

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:50 p.m. in the Council Chambers with all members present except Councilmembers Avila Farias and Menesini.

***Added from Workshop Agenda:**

II. WORKSHOP -5 Year Capital Improvement Program [T.Tucker/2.14.00]

A. Presentation

City Engineer Tim Tucker presented the staff report. He reviewed a PowerPoint presentation outlining the CIP process including past goal-setting and the approval process; recent accomplishments and upcoming projects in Measure H park improvements, paving, transportation and Safe Routes to School, the water system, the Marina, public facilities, routine maintenance, and non-recurring projects including efficiency and energy-saving upgrades. Vice Mayor DeLaney asked about the prioritization for paving projects and Mr. Tucker stated he would provide more information for the public. Mr. Tucker recognized Joe Enke for his help moving projects forward. Mr. Tucker reviewed the funding of projects and unfunded projects. Vice Mayor DeLaney provided information on possible state funds for water quality improvement that she had read about.

B. Council/Staff Discussion

Vice Mayor DeLaney asked about the source of the General Fund reserve being used to fund the Zocchi Building's painting and the \$25,000 for pavement and sidewalk repair. Assistant City Manager Alan Shear stated the first was from the Texaco funding and the second was for the parklets on Main Street.

Mayor Schroder thanked Mr. Tucker for the presentation. He asked for an update on the crosswalk signal on F Street between the County Hospital and Teamsters, and Mr. Tucker reported that the City had received a grant to repair that area. Mayor Schroder asked for more information on how the sidewalk replacement program works, which Mr. Tucker provided.

C. Public/Comments/Other Comments

An unidentified speaker thanked the Council for listening to the residents at the April 17th neighborhood meeting and for their quick action in repaving Reliez Valley Road; he complimented staff on a fine project.

D. Adjournment

The Workshop adjourned at 6:45 p.m.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:00 p.m. in the Council Chambers; he noted that the Council had just held a workshop discussing the 5 Year Capital Improvement Program.

PRESENT: Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: AnaMarie Avila Farias, Councilmember, and Michael Menesini, Councilmember.

ABSENT: None.

Mayor Schroder announced that there would be no action taken on Item #13, Laurel Knolls. The Item will be continued to the June 5th Council meeting, since the entire Council is not present; however, staff will present the staff report and public testimony will be taken.

PRESENTATION(S)

A. Proclaiming May 18 and 19, 2013 as "East Bay Sustainability Challenge."

Proclamation presented to Tina King Neuhausel, President and Co-Founder of Sustainable Contra Costa. Ms. Neuhausel announced that the City of Walnut Creek is in the lead with sustainability actions, with Martinez not far behind. She urged the public to go on line and pledge an action to save energy.

Mayor Schroder presented \$500 in donations for Grad Night to Sara Stafford and Phil Philbrook representing Alhambra High School and to Jessica Pacheco representing College Park High School. Mr. Philbrook encouraged the public to support Grad Night and thanked all those who have contributed. He noted that this year the storage facility was burglarized, and the loss of resources was substantial and has made fundraising more critical. Jessica Pacheco added that Grad Night cannot happen without the support of the City and the community, and she thanked everyone for their assistance.

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

Jim Neu thanked Public Works Director Dave Scola for the reroofing at Safeway which was one of his concerns expressed at the April 17th neighborhood meeting. He also requested an update on the pipelines running through Martinez. Captain Eric Ghisletta stated that the City has a government account so that it can access the lines as an agency; but most of the information is not available to the public because of security issues. City Engineer Tim Tucker noted that the City has more detailed information on some of the utility lines; however, the detailed information is not accessible by the public. He did confirm that there is an emergency preparedness plan in place. He also noted that what's in the pipelines can be changed without announcing the change. Mr. Neu asked, and staff confirmed, that the school district is aware of the lines running through its facilities. Councilmember Ross reviewed real estate disclosure requirements.

Dorothy Buffington announced that she, Mary Perez, Gay Gerlack and Barbara Kapsalis are organizing a Vintage Fashion Show and Luncheon on June 22nd at the home of Mary Perez, which will benefit Central County Homeless Outreach. Tickets are \$25 per person; for further information call (925) 228-2233.

Vince Garambone expressed his appreciation to the Council for repaving Reliez Valley Road which was one of the concerns he expressed at the April 17th neighborhood meeting. He thanked staff for working on this issue in an expedient manner and complimented them on a fine job.

Isidro Farias provided an update on the UC Envisions Tomorrow Program. He indicated that 40 applications were received and 24 students were selected for the program from Alhambra and Vicente High Schools. From these 24 students, 18 to 20 students will be invited to CAL Berkeley. One of the students, Robert Morales, senior at Vicente High School, spoke about his experience and thanked the school and Mr. Farias and Ms. Gordon for the educational opportunity they have provided to him and the other students. Vickie Gordon, Board of Trustees for Contra Costa County Community College District, expressed her appreciation to those who have contributed and have supported the program and she encouraged the public to donate to Alhambra or Vincente High Schools, which have a fund already set up.

Mike Alford expressed concerns with the County Hospital Emergency's lack of equipment, staff and inadequate conditions. He expressed concern about emergency preparedness, and he asked that the Councilmembers speak to the Board of Supervisors about the situation.

CONSENT CALENDAR

1. Motion waiving reading of text of all Resolutions and Ordinances.
2. Motion approving Check Reconciliation Register(s) dated 05/20/2013.[C.Spinella/2.1.1]
3. Motion approving the City of Martinez Investment Policy. [C.Robinson/2.01.00]
4. Resolution No. 029-13 establishing the City's Appropriations Limit for 2013-14 fiscal year. [C.Spinella/2.01.00]
5. Landscaping and Lighting Assessment District for 1979-3, Village Oaks Terrace for fiscal year 2013-14: [T.Tucker/10.02.34]
 - A. Resolution No. 030-13 describing improvements and changes.
 - B. Resolution No. 031-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.
6. Landscaping and Lighting Assessment District 1981-3, Muir Station Park for fiscal year 2013-14: [T.Tucker/10.02.15]
 - A. Resolution No. 032-13 describing improvements and changes.
 - B. Resolution No. 033-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.

7. Landscaping and Lighting Assessment District 1983-3, Vista Oaks for fiscal year 2013-2014: [T.Tucker/10.02.22]
 - A. Resolution No. 034-13 describing improvements and changes.
 - B. Resolution No. 035-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.

8. Landscaping and Lighting Assessment District 1988-1, Center Martinez for fiscal year 2013-14: [T.Tucker/10.02.31]
 - A. Resolution No. 036-13 describing improvements and changes.
 - B. Resolution No. 037-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.

9. Landscaping and Lighting Assessment District for 1994-1, Creekside for fiscal year 2013-14: [T.Tucker/10.02.36]
 - A. Resolution No. 038-13 describing improvements and changes.
 - B. Resolution No. 039-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.

10. Landscaping and Lighting Assessment District 1997-1, Brittany Hills for fiscal year 2013-2014: [T.Tucker/10.02.37]
 - A. Resolution No. 040-13 describing improvements and changes.
 - B. Resolution No. 041-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.

11. Landscaping and Lighting Assessment District 2000-2, Terra Vista for fiscal year 2013-2014: [T.Tucker/10.02.40]
 - A. Resolution No. 042-13 describing improvements and changes.
 - B. Resolution No. 043-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.

12. Landscaping and Lighting Assessment District 2001-1, Alhambra Estates for fiscal year 2013-14: [T.Tucker/10.02.41]
 - A. Resolution No. 044-13 describing improvements and changes.
 - B. Resolution No. 045-13 of intention to levy and collect assessments, set date for public hearing on June 19, 2013, and direct City Clerk to give and publish all required notices.
 - C. Motion approving the Engineer's Report.

Mayor Schroder opened and closed public comment on Items 1-12, with no speakers coming forward.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Items #1 through #12 of the Consent Calendar. Motion unanimously passed 3 - 0.

****Item taken out of order:***

16. Consider and discuss current legislation proposed by Assemblymember Ammiano AB 5-Homelessness; and send a letter of opposition to the Assembly Appropriations Committee. [G.Peterson/04.08.00]

Captain Eric Ghisletta presented the staff report discussing the proposed bill, but indicated there was a better bill in progress. He recommended opposing the bill and requested the Council to send a letter of opposition.

Vice Mayor DeLaney noted that the Legislation Committee of the Board of Supervisors recommended opposition as well, to which she agreed.

Mayor Schroder opened public comment on the item.

Doug Stewart, Central County Homeless Outreach, also agreed that this bill is not the best way to handle the homeless problem.

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

On motion by Lara DeLaney, Vice Mayor, seconded by Mark Ross, Councilmember, to approve sending a letter of opposition of Ammiano AB 5-Homelessness to the Assembly Appropriations Committee. Motion unanimously passed 3 - 0.

PUBLIC HEARING(S)

13. Continued public hearing to consider and possibly take action relating to an Amendment to the General Plan and Zoning Map, Planned Unit Development, and PUD Plan and Vesting Tentative Map for development of up to 80 attached single family homes and 2 Single Family homes; and possible adoption of a Resolution to exempt the project from California Environmental Quality Act (CEQA) and deny project (370 Muir Station Road, Laurel Knolls). [D.Tasini/9.3.11]

Mayor Schroder reiterated his earlier remark that since both Councilmembers Menesini and Avila Farias could not attend this meeting, he will open the public hearing and take public testimony, have staff present the staff report, and hear from the applicant, but the Council will defer any type of action to the June 5th meeting.

Mr. Evans asked if the public would be able to comment at the June 5th meeting, and Mayor Schroder stated they will not.

Contract Planning Manager Dina Tasini presented the staff report, reviewing the project location, proposed development, current General Plan designations and zoning, proposed site plan,

changes from the previous proposal, Planning Commission issues, and City Council direction from March 20th hearing. She also discussed massing, parking, grading, drainage, pedestrian walkways along Muir Station Road, impacts to existing trees, privacy, landscaping, reduction to number of units, property boundaries/title issue, and signal modification. She concluded with staff recommendations.

Mayor Schroder noted that he had forgotten to state earlier that the two absent Councilmembers will be required to watch this hearing on the website or listen to the tapes in order for them to participate and vote.

Applicant Louis Parsons, Discovery Builders, gave a brief PowerPoint presentation to review key items mentioned by the Council and how the plan was revised as a result. He discussed the potential for a gate, the property boundary issue, additional landscaping to improve privacy, increased setbacks, additional recreational areas, reduced density, site plan adjustments, massing and height, increased parking, and pedestrian access. He offered to answer any questions from the Council and expressed hope that with the improved plans, the Council would be able to support the project.

Councilmember Ross thanked the applicant for the willingness to work with staff to revise the project. He asked for details on the new pathway, which Mr. Parsons discussed.

Vice Mayor DeLaney also thanked the applicant for the changes that have been made; she was especially appreciative of the property line issue being resolved. She indicated her one remaining question was with the site plan with respect to the knoll and the inability to grade it because of the costs. She asked if Mr. Parsons could give her an estimate of what it would cost, and he indicated it would be millions of dollars.

Councilmember Ross said he would rather approve a project that contours to the natural hillside anyway, and cutting into it would be less pleasing visually.

Mayor Schroder opened the public hearing.

Robert Cerri commended the applicant for finally listening after so many meetings. He was still concerned about the increased traffic on Muir Station Road and what the project will look like. Vice Mayor DeLaney noted that Design Review of the appearance will come at a later point in the process.

Marilyn McGreer expressed concern about public safety for pedestrians on Muir Station Road, drainage from the site, wildlife preservation, placement of townhomes in a single-family residential area, and traffic impacts.

Johlene Martin voiced strong objection to the project, based on environmental impacts - traffic, aesthetics, view impacts, public safety, biological resources, and geological and soil erosion. She urged the Council not to approve the proposal.

Richard Evans confirmed that the property line issue had been resolved as of today. He was still concerned about building setbacks, however.

John Prato said he was appreciative of the changes that have been made, but indicated it is hard to fully see impacts of those changes with the visuals that were shared tonight. He asked that any trees added be mature trees, not beginning ones still in buckets. He also asked for clarification on the CEQA exemption, and he expressed support for allowing the project to go back to the Planning Commission for further consideration, which will give public time to review and give input on it. Ms. Tasini explained that the CEQA exemption would only occur if the project is denied; if the Council approves it, they will adopt the Negative Declaration instead. She also noted that Steve Abrams from Abrams & Associates is in attendance to answer traffic questions.

Linda Fluhrer asked who will benefit from the rezoning; she asked what concessions the applicant is making that will benefit the City and the residents. She was also concerned about parking enforcement.

John Becker expressed concern about additional traffic that will overflow into neighboring areas. He discussed amenities that should be included for this to be considered a "superior" project. He was supportive of sending the project back to the Planning Commission. He acknowledged that concessions have been made by the applicant, but he questioned why they weren't made sooner. He was also concerned about the effect the project will have on the rural nature of the area. He asked the Council to deny the application.

Ed Hamilton asked why add a high density project to a single-family area, which will change the character of an existing neighborhood. He told the developer that a development of single-family homes would not have been opposed by so many. He also asked about the nature of the pathway at the bottom of the hill, and he questioned the lack of necessary details in the traffic study.

Louise Britton noted that the same issues raised tonight have been raised at every meeting related to this project, which indicates how important those issues are and how important to the neighbors. She asked that the proposed "pathway" be changed to a sidewalk with a curb that will be safer for the pedestrians using it. She also discussed drainage issues and impacts on lower streets. She asked that the Council deny the application.

Robert Burchard asked what is proposed for the open space along the edge of the property and asked that it be treated carefully. He also expressed concern about the environmental impacts on Alhambra Creek and the Kinder Morgan pipeline.

Corinne O'Connor commented on issues associated with the pathway and tree preservation. She agreed with others that the project should go back to the Planning Commission to ensure all of the issues have been addressed. She questioned how/when the CEQA determination will be made. She also asked for a visual model or picture of what the final project would look like, including building dimensions. She strongly objected to the idea of the Council making a decision on the project on June 5th, and she reminded them that they should listen to the members of the public who have spoken in opposition to the project, since the Council works for the residents of the City. She also pointed out that there have been no speakers who support this proposal.

Laurie Aston was concerned about drainage, the pipelines, and especially traffic. She questioned the accuracy of the traffic report conclusions.

Mike Alford commented on the level of opposition to the project. He agreed that the traffic is a concern, as well as pedestrian safety, density, and other issues raised by earlier speakers. He reminded the Council that they had earlier denied an application by Gary Freitas to put additional units on his property, and he cautioned them that approving this one would be in direct contradiction to that denial. He urged the Council to listen to their constituents and deny the project.

Mayor Schroder clarified the Council's original support for Mr. Freitas' project, but after a lawsuit by neighbors, the Council was not able to approve it without a full EIR, and Mr. Freitas withdrew the application. He also noted that having public hearings is part of the process by law, and that property owners have the right to put forward development proposals that are then reviewed, considered and voted on according to the process stipulated by law and City Code.

Doreen Watson commented that this project is too big for the site; if it is denied, another proposal will come with less density, and the public will not oppose it.

Rebuttal:

Louis Parsons, Applicant Discovery Builders, responded to issues raised by the public, including the traffic analysis, the pathway, pedestrian safety, and drainage. In response to a question from Councilmember Ross he discussed more fully how the drainage will work, and specifically how it will improve existing drainage conditions in the area.

Mayor Schroder asked, and Mr. Parsons confirmed that the water collected by the proposed new system will not just be dumped out onto streets below, but it will be directed to Alhambra Creek. He also confirmed that the amount of water that will run into the creek under the new system will be less than runs there currently.

Vice Mayor DeLaney asked where the public could find and read the reports cited by Mr. Parsons. He indicated they should all be included with the CEQA document, and Ms. Tasini confirmed that they were.

Mr. Parsons also discussed the General Plan designation, neighboring uses, massing, visual simulations, development and building fees that will be paid to the City, and what type and size of trees will be planted.

Councilmember Ross asked about the HOA process, which Mr. Parsons reviewed, as well as legal requirements.

In response to a question from Vice Mayor DeLaney, Mr. Parsons discussed potential additional community amenities, such as a pool. He also reviewed how the amenities were decided upon in response to suggestions from the public, the Design Review Committee (DRC) and the Planning Commission.

Mr. Parsons also noted that the Kinder Morgan pipeline does not go through their site, nor will the project affect the pipeline at all.

Vice Mayor DeLaney asked if staff is aware of the condition of Donaleen Court and whether there is a plan to resolve it. City Engineer Tim Tucker said he will double-check with the Maintenance Department and report back to the Council.

Councilmember Ross asked if the tot lot will include a drinking fountain, and Mr. Parsons said it can. Councilmember Ross also asked if more information can be provided about the proposed pathway.

Mayor Schroder asked Steve Abrams of Abrams Associates Traffic Engineers to respond to comments about the traffic study. Mr. Abrams acknowledged there are differences between CEQA analysis and safety issues. He reviewed how the study was done, including analysis of sight distance, traffic speeds and direction. He compared the benefits/impacts between adding a pedestrian pathway as opposed to a concrete sidewalk. He also commented on traffic impacts from future development, which he indicated is built into the study through the use of a standard percentage of increase.

Vice Mayor DeLaney asked about the possibility of restricting left turns from the property, and Mr. Abrams said he didn't think it would be necessary because there were no line-of-sight issues. He acknowledged it would be a disadvantage to the residents; although it might reduce traffic levels slightly, he would not recommend it unless a pattern of accidents becomes apparent in the future.

Mayor Schroder closed the public hearing.

Vice Mayor DeLaney thanked the public for their participation and comments. She clarified that their input is a vital part of the democratic process and helpful to the Council in making decisions.

After confirming with staff, Mayor Schroder stated that the item would be continued to the meeting of June 5th for consideration of action. In response to a question from the audience, he indicated written comments would be accepted from the public.

Councilmember Ross asked Ms. Tasini to provide the new CEQA thresholds for air quality. Vice Mayor DeLaney asked if the hydrology reports could be included, or a link provided.

**Council recessed at 9:17 p.m. and reconvened at 9:24 p.m. with all members present as indicated.*

CITY MANAGER

14. Resolution approving an additional allocation of \$100,000 to complete the General Plan and associated planning efforts, Environmental Impact Report and legal review.
[P.Vince/2.10.00/ 9.2.15]

City Manager Philip Vince presented the staff report, discussing changes to the process and project manager, which will result in some cost savings. He noted that the additional funding is necessary to hire a consultant to handle the environmental impact report.

Mayor Schroder asked, and staff confirmed the expected timeline. As a Subcommittee member, he expressed appreciation to contract Planning Manager Dina Tasini in coordinating the efforts. Ms. Tasini responded that it was a team effort with all the staff, including the City Attorney.

Vice Mayor DeLaney commented on the amount of money being spent to accomplish the task, nearly \$700,000. She expressed concern that there might be further costs incurred.

Councilmember Ross was appreciative of the updated General Plan that will result, noting it was long overdue, and it will be good to have a more workable Plan.

Mayor Schroder opened and closed public comment on the item with no speakers coming forward.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 046-13 approving an additional allocation of \$100,000 to complete the General Plan and associated planning efforts, Environmental Impact Report and legal review. Motion unanimously passed 3 - 0.

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

CHIEF OF POLICE

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

18. Designation of Voting Delegate for League's Annual Conference in Sacramento September 18-20, 2013.[M.Cabral/7.3.4]

Mayor Schroder recommended Vice Mayor DeLaney to serve as Voting Delegate.

Mayor Schroder opened and closed public comment on the item with no one coming forward.

On motion by Rob Schroder, Mayor, no second required to approve Designation of Vice Mayor Lara DeLaney as Voting Delegate for the League's Annual Conference in Sacramento September 18-20, 2013. Motion unanimously passed 3 - 0.

19. Council Subcommittee Reports.

20. City Council Comments.

Councilmember Mark Ross remarked that the Hern Family return to Martinez was very emotional, and he welcomed them back. He also wished the Kaparich family well, and he acknowledged the Martinez community for being very supportive and caring to families in need.

Mayor Rob Schroder stated that a new cable network called Esquire has contacted him and expressed interest in filming a segment called the "Martinez Cocktail," *aka* the "Martini," which he has accepted; they will begin filming tomorrow. He added that he recommended they include the monument in downtown that commemorates the place where the martini was first developed. Mr. Vince also reminded the Mayor that the mural on Berrellessa includes a martini glass.

Mayor Schroder also requested that the meeting be adjourned in memory of former City Councilmember, City Treasurer and former Contra Costa County Tax Collector Treasurer Bill Pollacek.

ADJOURNMENT

Adjourned at 9:40 p.m. *in memory of former City Councilmember, City Treasurer, Contra Costa Tax Collector/Treasurer Bill Pollacek* then to a Budget Workshop on May 30, 2013 at 6:30 p.m. in the Council Chambers; then to a Regular Council Meeting on June 5, 2013, 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 6/5/13