



CITY OF GALT

MINUTES

REGULAR CITY COUNCIL MEETING Council Chambers, 380 Civic Drive, Galt, California Tuesday, April 20, 2010, 7:00 p.m.

The meeting was called to order at 7:00 p.m. by the mayor. Council Members present: Payne, Clare, Haines, Meredith, Shelton.

Staff members present: City Manager Behrmann, City Clerk Aguire, Community Development Director Campion, Public Works Director Halladay, City Attorney Rudolph, Chief of Police Cattolico, Finance Director Kiriu, Human Resources Administrator Islas, and Parks and Recreation Director Jeffries.

OPENING CEREMONIES - Silent prayer was observed, the flag salute was recited and the video statement was read by the city clerk.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS - None

PRESENTATIONS: None.

PUBLIC COMMENTS - The clerk announced that members of the audience could address the council on any matter which is not on the agenda but within the subject matter jurisdiction. She advised the location of the speaker sheets, asked that speaker sheets be presented to the clerk prior to addressing council and advised that each person would have a five minute time limit to speak.

Mike Singleton thanked everyone for the Meadowview Neighborhood Watch BBQ.

CONSENT CALENDAR - Consisting of Items 1 through 5.

REGULAR CALENDAR

1. **SUBJECT:** Minutes of the special and regular council meetings of April 6, 2010.
RECOMMENDED ACTION: Accept the minutes as submitted.
2. **SUBJECT:** City of Galt Warrants.
RECOMMENDED ACTION: Approve the warrants as submitted.
3. **SUBJECT:** Ordinance No. 2010-05 repealing and readopting Chapter 3.08 of the Galt Municipal Code entitled "Claims".
RECOMMENDED ACTION: Adopt Ordinance No. 2010-05 repealing and readopting Chapter 3.08 of the Galt Municipal Code regarding claims filed against the City.
4. **SUBJECT:** Farmers' Market – Thursday evenings.
RECOMMENDED ACTION: 1) Approve the usage of the City's Lincoln Way parking lot located between A and C Streets and allow Mr. Carlos Dutra, Executive Market Manager of the San Joaquin Certified Farmers' Market to host a farmers' market on Thursday evenings from 5:00 p.m. – 9:00

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p.m.; 2) authorize staff to close parking lot from 3:30 p.m. to 9:00 p.m. Thursdays commencing June 3rd to September 30th, 2010; and 3) waive all appropriate fees for market.

5. **SUBJECT:** Resolution authorizing the execution of legal services agreements with the law firms of Meyers Nave Riback Silver & Wilson and Kronick Moskovitz Tiedemann & Girard.
RECOMMENDED ACTION: Adopt Resolution NO. 2010-26 authorizing the execution of legal services agreements with the law firms of Meyers Nave Riback Silver & Wilson, and Kronick Moskovitz, Tiedemann & Girard.

ACTION: Upon a motion by Clare, seconded by Meredith, the consent calendar was approved by a unanimous roll call vote.

SCHEDULED MATTERS - PUBLIC HEARING

1. **SUBJECT:** Appeal of decision of Planning Commission certifying Final Environmental Impact Report, approving Conditional Use Permit, determining compliance with big box ordinance, including but not limited to Architectural Review, and granting appeal of community development director's Notice of Decision for WalMart Store on 11.26 acre parcel at the southeast corner of Twin Cities Road and Fermoy Way (APN No. 148-0074-058).
RECOMMENDED ACTION: Deny the appeal of Galt Citizens for Sensible Planning, grant the appeal of WalMart, and approve the Conditional Use Permit subject to findings and conditions, determine compliance with the big box ordinance, and grant the appeal of the community development director's Notice of Decision.

(Open Public Hearing)

- a. Staff presentation regarding appeals from (1) WalMart and (2) Galt Citizens for Sensible Planning.

Chris Erias, Associate Planner, gave a staff report.

Paul Miller, Omni Means, Traffic Consultant, provided a summary of the traffic issues connected with the project.

Luke Saxelby, Brennan & Associates, provided additional information regarding noise issues.

Greg Keller, CB Richard Ellis, provided information regarding the fiscal analysis of the project.

City Attorney Rudolph gave a report regarding council's authority to address any part of the project before them. He also addressed the council's responsibility in regard to CEQA requirements.

- b. Appellants presentation/testimony: (1) WalMart, (2) Galt Citizens for Sensible Planning.

Angie Stoner, WalMart public affairs representative, introduced Miriam Montesinos, legal counsel, Tim Page, project engineer and Mike Salmon, project architect. Stoner stated that the appeal was regarding the change made by the Planning Commission to the hours of operation. Page reviewed the plan for the site. Salmon reviewed the design of the building and amenities.

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William Kopper, representing Galt Citizens for Sensible Planning, addressed numerous items that he felt were not properly addressed in the EIR.

c. Public testimony.

Kashmir Williams supported WalMart and said his mother supported WalMart.

Orvell Fletcher supported WalMart.

Dennis Grimes opposed WalMart.

Jay Canning opposed WalMart.

Ed Weber opposed the location of WalMart and the traffic.

David John supported WalMart.

Jimmie Hollingsworth supported WalMart.

Elmer Moretto opposed the location of WalMart.

Pat Nava supported WalMart.

Al Baldwin supported WalMart.

Peggy Hickey supported and wanted the yardage put back in the store.

Marie Edwards supported WalMart.

Larry Gaines, Stockton, gave some data regarding trucks.

Jim Connick opposed WalMart.

TJ Hartle supported WalMart and said 70% of her neighbors are in favor.

Tiffany Quiel opposed WalMart.

Woody supported WalMart.

Dave Dahlgren supported WalMart.

Ellen Dambacher opposed WalMart.

Sandra Markell was concerned what would happen behind her house and was opposed to the location of the WalMart.

Frank Oliver opposed the location of WalMart.

Jeanette Munsill opposed the location of WalMart.

Janice Farris opposed WalMart.

Willis Hinsz opposed WalMart and the location.

Deanne Vaira opposed WalMart.

Richard Vaira opposed WalMart.

Judith Lamare opposed WalMart and discussed the impact on the Swainson's Hawk.

Shelly Olympius objected to the 12 foot wall that would be in her back yard and was concerned that the construction of the wall would damage her trees.

Ron Katz said if WalMart was not approved at the current location, they would not build.

d. Rebuttal testimony from appellants.

Mr. Kopper said staff should prepare a community impact analysis and how it was compatible with the neighborhood. He also mentioned the traffic and congestion on Fermoy and Twin Cities. He said the sound wall would not be effective for beepers on the forklifts and the mitigation on light was not effective.

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Miriam Montesinos, Sheppard Mullin Richter & Hampton, representing WalMart, indicated the community impact analysis was incorporated in the EIR which was allowed by code. She also addressed the EIR and fiscal analysis comments made by Kopper.

Hearing no additional comments, the mayor closed the public hearing.

Paul Miller, Omni Means, said widening of Twin Cities and improvement of the Interchange to construct the roundabouts was part of the TCIP and WalMart would pay its share of the TCIP fees. He then said the comments from MRO Engineering were critical details of the analysis and did not indicate problems with the analysis. He did not see anything significantly different from early comments or call into question the validity of their analysis. He said there was no significant volume on Twin Cities on Tuesdays and Thursdays. Use of peak hour factor was questioned by MRO. Omni Means disagreed. Peak hour factor of one was appropriate for the calculations. He said they took into account the U-turn factor.

Greg Keller, CB Richard Ellis, addressed questions raised by Kopper on grocery sales. He explained the approach used for arriving at the figures in the fiscal analysis and disagreed with Kopper's conclusions.

Meredith was concerned that there was additional rebuttal given to WalMart at the expense of Mr. Kopper. Rudolph said they were city consultants and staff was providing information to the council from documents delivered this evening. He said if council did not desire to hear the information, council could move to deliberation. Meredith said Kopper deserved additional time. The mayor asked council if they wanted to continue with the information from staff. Clare and Payne said they wished to hear staff's addition information.

ACTION: Upon a motion by Clare, seconded by Payne, continuing to receive information responding to information provided by Kopper was approved by a unanimous roll call vote.

ACTION: Upon a motion by Clare, seconded by Haines, continuing past 11:00 p.m. was approved by a unanimous vote.

Keller said he had no comment regarding the letter from Galt Super Market indicating that if WalMart was approved, Galt Super Market would close.

Luke Saxelby gave rebuttal on noise issues raised by Kopper's noise consultant. He reviewed their methodology used in the report and how they arrived at their conclusions. He felt they met the requirements for mitigation.

Campion reviewed the methodology used to determine the number of parking spaces required and the number of loading and unloading zones and they did meet the requirements of the code. He also reviewed the mitigation requirements for the Swainson's Hawk.

Council desired to reopen the public hearing to allow Mr. Kopper or WalMart to provide further rebuttal testimony. Rudolph recommended reopening the public hearing for Kopper for additional testimony.

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Miriam Montesinos, WalMart, said they appreciated staff's responses to the questions presented at the meeting.

Mr. Kopper said food sales were lower than reported in the economic study in the EIR. He said he never received an answer to what type of WalMart the Galt store would be. He said council needed to know what types of groceries were going to be sold and it needed clarification. He said he was also concerned about the widening of Fermoy which would reduce the parking on the WalMart site. He said it was not taken into account. He added that the project would have a huge impact on the residents on the south and east side.

Hearing no additional comments, the mayor closed the public hearing.

e. City council deliberation and action.

Meredith asked about local hiring and Montesinos said it was actually unconstitutional to give a specific percentage to a community. She said they would create a program to orient local community members to the job opportunities at the new store. Meredith asked about the use of local construction contractors. Stoner indicated that WalMart used an open bidding process and quite often the general contractor was local with local sub-contractors used. WalMart also purchased supplies locally when possible.

Meredith asked if WalMart would consider a smaller grocery area and smaller square footage and Ms. Stoner said they had the best store for the customers in the community. Meredith asked about a larger percentage for the roundabouts and they said they were not traffic consultants and added that the roundabouts were separate from the project and were needed whether the project came in or not.

Payne said they were educated and there was always two sides to an issue. She said her job was to look at what was best for the entire community and try to look out for individuals. She wanted to keep people in town to shop local. She said a large anchor store would also attract smaller businesses. She said she would work to enforce the codes for the homeowners that would be affected by this project.

Clare said he started receiving letters regarding WalMart back in 2002 and added that the e-mails he received were mostly positive towards WalMart. He said what companies paid employees was not in council's jurisdiction. WalMart tried to comply with requests made from Galt regarding location and hours. He said he was satisfied with the mitigating factors and supported the project.

Shelton said he received e-mails and phone calls and listened to people's phone calls. He said he was making the decision on what was best for the community and tried to look towards the future.

Haines said he did not think he had to jump at every business that came around. He said he received a lot of e-mails as well and thanked staff for their information. He said the revenue from WalMart was very important to the city. But he was concerned about Smart Growth. He said his biggest concern was the circulation of traffic and the parking overflow. There needed to be more mitigation regarding those items. He was very concerned about the area being impacted. He said the project belonged on a larger lot or a larger strip mall. He did not support the project at the current location

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and small lot.

Meredith said he ran for council to make sure the irresponsible growth plans did not take place. He said the city had to negotiate the best possible deal for the city which to date, was not done. He said residents of the community would have their quality of life affected by moving forward with the project. He said if council approved WalMart, the downtown would go nowhere. He wanted to go back to the negotiating table with WalMart.

Meredith said it was true what Clare said, that the government was failing. He said WalMart did not take care of their workers. He said studies showed WalMart cost the taxpayers \$2.5 billion in public assistance.

Clare said there were a lot of negotiations prior to the meeting. He said he appreciated the work by staff and the changes WalMart already made.

ACTION: Upon a motion by Clare, seconded by Payne, Resolution No. 2010-27 denying the Galt Citizens for Sensible Planning appeal of the Galt Planning Commission decision to certify the Galt Walmart FEIR and approve the project Conditional Use Permit for the Walmart Project was adopted by roll call vote with Haines and Meredith dissenting.

ACTION: Upon a motion by Clare, seconded by Payne, Resolution No. 2010-28 certifying the Final Environmental Impact Report and adopting findings concerning significant impacts, mitigations and alternatives, Statements of Overriding Considerations and a Mitigation and Monitoring and Reporting Program for the Walmart Project with the mitigation measure regarding Swainson's Hawk amended to indicate habitat would be replaced by 11.26 acres and the project proponent shall submit a letter of approval for Swainson's Hawk impact was adopted by roll call vote with Haines and Meredith dissenting.

ACTION: Upon a motion by Clare, seconded by Payne, Resolution No. 2010-29 granting the appeal of the Planning Commission decision, approving the Conditional Use Permit, determining consistency with the Big Box Ordinance, and granting the appeal of the Notice of Decision on the site plan for the Walmart Project was adopted by roll call vote with Haines and Meredith dissenting.

COMMUNICATIONS None

ADJOURN AND RECONVENE TO THE GALT CITY COUNCIL.

CITY CLERK'S REPORT Aguire gave a list of upcoming meetings and events.

COMMENTS BY STAFF – None.

COMMENTS BY CITY COUNCIL MEMBERS/FUTURE AGENDA ITEMS

VICE MAYOR PAYNE: None.

COUNCIL MEMBER CLARE: None.

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COUNCIL MEMBER HAINES was absent.
COUNCIL MEMBER MEREDITH: None.

MAYOR SHELTON thanked everyone for coming.

There being no further business to come before council, the meeting was adjourned by the mayor at 12:05 a.m.

Respectfully submitted,

Elizabeth Aguire
City Clerk