

**Joint City Council/*Redevelopment Agency Meeting
April 19, 2006**

CALL TO ORDER

Mayor/Chairman Richard Ortiz called the regular meeting of the City Council/Redevelopment Agency to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

City Attorney Mike Rodriquez led the Pledge of Allegiance.

PEACEBUILDERS' PLEDGE

Mayor/Chairman Ortiz led the Peacebuilders' Pledge.

ROLL CALL

Present when the meeting was called to order were: Councilmember/Agencymember Chris Bourke, Councilmember/Agencymember Stefanie De La Rosa, Councilmember/Agencymember Patricia Stephens, Mayor Pro Tem/Vice-Chair Juan Saavedra and Mayor/Chairman Richard Ortiz.

MAYOR'S/CHAIRMAN'S REPORT

None.

COUNCILMEMBER'S/AGENCYMEMBER'S ANNOUNCEMENTS

Councilmember/Agencymember De La Rosa referred the Council/Agency to an article printed in the Western Cities magazine reviewing the benefits of Cities having childcare facilities.

Councilmember/Agencymember Bourke stated he attended several meetings including the League of California Cities Monterey Bay Division meeting and he met with the Red Cross in regards to disaster preparedness.

COUNCILMEMBER'S/AGENCYMEMBER'S PRAISES

Councilmember/Agencymember De La Rosa thanked the Lions Club for a great clam chowder take-out and the Girl Scouts for their clean up over the weekend. She also praised the Police Department for the apprehension of the four suspects last week and thanked the Public Works Department for the cleanup of the corporation yard. She also thanked First 5 of Monterey for putting 2% of their grant money into Soledad.

Councilmember/Agencymember Stephens thanked Code Enforcement Officer Lorenzo Sanchez for answering her questions in regards to alleyways and she also thanked City Staff for handling the potential conflict with the Catholic Church procession and the clam chowder take out.

Councilmember/Agencymember Bourke thanked the Public Works Department for fixing the netting under the bridge and he also praised the Police Department for apprehending the suspects in the vehicle burglaries. He also praised City Staff for coordinating events between the Lions and Church.

PRESENTATIONS

None.

GOALS AND OBJECTIVES UPDATE

City Manager Noelia Chapa reviewed the Goals and Objectives spreadsheet that was distributed to the Council/Agency in their Agenda packets. There were no comments or questions from Council/Agency.

PUBLIC COMMENT

Ron Panziera, Salinas River Channel Coalition Board Member, addressed the Council/Agency. He thanked the City for being a member and for their support. He informed the Council/Agency of the capital campaign that was started to gather information on the Salinas River Channel. He said the study was needed for the protection of the City in case of a flood. He thanked the City for its support.

CONSENT CALENDAR

Item #1: Approval of Minutes

City Council Regular and Redevelopment Agency Special Meeting Minutes December 7, 2005

Item #2: Approval of Warrants

#38390 - #38508

Item #3:* Resolution No. 3770-A / 282, “Approving an Amendment to an ‘Employment Agreement - City Manager/Executive Director’.”

Item #4:* Resolution No. 284, “Accepting the Draft 2006 Amendment to the Previously Amended Redevelopment Plan for the Soledad Redevelopment Project and Authorizing Transmittal of the same to the Planning Commission of the City of Soledad.”

Item #5:* Resolution No. 281, “Awarding a Contract to Henningsen Construction Co. in the Amount of \$13,400 for the Demolition of the Back Portion of 137 Soledad Street and Appropriating an Additional \$8,000 From the Redevelopment Agency Contingency Line Item.”

CONSENT CALENDAR ITEM #6 WAS PULLED BY COUNCILMEMBER BOURKE

Item #6: Resolution No. 3771, “Authorizing the City Manager to Execute a Contract with the Law Offices of William D. Ross to Provide Legal Services Pertaining to LAFCo Applications and Proceedings.”

Item #7: Resolution No. 3772, “Supporting the Board of Directors of the Association of Monterey Bay Area Governments (AMBAG) in Declaring the Month of May 2006 as Clean Air Month in the Monterey Bay Region.”

Item #8: Resolution No. 3773, “Approving a Temporary Use Permit for the Closure of Walker Drive between Metz Road and Granada Street for a Sports Fair event by the Soledad Recreation District from 3pm. to 5pm. on Monday April 24, 2006.”

CONSENT CALENDAR ITEM #9 WAS PULLED BY CITY MANAGER CHAPA

Item #9: Resolution No. 3752, “Approving and Authorizing Execution of an Agreement for the Option to Enter Into a Contract for the Exchange of Interests in Real Property Between the City of Soledad and HMBY, LP.” *(Continued from April 5, 2006 meeting)*

City Manager Chapa indicated that there were a few minor changes to the warrant list, which was distributed to the Council on the dais.

MOTION: The Consent Calendar (Items #1, 2, 3, 4, 5, 7 and 8) was approved by a unanimous vote on a motion made by Mayor Pro Tem / Vice Chair Saavedra and a second by Councilmember / Agencymember De La Rosa.

CONSENT CALENDAR ITEM #9 WAS PULLED BY CITY MANAGER CHAPA

Item #9: Resolution No. 3752, “Approving and Authorizing Execution of an Agreement for the Option to Enter Into a Contract for the Exchange of Interests in Real Property Between the City of Soledad and HMBY, LP.” (Continued from April 5, 2006 meeting)

City Manager Chapa requested that Consent Calendar Item #9 be continued to the next meeting of May 3rd.

MOTION: Resolution No. 3752 (Consent Calendar Item #9) was continued to the Council/Agency meeting of May 3rd on a motion made by Councilmember Stephens and a second by Mayor Pro Tem Saavedra.

CONSENT CALENDAR ITEM #6 WAS PULLED BY COUNCILMEMBER BOURKE

Item #6: Resolution No. 3771, “Authorizing the City Manager to Execute a Contract with the Law Offices of William D. Ross to Provide Legal Services Pertaining to LAFCo Applications and Proceedings.”

Councilmember Bourke wanted to acknowledge that what was distributed on the dais that evening was a revision to page number ten of the contractual agreement with the Law Offices of William D. Ross. He also mentioned that the mediation section was amended.

MOTION: Resolution No. 3771 (Consent Calendar Item #6) was adopted by a unanimous vote on a motion made by Councilmember Bourke and a second by Councilmember Stephens.

PUBLIC HEARING

Item #10: Ordinance No. 628, “Announcing Findings and Amending the Official Zoning Map of the City of Soledad to Zone Approximately 15 Acres (APN 022-291-018) Located South of the Intersection of Nestles Road and Los Coches Drive.” (Second Reading)

Staff Presentation

Community Development Director Don Fleming addressed the Council. He stated the ordinance was to be introduced and would have the second reading in order to amend the general plan and allow for rezoning of the property. He said that the specifics of the final map are still under discussion and are not finalized, but that Staff would be back before the Council at a future date with a complete development plan.

Councilmember Bourke asked if the changes that were still under discussion were major changes or minor. Community Development Director Fleming stated that the changes would affect the actual footprint but would not be significant. He said that it may just be a difference in square feet but it would not change the concept of what was being proposed.

Open and close hearing to the public

Mayor Ortiz opened the hearing to the public and hearing no comments, closed the hearing to the public.

MOTION: Ordinance No. 628 was adopted by a unanimous vote and read by title only on a motion made by Mayor Pro Tem Saavedra and a second by Councilmember Bourke.

Item #11: Conduct a Public Hearing on the Appeal of B & P Packing Regarding Impact Fees for 235 Nestles Road.

Staff Presentation

Community Development Director Fleming addressed the Council. He stated that the applicant is appealing the fees for his location. He stated that the fees were generated by an impact fee study which indicated that new development would pay a certain amount for storm drainage and a certain amount for traffic impact. He stated that the applicant had concerns for that reason regarding the storm drainage, which he would have to maintain on site and feels he shouldn't have to pay the fee. Community Development Director Fleming stated that the applicant also feels he should not have to pay the traffic impact fee because he will be creating less traffic.

Councilmember Bourke asked if the applicant was still planning on doubling the size of his business. Community Development Director Fleming stated that he was not sure and that he would have to ask the applicant. City Manager Chapa said that based on the Council's decision, Staff would be back the next Council meeting with a resolution.

Public Works Director Price stated that the impact fees citywide are specific to the site, and the curb, gutter and sidewalk improvement would be required by the applicant. He stated that it would have to be built by Mr. Bigiogni and that he would also have to contribute his portion. He stated that relative to the traffic impacts from the applicant's previous operation, it did not have anything to do with his current operation and that his trucks would be going through an intersection that is currently being evaluation for traffic lights, which is very relative to the applicant's project. He also stated that included in the fees is the cost associated with running the drainage system.

Open hearing to the public

Mayor Ortiz opened the hearing to the public.

Bob Bigiogni, President of B&P Packing, addressed the Council. He stated that the "fair" share was the issue, and that he agreed with much of what the Staff presented. He stated he was not impressed with how senior Staff handled his relocation to Nestles Road. He said that he was provided the cost of the fees on December 23rd and was later told that the Transportation Fee was incorrect. He said that the City Manager called him in February to say that the Transportation Fee was not \$33,000, but rather \$3,000. Mr. Bigiogni distributed a copy of the fees to the Council. He said that he had requested that the item go before the Council. Mr. Bigiogni reviewed the fees, and stated that he did not have a problem with any of the fees except the Storm Drain and Transportation. He stated that he did not understand why he needed to pay the City money for storm drain when he will be installing a series of drains with all the water held on site. He said that he was told he could not hook up to the storm drain, and that all rain run off must stay on site which will require him to install his own drainage system, but yet the City was still requiring him to pay a storm drain fee.

Mr. Bigiogni addressed the transportation fee the City was imposing. He said that instead of his trucks going down the road they will stay on his property, and all the trucks will be kept on site

with none of them crossing town. He said he has not paid the fees yet or picked up his permit and he was tired of paying the City money that was not necessary.

Mayor Ortiz asked Mr. Bigiogni if he had paid the full amount around \$40,000. Mr. Bigiogni responded that he had only paid about \$3,000, but that he had not gone to pick up his permit yet so he has not paid the remainder of the fees.

Councilmember Bourke asked Mr. Bigiogni if his trucks will ever go on the City streets. Mr. Bigiogni responded that they would go on the City streets a lot less than they ever did, and that they would have no impact on his project and his trucks will get straight onto the highway. Councilmember Bourke said that they would have an impact because the trucks would be going through the busiest two intersections in town. Mr. Bigiogni stated that he felt he should not have to pay for that and that the transportation is about 1/3 of what it used to be. Councilmember Bourke asked if Mr. Bigiogni had anything in his records that indicated he had paid transportation fees with his old building. Mr. Bigiogni said that they were leasing the property and that if anyone paid the fees it would have been the property owner.

Councilmember Stephens asked Staff to address the storm drain issue again. Public Works Director Price stated that 100 yards down the curbs, gutters, sidewalks and drainage will be installed by Mr. Bigiogni. He said the storm drain fee is for the collection, transportation, treatment and disposal of storm water. He said that the requirements are standard when there is any development of a frontage.

Close hearing to public

Mayor Ortiz closed the hearing to the public.

Mayor Ortiz asked Mr. Bigiogni if he had reviewed the reduced transportation impact fee amount. Mr. Bigiogni said that he had but that he still felt he should not have to pay it regardless of the amount.

City Attorney Rodriguez said that the action taken needs to be a consensus from the Council in regards to impact fees and the Council needs to direct Staff to prepare a resolution based on the recommendation.

Councilmember Bourke suggested that the Council modify Staff's recommendation so reflect that he not pay the storm drainage fee however the transportation fees should stay.

Mr. Bigiogni said that his new building would not increase traffic but it would cut down on intercity traffic.

City Attorney Rodriguez stated that the property is not being assessed for impact at the previous site, and it did not make a difference if there was a reduction from the previous site, the applicant was being assessed for a particular property.

Mayor Ortiz asked Staff if someone else built on the same road would they be assessed the same fees. Public Works Director Price responded that they would, but the fee amount would be based on square footage of the structure, and certain values of trips based on square footage.

Mayor Pro Tem Saavedra asked Staff for a definition of "trip". Community Development Director Fleming stated that the number generated in the traffic study says vehicle trips, but it

did not designate the type of vehicle. Mayor Pro Tem Saavedra asked if it was different then the number that would generated for a trucking firm. Community Development Director Fleming said that it was a different range of trip generation for heavy commercial.

MOTION: A motion was made to waive the storm drainage fees and keep the transportation fee on a motion by Councilmember Bourke and a second by Mayor Pro Tem Saavedra. Councilmember De La Rosa, Councilmember Stephens and Mayor Ortiz opposed. The motion died due to lack of a quorum.

MOTION: A motion was made to deny the appeal of B&P Packing by a unanimous vote on a motion made by Councilmember Stephens and a second by Councilmember Bourke.

Councilmember Stephens addressed the applicant. She stated that as long as the City has grown the Council has found it necessary to impose fees that were not required previously in order to keep up with the costs associated with running the City. She said that Councils along the way have decided to impose fees, and she felt that because the City has taken steps to do that, it needs to unilaterally impose the fees, based on the formula, and equally distribute them, which is what is needed to run the City for the benefit of all those who live in the City. She stated that the fees are necessary for the quality of life and for the safety of the community. She said that she could not support one person not paying the fees, and in order to be fair to everyone who does business in Soledad presently and in the future, she cannot support making an exception to the rule.

City Attorney Rodriquez stated that Staff would bring a resolution denying the appeal to the next Council meeting.

Bob Bigiogni thanked the Council for their consideration and expressed his disappointment with their decision.

BUSINESS

Item #12: Resolution No. 3774, “Approving the Department of Social and Employment Services Request for Use of the Community Center for Employee Training and Authorizing Use of Approximately Twelve City Hours.”

Assistant City Manager De La Rosa addressed the Council. He stated Staff had received a request from the Monterey County Department of Social and Employment Services requesting use of the Community Center and City hours. He said that the training would be for County employees regarding food stamp and MediCal programs. He said the training would provide a benefit to the majority of the residents as outlined in the staff report that was forwarded to Council. He stated that he informed County staff of the meeting however they were not able to attend.

Councilmember De La Rosa stated that she felt this was a good thing for the City to sponsor and she felt it should be listed as a City sponsored event.

MOTION: Resolution No. 3774 was adopted by a unanimous vote on a motion made by Mayor Pro Tem Saavedra and a second by Councilmember Bourke.

Item #13: Resolution No. 3775, “Authorizing the City Manager to Execute an Amendment to the Black and Veatch Long Term Wastewater Management Plan Contract, for Development of the Preliminary Design, Plans, Specifications and Engineer’s Opinion of Cost for Construction of the Preferred Alternative in the Long Term Waste Management Plan in an Amount Not to Exceed \$129,511 and Appropriating \$129,511 from the Wastewater Reserve Fund.”

Public Works Director Price addressed the Council and stated that this action was necessary to accommodate the Proposition 50 application. He stated that Black and Veatch would prepare the plans which would be submitted with the application. Ruben from Black and Veatch stated that the “Readiness” is important and that the City was at the point where it can prepare drawing plans to keep up with others.

MOTION: Resolution No. 3775 was adopted by a unanimous vote on a motion made by Councilmember Bourke and a second by Mayor Pro Tem Saavedra.

Item #14: Ordinance No. 629, “Amending Section 13.40.050 – Rate Distinctions – of Chapter 13.40 – Utility Charges – of the Soledad Municipal Code.

Economic Development Director Izzy Rodriguez addressed the Council. He stated that in January the Soledad Housing Authority requested a waiver of charges for their utility fees and that the ordinance would allow for the waiver of the utility fee for water and sewer. He stated that the ordinance would sunset once the rehab project was complete.

Mayor Pro Tem Saavedra asked about the prorated amount for the vacancies. Economic Development Director Rodriguez stated that there are currently 21 vacancies, and they will be pro rated as they become vacant based on 72 units.

MOTION: Ordinance No. 629 was approved by a unanimous vote and read by title only on a motion made by Councilmember Bourke and second by Councilmember Stephens.

Item #15: Ordinance No. 630, “Adding Chapter 13.05 ‘Deconstruction, Demolition and Construction Material Recovery and Diversion From Landfills’ to Title 13- ‘Public Services’ of the Soledad Municipal Code.” (First Reading).

City Manager Chapa informed the Council that Staff had received an email from the Salinas Valley Solid Waste Authority requesting that the item be tabled until a future date.

MOTION: Ordinance No. 630 was tabled for an indefinite amount of time by a unanimous vote on a motion made by Mayor Pro Tem Saavedra and a second by Councilmember De La Rosa.

Item #16: Six (6) Month Review of Soledad Municipal Code Section 9.09 Noise.

Police Chief Richard Cox addressed the Council. He stated that in March of 2005 the City Council elected to review Noise Ordinance Section 9.09 to determine if a change in the ordinance could improve the overall effectiveness of enforcement and prosecution of violators. He stated the action was prompted by a complaint regarding the manner in which a particular situation had been handled. He said the primary concern was that the reporting party or victim couldn’t remain anonymous for prosecution purposes and that the identification of those individuals could compromise their safety.

Chief Cox said that after careful review and evaluation, he recommended to the Council not to change the ordinance as it would not circumvent the constitutional requirement of identifying witnesses. He said that Soledad's noise ordinance appeared to be adequate when compared to our neighboring cities. Chief Cox said that he had recommended changing the internal reporting process to improve documentation and tracking of "problem" residence(s). Chief Cox stated that Council had requested an update in six months from the installation of the new tracking system.

Chief Cox stated that in the past six (6) months, the Soledad Police Department had responded to sixty-four (64) loud music/noise complaints, issuing (5) citations to drivers of vehicles and in the previous six (6) months, the Soledad Police Department issued seventeen (17) citations for loud music coming from residences and vehicles. He said after one year of closely monitoring noise ordinance violations, the Soledad Police Department determined no particular pattern or increase in the volume of complaints existed to warrant a change in the ordinance and the department continues to maintain confidentiality of the reporting party whenever possible.

Councilmember Stephens asked Chief Cox if there was a certain time when loud noise was not allowed. He responded that anytime a noise is heard 50 feet from the dwelling, it is in violation.

Item #17: Salinas Valley River Coalition request for City to contribute \$1,000 towards the selection of a consultant to undertake studies of the Salinas Valley River.

Mayor Ortiz stated that at the Salinas River Channel Coalition (SRCC) 11th Annual Membership Meeting, of which the City of Soledad is a member, they discussed the funding of a consultant to commission a study of the Salinas River. Mayor Ortiz reported that he had attended the meeting and asked Staff to place the item on the agenda to consider contributing funds for the study which will assist the City. Mayor Ortiz showed a picture slideshow of the Salinas River and the City's wastewater treatment facility to give a visual of what the study would focus on. He said the SRCC is looking at clearing the channel, and by them doing that it would not border up to the City's ponds. He stated they are having problems receiving the permit from Fish and Game and that the Coalition will have to prove to them that what will be done will not effect the habitats of the river.

MOTION: On a motion made by Councilmember Stephens and a second by Councilmember De La Rosa, Staff was directed to prepare a warrant for a contribution in the amount of \$1,000 to the Salinas River Channel Coalition.

COUNCILMEMBER'S/AGENCYMEMBER'S COMMITTEE UPDATES

- a) **Street Naming** - None
- b) **Miravale Section 16** - None
- c) **Development Review** - None
- d) **Overall Landscape Review** - None
- e) **Revolving Loan Fund** – Economic Development Director Rodriguez said that Staff was working on the final loan.
- f) **Oldtown Soledad Beautification Association** - None
- g) **Parks** - None
- h) **Redevelopment Neighborhoods** – Councilmember De La Rosa stated that they held a meeting the previous evening and received an update on street lights. She said they had some volunteers that would be driving around town to identify which areas needed more lighting. At the meeting she said they also received an update on the tree committee and

information regarding the *25 to Life* video game. She said the Committee is still discussing alleyways and how to improve the security of them.

- i) **CAC** - None
- j) **SR146 (Roads)** – Public Works Director Price stated that the project development team would be meeting on the 25th of the month and that Staff would be scheduling a meeting with the committee soon after.
- k) **Tree** – Councilmember Stephens said there would be a meeting the following Tuesday.
- l) **Wastewater Treatment Plant** - None
- m) **Soledad Historical Society** – Councilmember Stephens reminded everyone that the Historical Society was having a doll show on April 29th at the High School.

CITY MANAGER’S/EXECUTIVE DIRECTOR’S REPORT

- a) **Council Requests** – Status Table

None.

COUNCILMEMBER’S/AGENCYMEMBER’S ITEMS

Councilmember De La Rosa stated that it was nice to see the playground equipment installed at Vosti Park at the CSI childcare facility. Community Development Director Fleming said that once everything is final the State will come out to inspect, which will take about six weeks for them to arrive.

Councilmember Stephens stated that she talked to Code Enforcement Officer Lorenzo Sanchez and the Police Department regarding her concern over the alleyways, and she encouraged the community to come together to create a solution.

Councilmember Bourke suggested that the Public Works Department look into increasing the security at the Corporation Yard. He also requested that the City Council add to the Committee list the Soledad Emergency Plan Committee. Staff was directed to add it as Item “n”.

CLOSED SESSION

At 8:05 p.m. Mayor/Chairman Ortiz called for a recess to convene to Closed Session to discuss the following items:

1. The City Council will recess to closed session to meet with its designated representatives regarding labor relations matters pursuant to Government Code Section 54957.6. The employee organization is the Soledad Police Sergeants' Association.
2. The City Council will recess to closed session to meet with its designated representatives regarding labor relations matters pursuant to Government Code Section 54957.6. The employee organization is the Soledad Police Officers' Association.

MEETING RECONVENED

At 8:30 p.m. Mayor/Chairman Ortiz reconvened the meeting from Closed Session.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mayor/ Chairman Ortiz made the following announcements with regard to closed session matters:

1. The City Council will recess to closed session to meet with its designated representatives regarding labor relations matters pursuant to Government Code Section 54957.6. The

employee organization is the Soledad Police Sergeants' Association. Council conferred with legal counsel. No other reportable action was taken.

2. The City Council will recess to closed session to meet with its designated representatives regarding labor relations matters pursuant to Government Code Section 54957.6. The employee organization is the Soledad Police Officers' Association. Council conferred with legal counsel. No other reportable action was taken.

ADJOURNMENT

There being no other business to come before the Council/Agency, Mayor/Chairman Ortiz adjourned the meeting at 8:35 p.m.

RICHARD V. ORTIZ, Mayor/Chairman

Approved: May 17, 2006

NOELIA F. CHAPA, City Clerk/Agency Clerk