

CALL TO ORDER

The meeting was called to order at 5:30 p.m. in the Council Chambers with all members present except Councilmember Ross and Vice Mayor Kennedy who arrived after roll call.

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 Association; and Martinez Police Officers Association.

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

Workshop Effects of Sea Level Rise & Climate Change

Mayor Schroder called the meeting to order at 6:00 p.m.

PRESENT: Lara DeLaney, Councilmember, Mark Ross, Councilmember, Janet Kennedy, Vice Mayor, and Rob Schroder, Mayor.
EXCUSED: Michael Menesini, Councilmember
ABSENT: None.

Mayor Schroder commented on new standards of the Bay Conservation and Development Commission (BCDC) and how they could affect Martinez as a waterfront City. He also discussed the makeup of the panel, including a member of BCDC, the Building Industry Association (BIA), engineers, and a local landowner.

Planning Manager Terry Blount reviewed the agenda and introduced Jeremy Loud from Environmental Science Associates, who presented an overview of the affected areas, adaptation policies, past sea level rise statistics in the Bay Area and future projections, anticipated impacts, and possible solutions.

Paul Campos, BIA, expressed agreement with the BCDC proposal, although he acknowledged that in the beginning he was less supportive. He discussed difficulties with balancing housing needs and infill development with concerns about sea level rise, as well as the need for a regional strategy to set priorities.

Joe LaClair, BCDC, discussed the Bay Plan, the findings and policies the Commission uses to evaluate permit applications, which was originally adopted as state law in 1969. He also discussed the proposed amendments and the process thus far, including concerns that BCDC is overstepping its authority and protection for the wetlands and habitat preservation.

Local property owner Al Turnbaugh discussed flooding issues in the downtown, the history and heritage of the City, and his concern about excessive regulation of downtown development and the loss of local control. He was adamantly opposed to the proposed amendments.

Dave Harrison, Director of Safety and Dredging for Engineers Local No. 3, gave some background on the union and expressed that their main concern is jobs. He acknowledged that they can do building jobs or demolition jobs, although they prefer building. He asked the Council to make an environmentally-responsible decision and supports the proposed amendments.

Mayor Schroder asked Mr. LaClair whether BCDC would protect existing infrastructure in the city, rather than abandoning it and building elsewhere. Mr. LaClair said yes, and the proposed amendments will allow the Commission to authorize the building of flood protection structures.

Mayor Schroder asked, and Mr. LaClair confirmed that currently BCDC's jurisdiction is all areas within a hundred feet of the shoreline. When asked whether that would change, Mr. LaClair explained that BCDC's area of jurisdiction is ambulatory, and can change based on the circumstances. He added, however, that the property owner would need to be notified and would have a year to remedy the situation before BCDC could take action.

Mayor Schroder expressed concern about protecting development rights or properties near the shoreline, particularly at the Marina. Mr. LaClair confirmed that most of those areas are outside BCDC's jurisdiction, although the Marina area is under BCDC control already.

Vice Mayor Kennedy asked Mr. Loud how the Creek and the mud flats could be changed while still protecting the natural habitat. Mr. Loud said that most of the wetland areas around the Bay already provide adequate flood protection, but new levies in key positions could offer additional protection without too much expense. He discussed some possibilities.

Councilmember DeLaney said she agreed the additional protections would be good; however, the state does not currently have the funds to help with building new levies or repairing existing ones.

Mr. LaClair acknowledged that to be true; he thought regional funding strategy should also be considered.

Councilmember Ross thanked the members of the panel for coming. He commented on the importance of the issue as well as the need to protect property owner rights at the same time. He discussed the unique situation and Martinez with Alhambra Creek flowing into the bay, and the railroads that run through the City (noting that the railroad has some responsibility for protecting the infrastructure it uses). He was unsure how the problem can be addressed, but he agreed it needs to be looked at by the City and the region.

The Council discussed among themselves what steps the city should take and directed staff to prepare a resolution to be submitted to BCDC regarding the proposed Bay Plan amendment. (Councilmember Menesini entered and was seated during the discussion.)

Mayor Schroder opened public comment on the item.

Steve Leshner, Shell, registered concern about Shell's ability to make important safety upgrades to their property and equipment.

Mike Alford agreed with Mr. Turnbaugh's comments that the City doesn't need more regulation. He thought it was a waste of time to talk about something that might not even happen for 20 or 30 years. The City has more important issues to resolve.

Julian Frazier said the City should not be considering any more development near the waterfront, but rather should be looking at restoration of the wetlands and habitat.

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

The Council directed that the resolution be drafted to include the following elements:

"Oppose a policy of retreat from existing urban areas;

Encourage local and regional governments, the State, regulatory agencies, railroads, refineries, and other private interests affected to pursue policies of protecting existing urban areas; and

Encourage economic development activity that takes into consideration adaption and mitigations strategies in urban infill areas within the identified inundation zone."

Adjourned at 6:50 p.m.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:00 p.m. He reported that a closed session was held regarding Conference with Labor Negotiators, and direction was given to the City's negotiators.

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. Certificate of Recognition to the Alhambra High School Softball Team.

Certificates of Recognition were given to the Alhambra Softball team for the achievement of the 2011 Diablo Foothill Athletic League Championship and the 2011 North Coast Championship to the following individuals:

Hayley Anderson, Nicole Curry, Chelsie Darrah, Shannon DeVries, Erin Enke, Bella Gonsalves, Jaime Higgins, Jenna Krummen, Jazzana McIntosh, Kylee Perez, Cheyenne Riggs, Hailey Sparacino, Mariah Suitos, Coach Paul Buccellato, Coach Ed Hendrickson, and Coach Rick Bonansea.

Certificates of Recognition were given to the Alhambra Softball team for the achievement of the 2011 North Coast Championship to Kailynn Boyd, Madison Dykstra, Victoria Frazer, and Anna Taylor.

B. Proclaiming July 2011 as "Parks and Recreation Month."

Proclamation presented to Dylan Radke Parks, Recreation, Marina, & Cultural Commission Chair. He thanked the Council for their continuous support.

C. Main Street Martinez Bi-Annual Report.

Leanne Peterson, Executive Director, and John Curtis, President, of Main Street Martinez provided an update on the last 6 months. Ms. Peterson expressed appreciation to the Council and staff for their continuous support. She provided information on the membership drive, past events, and new programs, i.e., Speaker Series, (collaboration with Shell Oil). Mr. Curtis informed the Council that Main Street has moved from the AMTRAK Station to Main Street. He provided statistical information on visitors into Martinez and information on new initiatives including What's Up Downtown (weekly email), face book page, new Martinez Patch blog; he reviewed past and current projects of their committees. He acknowledged the many volunteers and all their efforts. Steve Leshner and Marty Ochoa, Co-Chair of the 4th of July Committee, thanked all those volunteers who helped to make a wonderful event; and thanked the City Public Works and the entire City staff and the public who came out to make the 4th of July a great event.

D. Martinez Area Chamber of Commerce Bi-Annual Report.

Marie Knutson, President, Cynthia Murdough, Executive Director, Reba Bower, Sales Director of the Martinez Chamber of Commerce. Ms. Knutson provided an update on the last 6 months. She reviewed some of their accomplishments on past successful events including the State of the City Breakfast, Citizen of the Year Dinner, and King of the County Barbecue; and commented on future events. Ms. Knutson reviewed statistics on their social networks. She commented on the good working relationship with Main Street Martinez and that they attend, promote, and help each other. Ms. Knutson indicated they are currently working on a survey for downtown merchants and customers. She noted that the Chamber's job is not only to promote downtown, but they are the marketing and promotion team for all of Martinez. One of the Chamber's main focus is the Visitors Center and Tourist Bureau, which she provided an overview of the services rendered. Ms. Knutson thanked the Council for their support.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

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

Ann Mobley submitted a petition with over 400 signatures in support of keeping the 500 block of Main Street as a one-way street with pockets as they have been for the past 10 years.

Mike Alford agreed with Ms. Mobley's statement and urged the Council not to waste City funds to fix something that doesn't need fixing.

Julian Frazier spoke against spending Measure WW funds to be used to repair the marina. He suggested that the Council try to repair the marina one project at a time.

Pat English, owner of Haute Stuff, also expressed her views against removing the pockets on the 500 block of Main Street; she indicated that her customers enjoy eating outside and removing them would mean a financial hardship.

Charlene West, Char's Flower Shop, spoke against removing pockets on the 500 block of Main Street. She described how the pockets were built and those who volunteered to build them herself and her late husband included. She urged the Council if they decide to make Main Street a two-way street, they reconsider leaving the pockets.

Ernie Guerrero expressed his appreciation to Dave Scola and his staff in helping him with his business. He indicated that the businesses' goal is to succeed. The pockets bring people to our businesses and removing the pockets would make it difficult to stay open. Hopefully we all can work together and make decisions to allow businesses to prosper.

An unidentified speaker stated that if it's not broken, don't fix it, just enhance it.

Luigi (last name not stated) stated he enjoy his patios and so do his customers. He requested thought that the all of Main Street should have patios; and he urged Council's support not to remove the patios.

Michael Gallo, Pacific Pizza, agreed with others that the pockets work for the 500 block Main Street and he would like to have one; he urged the Council to enhance the street.

Kevi Tomouzos stated that if the pockets were removed from her business, Legal Grounds, and stated that either they all go or they all stay--no discrimination.

Carol Leman stated she liked the 500 block the way it is, she understand the merchants point of view, and requested that the City make the street look better. She indicated that as a voter, she will remember how the Council made their decision.

Kathi McLaughlin supported the businesses affected by the pockets. She stated that for years the Council spoke about revitalizing downtown, and they will be removing something that works for the merchants which she felt was counterproductive.

Carolyn Hill downtown merchant urged the Council to leave the pockets as is and just use some of the money for repairs and enhance the rest of Main Street.

Harriett Burt stated that the public was never notified nor any hearings held. she hoped that the process would be rectified and opened to discussion and build on the successful block.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of May 18, and June 1, 2011. [M.Cabral]
2. Motion accepting Check Reconciliation Registers dated 06/16/11, 06/20/11, 06/23/11, 06/29/11, and 6/30/11. [C.Spinella]
3. Resolution No. 079-11 approving the Martinez Chamber of Commerce Agreement and Main Street Martinez Agreement for the 2011-12 fiscal year; and authorizing the City Manager to execute agreement. [M.Chandler/]

Mayor Schroder opened public comment on the Consent Calendar.

Regarding Item #3, Julian Frazer expressed concern about some of the Friday night events in the downtown and problems with vagrants who interfere with the activities. He was concerned about public safety and impacts on downtown businesses. He also commented on RVs parked at the marina for extended periods of time. Chief Peterson noted that Main Street and the Chamber have contracted with some of the reserve officers to police the Friday night events, but if no crime has been committed and the person is not intoxicated, they cannot be forced to leave. Regarding the RVs, he noted that RVs are allowed to park at the marina during the day, but not after dark. Thus far, however, they have been in compliance with the law.

An unidentified speaker agreed with Chief Peterson that the homeless should be left alone as long as they are not bothering anyone.

Mark Ross commented on the good work done by Main Street and the Chamber. Since they represent most of the downtown businesses, he suggested the City enlist the two organizations to analyze parking needs in the downtown, including the pockets in the 500 block of Main Street, parking meters, whether the street should be one-way, etc. Vice Mayor Kennedy indicated that at the last Main Street Board meeting, a subcommittee was formed for just that purpose.

Councilmember Lara DeLaney requested that Item #1 be voted on separately since she was not at the June 1st meeting.

Councilmember Menesini agreed that both organizations deserve much credit for their many successes. He also expressed confidence that no changes will be made to the parking and routing of the streets without a full public process.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Items #2 and #3 of the Consent Calendar. Motion unanimously passed 5 - 0.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve City Council Minutes of May 18, 2011. Motion unanimously passed 5 - 0.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve City Council Minutes of June 1, 2011. Motion unanimously passed 4 - 0. Abstain: Lara DeLaney, Councilmember; Rest, Ayes.

PUBLIC HEARING(S)

4. 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). [T.Blount/09.05.01.30]

Terry Blount presented the staff report, including the project history (1990-2008); Specific Plan area and 2008 project, Vesting Tentative Map, outside agency review and approval, Alameda Whipsnake Mitigation, changes from the 1990 project and the 2008 project, Vesting Tentative Map, mitigated alternate access alternative also known as Alternative 1 reviewed key comparisons to 2008 project, Design Guidelines and Criteria; Planning Commission Public Hearings (March 22, 2011 and April 12, 2011), and a review of the Conditions of Approval.

Charity Wagner, UP Partners (who with Lynette Dias prepared the California Environmental Quality Act (CEQA) report), reviewed the CEQA process, initial study findings, Subsequent Environmental Impact Report findings (SEIR) and Alternatives, comments received on Draft SEIR, Final SEIR findings, certification of the SEIR, and Statement of Overriding Considerations.

Mr. Blount reviewed the appeals of the Planning Commission's decision and recommended that the City Council certify the Final SEIR; adopt the findings and the Statement of Overriding Considerations.

Councilmember DeLaney asked about the recommended ratio of tree replacements. Mr. Blount confirmed that the applicant is agreeable to replacing three trees of the same species for every one tree removed. Councilmember DeLaney asked what the common ratio of tree replacements is. Mr. Blount deferred to biologist Malcohm Sproul, LSA Associates, who indicated that replacement ratios vary greatly and have to do primarily with the type of maintenance that will be required. He noted that these trees will receive a high level of maintenance that will result in a high survivability rate. In response to a further question from Councilmember DeLaney, he confirmed that replacement trees that do not survive the first five years will be replaced again and monitored/maintained for an additional five years.

Councilmember DeLaney asked who came up with the original ration; Mr. Sproul said it was their recommendation, based on the high level of maintenance that they will receive.

Councilmember Ross asked about the proposed grading for lots 21-29, and Mr. Blount confirmed that building on those lots will be allowed since the grading will be there for the roads already. Assistant City Attorney Veronica Nebb explained the exception that will allow building on the area of the lot with greater than 30% slope.

Councilmember Menesini asked about the proposed water towers and whether the Fire District had agreed one tower was adequate, rather than the three originally proposed. Mr. Blount deferred to City Engineer Tim Tucker. Mr. Tucker said yes, the Fire District had reviewed the project and indicated the single water tower would be adequate. He also noted that the original project, with three water towers, had been more than twice as big as the current proposal.

Councilmember Menesini noted there had been concerns about the adequacy of the water supply and fire safety with the existing home off Virginia Hills Drive. Mr. Tucker confirmed that the new water tower will help backfeed the system for those homes, which are currently supplied through a pressurized system. Councilmember Menesini asked how large the new tank would be - Mr. Tucker said he did not have the information before him. Councilmember Menesini expressed concern about the adequacy of the water supply. He indicated he would like to see more information from the Fire District.

Councilmember DeLaney asked for information from the City Attorney as to why the project still has entitlements after so many years. Ms. Nebb confirmed that the project was approved as part of the Alhambra Hills Specific Plan, including the tentative map, the planned unit development (PUD), zoning and density; although some entitlements have expired others still remain. She further explained that the developer has a right to expect that the zoning would be upheld and could challenge the City in court if those rights are not upheld.

Councilmember DeLaney asked under what circumstances the City could repeal the PUD. Ms. Nebb acknowledged the City could decide that the project is no longer suitable for the site. She cautioned, however, that it would likely result in a suit from the developer on the grounds that it would constitute a "taking" of the property by the City since the owner's investment would be substantially reduced or eliminated if the property is no longer developable.

Councilmember Ross asked Ms. Nebb whether it was true that if the Council does not approve this project, the City will likely end up in court. Ms. Nebb noted that the developer could have insisted that the final map be approved before the further environmental review was done, and she reviewed the agreement that the City and the developer made at that time. She also confirmed that the potential litigation would be very costly to the City. She cautioned the Council to consider the project carefully and the appropriate findings need to be made regardless.

Mayor Schroder invited the appellants to make their presentations. He noted that no final decision would be made on this item tonight, and the hearing will continue to the next meeting of July 20th; however, the Council hopes to get through the public comment portion at this meeting.

Ellen Visser and Chuck Sutton: Ms. Visser disputed the Statement of Overriding Consideration in regards to greenhouse gas emissions, the sale-ability of high end homes, and impacts on wildlife. Mr. Sutton discussed the tree removals and ratio for replacement, including information from the standards set in other communities. He urged the Council to consider the desires of the people to save the trees, the hills, and open space.

Richard Pile and Marlene Haws: Mr. Pile discussed the ten lots in the development that violate the Alhambra Hills Specific Plan - he reviewed the slope densities, needed grading, and the allowed exceptions to the 30% slope limitations. He stated that the City does not have legal justification for allowing lot 2A-1 and lots 21-29.

Bill Schilz commented on the strong public opposition to the project over many years. He expressed concern about the formation of the Geologic Hazard Abatement District (GHAD) and the need for highly technical knowledge that will be needed. He also was concerned about the impacts if the project takes too long to be built. He discussed the projected developer costs per lot, and he questioned how many buyers will be found for such expensive homes. He also questioned the supposed economic benefits to the City. He urged the Council to postpone making a decision until the information presented by the developer can be verified.

On behalf of Robert Barker, Sarah Barker discussed his appeal of the Planning Commission's approval, based on the inadequate time given to opponents of the project at the Planning Commission hearing and the lack of consideration for their testimony. She noted that the 3-minute time limit has only recently been imposed at City meetings and expressed concern that citizen rights are being violated since their comments are abridged in the minutes, and the City Council does not have an adequate representation of those remarks. She read one example of actual comments as compared to what the meeting minutes reflected. She was concerned that only the developer's needs are being considered. She asked the Council to overturn the Planning Commission's decision and declare the project hopelessly flawed. She also asked the Council reconsider the 3-minute time limit per speaker.

**The Council recessed at 9:30 p.m. and reconvened with all members present as indicated.*

Alicia Guerra, attorney for Richfield Investment Corporation, introduced the team of consultants: Richard Sabella and Debbie Chung also from Richfield, Andy Palffy and Lucy Gibson from DK Consulting, Malcolm Sproul from LSA, Joanne Brion from Brion & Associates, and Uri Eliahu and Jill Stuckey from Engeo.

Ms. Guerra noted that the Alhambra Hills Specific Plan, approved in 1987, is the governing document that controls what can happen on the property. She briefly reviewed the history of state, federal and local approvals that led to this final project application. She also responded to the appeal issues: CEQA findings and the Statement of Overriding Considerations, consistency with the General Plan and Specific Plan, development on slopes over 30% and tree impact mitigations. She noted that a letter had been submitted in response to issues related to formation of the GHAD, and further questions from the Council could be answered by one of the representatives from Engeo. She also deferred to staff to respond to issues regarding public processing of the application. Regarding the Statement of Overriding Considerations, she discussed the benefits to the Martinez economy, habitat preservation/enhancement/restoration, and infrastructure improvements. She explained that the fiscal information was not presented at the Planning Commission meeting because it had been done in earlier project iterations, but once the question was raised at the appeal level, the applicant decided to update it. She indicated that Ms. Brion would address those issues now.

Ms. Brion noted that the fiscal impact analysis looks at the annual, ongoing costs and revenues to the City, one-time impact fees and one-time revenues to the City, new construction jobs associated with the project, and GHAD and Homeowner Association (HOA) assessments.

Andy Palffy, DK Consulting, discussed studies his firm did to confirm the project's consistency with policies of the Alhambra Hills Specific Plan and allowable slope densities, noting that not all areas within the project site are proposed for development. He showed on a subdivision map that the proposed development areas are all within the limits of what was anticipated and planned for under the Alhambra Hills Specific Plan. Secondly, he demonstrated that lots 21-29 and lot 2A-1 are within the development area approved under the Vesting Tentative Map and PUD plan. He also reviewed the exceptions allowed under the Specific Plan for development on slopes greater than 30%. He added that the alignment of the roadway was selected to minimize necessary grading and created the most natural appearing contours. He noted that the most recent project approved by the Planning Commission results in substantially less development area than those approved earlier. He also added that the area proposed for development with this project is substantially smaller than that permitted under the Specific Plan and General Plan. Councilmember DeLaney asked how Erica Way could be used to justify development on lots with greater than 30% slope when the area that Erica Way is on is less than 30% slope. Mr. Palffy explained that attempts to lower the grade of the roadway will reduce its slope and reduce the necessary cuts, but defaults the location of the homesites to areas greater than 30% slope.

Malcolm Sproul, LSA, discussed tree removals under this project compared with those under earlier proposals, noting there is a reduction in total number. He also noted that Richfield is committed to replacing native trees in the same ratio at which they are removed. He disputed whether there is a standard for tree replacement ratios, and he discussed similar projects and his company's success with tree survivability. Councilmember DeLaney asked about projects in the Dougherty Valley area of the County and whether they applied a 3:1 tree replacement ratio. Mr. Sproul said the County didn't apply a ratio except for the Alameda Creek project, and that standard was set by the natural resource agencies: US Fish & Wildlife, Army Corps of Engineers, California Regional Water Quality Control Board, and Department of Fish & Game.

Ms. Guerra reiterated the applicant's request that the Council deny the appeal and uphold the Planning Commission's approval of the Alhambra Highlands project, including certification of the Final SEIR and the Conditions of Approval.

Councilmember Ross asked the anticipated profit amount on each home - \$250,000. Ms. Brion acknowledged it is not a huge profit, but given the investments that have already been made, the developers are still choosing to move forward. Councilmember Ross noted that the financial viability of the project is of concern.

Richard Sabella, Richfield, agreed the per-unit profit was very small and was primarily intended to reimburse past costs; and when divided over the total number of years, amounts to even less.

Mayor Schroder opened the public hearing.

Marie Olsen disputed Mr. Sabella's statement regarding his involvement with the project for over 25 years, noting that he didn't own the property 25 years ago. She commended the Council and the public for their service in participating in this late meeting. She noted that something can be legal but not be right, and that could apply to many aspects of this project -- the location of the homes, placement of the road, height of the retaining wall, and tree removals. She asked the

Council to have the moral courage to vote in favor of the appellants and keep the beautiful hills as nature intended them.

Paul Detjens said he worked for Contra County Flood Control; he noted that the original tree removal ratio was proposed for 1:1 and was only increased when he raised the issue. He questioned the advisability of a 1.5:1 ratio as requested now by the applicant. He thought Martinez should at least ask for a 3:1 ratio, given its designation as a "Tree City" and the home of John Muir.

Todd Smith, representing Ostrosky Enterprises, the owner of 7 parcels of land directly contiguous with and downslope from this project site, discussed significant concerns regarding drainage and runoff impacts from the project.

Jerrold Hanson, Hultgren-Tillis Engineers, discussed his review of the project site and drainage issues that need to be addressed.

Louis (last name not stated) thanked the Mayor and Council for visiting the hill this morning. He expressed concern about drainage issues from the proposed project and traffic safety issues.

Sharon Frontwell commented on the access road, noting that her husband first proposed the road that is now on the main plan, even though they were first told that would be impossible. She was concerned about decreased property values, and she didn't understand why the entitlements have carried forward even though nothing has been done on the site for years. She questioned whether the anticipated economic benefit will be as great as anticipated. She was also concerned about view impacts, and she cautioned the City about potential legal action if the project is completed. She asked for confirmation on the noise studies and questioned whether the proposed mitigation was sufficient.

Julian Frazier commented on the intrinsic value of the hills and the wetlands. He also discussed the importance of the entrance to the City that will be ruined with the project, tree removals, the carbon factor, the foliage, wildlife impacts, the phasing of the project, grading, the proposed private park, the trail that needs to be kept public, and concern about the abilities of the Planning Commission.

Rosemary Sparacino Westcott showed an oak sapling she found growing in her garden, noting the very long root. She was doubtful that the applicant will be able to sustain new oak saplings in 5-gallon cans. She also expressed concern about noise, drainage, erosion, slippage, and she questioned the effectiveness of the GHAD and the stability of Wildcroft Road, which was originally only intended to be emergency access. She asked the Council to visit Horizon Drive to fully understand the noise impacts, as well as take a tour of the project site to see for themselves the area described as a plateau.

Satinder Malhi clarified that although he works with Senator DeSaulnier's office, he was speaking tonight as a private citizen of Martinez. He responded to Mr. Sabella's comment about "damage control" and expressed concern about future damage to the community that could result if this project is built. He asked the Council to consider the long-term impacts of the decision they are considering tonight.

Mike Alford indicated his support for the rights of those who have come to speak tonight, since their homes and their lives will be affected if the project is approved. He questioned the anticipated price of the homes, their marketability, the hydrology reports and the safety of the project. He commented on the consultants hired by the applicant to convince the Council of the merits of the proposal. He also asked why the City hired consultant Chip Griffin to work on this application. Mayor Schroder noted that the applicant paid for Mr. Griffin's work. He asked the Council to consider the needs of the citizens and vote against the project.

Russ Holt commented on mudslides that have occurred in other bay area communities and difficulties in establishing blame. He suggested that the applicant give a 15-year guarantee to cover damages by a mudslide from the project site.

Tim Platt asked for clarification on funding for the GHAD asking specifically, if the GHAD is low on funds, are the property owners in the GHAD responsible for raising the amount of their property taxes to add to the GHAD's coffers.

Kathi McGlaughlin asked how the tree removals will impact the greenhouse gas emissions, how many total trees will be removed, the average age and size of the 480 trees, the size of the replacement trees that will be planted and how long will it take for them to grow large enough to provide shade etc. She was concerned that removing the trees will not only increase the risk of erosion but also create an eyesore. She also questioned whether earlier iterations of the plan had homes below the ridgeline, while current plans show some homes on the ridgeline, and she noted that would be enough of a deviation from the previously-approved project to allow the Council to deny this project. She noted that the access road is on the opposite side of the project from the school, which would require longer trips to/from every day, increasing greenhouse gas emissions. Ms. McGlaughlin asked whether the park will have any ballfields, pool, or playgrounds; if not, that will increase use of City recreational facilities without providing additional park area for all Martinez residents. She also asked about noise abatement and the height of the proposed retaining wall, which will have a significant visual impact on homes below; and expressed concern about the potential decrease in property values that could result from the view impacts and the potential for slides.

Gay Gerlack said there is a lot in Martinez that is good a new pool, library, and park renovations through the efforts of Martinez citizens who supported Measure H. She expressed confidence that the joint efforts of the citizens and the Council could also raise funds to purchase the property for open space. She thought would be a better solution than this project.

An unidentified speaker agreed that Mr. Sabella's efforts were "damage control" only. He cautioned the Council that this project will ruin Martinez. He echoed Ms. Gerlack's comments about the accomplishments of a unified citizenry; and he was confident that a unified effort could raise enough money to purchase the land for open space. He urged the Council to vote against the project.

Robin Masowitz questioned whether the anticipated price for the homes would even be attainable. For so little profit, she advised Mr. Sabella to let the project go and take a loss if he must.

Ann McIntoffer commented on the negative image the City will have if the development occurs.

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

Appellant rebuttal:

Ellen Visser and Chuck Sutton: Ms. Visser questioned the economic benefit that the property will bring to the City, noting that if some of the homes don't sell, the income to the City will be reduced. She asked whether the City has weighed the benefits of the project against the risks or if it is relying on the developer's statements alone. She asked the City to be the lead agency in making the CEQA evaluation.

Mr. Sutton acknowledged that the California Oak Foundation may not be an advocacy group for the trees, but someone needs to advocate for the trees. He noted that there was much more information available about the tree replacement standard used by other agencies; and the City should not accept a 1.5:1 ratio. He also commented on the time it will take to grow the replacement trees to maturity - 80 to 100 years. He added that the developer acknowledges over 1500 trees will be removed, although not all are considered heritage trees.

Marlene Haws and Richard Pile: Mr. Pile showed an enlargement of the developer's map showing the lot placements; he questioned its accuracy. He noted that one of the roads is outside the developable area established by the Alhambra Hills Specific Plan, and he warned that a lawsuit will result if this project is approved.

Bill Schilz expressed concern that Mr. Sabella will eventually realize that sinking an additional \$35 million into this project is not financially prudent and will leave it half finished, but only after removing the trees and decimating the natural environment. He advised Mr. Sabella to reconsider.

Robert Barker did not make any rebuttal.

Applicant rebuttal:

Alicia Guerra discussed the zoning of the land that was established as part of the Alhambra Hills Specific Plan and remains today, even if the other entitlements expire; it would still allow for residential uses at that location. She also explained how the private park and possible playground amenities will provide an alternative from other City parks.

Ms. Guerra also stated that Mr. Sabella has said he would consider any offer to purchase the property for open space, but thus far no one has approached him with an offer. She noted that 70% of the area will be dedicated open space regardless, at no cost to the City.

Andy Palffy noted that the project does not propose any engineering or grading work to be done on the property owned by Ostrosky Enterprises; he added that water draining to that property already will be significantly reduced once the Alhambra Highlands project is built, as well as the drainage into the Elderwood neighborhood. Regarding construction access via Horizon Drive, he indicated it would only be needed for the first two years, while improvements are made to Wildcroft Drive. He also explained that Diagram B shows the alignment for Erica Way and a small section near lots 22-24 that crosses over slopes greater than 30% is allowed in the Specific Plan.

Malcolm Sproul said it would be difficult for him to respond to statements about projects in other jurisdictions with a higher tree replacement ratio, since the details are not known. He reiterated that the proposed maintenance plan is sufficiently rigorous and will result in good survivability numbers.

Uri Eliahu responded to questions regarding the GHAD, the makeup of the Board, number of members, and term of office. Mayor Schroder asked how the Board will sustain itself if there is a slide before all the homes are constructed. Mr. Eliahu said the GHAD will not take responsibility until all the improvements are made, although they will be issuing assessments as the lots are sold. He discussed funding provisions for small items as well as for large-scale events, and additional funds held in reserve. He noted that no GHAD has ever gone bankrupt, and there is an organization that lends money against future GHAD money. Councilmember Ross asked, and Mr. Eliahu confirmed that the developer has liability for latent deficiencies for ten years. Ms. Nebb added that until the GHAD accepts the improvements, the developer is responsible so there is no gap in coverage. She also said it is typical for a GHAD Board to hire an experienced manager to ensure all areas are covered. Mr. Eliahu said there is also a clerk and a treasurer. He also reported on the process for raising the assessment, which is indexed to the consumer price index, so the maximum assessment amount will automatically go up each year and can be raised up to the maximum when necessary. He added that the fund budget usually includes allowance for contingencies, and it is rare that a raise in assessment is necessary.

Councilmember DeLaney asked what happens if the residents decline to raise the assessment. Mr. Eliahu said they would be subject to the same liability and expense as anyone who does not have a GHAD. He clarified that the project will be done to the latest standards, so the likelihood of a failure is low. He confirmed that there will be no liability to the City from the GHAD. Councilmember DeLaney asked, and Mr. Eliahu also confirmed that the GHAD's responsibility is only to properties within the District - impacts to properties outside are not covered under the GHAD, except as may be incidental to protecting the property within the GHAD.

Ms. Nebb noted however, that if property of the GHAD causes offsite damage for which the GHAD is liable, the GHAD's income can be used to remediate that damage.

Mayor Schroder reiterated that this item will be back at the next meeting, July 20th. Ms. Nebb indicated that any additional information or clarification can be discussed at that time. She asked that the Council take action to continue the item to a date certain.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, continue the public hearing (public hearing portion closed) relating to the appeals for the Alhambra Highlands Project (2008) located on multiple parcels within the Alhambra Hills Specific Plan area to the Council meeting of July 20, 2011. Motion unanimously passed 5 - 0.

CITY MANAGER

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

No comments made.

CHIEF OF POLICE

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

Chief of Police Gary Peterson announced that on Friday, July 8, from 9:00 am to 5:00 pm the first annual Sgt. Carter Memorial Blood Drive will be held in the Council Chambers. Chief Peterson stated that Sgt. Carter had Non Hodgkin Lymphoma, and he passed away peacefully June 22; he urged all to participate.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

7. Accepting the Grand Jury report: Vehicle Maintenance.

Public Works Director Dave Scola presented the staff report.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, authorize the Mayor to sign the attached responses to the Grand Jury Report #1103, "County and City Vehicle Maintenance and Usage" by the 2011-12 Contra Costa Grand Jury. Motion unanimously passed 5 - 0.

8. Council (City) Subcommittee Reports.

9. City Council Comments.

Mayor Rob Schroder requested to adjourn in memory of Shirley Amato who passed away recently (mother of Chacha Hughes).

Vice Mayor Janet Kennedy stated that she and Councilmembers Ross and DeLaney attended the memorial services for Sgt. Carter and expressed her appreciation to Chief Peterson and the entire Police Department for the effort that went into the preparation of the service. Vice Mayor Kennedy further stated that Sgt. Carter was a brave man with a very brave family.

ADJOURNMENT

Adjourned at 12:20 p.m. *in memory of Shirley Amato* then to a Regular Council Meeting on July 20, 2011 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

CALL TO ORDER /PLEDGE OF ALLEGIANCE/ROLL CALL

Mayor Schroder called the meeting to order at 7:00 p.m. in the Council Chambers.

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

EXCUSED: None.

ABSENT: None.

PUBLIC COMMENT (Only those item(s) listed on the Agenda)

There being no public comments, the Council adjourn to the City Manager's Office.

CLOSED SESSION

A. PUBLIC EMPLOYMENT pursuant to Section 54957 of the California Government Code. Title: City Manager

Mayor Schroder indicated there was nothing to report out.

ADJOURNMENT

Adjourned at 8:45 p.m. to a Regular Meeting on July 20, 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

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

16 of 16

July 20, 2011

CALL TO ORDER /PLEDGE OF ALLEGIANCE/ROLL CALL

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers.

PRESENT: Mark Ross, Councilmember, Michael Menesini, Vice Mayor, Janet Kennedy, and Robert Schroder, Mayor.

EXCUSED: Lara DeLaney, Councilmember None.

ABSENT: None.

**Councilmember Menesini arrived shortly after roll call.*

PUBLIC COMMENT (Comments are limited only to items listed on the agenda)

Mark Sparacino urged the Council to move on the 630 Court Street project which has been going on the last 8 to 10 years; he recommended opening an Italian restaurant.

Mike Alford spoke on 630 Court Street expressing concern as to what was going to happen to the building since there needs to be a lot of money invested in the building; he commented that the building has become more of hindrance than anything else.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Approve and authorize the Mayor to sign the attached response to the Grand Jury report: "Ethics and Transparency Issues in Contra Costa County." [A.Shear/6.1.9]

Mayor Schroder opened public comment on the consent calendar.

Mike Alford did not understand the ethics issue and requested further clarification which Mayor Schroder provided adding that the Grand Jury investigated openness and accountability among public officials throughout Contra Costa County such as nepotism. Mayor Schroder stated that the report contains the Grand Jury findings, noting that the City was not cited for anything specifically, but was required to provide an overall response regarding our policies and procedures.

Assistant City Attorney Veronica Nebb clarified that there was an amendment to the City's response adding the City's Conflict of Interest Code.

On motion by Janet Kennedy, Vice Mayor, seconded by Mark Ross, Councilmember, to approve Items Item #1 of the Consent Calendar *as amended*. Motion unanimously passed 4 - 0.

CITY MANAGER/CITY COUNCIL

2. Comments.

No comments were made.

CLOSED SESSION (*adjourn to City Manager's Office*)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.

Property: 630 Court Street.

Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director; Alan Shear, Asst. City Manager; Veronica Nebb, Asst. City Attorney.

Negotiating Parties: City of Martinez and Southport Land Development.

Under Negotiation: Price, terms of payment and other conditions of sale.

B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

- a) Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One potential case; and
- b) Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One potential case.

Mayor Schroder reported that with respect to Conference with Real Property Negotiators, 630 Court Street, direction was given to the City's property negotiators; with respect to Anticipated Litigation a) exposure to litigation, and b) initiation to litigation direction was given to legal counsel.

ADJOURNMENT

Adjourned at 6:45 p.m. to a Regular Meeting on September 7, 2011 at 7:00 p.m. at City Hall 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

CALL TO ORDER /PLEDGE OF ALLEGIANCE/ROLL CALL

Mayor Schroder called the meeting to order at 6:30 p.m. in the Council Chambers.

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

EXCUSED: None.

ABSENT: None.

PUBLIC COMMENT (Only those item(s) listed on the Agenda)

There being no public comments, the Council adjourn to the City Manager's Office.

CLOSED SESSION

A. PUBLIC EMPLOYMENT pursuant to Section 54957 of the California Government Code. Title: City Manager

**Councilmember Ross arrived at 6:40 p.m.*

Mayor Schroder indicated there was nothing to report.

ADJOURNMENT

Adjourned at 7:30 p.m. to a Regular Meeting 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