

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present except Councilmembers Menesini and Ross.

PUBLIC COMMENT (Limited to Closed Session Items)

There being no comments made, the Council adjourned to closed session in the City Manager's Office.

*Councilmember Menesini arrived at 6:15 p.m.

CLOSED SESSION

- A. *CONFERENCE WITH LEGAL COUNSEL--Existing Litigation pursuant to California Government Code section 54956.9(a).*

Name of Case: Ostrosky v. City of Martinez.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

The meeting reconvened at 7:16 p.m. Mayor Schroder reported that a closed session was held regarding Ostrosky v. City of Martinez, discussion was held with the attorneys and direction was given to legal counsel.

PRESENT: Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

- A. Proclamation proclaiming January 2010 as "National Blood Donor Month."

The Council presented the proclamation to American Red Cross Recruitment Account Manager Rachel Greathouse. Mayor Schroder read the proclamation. Ms. Greathouse thanked the Council for their support.

Vice Mayor Lara DeLaney presented a plaque from Governor Schwarzenegger appointing Mayor Robert S. Schroder as member of the California Regional Water Quality Control Board, San Francisco Bay Region.

*Councilmember Ross arrived at 7:23 p.m.

PUBLIC COMMENT

(COMPLETE SPEAKER CARD AND GIVE TO CLERK) *Reserved only for those requesting to speak on items not listed on the Agenda.*

Mike Alford expressed his frustration that while the public is not able to burn wood in their fireplaces on Spare the Air days, Shell Corporation is allowed to burn 4.6 million metric tons of pollutants every year. Councilmember Ross responded concerning the nature of the pollutants.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving Check Reconciliation Registers dated 12/21/09. [C.Spinella/2.1.01]
2. Resolution No. 001-10 renewing a five-year lease for the City's Corporation Yard; and authorizing the Mayor to sign a Letter of Agreement between the City and Mrs. Shirley Costanza. [M.Chandler/05.04.00]
3. Resolution No. 002-10 supporting Local Taxpayer, Public Safety and Transportation Protection Act of 2010. [M.Chandler/41.00.05]

Vice Mayor DeLaney requested that Item 2 be pulled from the Consent Calendar.

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Items #1 and #3 of the Consent Calendar. Motion unanimously passed 5 - 0.

Vice Mayor DeLaney clarified certain details in the lease agreement for the City's Corporation Yard, and stated that the letter of agreement had not been amended to reflect these details. She also commented on the high cost that had been spent on the property and expressed a desire to continue the Corporation Yard Consolidation Project as quickly as possible.

Councilmember Menesini thanked Vice Mayor DeLaney for her comments and expressed his support for attempting to acquire property, while acknowledging the difficulties involved.

Mayor Schroder agreed and suggested that Public Works Director Scola give an update to the Council.

Mr. Scola reviewed the progress being made with a new design, the communication with Shell Corporation, and the work the Department had done in trying to acquire another property.

Mayor Schroder agreed that the Corporation Yard should be moved as soon as possible.

Mayor Schroder opened public comment on the item.

Phillip Ciaramitaro asked for a timeline estimate. Mr. Vince explained the finances involved and the current timeline. Mr. Ciaramitaro expressed his appreciation for the repairs that had been done and requested that more work be done to improve the appearance of the Corporation Yard building.

Mike Alford suggested other buildings that could be used by the City.

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

Councilmember Ross agreed with Mr. Ciaramitaro that the building needs improvement.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Item #2 of the Consent Calendar, renewing a five-year lease for the City's Corporation Yard *as amended*. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

4. Public Hearing to consider and provide direction to staff regarding possible action on the following requests regarding a vacant 5.6 acre parcel on Shell Avenue, located between La Salle Manor Apartments and Alhambra Terrace (Contra Costa County Housing Authority) Apartments (APN # 376-010-011) Name of Project: Cascara Canyon.
[C.Simon&K.Majors/9.02.01]
 - A. Mitigated Negative Declaration; and
 - B. General Plan Amendment to re-designate approximately 1.6 acres from "Group 2 Residential" to "Group 4 Residential," to allow for the development of multi-family housing with a density of up to 29 units per acre, on property that is currently designated "Group 2 Residential" (single-family or townhouse development) and to re-designate the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-designated from "Group 2 Residential" to "Group 1 Residential" and the balance of the approximately 3.75 remaining acres to be re-designated from "Group 2 Residential" to Open Space); and
 - C. Rezoning a 1.6 acre area of the Subject Property from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-1.5 (Multi-Family Residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size) and to rezone the remainder of the Subject Property to be developed as a custom home parcel, with a ¼ acre building site to be re-zoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to "R-100 One Family Residential: 100,000 square feet minimum lot size)" and the balance of the approximately 3.75 remaining acres to be rezoned from "R-3.5 (Family Residential: 3,500 square feet per dwelling unit/4,000 square feet minimum lot size)" to OS- Open Space.

Assistant City Manager Karen Majors explained the requests under consideration and remarked on the staff report that would be presented. Assistant City Attorney Nebb noted that she was available for questions and reminded the Council that a resolution would not be under discussion until a later meeting.

Senior Planner Corey Simon presented the staff report, summarizing the project proposal, recent changes, as well as the approvals and amendments that were needed. He also discussed the issues raised by the environmental review, including traffic, parking, and aesthetics; and he reviewed the Planning Commission's recommendations and concerns concerning the project, especially regarding traffic and parking. He explained the Council actions under discussion. He also reviewed the past developmental proposals for the property.

Councilmember Ross asked for a clarification on the changes in the plans for the parking lot. Mr. Simon confirmed there were three more parking spaces and four less units, so the ratio of spaces per unit was improved.

Councilmember Menesini asked whether the buildings were pedestal, with parking underneath. Mr. Simon said no, they were slab-on-grade buildings, with some garages and carports in the rear. Councilmember Menesini asked whether the public would have access to the open space from Shell Avenue. Mr. Simon said no. Councilmember Menesini also asked for an explanation of the difference in number of bedrooms between the current proposal and the previously approved plan. Mr. Simon indicated there likely would be more bedrooms under the new plan, although the number of bedrooms per unit was reduced from 2-3 to 1-2.

Vice Mayor DeLaney asked about the acceptable range of parking spaces to units as cited in the staff report. Mr. Simon referred to the EIR, noting that the acceptable range is 1.17 to 1.64, and this ratio is 1.64.

Councilmember Kennedy asked about the basis for the amount of proposed open space and the possibility of more green space with the new proposal. Mr. Simon confirmed the amount of open space is virtually the same. He clarified, however, that this is not recreational open space or public open space, but rather visual open space. He noted that this property will not have the same problems as the Freitas property because it will be clear that open space will not be buildable. Councilmember Kennedy questioned whether it would be possible to increase the green space by changing the configuration of the buildings. Mr. Simon acknowledged that there is always the potential for changes to the design prior to the final development approval.

Vice Mayor DeLaney asked about the minutes from the Planning Commission meeting. Planning Manager Terry Blount explained that they had been received too late to be included.

Mayor Schroder commented on traffic on Shell Avenue and the parking on both sides of the street at LaSalle Manor although the parking lot for LaSalle was not full. City Engineer Tim Tucker confirmed that the traffic study indicated that about 25% of the parking at LaSalle was not being used; he thought the residents were probably parking on the street for convenience. Mayor Schroder suggested that overnight parking on Shell Avenue could be eliminated for safety reasons. Mr. Tucker agreed and stated that other safety changes were being considered for implementation, regardless of the outcome of this project proposal.

Councilmember Ross also commented on the number of cars parking on Shell Avenue and agreed that something should be done to mitigate it, but he did not think all the responsibility should fall on this applicant.

Councilmember Menesini asked about the Planning Commission's issues regarding parking and traffic. Mr. Tucker explained that the Planning Commission was concerned about safety, while the traffic study focused on levels of service. Councilmember Menesini also asked about the density of the properties on either side. Mr. Simon stated that one was 20 units per acre, and the other was 15 units per acre.

Vice Mayor DeLaney asked for staff's opinion on the adequacy of the water supply for the project, since a member of the public cited that as a potential issue. Mr. Tucker said it was adequate, noting that building codes have gotten stricter in recent years regarding water conserving fixtures, and this project will meet those requirements.

Bill Schrader, applicant, thanked staff for their work. He explained the need for the changes in the project as well as the attempt to remain as close to the original project as possible. He discussed the modifications in the proposal in response to Planning Commission concerns. He encouraged the Council to allow the proposal and listed several benefits that the project would bring to the area.

Mayor Schroder asked about the construction standards for condos as opposed to apartments, and Mr. Schrader explained that the standards for condos were higher.

Councilmember Ross asked about the cost of liability insurance, the timeline, and the setup of the Homeowners' Association.

Vice Mayor DeLaney brought up the concerns of the Planning Commission and asked for an explanation of the process the project had gone through.

Councilmember Menesini asked about the possibility of a different parking configuration to increase the amount of open space, and Mr. Schrader explained the parking locations in the proposal.

Mayor Schroder opened the item for public comment.

Norman McDonald agreed with the concerns about the irregular process the project had gone through, and expressed disapproval with the continual increase in the size of the project, the lack of parking, and the safety problems.

John Bellato agreed that parking was a problem and also expressed disapproval with the increase in the size of the project.

Barbara Kapsalis expressed concerns for traffic and safety, and stated that in her opinion the traffic study was not done properly.

Benny Chetcuti noted the need for the smaller apartments in the area and his experience of the quality of Mr. Schrader's construction.

John Slimonse agreed that Mr. Schrader's other projects were well-done, and pointed out the need for new housing in the City and increased revenue in property taxes.

James Porter expressed his disapproval of the project because of its size and parking and safety considerations.

Brilynn O'Neal agreed with the need for more one- and two-bedroom apartments in the City.

Ann Cochran pointed out the need for more adequate signage on the street. Mayor Schroder noted that the Council understood the safety considerations of the intersections.

Mark Hughes expressed his approval for the project and for Mr. Schrader's past projects. He also agreed with the need for more small apartments in the City.

Rob McGuire also expressed support for the project and for Mr. Schrader's past projects.

Rich Paoli listed several benefits of the project.

Ana Marie Avila-Farias expressed support for the project and pointed out that the developer was not responsible for the traffic problems.

Sergio Raya agreed with the need for additional housing but stated that safety concerns outweighed that need.

Donna Allen pointed out that the Planning Commission had not had an opportunity to discuss the merits of the project, but only the General Plan Amendments. She suggested that improvements to the road come before any additional projects.

Mike Alford stated his opinion that the project would not bring income to the City and suggested that senior housing be put in instead. Mayor Schroder pointed out that property taxes would go to the City.

Phillip Ciaramitaro encouraged the Council to pay attention to the concerns of the neighborhood and suggested that the most important issue was that of sustainability.

Kevi Toumacos expressed concern for the traffic, safety, and aesthetics of the area.

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

Mr. Schrader stated that the community had had a chance to express opinions or make suggestions about the project at a community meeting, but that there was very little response. He expressed his desire to accommodate the wishes of the City, but stated that the people objecting to the project could not give a viable alternative.

Councilmember Kennedy asked for, and Mr. Schrader gave, a figure on the percentage of vacancies in the City.

Mayor Schroder asked about the people who had been invited to the community meeting. Mr. Schrader responded that the list of names was from the title company representing property owners within a 500' radius of the project.

Councilmember Ross pointed out that the safety level of the street made any developments problematic, and suggested that the site plan could be reworked to accommodate more parking and better access, since the space in the garages might be used for storage. He also agreed with the concern for sustainability.

Councilmember Menesini pointed out that the use of the garages could be regulated. He agreed that traffic and safety were a problem but suggested that the Council could allow the project while addressing the safety issues. He pointed out that other issues with the project could be addressed during the planning process. He affirmed the suggestion of restricting the parking on the street and agreed with the need for more housing. He expressed his support of the project in general.

Vice Mayor DeLaney agreed with Councilmember Menesini. She pointed out that most sites were problematic for development in some way and stated that this project was an opportunity to address some of the traffic and safety issues on the street. She expressed her support for the project and its ability to address the lack of housing. She also expressed concern that the Council had only recently received copies of the initial study for the proposed Mitigation Declaration and expressed her desire to read it before approving it.

Councilmember Kennedy concurred with the opinions expressed by her fellow Councilmembers and agreed that the issues regarding traffic and safety on Shell Avenue were a separate issue. She expressed faith in the ability of the Planning Commission to continue the planning process and perfect the project.

Councilmember Menesini suggested that the Council approve of the two zoning issues and leave the Mitigation Declaration until the next meeting. Ms. Majors stated that what was needed was direction to staff to prepare resolutions and an ordinance for the Zoning Amendments and the Declaration, which would be formally approved at the next meeting.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, direct staff to prepare two resolutions and an ordinance approving a Negative Declaration, General Plan and Zoning Amendments, and continue the Public Hearing to the January 20, 2010, Council meeting. Motion unanimously passed 5 - 0.

Mayor Schroder expressed his appreciation of and agreement with Councilmember Menesini's comments, and he commented on the importance of focusing on high-density housing development at the same time as working out the associated problems.

*The Council recessed for 5 minutes, and reconvened with all members present except Councilmember Ross.

CITY MANAGER

5. Resolution approving an Agreement relating to the sharing of Sales Tax Revenues with Golden Gate Petroleum (GGP) for a specified term, enabling GGP to recover a portion of their relocation costs, and authorizing the City Manager to execute the Agreement in a form approved by the City Attorney. [P.Vince/07.04.07]

City Manager Philip Vince presented the staff report. He reviewed the City's history with Golden Gate Petroleum (GGP), the impact the loss of their revenue has had on the City, the process the City was following to bring them back, the factors involved, and the details of the proposed Agreement.

Mayor Schroder thanked Mr. Vince and Ms. Nebb for their work and expressed his opinion that the Agreement would benefit both the City and GGP.

Vice Mayor DeLaney also thanked staff for their work. She corrected an address discrepancy in the Agreement. She stressed the importance of the City knowing and working closely with its main tax generators. She also discussed the importance of having redevelopment for the City in the future. Mr. Vince agreed and stated that the City was now communicating with its major sales tax providers.

Mayor Schroder added that the City was pursuing an understanding with providers of use tax.

Councilmember Menesini agreed with Vice Mayor DeLaney and suggested the City identify and communicate with the top one hundred tax providers and that the Community Development Department be responsible.

Vice Mayor DeLaney suggested that the Council issue a commendation to Mr. Busby for his work in negotiating the Agreement. Mayor Schroder agreed.

Mayor Schroder opened public comment on the item.

Phillip Ciaramitaro asked questions, which staff answered, about the length and other details of the Agreement. He also asked about GGP's support of the City's projects.

Mike Alford asked about the amount of tax revenue the City would receive. He also suggested other companies that could be brought into the City, which would benefit environmental considerations.

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

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 003-10 approving an Agreement relating to the sharing of Sales Tax Revenues with Golden Gate Petroleum (GGP) for a specified term, enabling GGP to recover a portion of their relocation costs, and authorizing the City Manager to execute the Agreement in a form approved by the City Attorney *as corrected*. Motion unanimously passed 4 - 0.
Councilmember Mark Ross, Absent; Rest, Ayes.

6. Proposition 84 Grant funding information update. [K.Majors/09.01.00]

Assistant City Manager Karen Majors presented the staff report. She described the process of and deadlines for the grant application, the projects for which the money could be used, the work of the Parks and Recreation Commission, and the use of the funds from Measure WW.

Mayor Schroder clarified with Ms. Majors the cycles of the grant application and the size of the possible grants.

Councilmember Menecini discussed with Ms. Majors and Mr. Vince the deadlines of the grant application, the specific properties that fit the criteria, the necessity or usefulness of matching funds, and future applications for Measure WW funds.

The Council provided direction to staff and requested a review and/or application of WW funds.

7. City Manager Comment(s)/Update(s)/Report(s).

City Manager Philip Vince updated the Council on the Governor's preliminary budget; and stated that the League of California Cities is pursuing its 2010 measure to protect funding from Proposition 42, redevelopment, and other sources.

8. Chief of Police Comment(s)/Update(s)/Report(s).

Chief of Police Tom Simonetti gave a brief update on the recent Public Safety Subcommittee meetings, specifically on the Medical Marijuana issue. He stated that he hoped to have a report for Council consideration for the next meeting. Chief Simonetti also gave an update on the City-wide camera project which the Department is planning to purchase; five cameras will be installed from Alhambra Avenue to the Starbucks Plaza at Main Street. In addition, there may be some money in the Parks Remodeling Fund that may be used to install cameras in the parks. Councilmember Menesini specifically discussed with Chief Simonetti issues with the skateboard park.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

9. City Council Comments.

Vice Mayor Lara DeLaney thanked the Police Department for the DUI enforcement over the holidays. She expressed her concern regarding a letter from the Martinez Early Childhood Center regarding loss of funds for replacement of the bridge. Vice Mayor DeLaney indicated that from her conversation with the City Manager, staff will try to make good on the loss of the funds; however, she requested that the staff look into the possibility of applying Child Care Impact fees.

Councilmember Menesini commented on his daughter's upcoming birthday, at which time she will be a teenager.

Mayor Rob Schroder stated that he spoke to the Director of the Childhood Center and informed her that the City would make every effort to make good on that loss, and that the City Manager would be contacting her.

ADJOURNMENT

Adjourned at 10:21 p.m. to a Regular City Council Meeting on January 20, 2010 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—2/3/10