

I. CALL TO ORDER

Mayor Schroder called the meeting to order at 5:35 p.m. in the Council Chambers with all members present except Councilmember Menesini and Ross. Councilmember Ross arrived shortly after roll call.

**Councilmember Menesini arrived at 6:30 p.m.*

II. CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code.
Agency Designated Representatives: Philip Vince, City Manager; Alan Shear, Asst. City Manager, and Fran Buchanan, IEDA.
Employee Organization: Laborers International Union of No. American, Local #324; Martinez Police Non-Sworn Employees Assoc.; and Martinez Police Officers Association.
- B. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One potential case.

III. PUBLIC COMMENT (On items listed on the agenda)

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

IV. RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:05 p.m. He reported that a closed session was held regarding Conference with Labor Negotiators and direction was given to the City's negotiators; with respect to Conference with Legal Counsel Anticipated Litigation direction was given to legal counsel; there was nothing else to report.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

- A. *Certificates of Recognition to the Alhambra High School Baseball Team.*

The Mayor and Council presented Certificates of Recognition to the Alhambra High School Baseball Team:

Robert Stephenson, Alex Laidley, Nick Herrera, Justin Green, John Miller, Travis Volpe, Mike Hewitson, Lucas Casillas, Alan Eichman, Stevie Rossi, Mitchell Wilson, Jordan Hill, Jack Veasey, Nick Revetta, Ethan Little, Jack Higgins, Anthony Taliaferro, Leo Costa; and coaches Leo Costa, Paul Wiebens, Frank Buccellato, and Jay Heeb acknowledging the participation of the 2011 Alhambra High School Varsity Baseball Team in the North Coast Section Baseball Playoffs.

B. Promotional Swearing In Ceremony for Captain Eric Ghisletta, Lt Aaron Roth, Lt. Jon Sylvia, Sgt. Dave Mathers and Sgt. Bryan Dodd.

Chief Gary Peterson spoke on the recent changes in the department and reorganization, and he introduced the Officers: Captain Eric Ghisletta, Lieutenant Aaron Roth, on vacation, Lieutenant Jon Sylvia, Sergeant Bryan Dodd, and Sergeant Dave Mathers. Chief Peterson gave a brief background on each.

City Clerk Gary Hernandez performed the swearing in. Their families pinned each of the officers. The Council expressed their congratulations.

**The Council recessed for a reception in honor of the Police Officers and returned to the dais with all members present.*

PUBLIC COMMENT

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

Ruth Riggan invited the Council to a fundraiser for Elle Master, a five-year-old girl who has been diagnosed with Acute Lymphoblastic Leukemia, on July 27 at the Martinez Church of Christ, 1865 Arnold Drive, Martinez from 5:00 to 7:00 p.m. She indicated information is on Facebook, Elle Master's Hot Dog Cookout Fundraiser, or contact the coordinator of the event at 925-768-2285.

Igor Skaredoff thanked the Council and staff for the series of workshops and tours for the General Plan Update and expressed hope that progress would finally be made.

Gary Freitas spoke on the subdivision of his property and the money and hours he has invested. He provided the Council with a brief history and submitted a report, which he urged the Council to review. He felt that now is the time to proceed with his project.

Robert Slater spoke in support of Mr. Freitas' project and his application. He commented on the Council's past support with a 4 to 0 vote. He requested that the General Plan correct the designation of Mr. Freitas' property.

Sue Higgins reviewed the land designation of their property (private open space) and informed the Council that they will be speaking at the next General Plan Task Force meeting, asking to have it corrected. Ms. Higgins indicated that neighboring properties are on the map but not the 5 1/2 acres at 635 Vine Hill Way. Mayor Schroder stated that speaking with the Task Force starts the process to get their property corrected on the map.

Kristin Henderson reported that the Downtown Post Office made its way to the federal preservation office, and she thanked those in the community who helped support it. Ms. Henderson also indicated that Main Street Martinez is in violation of their trademark.

Mike Alford reviewed City projects and expressed concern that when people come down to the meetings and voice their opinions, it doesn't matter because the Council has already made up their minds. He criticized the Council for spending millions of dollars on consultants and being unable to sign labor contracts.

Mark Sparacino stated that the City employees are very hard-working, and he urged the Council to sign the contracts.

Seeing no further speakers, Mayor Schroder closed public comment.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion accepting City Council Minutes of June 15, 2011. [M.Cabral]
2. Motion rejecting claim against the City by M.H. Customs, Claim #11-05. [M.Cabral]
3. Motion accepting Check registers dated 07/06/11, 07/08/11 and 07/14/11. [C.Spinella/2.1.1]
4. Motion accepting the Investment Summary for June 30, 2011. [C.Spinella/2.1.1]
7. Resolution No. 080-11 regarding the San Francisco Bay Conservation and Development Commission's (BCDC) proposed amendment to the San Francisco Bay Plan and transmit it to BCDC.[T.Blount/3.17.00]
8. Resolution No. 081-11 accepting the 2010-2011 Paving Project per contract documents and instruct the City Clerk to file a Notice of Completion. [D.Salts/12.04.00]

Councilmember DeLaney requested Item 6 be removed, and Councilmember Ross requested Item 5 be removed.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, approve items #1 through #4 and #7 and #8 of the Consent Calendar. Motion unanimously passed 5 - 0.

5. Motion approving letter opposing closure of State Parks by the Parks, Recreation, Marina, and Cultural Commission. [M.Austin/16.10.00]

Councilmember Ross commended the PRMCC on their diligence, but noted his sympathy for the State's resource agency and the financial troubles they are experiencing. He stated that he did not think the letter was appropriate, considering the current economic situation.

Councilmember Menesini stated that he felt it is important for the Council to take a stand and say that the parks closure is a tragedy, even though he understood the reasoning behind it.

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve letter opposing closure of State Parks by the Parks, Recreation, Marina, and Cultural Commission. Motion passed 4 - 1. Mark Ross, Councilmember, No; Rest, Ayes.

6. Motion to send a letter to the Redistricting Citizen's Commission and attend a public meeting to provide Public Comment on new district's impact to the City of Martinez before July 27th.[M.Austin/41.01.01]

Councilmember DeLaney stated that the proposed redistricting would remove the Martinez from its current district and from Contra Costa County. She noted that Martinez does not share important characteristics or a transportation system with the proposed new district. Councilmember DeLaney expressed concern that Martinez would be underrepresented in the new district. She also added that interested residents should contact the Redistricting Citizen's Commission before August 15th.

City Manager Phil Vince noted that he would be traveling to Sacramento to present the letter in the upcoming week.

Councilmember Ross expressed agreement that the new district would not represent Martinez' interests adequately. He also stated that concerned citizens could visit wedrawthelines.ca.gov for more information or to submit comments. Councilmember Menesini agreed and stated that the map lines seemed arbitrary.

Mayor Schroder opened the Item for public comment.

Richard Verrilli noted that water is an important issue to Martinez, on which the City had frequently received support from Congressman George Miller.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, authorize the City Manager to send a letter to the Redistricting Citizen's Commission expressing the sentiments of the Council to change the redistricting and keep Martinez in Contra Costa and attend a public meeting to provide public comment on new district's impact to the City of Martinez before July 27th. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

9. Continued public hearing to consider and possibly take action relating to appeals of the Planning Commission's certification of Final Subsequent Environmental Impact Report (SEIR), and approval of a Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91-4); Vesting Tentative Map (Subdivision 9257) with the changes outlined in the Mitigated/Alternate Access Alternative; Use Permit (UP) 08-17 (construction of a water reservoir tank); and Development Guidelines and Design Criteria for the Alhambra Highlands Project (2008) located on multiple parcels within the Alhambra Hills Specific

Plan area (APNs: 164-010-019, 164-010-025, 164-010-026, 164-150-016, 164-150-022, 164-150-030, 366-010-007, and 366-060-007). Staff recommendation: to deny the appeals, uphold the Planning Commission's actions, certify the Final Subsequent Environmental Impact Report (SEIR), and approve the following: [T.Blount/9.05.01.30]

- A. Planned Unit Development (PUD) 08-1 (amending PUDs 89-5/89-6/91; and
- B. Vesting Tentative Map (Subdivision 9257) with the changes outlined in the Mitigated/Alternate Access Alternative; and
- C. Use Permit (UP) 08-17 (construction of a water reservoir tank); and
- D. Alhambra Highlands Development Guidelines and Design Criteria.

Planning Manager Terry Blount presented the staff report. He stated that at the last meeting, the applicant had presented their case, public testimony was taken, and the Council had asked several questions. He also noted that the answers to many of the questions that had been raised at the last meeting were now in the staff report.

Councilmember Menesini expressed concern about storage issues and vulnerability to possible fire hazards, especially with the pumping system. Assistant City Attorney Veronica Nebb stated that the applicant's engineer was present and might be able to comment on the storage capacity. She also noted that the Council could add further conditions to the application, like requiring fire sprinklers to be installed in all buildings. She added that the fire district had already required emergency vehicle access, and approved the design. Councilmember Menesini suggested that the water system be put in at the beginning of construction, because the construction itself might cause grass fires in the area. Ms. Nebb stated that systems for water, sewage, and the like would be a prerequisite of construction according to the Subdivision Improvement Agreement, and that until they were completed to the City's satisfaction, home construction could not begin.

Councilmember DeLaney asked if it could be required that the replacement and improvement of the pump stations be completed before any construction at all. Ms. Nebb noted that the road would at least have to be graded in order to access the pumps. Associate Civil Engineer Kahlil Yowakim stated that the fire district had agreed to the plan and did not require any other conditions for fire risk prevention. Ms. Nebb noted that their approval was in the Environmental Impact Report.

Bill Faisst, Brown and Caldwell, stated that the proposed storage capacity and layout had been recommended and approved by City staff and by the Fire District. Councilmember Menesini stated that he was not an engineer, but that he wanted to make sure the tank capacity would be sufficient. Mr. Faisst suggested that it might be possible to keep the same number of tanks but increase its capacity. He noted that the former tank placement had been rejected because of concerns about the skyline and the trees. He explained some of the benefits of the tank's placement. Councilmember Menesini stated that he was still concerned about public safety, but expressed appreciation of Mr. Faisst's comments. Mr. Faisst also stated that there would be fire sprinklers in each home of the development and that the pumps would be in fire-resistant facilities and will have their own power source.

Councilmember Ross asked if all the homes would be required to have sprinkler systems. Public Works Director Dave Scola confirmed that the homes would all have systems with a capacity sufficient to their size. Mr. Faisst noted that the sprinkler systems would need to have a much

smaller capacity than the water tank, and that once the plans were finalized, the tank would be sized to meet the capacity requirements.

Mayor Schroder asked about the ability of the pumps to move water uphill, and Mr. Faisst stated that there would be smaller pumps for normal usage with a large one in case of emergencies. For normal usage, the new tank would be able to service other developments at a lower elevation. Ms. Nebb noted that it had been Ms. Hopkins, with the Contra Costa County Fire Protection District, who had confirmed that the plan's current design would satisfy the fire protection requirements. Councilmember Menesini requested that the City have the Fire District's approval in writing.

Councilmember DeLaney asked about construction along Horizon Drive was being permitted now when it hadn't been in 2000, in accordance with the Specific Plan, and expressed concern about the impact on the neighborhood. Ms. Nebb stated that since the access road would be off of Horizon, there would have to be construction access on Horizon. The Specific Plan requirement was to address home construction. Councilmember DeLaney also expressed concern about the condition and service access on Reliez Valley Road, especially for a period of two years. Ms. Nebb asked for a representative of the applicant to discuss the phasing of the infrastructure construction.

Andrew Palffy, DK Consulting, stated that the construction would only have an impact until Wildcroft Road was ready to be used, and that the initial phase would be prioritized to minimize the impact on the neighborhood. Ideally it would only last a year. Ms. Nebb asked if this could be made a condition of approval, and asked how much activity would actually be on the street. Mr. Palffy stated that the equipment would be delivered to the site and stay there, and Horizon Drive and Reliez Valley would only be used for transportation.

Councilmember DeLaney asked if there was some reason that the tree replacement ratio was not higher. Ms. Nebb stated that it was an issue of survivability and overplanting.

Malcolm Sproul, biological consultant for LSA Associates, stated that standards for placement, care, and maintenance were more important for a regeneration project than the numbers, and that there would not be enough ideal placements for a higher ratio. Councilmember Menesini asked how large the seedlings would be and how long it would take them to grow, and Mr. Sproul stated the trees would start out about three feet tall, would double in height in five years, and in twenty years would be in the 20-30 foot range, if adequately cared for. Mr. Sproul also briefly explained proper maintenance and care, which was also addressed in the mitigation measures. Councilmember Menesini stated that he felt strongly that the trees should be maintained as well as possible. Ms. Nebb stated that there was also a required survivability rate and the trees would have to be replaced again if they were not growing. Councilmember DeLaney stated her interest in enhancing the tree situation, not just replacing it.

Councilmember DeLaney asked about the area that was designated "for future development." Ms. Nebb stated that although the parcel was included in the Specific Plan, it was not part of the project and had not been approved for development. It would have to go through its own entire approval process if the applicant wanted to develop it. Councilmember DeLaney asked if a Specific Plan amendment could forestall development on that parcel, and Ms. Nebb said that such an amendment was possible, but would have to go through the usual public hearing process.

Councilmember Menesini asked about the division of the property, and Ms. Nebb stated that the site is already divided into 6 legal parcels. Councilmember Menesini requested that Parcel I be included in the Open Space area, out of concern for the quality of the existing Open Space.

Councilmember DeLaney addressed the claim that the Council had agreed to reduce the developer fees on the property, requesting that Ms. Nebb clarify the situation. Ms. Nebb stated that in entering into the agreement to re-process the application, with new environmental reviews, the applicant would lose the obligation to pay the fees at 1980s levels. The City had compromised so that the fees would be based on 1990s levels, which are not substantially lower, and thus avoided the legal costs resulting from a dispute.

Councilmember DeLaney asked why the project was being revived, since the previous final map had not been approved. Ms. Nebb stated that the expiration of the previous tentative map did not preclude the applicant bringing forward a new tentative map. She added, however, that approval of the PUD is still valid.

Councilmember DeLaney commented on a compelling argument from one of the appellants that building on ten of the lots is not allowed because the slope is greater than 30%, and she indicated she did not think the applicant had adequately justified that it did meet slope requirements.

Alicia Guerra, attorney, said she thought the argument by the appellant was overstated; she did not think all ten lots were at issue. Based on the Specific Plan buildable area, she asserted there were really only three lots - lots 22, 24, and 29, where the majority of the lot is over 30% slope. She also maintained that the development areas even on these lots are not within the 30% slope area. Ms. Guerra discussed grading needed for the road, which creates buildable areas on the lots, as allowed by the Specific Plan. She referred to past approvals that the City needs to uphold, noting that they actually allow for more dwelling units.

Councilmember DeLaney said she thought those three lots (22, 24, and 29) should be removed from the site plan, since Ms. Guerra agreed that a majority of the area within these lots have a slope.

Councilmember DeLaney commented on the proposed Design Guidelines, indicating they should set a minimum standard for development since there may come a time when the developer has to modify the proposal to better meet market conditions. Ms. Nebb deferred to the developer to address the issue of minimum standards.

Mr. Blount acknowledged that during the Housing Element update it was evident that there is a downward trend in the overall size of homes. Ms. Guerra responded that the average size of the homes is 4500 s.f.; she expressed willingness on behalf of the applicant to discuss minimum thresholds with the City if desired.

Ms. Nebb asked if the applicant would be willing to add a Condition of Approval specifying minimum and maximum home sizes, and if so, what those sizes would be.

Rick Sabella, Richfield Development, said they were trying to work between 2800 s.f. and 5000 s.f., with the average about 4500. Mr. Sabella asked if it would be possible to re-locate the three

lots that have slope issues, assuming they could find other sites. Councilmember DeLaney said she wouldn't object to another location being found, but she reiterated her belief that none of those lots should be developed.

Councilmember DeLaney asked whether the project was financially feasible in the current market conditions, and if the Council should be concerned about the project being started and never finished or minimally finished.

Ms. Nebb discussed another subdivision in the City that was approved, one home built, grading for the roads begun, but not finished for ten years. Since that time, however, the City's requirements for Subdivision Improvement Agreements have become much stricter, and she reviewed the new bonding requirements and guidelines.

Mayor Schroder opened the public hearing. He noted that since the hearing was closed at the end of the last meeting, tonight's public input should be limited to comments on the resolution itself, speakers who did not speak at the last meeting, or comments based on new information.

Tracy Woodard acknowledged that many of his questions had already been asked by Councilmember DeLaney, including concerns about construction bonding, the limited access to Horizon Drive, and whether or not a security bond is needed for the 2-year construction of the road. He asked how traffic will access Reliez Valley Road and if there will be limitations on the hours of access or the size of vehicles. Mr. Woodard noted that local zoning laws can be changed to suit the needs of the City. He indicated that he did not think the amount of the applicant's investment should be considered, adding that investments are sometimes profitable and sometimes not. He also expressed concern about impacts on water pressure for existing neighborhoods.

Mr. Faisst said any changes to water systems will have to be in compliance with City standards. Ms. Nebb also noted there is a condition of approval addressing that issue.

Paul Detjens expressed appreciation to Councilmember DeLaney for the forethought she puts into her comments and questions as well as the rest of the Council. He commented on the proposed resolution and the ten lots cited in one of the appeals as unable to be built on due to slope issues. He specifically discussed the fill slope necessary for development of the lots. Mr. Detjens questioned whether the Specific Plan exceptions apply in this situation. He urged the Council to consider its decision carefully.

Ron (last name inaudible) questioned whether the applicant should be given special treatment based on the amount of his investment in this project. He noted that property values have dropped the last three years, yet he and other homeowners in the City do not ask for consideration of their decreased investments.

Vince Gambone expressed appreciation for Councilmember DeLaney's questions about construction traffic on Horizon Drive, and he disputed Ms. Nebb's statements that the road would only be used for construction traffic, not beyond. He thought it was obvious that the road will be used after construction as well.

Scott Fretwell said he was told when he bought his house in 1990 that only 8 homes would be built at the top of the hill, not several hundred as now proposed. He expressed concern about increased traffic on his street; he thought it would be better to have the main access on the other side of the ridge. He asked why it was no longer being considered.

Mike Alford noted that one of the trucking companies had "Alhambra Highlands, Martinez" listed as an upcoming project on a board in their office. He questioned whether the decision has already been made and this hearing just a show pretending to be considering the issue. He also questioned how much Ridgefield has contributed to the various campaigns run by the Councilmembers. Mayor Schroder and other Councilmembers stated they had not received any campaign contributions from Ridgefield.

Bill Surgess commented on protection for the flora and fauna, particularly oak trees that will be affected by the proposed development. He noted that Martinez was designated a "Tree City" because of its preservation efforts, and he question how this development fits with those goals and the spirit of John Muir. He mentioned several species that are prevalent in the area and expressed concern about their habitat. He added that trees can live without people, but people cannot live without trees.

Sharon Fretwell added to comments made by her husband Scott, noting that his proposal for the road was well thought out and a viable alternative. She expressed concern about losses in property value to neighboring homes. She was especially worried about sound impacts from the proposed wall.

Mark Sparacino said he agreed with the two previous speakers - he thought John Muir would be ashamed if he were alive to see this development approved. He noted that Berkeley had a tree sit-in when the removal of a handful of coastal oaks was proposed, and the cost that resulted to the city. He also discussed impacts to Reliez Valley Road and Horizon, and he questioned whether the construction trucks would be as limited as implied by Mr. Palfy.

Leo Ulster discussed his involvement with the Specific Plan approval process and his attendance at various Planning Commission and City Council hearings over the years. He asked the Council to listen to the people and their concerns with the roads, the water issue, and the wildlife in the area.

In rebuttal, Alicia Guerra began by saying that Parcel I is not considered for development with this project, but it was separated out from the parcel below it, which has been designated as a habitat for the Alameda Whipsnake. Councilmember DeLaney asked why not extend that area into Parcel I, and Ms. Guerra noted there are other wildlife issues on Parcel I and the applicant thought it best not to confuse federal approvals by merging the parcels.

Ms. Guerra also commented on the required bonding and endowments that are required at the federal level, and she expressed concern about adding additional requirements that are not part of the biologic assessment. Councilmember Menesini proposed making Parcel I into a viewshed or scenic easement. Ms. Guerra asked the applicant, who agreed to the proposal.

Councilmember Menesini agreed that the area below, adjacent to Alhambra Avenue, is definitely wetlands, and he thought landscaping could be added along Alhambra and made accessible for foot traffic at least. Ms. Guerra said that combining the two areas into one parcel would be contradictory to the purposes suggested.

Ms. Guerra explained that 8-16 variations were considered for Wildcroft Drive, and the reason the location along the back side of the ridge was rejected was 1) it would go right through the Alameda Whipsnake habitat, and 2) it would result in a significant loss of trees. She indicated that the alternate access mitigated alternative was considered the best option. She also discussed noise studies made as part of the evaluation of the alternatives, and she noted that noise mitigation features were included in the EIR for all the roadways - both for construction traffic and Wildcroft Drive after construction.

Regarding Mr. Detjens' comment regarding the slope issues, she indicated she would not dispute them; but rather observed that the impacts from this project would be less than for the 1990 project that was approved by the City. She couldn't see how the 1990 project could be approved and this one with fewer impacts not be. Councilmember DeLaney said she thought Lot 25 would also have slope with greater than 30%.

Ms. Guerra noted that disclosures were signed by neighbors in the area of the Davidon development regarding proposed roadway extensions. She also discussed the process from hereon, and she noted that the reason for the application at this time is to implement the approvals already made.

Councilmember Menesini asked whether the applicant would consider putting the project into abeyance for 2-3 years to allow concerned citizens to work to raise money to purchase the land for open space. Ms. Guerra said it would probably take three years to prepare for grading, although she expressed concern that everyone should understand the approvals are in place and will remain so regardless of what happens with the citizens group. Councilmember Menesini recommended adding that as a condition of approval. Ms. Nebb suggested making a legal agreement instead.

Ms. Guerra also commented on the timing of the grading, and Mr. Palffy asked if the agreement could specify April instead of July as the release of the moratorium. Ms. Guerra asked that consideration also be given to requirements by the state and/or federal government.

Ms. Nebb responded to Mr. Alford's comments regarding a trucking company's reference to Alhambra Hills project before this hearing. She noted there is another project called Alhambra Highlands, but that is a county project.

Mahinder Mahli asked what the price might be for purchasing the property. Mayor Schroder said he was confident the Alhambra Hills Open Space Committee would be meeting with Mr. Sabella for just that reason.

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

Councilmember Ross commented on his awareness at a young age of his responsibility to protect open space, and his efforts with the Bay Area Air Quality Management District to strengthen the standards on greenhouse gas emissions. Given that this project has unmitigable effects on greenhouse gases, he indicated he would be voting against it. He acknowledged the legal ramifications to the City if the application is denied, and he expressed support for the idea of acquiring the acreage for public open space.

Vice Mayor Kennedy noted that her home, while not within 500' of the project boundaries, was near to the hills. She indicated she was on the Planning Commission when the original project was approved, and she spent much time considering the impacts. She noted, however, that she was a strong supporter of a property owner's right to develop his/her property if the zoning allows for it, which this one does. Vice Mayor Kennedy acknowledged that she was not sorry when the Whipsnake habitat was discovered, and that she has not regretted the 20-year delay in the development. She added that the project now proposed is preferable to the one originally approved, both because of the smaller size and lessened impacts. She also indicated that the idea of someone purchasing the land from Mr. Sabella for open space is a good one, but she wished it had been done twenty years ago. She indicated her support for the application, with acceptance of the fact that negotiations will go on to see if it can be purchased for open space. She also cautioned that she would not support changes to the project that would result in more units with smaller size.

Councilmember Menesini acknowledged the difficult decision, noting that times have changed since the original approvals but there is a need to move forward - to abate uncertainty and open the door to the possibility that the community can rally together to purchase the property. He was confident that everyone on the Council would support the open space use if it can be done; however, he agreed this is a legal project. He noted that the water tank in Zones 3 and 4 was extremely important to public safety, and he asked that the Conditions of Approval require the capacity to be increased to .70 mg at a minimum, and be concrete, not metal. He also asked for conditions requiring that the water system must be in place before construction takes place, that the elevation of the tank be lowered and that the tank be bermed to minimize the visual impacts.

Councilmember Menesini recommended that lots 22, 24, and 29 should be taken out of the plan. For fire safety, he suggested that the roof elements of the homes have sprinklers, that there be space around the homes to minimize fire risks, that the pump stations be made of cement and impermeable to fire. He also said a minimum tree replacement ratio should be 3:1 and the maintenance program should guarantee a great degree of survivability, with the replacement trees being 3' tall at a minimum.

Councilmember DeLaney said she wished she could be a hero to the many residents opposed to the project, but the zoning that was put in place 25 years ago makes the Council's decision inevitable - to deny the applicant his development rights would result in a very expensive lawsuit. She disagreed with the Statement of Overriding Considerations, noting the only consideration she found was the financial viability of the City, and denying the project would result in the City's bankruptcy. Councilmember DeLaney acknowledged the project is better now than originally presented, but she encouraged the residents to pursue options to purchase the land for open space if at all possible. She indicated she would reluctantly vote in favor of the project.

Mayor Schroder noted that over the course of his service to the City, as a Planning Commissioner, a Councilmember, and as Mayor, this project has come back in different iterations, and each time he wished it would go away. He agreed with Councilmember DeLaney that the guiding document is the Alhambra Hills Specific Plan, and that denying the project would result in a lawsuit that the City would likely lose, resulting in extreme financial hardship. Mayor Schroder commented on a similar case with the City of Half Moon Bay that the city lost and ended up bankrupt. He indicated he would have to vote in support of the project.

Staff reviewed the amendments to the Conditions of Approval requested by the Council: 1) Parcel I will be recorded as open space; 2) construction of Wildcroft Drive will be completed as soon as possible among the construction of the public improvements; 3) lots 22, 24, 25, and 29 will be removed from the map and added to either open space parcels or scenic easement areas of adjoining lots, and alternate locations for these four lots may be, but is not required to be incorporated and subject to City's approval; 4) a minimum size of any unit is 2500 s.f. of conditioned space and, and all homes be constructed with fire retardant roofs, fire sprinklers, and landscaped with applicable "defensible spaces" pursuant to applicable Fire District requirements; 5) the water tank shall be of reinforced concrete construction, partially buried, and have a capacity of .70 million gallons and the tank be bermed to minimize visual impacts; and 6) that the water storage and conveyance system shall be in place before construction of the first home.

Councilmember Menesini confirmed with staff that the resolutions will be approved subject to these added conditions.

Ms. Guerra asked whether it would be permissible to rework some of the lot lines to create additional lots if possible. The Council agreed to consider additional lots if the applicant can demonstrate that they meet the standards.

Councilmember DeLaney noted that in Exhibit A the tree replacement ratio needs to be corrected. Ms. Nebb said not in this instance, because it is referring to the SEIR wherein the ratio is 1.5:1.

Councilmember DeLaney also asked about text on Page 19 that states a drainage plan shall be submitted to the Contra Costa County Public Works Department prior to approval of the Final Map, specifically whether it should say the County Flood Control and Water Conservation District instead. Staff explained that it will be submitted to both.

Councilmember DeLaney asked about Page 24, under Population and Housing Impacts, which stated that the application will not propose new homes. Ms. Nebb explained it was referring to additional homes beyond what is approved within the project area. Councilmember DeLaney said she would prefer it be deleted, but the rest of the Council agreed it was harmless and should remain.

Councilmember DeLaney noted that Page 7 of Attachment 2 refers to resolutions approved by the Council on July 6th, but it should say July 20th instead.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 082-11 certifying the subsequent Environmental Impact Report and adopting a Statement of Overriding Considerations for the development of a Planned Unit Development with up to 110 single family units ("Alhambra Highlands") on an approximate 297.5 acres site, with approximately 240 acres of permanent open space generally located west of Alhambra Avenue at Wildcroft Drive (APN: 164-010-019, 025, & 026; 164-150-016, 022, & 030; 366-010-007; 366-060-007). Motion passed 4 - 1. Mark Ross, Councilmember, No; Rest, Ayes.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution No. 083-11 denying the appeals and approving amendments to the previously approved Planned Unit Development ("Alhambra Highlands"), now proposed with up to 110 single family units on an approximate 297.5 acre site, with approximately 240 acres of permanent open space, generally located west of Alhambra Avenue at Wildcroft Drive (APN: 164-010-019, 025, & 026; 164-150-016, 022, & 030; 366-010-007; 366-060-007) with the identified changes to the Conditions of Approval as described. Motion passed 4 - 1. Mark Ross, Councilmember, No; Rest, Ayes.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution No. 084-11 denying the appeals and approving Use Permit, UP-08-17, for a water tank and related pump stations to primarily serve the "Alhambra Highlands" Planned Unit Development, with up to 110 single-family units on an approximate 297.5 acre site, with approximately 240 acres of permanent open space, generally located west of Alhambra Avenue at Wildcroft Drive (APN: 164-010-019, 025, & 026; 164-150-016, 022, & 030; 366-010-007; 366-060-007) with the identified changes to the Conditions of Approval as described. Motion passed 4 - 1. Mark Ross, Councilmember, No; Rest, Ayes.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution No. 085-11 denying the appeals and approving a Vesting Tentative Map for the development of a Planned Unit Development with up to 110 single-family units ("Alhambra Highlands") on approximately 297.5 acre site, with approximately 240 acres of permanent open space, generally located west of Alhambra Avenue at Wildcroft Drive (APN: 164-010-019, 025, & 026; 164-150-016, 022, & 030; 366-010-007; 366-060-007) with the revisions outlined in the Mitigate/Alternate Access Alternative with the identified changes to the Conditions of Approval as described. Motion passed 4 - 1. Mark Ross, Councilmember, No; Rest, Ayes.

Councilmember DeLaney asked about provision for the GHAD. Ms. Nebb explained that the Conditions as they are now include provision for a GHAD or HOA, and formation of the GHAD would be done by Council action at a later date. She indicated that the Council could change the condition to require the GHAD only if they prefer.

Mayor Schroder noted that Councilmember Ross had recommended forming a Council subcommittee to consider open space issues. At the suggestion of Ms. Nebb, it was decided to put it on a later agenda.

**The Council recessed and reconvened with all members present.*

CITY MANAGER

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

No comments made.

CHIEF OF POLICE

11. Consider a resolution expressing concern with AAA's plan to consolidate service providers given the potential impacts to local business and public safety. [G.Peterson/]

Chief Peterson presented the staff report, discussing the proposal by AAA and the potential impacts to Martinez' businesses and police services. He was especially concerned with increased response times for tow services to an accident in the delay it could cause to police needing to respond other calls. He asked for Council approval of the resolution.

Vice Mayor Kennedy asked if the matter has been discussed on a regional level by the Police Chiefs' Association. Chief Peterson said it would be discussed at their next meeting. Mayor Schroder expressed willingness to discuss it at the next Mayors' Conference as well.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 086-11 expressing concern with AAA's plan to consolidate service providers given the potential impacts to local business and public safety. Motion unanimously passed 5 - 0.

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

No comments made.

Councilmember Ross asked if a ceremony regarding 9-11 was planned. Chief Peterson confirmed that there were plans for a ceremony and the Department is working with the Chamber on this event. He indicated he would send an update to the Council by email.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

13. Appointments and Reappointments to Commissions and Outside Agencies:

A. Appoint Doug Stewart effective immediately, and Sally Sweetser effective in August to the Civil Service Commission for a four year term.

On motion by Rob Schroder, Mayor, no second required appoint Doug Stewart effective immediately, and Sally Sweetser effective in August to the Civil Service Commission for a four year term. Motion unanimously passed 5 – 0

B. Appoint an Alternate to the Planning Commission.

Continued to the next meeting to allow input from the Council.

C. Appoint Sally Holzman to the CCC Advisory Council on Aging.

On motion by Rob Schroder, Mayor, no second required appoint Sally Holzman to the CCC Advisory Council on Aging to a two year term. Motion unanimously passed 5 - 0.

D. Reappoint Park, Recreation, Marina & Cultural Commissioners Ingemar Olsson, Donald Pallotta, and Karen Bell Patten for a four year term; and change the month of the ending term to June.

On motion by Rob Schroder, Mayor, no second required reappoint Park, Recreation, Marina & Cultural Commissioners Ingemar Olsson, Donald Pallotta, and Karen Bell Patten for a four year term; and change the month of the ending term to June. Motion unanimously passed 5 - 0.

E. Reappoint Planning Commissioner Donna Allen for a four year term.

On motion by Rob Schroder, Mayor, no second required Reappoint Planning Commissioner Donna Allen for a four year term. Motion unanimously passed 5 - 0.

F. Reappoint Veterans Commissioner Charles Martin and Thomas Zamaria for a four year term.

On motion by Rob Schroder, Mayor, no second required reappoint Veterans Commissioner Charles Martin and Thomas Zamaria for a four year term. Motion unanimously passed 5 - 0.

G. Reappoint CCC Library Commissioner Kathy Fuller for a five year term.

On motion by Rob Schroder, Mayor, no second required reappoint CCC Library Commissioner Kathy Fuller for a five year term. Motion unanimously passed 5 - 0.

CITY COUNCIL

14. Approve and authorize the Mayor to sign the attached response to the Grand Jury report: "Elected Board Membership" (elected officials compensation). [A.Shear/06.01.09]

City Manager Phil Vince presented the staff report, expressing appreciation to Assistant City Manager Alan Shear for his work on the letter.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, approve and authorize the Mayor to sign the attached response to the Grand Jury report: "Elected Board Membership" (elected officials compensation). Motion unanimously passed 5 - 0.

15. Appointment of Voting Delegate and Alternate to the League of CA Cities Conference. [M.Cabral/07.03.04]

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve appointment of Vice Mayor Janet Kennedy as Voting Delegate and Councilmember Lara DeLaney as Alternate to the League of CA Cities Conference. Motion unanimously passed 5 - 0.

16. Council Subcommittee Reports.

Vice Mayor Janet Kennedy reported out on her attendance at the Housing Community and Economic Development Policy Committee of the League of California Cities held in June, including state budget impacts, redevelopment and the dis-incorporation of the City of Vernon.

Councilmember Lara DeLaney reported out on her attendance at the Employee Relations Policy Committee of the League and excessive compensation issues. She also reviewed and shared a pension reform action plan for cities and states.

City Manager Phil Vince announced that sometime in mid August there will be a meeting of the Economic Subcommittee to discuss the Zocchi property update and 630 Court Street. Councilmember Ross stated that he would forward an email by Paul Craig regarding some concepts for the building.

17. City Council Comments.

Janet Kennedy announced the Relay for Life on Saturday, June 30th at 10:00 a.m. at Las Juntas, a 24 hour walk at the track. She also announced the "Jump In" pool opening ceremony on Thursday, June 21st from 4:00 p.m. to 8:00 p.m., with the Jump in at 6:00 p.m.

Lara DeLaney commented on the resolution the Council adopted on the Bay Plan amendments, specifically regarding the second provision and reference to the anticipated sea level rise - she noted not everyone accepts those provisions, and she would rather say "current projections ..." She also expressed concern about the reference to the "class" of people affected.

Councilmember Mark Ross commented on the last landing of the Space Shuttle Atlantis which ends a 30 year program.

Mayor Rob Schroder requested the meeting be adjourned in memory of Barbara Menesini, mother of Councilmember Menesini.

ADJOURNMENT

Adjourned at 11:50 p.m. *in memory of Barbara Menesini* to a Summer Recess, the next Regular City Council Meeting will be held on September 7, 2011 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 - 9/7/11

City Council Meeting

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