

CALL TO ORDER

Mayor Schroder called the meeting to order in the Council Chambers at 6:00 p.m. with all members present except Councilmember Menesini who arrived right after Council adjourned to closed session.

CLOSED SESSION

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION and PUBLIC EMPLOYMENT pursuant to Section 54957 of the California Government Code.
Title: City Manager

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:00 p.m. with Councilmembers Lara DeLaney, Janet Kennedy, Michael Menesini, and Vice Mayor Mark Ross present.

Mayor Schroder reported that Council will hold more closed sessions regarding City Manager Public Employment; but at this time there was nothing to report out.

PRESENTATION(S)/PROCLAMATION(S)

- A. Proclamation proclaiming January 2008 as "National Blood Donor Month."

Proclamation presented to Julia Quitiquit of the American Red Cross.

Ms. Quitiquit thanked the Council and citizenry for all their past support and looked forward to an exceptional new year. She indicated that Martinez hosted 9 blood drives, there were 281 donors, and 259 productive blood units were received; she urged the public to support the American Red Cross.

- B. Swearing In of Police Sergeant Gary Peterson to Police Commander and Police Officer Lisa Maloney to Police Sergeant.

Chief Tom Simonetti introduced the Officers and described their backgrounds. Swearing in performed by City Clerk Gary Hernandez. Mrs. Peterson pinned her husband Commander Gary Peterson and former Chief of Police Dave Cutaia pinned Sergeant Lisa Maloney. The City Council congratulated Commander Peterson and Sergeant Maloney on their promotions.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

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

Cliff Souza asked the Council why City Manager Blubaugh was leaving and requested that the Council let the public know the reasons. He asked who the Council was going to hire if they already have the best—the “Dean” of City Managers. Mr. Souza requested to know City Manager Blubaugh’s accomplishments from the past 11 months, and what expectations and salary will be set for the next City Manager.

Jerry Anselmi commented on his concerns regarding the numerous big rigs driving through Morello Avenue to get to MacAlvey’s Nursery. Mr. Anselmi requested that a sign be placed stating “no trucks over 3 tons.” He also stated that there was a posted sign on Alhambra Avenue which should be removed so that the trucks can drive to MacAlvey’s. Mayor Schroder requested that staff look into the matter.

Harriett Burt spoke on the increased tagging/graffiti throughout downtown. She speculated that it could be gang related but hoped that it was not. Ms. Burt noted that the graffiti was taking longer to remove. Councilmember Menesini reviewed the City of Martinez’ graffiti program and requested that Chief Simonetti look into the matter.

Mike Alford stated that the Council should do everything they can to retain the services of City Manager Blubaugh.

Paul Wilson reviewed an article in the Contra Costa Times regarding County Offices that will be moving out of Martinez and the loss of several hundred jobs in Martinez. Mr. Wilson disagreed strongly with the statement that the Mayor made indicating that the move will not affect Martinez because it did not affect the downtown core.

Richard Verrilli echoed Mr. Souza and Mr. Alford’s comments in retaining Mr. Blubaugh’s services. He criticized Councilmember Kennedy for chastising her fellow Council even in play. Mr. Verrilli requested to know the status of the cameras being placed around the City, and the “green program” that has been initiated by the City.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of December 5, and December 19, 2007.
[M.Cabral]
2. Motion rejecting claim(s) against the City by Enterprise Rent-a-Car, Claim #07-32.
[M.Cabral]
3. Motion approving Check Reconciliation Registers dated 12/20/07 and 12/21/07.
[C.Heater/02.01.01]

4. Motion authorizing \$1,000 from the Arts and Library Commission 2006/2007 budget to the Martinez Historical Society for costs incurred during their Historic Home Tour. [J.Tool/16.09.00]
5. Resolution No. 001-08 authorizing the City Manager to enter into an Agreement with Dodson Psomas for the design of the Raw Water Line Replacement Project and Harbor View/Vista Way Transmission Line Project in an amount not to exceed \$185,000. [T.Tucker/17.04.28]

Mayor Schroder opened public comment on the Consent Calendar.

David Piersall addressed Item #1. He clarified his comments made in the December 5th draft minutes referencing the Quarterly Financial Report (Item #4), and the ongoing difficulties in the real estate and building industries was likely to result in a substantial shortfall in tax and fee revenue. He advised the Council that it was time they begin planning for this shortfall; and suggested that the report be amended to more accurately reflect reality.

It was noted by Council that the minutes of December 5th was inadvertently not included in the packet. Mayor Schroder requested advice from Assistant City Attorney Veronica Nebb. Ms. Nebb indicated that the Council could vote on the entire Consent Calendar, and amend Item #1 approving the December 19th minutes and continue approval of the December 5th minutes to the next meeting.

On motion by Janet Kennedy, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Items #1 - #5 of the Consent Calendar and continue the minutes of December 5, 2007 to the next meeting. Motion unanimously passed 5 – 0.

PUBLIC HEARING(S)

6. Public hearing to introduce an ordinance amending Title 22, Zoning, of the Martinez Municipal Code, Chapter 4 ("Definitions") and Chapter 36 ("Off-Street Parking") relating to Yard Definitions, Commercial and Recreational Vehicle Parking, Parking Design Criteria, and Mobile Storage Containers. [C. Simon&A.Lopez/09.04.04.27]

Deputy Director of Community Development Albert Lopez presented the staff report, highlighting the process undertaken to draft the ordinance, including the various public hearings and community workshops held to solicit input and feedback.

Councilmember Ross asked if there was a variance process included in the new ordinance. Mr. Lopez responded that although any numerical standard in the zoning ordinance can seek a variance, the draft ordinance in front of them tonight has no built in variance process, and that staff would rely upon the existing variance process to handle such requests.

Councilmember DeLaney asked why "screening" of RV's wasn't being made a requirement as it was in other agencies, such as in Orinda and Contra Costa County. Senior Planner Corey Simon explained that the Orinda ordinance was written to require RV owners to screen their RV's from

neighbors' views within side and rear yards, as well as screening the view from the street. Such screening wasn't found to be a realistic goal on Martinez' relatively small lots, as there typically isn't enough room for adequate vegetation, so fencing would be the only option. And since most RV's are taller than 6 feet, and the highest fence permitted by code is 6 feet—a "screening" requirement would create conflicting regulations. Thus the Planning Commission did not recommend a screening requirement.

Jerry Anselmi commended the staff and Planning Commission for a very workable ordinance. He asked that there be no fees associated with the ordinance, as was the case with the beginning of the previous regulations. He also clarified that the original ordinance was for permitting of RV pads, not the RVs themselves, and he suggested that continue as well. He commended the City Council for the handling of the beavers also.

Mayor Schroder confirmed with staff that there are no fees associated with the new ordinance.

Diane Essary shared clippings of newspaper articles regarding RV issues in Martinez and other neighboring communities. She commended the City for coming up with a good compromise for all sides of the issue. She urged support for the ordinance.

Bryan Mortenson thanked staff for their dedication to minimize conflict and promote goodwill among all parties. He commented on the fishing, water and recreation needs of the citizenry over the years and the equitable treatment given to each through the process of developing the ordinance. Mayor Schroder expressed appreciation for the support for staff and their work.

Frank Kastle was also appreciative of the efforts made by staff. He expressed concern, however, about the potential "criminalization" of existing RV owners with no complaints against them currently. He suggested instead that the ordinance should focus on oversized or unsightly vehicles and restricting front-yard parking instead.

Linda Smith asked for clarification as to whether the driveway on the opposite side of the house (from the original driveway) could be allowed for RV parking. Senior Planner Corey Simon acknowledged that spaces like Ms. Smith's could be used for parking of RVs, but he commented on issues with storage and access. There was brief discussion about required front-yard setbacks and landscaping.

Steve Scheye expressed opposition to the ordinance altogether as a violation of personal liberties. He felt the whole process had been a waste of staff time and effort, and he was concerned that the restrictions would be too burdensome. He was also concerned about the potential negative impact on property values.

Russ Holt thanked the Planning Commission and staff for recognizing the differences between Martinez and neighboring communities in dealing with the RV issues. He questioned whether tent trailers could be parked in driveways, and whether the ordinance would be complaint-driven. Mayor Schroder confirmed that because of limited staff, enforcement would be based on complaints.

Christine Kastle deferred her time to husband Frank Kastle, who discussed benefits that RVs can provide in times of emergencies.

Paul Wilson asked about required setbacks for the concrete pads and impacts on emergency access and views. Mayor Schroder asked, and staff clarified related code requirements.

Mike Alford commented on the increasing RV community and the added property value when onsite RV parking is provided. He thought that the ordinance should only address whether the RV is a public nuisance or blocking the public right-of-way.

Steven Coll commented on the need for community standards, and the right of a community to set the standards it desires. He felt the requirements of the ordinance were reasonable, except possibly in terms of height.

David Piersall agreed with Mr. Coll, noting that anyone who spends so much on an RV should consider parking and storage costs as well. He also cautioned the Council about the difficulties in allowing variances.

Roger Goodwin reiterated the enforcement process based on complaints, noting that it will not place undue burdens on RV owners since the rules are clear, simple and reasonable. Seeing no further speakers, Mayor Schroder closed the public hearing.

Mayor Schroder commented on fond memories with family RV trips, as well as the need for common courtesy and common sense in dealing with neighbors. He thought the ordinance was a reasonable compromise for all sides. He mentioned the possibility of using temporary curb cutouts rather than ramps if the sidewalk is not damaged, and he thought that variances should be considered through the regular variance process.

Vice Mayor Ross said he was glad to see the ordinance as a good compromise and sorely-needed, especially because of real estate disclosure requirements. He acknowledged the need to balance the rights of all community members, and he agreed there should be some allowance for variances.

Councilmember DeLaney asked why the prohibition against non-paved surfaces. Mr. Lopez indicated the pad could be porous, as long as it wasn't dirt alone (since it would become mud in the rain). Mr. Simon noted that the definition section clarifies the materials that can be used.

Councilmember DeLaney reiterated her earlier concern that some screening standards should be included, but agreed with Vice Mayor Ross that the ordinance represents a reasonable compromise.

Councilmember Kennedy thanked the Planning Commission, staff and the public for their efforts in the process. She agreed that variances should be an option, and she indicated her support for the ordinance as well.

Councilmember Menesini commended the Planning Commission for their hard work to develop a balanced ordinance. He expressed confidence that the community should be able to work with their neighbors and the ordinance to resolve issues between them. He agreed that the existing variance process should be sufficient to allow exceptions when necessary. He asked and staff confirmed that ramps can still be used, as long as any damage caused is repaired.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to introduce an ordinance amending Title 22, Zoning, of the Martinez Municipal Code, Chapter 4 ("Definitions") and Chapter 36 ("Off-Street Parking") relating to Yard Definitions, Commercial and Recreational Vehicle Parking, Parking Design Criteria, and Mobile Storage Containers. Motion unanimously passed 5 - 0.

ORDINANCE(S)

CITY MANAGER

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

13. City Council Comments.

Councilmember Menesini requested that staff review the graffiti problem. Mr. Blubaugh mentioned turnover in the Police Department that has affected the response time, expressing confidence that things will improve. Mr. Menesini also requested an update on the possibility of using cameras to monitor some areas of the City. He expressed concerns with the welfare of the beavers, water flow, public safety, potential liability issues, and the environmental impacts. He urged the Subcommittee to review those issues and report back to Council.

Vice Mayor Ross acknowledged that the Beaver Subcommittee will be reviewing some of the issues mentioned by Councilmember Menesini. He was confident that the solutions would be manageable, and he agreed the legal liabilities were something to consider, as with any City policy that could affect public safety. He also thanked Dave Scola, Bob Cellini, and other staff for all the work with the beavers.

Councilmember DeLaney announced the Senior Citizens Pancake Breakfast on Sunday.

Councilmember Kennedy asked for an update on the amount spent so far on the beaver project and conditions surrounding the creek. She commented on information from the experts related to long-term issues related to the beavers, and staff impacts/costs. She also congratulated Chief Simonetti on his new position.

Councilmember Ross indicated there would be a comprehensive report to the Council about the financial impacts and necessary tasks to care for the beavers. He mentioned other issues facing the Council that have also taken staff time and expense.

Councilmember Kennedy noted that the beaver issue was an exceptional one, which is why she wanted to know the financial status as soon as possible. Councilmember Ross said he was confident that the beavers could be taken care of without risking public safety. Councilmember Kennedy also noted that there apparently have been beavers in Martinez for some time, at the Mountain View Sanitary District.

Mayor Schroder clarified that the issue of the beavers' continued existence in Alhambra Creek has not been decided yet. He noted that the Subcommittee was looking at all aspects of the situation in order to make a comprehensive analytical report to the Council. Councilmember Ross confirmed that the Subcommittee will present an analysis of all possibilities.

Mayor Schroder stated that he and the City Manager met with David Berry from Scotland who is the Leader of the East Lothian Council and was interested in starting some type of an exchange program between their community and Martinez. He also announced the swearing in for the new Chief of Police tomorrow, Thursday at 4:30 p.m. in the Council Chambers.

ADJOURNMENT

Adjourned at 9:45 p.m. to a Regular City Council meeting on January 16, 2008, 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 – 2/6/08