

## **CALL TO ORDER**

The meeting was called to order at 5:35 p.m. with all members present except Councilmember Menesini who arrived at 6:20 p.m.

## **BUDGET WORKSHOP**

City Manager Don Blubaugh conducted the 2007-2009 Budget Workshop and reviewed budget highlights of savings, salaries, and benefits, community programs and internal projects.

Lianne Marshall, Assistant City Manager for Administrative Services, reviewed projected general fund revenues for 2007-08 (total projection: \$19,839,119) and 2008-09 (total projection: \$20,397,293); she reviewed general funds expenditure projections for 2007-08 (total projection: \$20,242,884) and 2008-09 (total projection: \$20,857,044); she further reviewed enterprise fund summary and total summary of all funds expenditures for 2007-08 (total projected: \$39,159,027) and 2008-09 (total projected: \$37,683,510).

Key departmental objectives were reviewed by Assistant City Manager Marshall, Chief of Police David Cutaia, Assistant City Manager/Community and Economic Development Karen Majors, and Public Works Director David Scola.

Councilmember DeLaney asked if Proposition 1B funds (approximately \$1.2 million) had been factored in. Staff explained that the amount was not certain yet, so it was not included in the budget. Councilmember DeLaney asked how increased gasoline costs would be handled. Staff indicated there was some additional allocation.

Councilmember DeLaney asked, and staff confirmed that the \$334,000 allocated for police succession planning included both backfilling applied positions and payouts.

Councilmember DeLaney expressed concern that \$30,000 for the Amgen Tour was too much for a one-day event. She also questioned whether considering ferry service should be a primary budget objective. Mr. Blubaugh noted that the Water Transit Authority had recently provided a grant to the City of Antioch for a ferry service feasibility study. He indicated that Martinez would only pursue ferry service if grant funding is available to pay for it.

Councilmember DeLaney asked about reference to the Community Transportation Plan. Staff explained that there was not one presently, but MTC will pay for the costs to develop one. She also asked about updating the City ordinance regarding food facilities to match County requirements. Staff explained that the County had jurisdiction in this area, and enforcement would be easier if the two ordinances matched.

Councilmember Menesini asked how many intersections were being considered for traffic surveillance cameras; and Chief Cutaia reviewed the most likely intersections. Councilmember Menesini cautioned that legal issues need to be researched before funds are spent. Councilmember Ross acknowledged that San Francisco and Danville had mixed success with the traffic monitoring cameras. He suggested a pilot program to evaluate the need.

Councilmember Menesini mentioned some intersections to consider, particularly Alhambra at Highway 4. He also commented on the need for cameras in areas of high vandalism. Chief Cutaia indicated that was being researched as well.

Councilmember Ross commented on those who blatantly run stop signs, noting that increased enforcement would be good. He also indicated that he thought \$30,000 for the Amgen Tour was a very worthwhile investment. Councilmember DeLaney said further cost-benefit analysis would be helpful.

Vice Mayor Kennedy asked about the timeline for the General Plan update. Staff indicated it should start shortly after the beginning of the fiscal year. Vice Mayor Kennedy commended staff for their work on the budget, particularly for addressing specific Council and community concerns. She also briefly commented on the CERT program.

Councilmember Ross suggested some consideration be given to ways the City can increase its energy efficiency, perhaps even a staff member should be assigned to that area.

Councilmember Menesini asked, and Chief Cutaia confirmed that neighborhood watch programs were already in place, and funding was part of the budget.

Mayor Schroder thanked staff for the presentation, and he reviewed the next steps in the budget process, including public participation.

The meeting adjourned at 6:50 p.m.

## **RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder called the meeting to order at 7:00 p.m. with Councilmembers Lara DeLaney, Michael Menesini, Mark Ross, and Vice Mayor Janet Kennedy all present. He indicated that a Budget Workshop was held earlier.

The Council observed a moment of silence in memory of those who died in the tragic event at Virginia Tech.

## **PRESENTATION(S)/PROCLAMATION(S)**

## **PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

### **Reserved only for those requesting to speak on items not listed on the Agenda.**

Jack Bean, Alhambra High School, recognized Tesoro Refinery Company who purchased uniforms for the entire sports program and asked the Council to consider writing a letter of appreciation to Tesoro. The Council indicated their support for the concept.

Noralea Gipner requested assistance in advertising for the Martinez Home Tour on October 6th by using the billboard located off the bridge. Mayor Schroder referred the request to Joann Tool.

Phillip Ciaramitaro expressed appreciation to City staff, especially Don Blubaugh and Dave Scola, for the quick response in replacing railings at the Marina fishing pier.

David Piersall expressed concerns about the continued risks from unreinforced masonry buildings in the downtown. He questioned the slow process in introducing the new ordinance, and he asked why it was being linked to a historic preservation ordinance. He urged the Council to take action as soon as possible.

Mike Alford questioned why his comments about Al Turnbaugh and Mrs. Busby were omitted from the minutes of the last meeting. He also questioned why three incidents (two shootings and one stabbing) were omitted from the paper. He stated his concern for the health, safety and welfare of the people of Martinez.

## **CONSENT CALENDAR**

### **MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.**

1. Motion approving City Council Minutes of April 4, 2007. [M.Cabral]
2. Motion approving Check Reconciliation Register(s) dated 04/05/07. [C.Heater/02.01.01]
3. Motion approving Investment Summary Report for March 2007. [C.Heater/2.1.01]
5. Resolution No. 028-07 amending Section 2.12, Lifeline Rate, Section 5.3, Non-Payment of Bills, and Section 14, Schedule of Fees and Rates, for the Martinez Water System - Regulations Governing Water Service. [T.Tucker/15.01.01]

Councilmember DeLaney asked that Item 4 be pulled from the Consent Calendar for further discussion. Mayor Schroder opened public comment on Items 1, 2, 3 and 5.

Regarding Item 1, Paul Wilson asked that his comments be changed to say, "*He also reviewed the fourteen current ad hoc subcommittees*" instead of "*the many current...*"

Regarding Item 5, Mr. Wilson suggested that the fees collected by Martinez water users should be used for improvements benefiting them only, and not the residents who use Contra Costa Water instead. He also questioned why the City was supplying water to some outside City limits

and why the City was involved in a settlement between Amador Valley Savings & Loan and Security Owners Corporation. Mayor Schroder and Councilmember Menesini discussed some of the history of the Martinez Water System, noting that some areas outside the City have been served by it for many years.

City Engineer Tim Tucker also explained developer agreements written in the 1980s and 1990s regarding the use of developer fees, etc. Councilmember Menesini noted that the Alhambra Valley has been served by the City for over 100 years.

Councilmember DeLaney corrected some of Mr. Wilson's statements regarding the timing of water rate increases, specifically noting there would not be a 5% increase next year.

City Manager Don Blubaugh clarified that the agreement with the developer is actually coming to an end, so the City will no longer be making payments to them.

Mike Alford asked for further clarification on allowable rate increases. Councilmember DeLaney confirmed that rates could be raised again after 2010. Mr. Alford asked who paid the developer, Mr. Busby, for putting in the oversize water pipes.

Mr. Blubaugh explained that it is common practice for a developer to put in oversized facilities, in which case it is understood that the developer will be reimbursed by others who connect to his line. Mr. Tucker added that the developer was not fully reimbursed for his costs. Mr. Alford asked, and staff confirmed that the City water rate increases were not a result of the developer agreement. He suggested the City consider bottling the water if it is so good.

Mr. Blubaugh clarified that the water fund has not paid for a \$7 million maintenance facility. Councilmember DeLaney noted that the projected increase for 2010 would be based on the cost of water to the City, not the CPI.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1, 2, 3 and 5. On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, approving Items 1-3 and Item 5. Motion unanimously passed 5 - 0.

4. Motion Approving Budget Policy as amended. [L.Marshall/02.01.00&02.10.00]

Councilmember DeLaney noted some inconsistency in the wording of the policy. Mr. Blubaugh agreed it could be corrected.

There was no public comment on Item 4.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve the Budget Policy as amended clarifying the policy and making it commensurate with G. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

6. Consideration of an appeal of the Planning Commission's action and possible action approve or deny Design Review, Variance, and Conditional Use Permit for construction of a Triplex building at 231 Main Street. [A.Lopez/09.06.01.38]

Deputy Director of Community Development Albert Lopez gave the staff report, including a PowerPoint presentation reviewing project details, consistency with the Downtown Specific Plan, and Planning Commission findings. He also discussed the basis for the appeal and possible actions for the Council to take.

Mayor Schroder asked, and Mr. Lopez confirmed that there is currently a duplex on the property, with no on-site parking available other than a small gravel area (not covered).

Councilmember DeLaney commended staff for the excellent presentation.

Tim Platt, appellant, expressed appreciation for the presentation, although he disagreed with some of the interpretations and application of the Downtown Specific Plan provisions. He was also concerned about the precedent that might be set for future exceptions in terms of parking and housing types. Mr. Platt discussed the applicable provisions of the Downtown Specific Plan as the governing ordinance, related to keeping existing structures where possible, project scale, and density. He asked the Council to deny the project and look for something more suitable. He also asked that the City ensure that the current tenants are given assistance in finding replacement housing.

Scott Busby, representing Louise and Marilyn Aiello, thanked staff for their work. He briefly discussed his experience and history with the City, as well as that of the applicants. He indicated his agreement with the staff report that the project does meet the needs of the community and the provisions of the Downtown Specific Plan. He asked for approval of the project, and he said he welcomed any constructive criticism from the Council.

Councilmember Ross asked, and Mr. Busby confirmed that the project would be condo-minimized or done as tenants-in-common. Mr. Busby further explained how those options would affect the way the project is built, with each unit having completely separate amenities.

Marta Van Loan commented on neighboring homes that have been recently remodeled, whose property values will now be negatively impacted by the decreased setback between the two buildings.

Hope Savage spoke about the need to protect existing single family neighborhoods from high-density housing. She asked the Council to uphold the standards of the Downtown Specific Plan, without allowing variances.

Caine King congratulated Councilmember Menesini for the clean water award received by his father. He expressed concern about future exceptions that might be granted, in an effort to cram as much housing into the City as possible.

Jayne Moore echoed previous speakers regarding the need to follow the standards already set. She asked whether a duplex could be considered rather than a triplex, with adequate parking. She was also concerned about privacy and good neighbor relations.

Mark Hunter discussed his experience with historic renovation, and the need to preserve existing historic homes. He felt that the project was too big, and too tight for the space. He urged the Council to consider carefully before acting.

Jimmy DiGuillio acknowledged that replacing vacant lots with homes was an improvement, but he was concerned about putting too many units on the lot. He commented on difficulties he had with setbacks when putting in an air-conditioning unit, and the inconsistency shown in granting variances.

Roy Jeans agreed with previous speakers, particularly with the suggestion of a duplex instead of a triplex. He acknowledged it was a difficult decision for the Council to balance owners' rights against neighbors' rights.

Danny Brown asked the Council to deny the project as proposed, to preserve the neighborhood. She agreed a duplex would be more appropriate.

Mike Alford noted that other apartments in the neighborhood have on-site parking. He agreed a 3-foot setback should not be allowed. He expressed concern about parking, particularly for visitors. He was also concerned about the precedence for high-density housing.

Paul Wilson commented on the continued exceptions made for existing standards. He cautioned against projects that will destroy the ambience of the town. He mentioned a property on Buckley Street with only 1 foot setback, and potential difficulty with emergency access. He suggested that revitalization could come from advertising Martinez as a place for business.

Roger Goodwin commended Mr. Lopez for the presentation, and he expressed appreciation for the project itself. He urged the Council to support the Planning Commission recommendation for approval.

David Piersall was doubtful that putting such a project in the location proposed would threaten the single-family neighborhood a few blocks over. He also noted that as property owners, the Aiello should make the decision whether a duplex or a triplex would be appropriate. He questioned whether privacy or property values would be lost, and he agreed with Mr. Lopez that the project meets the standards of the Downtown Specific Plan.

Richard Verrilli was concerned about multiple owners on a single lot. He felt a duplex with a single owner would be better. He was also concerned about noise impacts on the neighbors.

### Rebuttal

Mr. Platt showed a 3-foot skateboard to demonstrate how small three feet is. He also commented on past parking onsite, although he emphasized that the issue is not what was there, but rather what should be under the new standards. He was especially concerned about the impacts of more parking on the street. He encouraged the Council to consider a duplex rather than a triplex, with less variances needed.

Mayor Schroder read comments from Bill Wainwright, in opposition to the project. He was concerned about the tightness of the project, granting exceptions to the Downtown Specific Plan, and parking impacts.

Mr. Busby noted that past parking for the lot was through a shared garage with a neighboring property, both owned by the Aiellos. Now the second lot is owned by someone else, and the parking/access for the current duplex is more restricted. He also noted that the proposed 3-foot setback only affects the garage, not the second story, which meets the requirements, and there are no windows along that side. He expressed confidence that the project does meet the standards of the Downtown Specific Plan. He further commented on project costs, and the need for the renovation of properties to be affordable for the owners. He also discussed efforts made to minimize the impacts on the neighbors.

Mayor Schroder asked for clarification on the setbacks and comparisons with neighboring existing property setbacks, which Mr. Busby provided.

Councilmember DeLaney asked about the structural soundness of the existing building on the property. Mr. Busby acknowledged that the building was not about to fall down, but the cost of repairs and renovation would not be worth it.

Councilmember DeLaney asked if building a duplex was considered. Mr. Busby said yes, although he noted that the City standards for parking would still necessitate use of the back yard for parking. He also expressed doubt that a duplex would give the same return on investment that the triplex would.

Seeing no further speakers, Mayor Schroder closed the public hearing.

Councilmember Menesini expressed support for the project, noting that the Aiellos are long-time members of the community with Martinez' best interests at heart. He expressed confidence that the proposal will enhance the neighborhood. He also commented on some existing Section 8 housing in the City, noting that projects like this one will help to renovate the downtown, even without redevelopment.

Councilmember Ross was also supportive of the project. He expressed confidence that there would be no invasion of privacy, and the parking will be adequate. He also noted that this is a good opportunity for owner-occupied housing. He expressed appreciation to the Aiellos for the investment they were willing to make in the community.

Vice Mayor Kennedy indicated her support as well, noting that the use of the site will remain the same. She also said she did not think that approving the project would set precedent, expressing confidence that any future project would be considered on its own merits. She thought it was a good use of space, with adequate parking, and visually attractive.

Councilmember DeLaney commended staff for the excellent analysis, expressing agreement with their recommendation as well as that of the Planning Commission. She agreed there would be adequate parking with little impact on the neighborhood. She also indicated that encouraging revitalization means allowing property owners to improve their properties. She concluded by saying that she thought the concerns raised by the appellant had been answered.

Mayor Schroder commented on the fact that the owners and developer are all local residents, who are willing to invest in the community. He also noted that the Downtown Specific Plan does allow for exceptions, on a case-by-case basis. He commented on other homes in the neighborhood that have been improved by their owners, expressing confidence that this one will also be an asset to the City.

Councilmember Ross asked Assistant City Attorney Veronica Nebb whether the Specific Plan or the Overlay District would be the higher authority. Ms. Nebb said the hierarchical order would be General Plan, followed by Specific Plan, followed by Zoning Ordinance (in this case the Overlay District), although hopefully there would be no conflicts between them.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, direct staff to prepare a resolution upholding the Planning Commission's decision and denying the appeal and granting the actions of the Use Permit and the requested Variances. Motion unanimously passed 5 - 0.

## **CITY MANAGER**

### 8. Quiet Zone Update. [T.Tucker/6.7.6&10.17.00]

City Engineer Tim Tucker gave the staff report, discussing progress made toward securing a waiver on the train horn rules for the BNSF line and toward establishing a quiet zone.

Councilmember DeLaney noted that the Federal Railway Association (FRA) regulations are different for private crossings, which the Morello crossing is. She asked for legal opinion as to whether State law will require the sounding of the horn at a private crossing, and for a risk analysis as well.

Mayor Schroder opened public comment on the item.

Paul Wilson asked where the Morello crossing was in relation to the winery. In learning that it is part of the winery, he noted that was under county jurisdiction, so the City should see whether the County supports the waiver. He also discussed federal requirements that a train sound its horn at the beginning and end of the railroad platform. He expressed concern about the cost (\$250,000 to \$500,000) to pursue a quiet zone with so little benefit to be derived from it. He noted that the City of Riverside was now abandoning their wayside horn system.

Mr. Tucker clarified that the wayside horn and the quiet zone were two different systems. He indicated that Riverside had resolved their issues, but he acknowledged that the wayside horn was disruptive to those who live close.

Mayor Schroder asked whether the requirement for sounding the horn upon entering and leaving stations applied to all trains, or just passenger trains. Mr. Tucker confirmed it applied to all trains, however, he noted that the quiet zone would start as far away as Highway 680.

Seeing no further speakers, Mayor Schroder closed public comment on the item.

9. Comment(s)/Update(s)/Report(s).

No comments made.

## **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

### **CITY COUNCIL**

7. City Council Comments.

Councilmember Ross announced that the Bay Area Air Quality Management District held the first of five Flare Management Workshops, and he gave dates for the other workshops.

Councilmember Menesini congratulated his father, Mario Menesini, who received a national award recognizing his efforts with respect to clean water and the environment in the community. He briefly reviewed some of his father's accomplishments.

Councilmember DeLaney announced May 5th and 6th at Alhambra High School as a free electronics recycling event. She also announced a Joint Alameda and Contra Costa Municipal Green Building Program Symposium in Oakland on May 15th, as well as a Contra Costa Countywide meeting regarding local growth on April 30th sponsored by ABAG in the Walnut Creek Council Chambers.

Vice Mayor Kennedy spoke on an article in the S.F. Chronicle regarding New Urban Centers and requested copies be distributed to the rest Council. She also stated she will be attending the ABAG General Assembly in San Francisco tomorrow, and she announced Earth Day activities all day Saturday, and at the John Muir House. She further mentioned a Sunday Pancake Breakfast fundraising event for the Alhambra Grad Night at the Moose Lodge.

Mayor Schroder repeated information about Earth Day activities. He requested that the Council adjourn in memory of Gene Fass, brother of Deputy City Clerk Mercy Cabral.

## **ADJOURNMENT**

Adjourned at 9:37 p.m., *in memory of Gene Fass*, then to a Regular City Council Meeting on May 2, 2007, at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 5/16/07