING RECONVENED

Mayor Ledesma reconvened from Closed Session at approximately 6:22 p.m.

CLOSED SESSION REPORTS

The City Attorney reported that four items had been discussed

With respect to item #1, Counsel provided direction to Staff, no other reportable action taken.

With respect to item #2, Instructions were provided to the City's negotiator, no other reportable action taken.

With respect to item #3, the claim was denied by unanimous vote of the City Council and direction was provided to the legal Counsel, no other reportable action taken.

With respect to item #4, Direction was provided to the City's negotiator, no other reportable action taken.

PUBLIC COMMENT

- Lisajo Duffy gave a presentation on the Soledad Visitors & Gateway Center outreach. She reported that the Visitors Center will soon be able to share more information within the schools in Soledad. She has met with teachers and principals regarding the unlimited access to students into our National Parks for one year.

COUNCILMEMBERS' ANNOUNCEMENTS AND REPORTS

- Councilmember Bourke reported on January 19, 2017, the Salinas Valley Solid Waste Authority had a strategic meeting discussing outreach literature. He was not able to attend.
- Councilmember Velazquez reported that she attended the Citizens Advisory Committee Meeting. She also attended the Gonzales Youth Council Meeting, The Monterey-Salinas Transit (MST) Board of Directors Meeting and the Soledad Mission Chamber of Commerce meeting.
- Councilmember Stewart reported that on January 5th she participated in a ride-along with the Soledad Cal Fire Department. On January 25th she attended the FEMA Crisis Leadership and Decision Making training in Gonzales, on January 29th she attended the Catholic Church BBQ, and on February 5th she attended the American Legion BBQ. She also attended an AMBAG orientation on February 2nd and attended her first AMBAG Board meeting on February 8th. She also attended the HEROES of Monterey County, Hearts for Heroes on February 14th.
- Mayor Pro Tem Chavez attended the TAMC meeting on January 25th as the Chair of TAMC for the first time. He attended the Executive TAMC Committee on February 8th. He also attended the Rail Policy meeting for TAMC on February 6th.

COUNCILMEMBER PRAISES

- Councilmember Bourke praised Deputy Chief Wasson in having the trains removed from in front of the City.
- Mayor Ledesma praised the Compliance Officer and the Police Department for holding people accountable when they try to set up a business without a business license.

CONSENT CALENDAR

Motion

Councilmember Stewart made known that a correction needed to be made to the meeting minutes of January 4, 2017. The error was on page 3. Councilmember Stewart noted that the minutes that were approved in the January 4, 2017 minutes were the December 7, 2016 minutes. She also asked that Item C-5 be pulled for separate discussion. Councilmember Velazquez asked that item C-6 be pulled from consent for separate discussion. Councilmember Bourke made a motion to adopt items C-1, C-2, C-3, C-4 and C-7 on the consent Calendar with the correction to Item C-1, page 3 minutes. Motion was seconded by Mayor Pro Tem Chavez and carried by the unanimous vote:

Ayes: Bourke, Chavez, Velazquez, Stewart and Ledesma
Noes: None
Abstain: None
Absent: None

C-1 Approval of Minutes

Joint City Council/Successor Agency Adjourned Regular Meeting Minutes of February 15, 2017

C-2 Approval of Warrants

032018 - # 032288

C-3 Resolution No. 5265, A Resolution of the City Council of the City of Soledad Authorizing the Establishment and Maintenance of Bank Accounts for the Municipal Finds and Repealing Resolutions in Conflict herewith

C-4 Resolution No. 5266, A Resolution of the City Council of the City of Soledad Authorizing Investment of Monies in the Local Agency Investment Fund

C-7 Resolution No. SHA-2017-01, A Resolution of the Housing Authority of the City of Soledad Authorizing the Establishment and Maintenance of Bank Accounts for the Municipal Funds and Repealing Resolutions in Conflict herewith

Item C-5: Receive and accept City of Soledad Monthly Department Activity Reports

Councilmember Stewart pulled this item. She asked the Public Works Director where the Recycled Pipeline Project billboards were located.

Don Wilcox, Public Works Director said the billboards did get delayed. These reports were turned in four weeks ago and he was unable to withdraw the information submitted for the Council agenda.

She also asked if the Public Works Department had discussed with the Police Department additional areas that would benefit from the LED Street Light Project.

Don Wilcox said that he has not, but no discussion has come up during past staff meetings regarding areas that need additional lighting.

Motion: Motion made by Councilmember Stewart, seconded by Mayor Pro Tem Chavez and carried by unanimous vote:

Ayes: Stewart, Chavez, Bourke, Velazquez and Ledesma
Noes: None

Abstain: None
Absent: None

Item C-6: Soledad Housing Authority Approval of Warrants

35 - # 38

#1027 - #1051

Councilmember Velazquez pulled this item. She asked why these warrants are just now being approved in 2017.

Sherie Colesberry, Assistant to the City Manager, said there were no further records of other warrants from the Soledad Housing Authority. These records are now being approved so that this issue does not happen again.

Councilmember Bourke was a part of the Soledad Housing Authority in the past. He said they did not have regular meetings and had a lot of difficulties. The City of Soledad took over the Soledad Housing Authority and may have not been provided with much information.

Motion: Motion made by Councilmember Bourke, seconded by Councilmember Velazquez and carried unanimous vote:

Ayes: Stewart, Chavez, Bourke, Velazquez and Ledesma
Noes: None
Abstain: None
Absent: None

PUBLIC HEARING

I. PUBLIC HEARING NO. 1

- Receive the Staff report
- Open the Public Hearing at 6:23pm
- Closed the Public Hearing at 8:14pm
- Council Action

1. **GPA/ZA 2016-01** - 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 a 18 unit apartment complex on the property.

Brent Slama, Director of Community and Economic Development presented the staff report.

- Mr. Jeff Oliveira with Oliveira Consulting presented the Environmental Review and In-depth Environmental Impact Analyses of the project, the Public Review Process and Native American Tribal Representative Consultation Process. Through their analysis the bulk of the impacts they determined were less than significant. He added, if anyone had any questions about the CEQA process or the analysis they did for this project he would be present to answer questions.
- Mayor Pro Tem Chavez asked Mr. Oliveira if his analysis found any significant information in regards to parking and traffic that would impact that area.
- Mr. Oliveira did not find any impacts that could not be dealt with working with the City's standard requirements and Public Works.

Brent Slama added that no written comments had been received for tribal consultation regarding the CEQA document.

- Mr. Jason Retterer, a representative for the Nieto family thanked Mayor Ledesma and City Council for the opportunity to address the Council. He said that this is the fourth Public Hearing regarding this project. Since 2016 the Nieto family addressed the concerns of the neighbors and the community and made significant changes in the plans such as reducing the number of rental units, creating more open space, exceeded the off street parking requirement and eliminated the driveway access from Vista De Soledad. The Council at the last meeting had recognized the need for this type of development in Soledad.
- Mr. Alex Reynoso and Luis Vargas from In Studio Architecture presented a presentation of the plans of the project. He described the details of the buildings, car ports, parking, gating, trees, colors and textures.

Councilmember Velazquez disclosed for the record that back in September 2016, before being elected to the City Council, the applicant requested Ms. Velazquez provide informal limited feedback on the proposed project. She stated she now has a much larger volume of material regarding the views in support and the opposition of the project and she felt that based on the material and any testimony that the Council may receive, she could make a fair and impartial decision regarding the appeal.

- Gilbert Lopez, Soledad Resident, spoke against plans for development.
- Maria Abercrombie, Greenfield Resident, spoke against plans for development.
- Ramon Rendon, Soledad Resident, spoke against plans for development.

- Mr. Sal Nieto, Soledad Resident, spoke in support of the project as the Developer for this project. He stated that part of what he does here as a local business person is to identify what is needed here in the City of Soledad. He said it does seem very obvious that housing is needed here in Soledad. When considering this project he decided that if the project was not going to enhance the neighborhood or City then he should not do it. If he had got a negative response from the City in the beginning of this, then he would not have continued this process. He stated that every concern that the public has been concerned about has been addressed and modified.
- Ms. Martina Hernandez, Soledad Resident, spoke against plans for development
- Alfred Gavina, Soledad Resident, Spoke against plans for development
- Ms. Irma Hernandez, Soledad Resident, spoke against plans for development

Councilmember Stewart disclosed that she did meet with one of the Nieto brothers in September 2016 regarding a different topic, but this project was also brought up at that time. She was also present at the Council meeting in September 7, 2016 and was aware of the concerns regarding the project. She stated that she did not feel that it would impact her ability to make a fair and impartial decision.

- Councilmember Bourke made known that the City of Soledad has rezoned property before and there has been no change for that area, no crime worth reporting. He said that Mr. Nieto has made the changes to the project that the surrounding community was concerned about. It will be a gated community that will have solid fences. He said that originally the project was delayed because of CEQA issues and now those CEQA issues have been addressed. The units and parking were modified. Councilmember Bourke stated he supports the development.
- Councilmember Velazquez thanked the community for coming to the meeting and expressing their concerns for the project and had the following questions for the developer.
 - If the project does move forward, what steps will the developer take to ensure that the residents that live in the property are going to be professionals of above moderate income?
 - Mr. Sal Nieto said they are considering setting aside eight units for teachers, no deposit and first month free, basically two months free.
 - How can we ensure that the area will be maintained, along with the landscaping and common areas?
 - Mr. Nieto said there will be cameras on the property and a landscaper on payroll to keep up the landscape. Mr. Nieto said he will not be an absentee owner; he will see this property every day.
- Mayor Pro Tem Chavez acknowledged the concerns of the community. The only real impact found was the light and noise which can both be mitigated. The

project went from 28 units to 18 units and the whole project was reshaped and redone. The project went from 41 parking units to now 62 parking units. If the project would have stayed the way it was, he would not be able to support the project. He asked the following question:

- Is there any way to mitigate the street parking, taking away one side of the street so there would be no parking?
 - Brent Slama said there is no current demand for parking at that side, but certainly could also be part of an additional condition for approval.
- Mayor Fred Ledesma said there is a lack of housing in Soledad and a real need. He feels that if the Nieto family was just doing this for money, they would just build 11 units and sell them, just like in the Barcelona project, which is a mess. He said the project can work, but there needs to be restrictions and the community needs to stay vigilant in what is expected.

Council Action:

To adopt Resolution No. 5219

Motion:

Motion made by Councilmember Bourke, seconded by Councilmember Mayor Pro Tem Chavez and carried the following vote:

Ayes:	Bourke, Chavez, Velazquez and Ledesma
Noes:	Stewart
Abstain:	None
Absent:	None

Council Action:

To adopt Resolution No. 5221

Motion:

Motion made by Councilmember Bourke, seconded by Councilmember Mayor Pro Tem Chavez and carried by the following vote:

Ayes:	Bourke, Chavez, Velazquez and Ledesma
Noes:	Stewart
Abstain:	None
Absent:	None

MEETING RECESSED

Mayor Ledesma recessed for short break at 8:25 PM

MEETING RECONVENED

Mayor Ledesma reconvened from break at approximately 8:40 PM

BUSINESS

- B-1** Resolution No. 5267, A Resolution of the City Council of the City of Soledad Accepting Phases I-III of the License Plate Recognition and Surveillance System Project as complete by Surveillancegrid Integrations, Inc., and Authorizing the Release of Retention Payment

Don Wilcox, Public Works Director, presented the Staff report along with Police Chief Eric Sills.

Council Action:

To adopt Resolution No. 5267

Motion:

Motion made by Councilmember Bourke, seconded by Mayor Pro Tem Chavez and carried by the unanimous vote:

Ayes: Bourke, Chavez, Stewart, Velazquez and Ledesma
Noes: one
Abstain: None
Absent: None

- B-2** Resolution No. 5268, A Resolution of the City Council of the City of Soledad Accepting the Maintenance of the La Cuesta #1 Reservoir Rehabilitation Project as Complete by Spiess Construction Company, Inc. and Authorizing the Release of Retention Payment

Don Wilcox, Public Works Director, presented the staff report.

Council Action:

To adopt Resolution No. 5268

Motion:

Motion made by Mayor Pro Tem Chavez, seconded by Councilmember Stewart and carried by the unanimous vote:

Ayes: Chavez, Stewart, Bourke, Velazquez and Ledesma
Noes: None
Abstain: None
Absent: None

- B-3** Resolution No. 5269, A Resolution of the City Council of the City of Soledad Approving a Contract Agreement Change Order in the Not-to-Exceed Amount of \$9,125.00 and Accepting the Well 9 Rehabilitation Project as Complete by Maggiora Bros, Inc. and Authorizing the Release of Retention Payment

Don Wilcox, Public Works Director, presented the staff report.

Council Action:

To adopt Resolution No. 5269

Motion:

Motion made by Councilmember Velazquez, seconded by Councilmember Bourke and carried by the unanimous vote:

Ayes: Velazquez, Bourke, Stewart, Chavez and Ledesma
Noes: None
Abstain: None
Absent: None

- B-4** Resolution No. 5270, A Resolution of the City Council of the City of Soledad Approving a Consultant Services Agreement Amendment of On-call Engineering services with Harris & Associates and Authorizing the City Manager to execute Said Amendment on behalf of the City of Soledad

Don Wilcox, Public Works Director, presented the staff report.

Councilmember Stewart said she did not feel comfortable voting on Resolution No. 5270 because it is an amendment to an original contract that she has never seen. She requested this item be continued to the next regular City Council meeting so that Council has adequate time to review the original contract.

Councilmember Velazquez also requested to see the original fee schedule along with the original contract.

Council Action:

To adopt Resolution No. 5270

Motion:

Motion made to continue Resolution No 5270 to the Next Regular City Council meeting by Councilmember Bourke, seconded by Mayor Pro Tem Chavez and carried by the unanimous vote:

Ayes: Bourke, Chavez, Stewart, Velazquez and Ledesma
Noes: None
Abstain: None
Absent: None

- B-5** Resolution No. 5271, A Resolution of the City Council of the City of Soledad Authorizing the Mayor to Execute a Joint Powers Authority Agreement Establishing the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA)

Don Wilcox, Public Works Director, presented the staff report.

Representative Mr. Gary Peterson, Public Works Director of the City of Salinas and Interim Manager for the Joint Powers Authority (JPA) also spoke more on the subject and was available for questions along with Ms. Abby Taylor from the Salinas Valley Growers-Shippers Association and Ms. Colby Pereira who also accompanied the group and gave short presentations regarding the project.

Council Action:

To adopt Resolution No. 5271

Motion:

Motion made by Councilmember Bourke, seconded by Mayor Pro Tem Chavez and carried by the unanimous vote:

Ayes: Bourke, Chavez, Stewart, Velazquez and Ledesma
Noes: None
Abstain: None
Absent: None

- B-6** 1) Resolution No. 5272, A Resolution of the City Council of the City of Soledad Approving the Joint Powers Agreement Establishing the Monterey Bay Community Power (MBCP) Authority, Authorizing the Mayor to Execute the Agreement on Behalf of the City of Soledad and Adopting California Environmental Quality Act (CEQA) Exemption Findings
2) Introduction and First Reading by Title only of Ordinance No. 708, An Ordinance of the City Council of the City of Soledad Authorizing an Implementation of a Community Choice Aggregation Program

Don Wilcox, Public Works Director, presented the staff report.

Representative from Monterey Bay Community Power, Gine Johnson and Dan Nelson from the Romero Institute presented a four minute video and power point presentation to further explain the benefits of Monterey Bay Community Power.

Council Action:

To adopt Resolution No. 5272

Motion:

Motion made by Councilmember Bourke, seconded by Councilmember Velazquez and carried by the unanimous vote:

Ayes: Bourke, Velazquez, Stewart, Chavez and Ledesma
Noes: None
Abstain: None
Absent: None

- B-7** Resolution No. 5273, A Resolution of the City Council of the City of Soledad Approving a Contract for Construction Services with Sansone Co., Inc., in an Amount Not-to-Exceed \$554,980.00 for the Well 9 Iron and Manganese Removal System Project and Authorizing the City Manager to Execute said Contract on behalf of the City of Soledad

Don Wilcox, Public Works Director, presented the staff report.

Representative Frank Lopez from Harris & Associates also did a short presentation and was available for questions.

Council Action:

To adopt Resolution No. 5273

Motion:

Motion made by Councilmember Bourke, seconded by Councilmember Velazquez and carried by the unanimous vote:

Ayes: Bourke, Velazquez, Stewart, Chavez and Ledesma
Noes: None
Abstain: None
Absent: None

COUNCILMEMBERS' COMMITTEE REPORTS

- None

CITY MANAGER'S REPORT

- Written Report of 02-01-2017

COUNCILMEMBER'S ITEMS AND FUTURE AGENDA ITEMS

- Councilmember Velazquez made three requests:
 1. Initiate the preliminary dialogue with the Board of Trustees of the Soledad Unified School District to discuss the possibility of conducting future joint meetings. For the first meeting, she requested it be informal, in the form of a meet and greet.
 2. Request a presentation by the Gonzales Youth Council to discuss their Goals, objectives and accomplishments of 2016 in order to explore the best options for the City and existing recourses to engage our youth in the City's policy decision making process.
 3. To enter into discussion regarding the development of a resolution designating the City as a Safe Haven or Sanctuary for the safety and protection of our immigrant families and to review the City's local enforcement authority to ensure there is no recourses or funds that are used to assist with Federal immigration laws.
- Councilmember Stewart made four requests:
 1. Please look into privacy fencing for the Police Department
 - Don Wilcox said this issue is currently being addressed for both the Police Department and Fire Department.
 2. She also requested a solution be looked into for the dangerous cross walk at the local high school, maybe a lighted crosswalk.
 3. Look at the turn signal at Front and Nestles
 4. If any kind of resolution is passed regarding Soledad becoming a Safe Haven or Sanctuary City, have the City Attorney review how that may effect any future grants or federal funding.
- Mayor Pro Tem Chavez made four requests:
 1. Look further into discussion about become a Sanctuary City.
 2. He would also like to make certain that we do move forward with a meet and greet and joint meeting with the school district and schedule two meetings per year with them.
 3. Schedule at least one to two joint meetings per year with the Planning Commission.
 4. He stated that the signage over on Orchard Lane is misspelled.

- Mayor announced that City Manager Michael McHatten, Mayor Pro Tem Chavez and Mayor Ledesma would be speaking on Friday at 12:00 p.m. at the YMCA for the Chamber of Commerce, South County Women in Leadership luncheon.

ADJOURNMENT

Mayor adjourned the meeting at 10:23 p.m.

Minutes Approved: March 1, 2017



FRED J. LEDESMA, Mayor/Chairman



MICHAEL MCHATTEN, City Manager/City Clerk