

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present except Councilmember Kennedy who was excused.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Pursuant to California Government Code Section 54956.8.

Property: 630 Court Street
Negotiating Parties: City of Martinez
Agency Negotiator: June Catalano, City Manager
Jeffrey Walter, City Attorney
Susan McCue, Economic Development Director
Under Negotiation: Terms and other conditions of sale or disposition.

Julian Frazer commented on the 630 Court Street project and requested that the Council make sure the applicants are financially fit before awarding the project. He questioned if there was some type of funding that could be secured before the project begins. He also requested to know the amount of City funds spent on this item. City Manager June Catalano stated she would provide the information if possible.

RECONVENE – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting reconvened at 7:17 p.m. with all members present as indicated. Mayor Schroder reported that a closed session was held and direction was given to the City's negotiators. Nothing else was reported.

PRESENTATION(S)/PROCLAMATION(S)

Presentation of Certificate of Appreciation to Patricia Corr (former Arts & Library Commissioner).

On behalf of the Council, Mayor Schroder presented a Certificate of Appreciation to Patricia Corr for her faithful public service on the Arts & Library Commission from 2000 to 2006.

Presentation by the City of Pittsburg on the Marina.

Presentation made by Brad Nail, Economic Development Director for the City of Pittsburg. Mr. Nail indicated that about 4 years ago it became critical to repair the marina. Mr. Nail described Phase I consisting of dredging and dock reconstruction and the construction of a promenade deck

with a cost of \$5 million. Phase II will begin with continuing construction of the Promenade deck, adding a bed and breakfast, and providing a new restaurant. At the end of the entire project, the city of Pittsburg will have spent a total of \$15 million. Mr. Nail also indicated that plans are in negotiation for an 80-room hotel. He further stated that the Marina project was financed through the redevelopment agency. Mr. Nail also commented on a \$200 million project in the downtown area which will include new high density residential housing and commercial development, and a joint venture with the Pittsburg School District for a new school in the downtown.

Councilmember Wainwright confirmed that most of the improvements Mr. Nail mentioned were financed through redevelopment. He asked when the agency was created – Mr. Nail said in the early 70s.

Councilmember Wainwright asked why it took 30+ years to make the changes. Mr. Nail said the new City Manager, Mark Grisham, has much experience with development and is an expert on financing and redevelopment. Previously most of the redevelopment money went to improving the City's infrastructure.

Councilmember Wainwright asked whether the proposed new uses would be paid for by the City. Mr. Nail said the bed-and-breakfast would be built and owned by the City, with a manager hired. The other uses would be done through private development, although there would be incentives offered by the redevelopment agency. He mentioned examples of incentives that might be used. Councilmember Wainwright asked if the incentives would be used for the restaurant, hotel and other new commercial uses. Mr. Nail said yes, through a private developer.

Vice Mayor DeLaney asked whether their marina is privately operated or whether the City itself manages it. Mr. Nail said the City manages it, quite profitably.

Vice Mayor DeLaney asked if the improvements to the marina are financed exclusively through redevelopment funds. Mr. Nail indicated that the City has paid off all its State loans with redevelopment funds. Improvements are being paid for through redevelopment, although they are seeking private developers to partner with the City. He also discussed plans for revitalization of the downtown, including preservation of historic buildings.

Vice Mayor DeLaney asked whether marina rents have increased due to the improvements. Mr. Nail said yes, noting there are no vacancies currently.

Vice Mayor DeLaney asked whether the rent revenues go into the City general fund, or into a separate enterprise fund. Mr. Nail said they are kept separate, and he discussed potential uses for the funds.

Councilmember Ross thanked Mr. Nail for coming. Mayor Schroder also expressed appreciation for the presentation.

Presentation by the Recreation Division on the recovery of Ancient Tombstone.

Presentation given by Patti Lorick, Recreation Supervisor, who described the recent recovery of a lost headstone from the Alhambra Cemetery that had been missing for about 30 years. The headstone belonged to a small boy named Ernest Edgar Tucker, who died in 1879. Sergeant Derek Ralston of Butte County Sheriff's Department found the headstone in the Department's storage unit and spent three years searching for the owner. Ms. Lorick presented a news clip of the recovery which made national headlines. The headstone was brought in and presented to the Council. She noted that the Clampers have agreed to repair and re-install the headstone.

Mayor Schroder asked where the gravesite is. Ms. Lorick said they have found the general area.

Councilmember Wainwright expressed appreciation for the positive news for the City. He was concerned about the need for greater protection for the cemetery. Chief Cutaia noted that the gates to the cemetery are now locked, so the security level is higher than it was in the 1970s.

Councilmember Wainwright asked about the possibility of using movement sensors to detect trespassers. Chief Cutaia said it could be difficult due to the presence of wildlife in the area.

"Amgen Tour of California"

City Manager June Catalano expressed appreciation to Economic Development Director Susan McCue and Leanne Peterson, as well as the local organizing committee and Steve Leshner, for their efforts on behalf of the City.

Ms. McCue presented news clips from KTVU Channel 2, ABC Channel 7, and NBC Channel 11.

Councilmember Wainwright asked about funding for the event. Ms. McCue indicated that over \$30,000 was raised to pay for the event, not to mention the in-kind donations received from the various sponsors.

Vice Mayor DeLaney asked how the parking worked out, with the shuttles, etc. Ms. McCue said it worked very well, with more than enough people taking the shuttles. She expressed appreciation to the County for their cooperation, and she noted that there were no complaints about the street closures or the parking.

Ms. McCue also reviewed the "Martinez Celebrates Cycling" activities on Saturday, February 18th and reviewed Stage 2 of the "Amgen Tour of California" on Tuesday, February 21st. She thanked local sponsors, reviewed marketing, media coverage, and acknowledged the Local Organizing Committee, City staff, and all the volunteers who generously gave of their time. Ms. McCue expressed her appreciation to Contra Costa County for working with the City as well.

Mayor Schroder expressed the hope that Martinez can host again next year, indicating that this tour could become a "signature" event for the City. He was appreciative to all the staff and community members who helped out.

Councilmember Ross expressed pride in the accomplishment of showcasing Martinez. He also thanked everyone for their assistance and for the unity displayed.

Councilmember Wainwright agreed it was an event to be proud of, especially the community cooperation demonstrated.

Vice Mayor DeLaney thanked staff, the local organizing committee and volunteers for giving the City something to celebrate.

Lou Schoenemann, Chamber of Commerce, discussed the financial benefit to the Martinez businesses, as well as the excitement and anticipation of next year's participation. He also thanked City staff and the community 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.

Mary Phelps, representing the "Coalition for Redevelopment Reform," complimented the Council for their commitment not to use eminent domain for residential property. She provided the Council with information regarding redevelopment abuses and reform. Ms. Phelps asked for permission to pass a petition around, which was granted.

James Smithwick expressed his frustration with the City in obtaining public records related to the Santos Ranch development, particularly regarding business licenses. Deputy City Attorney Veronica Nebb was unsure of the disclosure rules related to business licenses. She noted that not all information in City files is required to be disclosed, however.

Ms. Catalano discussed the process for requesting City records, noting that it has to be in writing, and the City must comply with the request within 10 days, if the records are not exempt from disclosure rules.

Julian Frazer expressed concerns with City funds being spent on 630 Court Street. He asked to know how much in legal funds and staff time have been spent on this project. He also expressed his concerns with redevelopment and the fact that the feasibility study has not yet been completed.

Paul Wilson commented on the Pittsburg Marina presentation, noting the level of debt they have incurred, and he made comparisons to the Martinez Marina in terms of management and control.

An unidentified speaker spoke on the Saturday bike event in Martinez and the great attendance. He urged the Council to look at the Marina area as a possible location for a sporting event, and he encouraged more sporting events for the City.

The speaker also commented on the wonderful news that the Carquinez Scenic Drive may be reopening for hiking and pedestrian use if more funds were allocated, and he expressed hope that this would be accomplished.

Another unidentified speaker was also appreciative of the reopening of the road.

Rick Parker stated that the Tour of California was a great event, saying it was extremely good for his business. He thanked the Council, staff and Ms. McCue.

Kristin Henderson asked about the policy for correcting minutes after they have been approved by the Council. Ms. Nebb said the minutes cannot be changed once they are approved, but an amendment can be added to clarify or correct.

Ms. McCue thanked individuals with the Recreation Department for their assistance with the Tour and related activities.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

Motion waiving.

Councilmember Wainwright indicated he would abstain from Item #1 and recused himself from Item #7. He also said he had questions or comments on Items #4, 5 and 9.

2. Motion approving Check Reconciliation Registers dated 2/10/06, 02/14/06, 2/16/06, 2/17/06, and 2/23/06. [C.Heater/2.1.0]
3. Motion adopting Ordinance 1325 C.S. amending Title 8, Health and Safety, of the Martinez Municipal Code by adding Chapter 8.19, Establishing Requirements for the Recycling of Construction and Demolition (C&D) Waste, effective in 30 days. [C.Heater/2.1.0]
6. Resolution No. 014-06 rejecting bid for the Rankin Park Lap Pool Renovation Project, as corrected. [T.Tucker/11.04.02]
8. Resolution No. 016-06 accepting the Golden Hills Open Space Slope Repair Project per contract documents and instructing the City Clerk to File a Notice of Completion.

Mayor Schroder opened and closed public comment on Items #2, 3, 6 and 8 with no public comment.

On motion of L. DeLaney, seconded by M. Ross, the Council approved Items #2, 3, 6 and 8 of the Consent Calendar by the following vote: J. Kennedy, Absent; Rest, Ayes.

1. Motion approving City Council Minutes of Adjourned Regular Meeting and Regular Meeting of February 1, 2006. [M.Cabral]

There was no public comment on Item #1.

On motion of L. DeLaney, seconded by M. Ross, the Council approved Item #1 by the following vote: J. Kennedy, Absent; B. Wainwright, Abstaining; Rest, Ayes.

7. Resolution No. 015-06 accepting bids for the 2005-06 Water Line Replacement and the Thomas Hill Reservoir Bypass Line Projects and awarding the construction contract to D and D Pipelines.

Councilmember Wainwright recused himself.

On motion of M. Ross, seconded by L. DeLaney, the Council approved Item #7 by the following vote: J. Kennedy, Absent; B. Wainwright, Abstaining; Rest, Ayes.

4. Motion approving the Mid-Year Financial Report for fiscal year 2005-06 and adopting resolution approving the Mid-Year adjustments to the adopted Budget.

Councilmember Ross thanked staff for the excellent report on the budget and highlighted the allocation of an additional \$40,000 for field repairs so that the City's baseball youth can be accommodated for using the fields throughout the City. He also noted that the extra \$100,000 for paving was a welcome addition.

Vice Mayor DeLaney asked if there was a list of paving projects that would be done with the extra money. Community Development Director Richard Pearson said staff will develop a list to present to the Paving Subcommittee and then to the Council for approval.

Councilmember Wainwright returned to the meeting.

Vice Mayor DeLaney asked about the transfer of \$182,425 to the undesignated fund balance, and she proposed that the Council consider lending the money to the Marina Enterprise Fund for the removal of the pier. Mayor Schroder expressed support for the concept as a temporary solution, but he wanted to be sure that DBAW would reimburse the City.

Councilmember Wainwright questioned the \$9,500 maintenance repairs for the Amtrak Station. He asked, and Mayor Schroder confirmed that the City owns the station. Councilmember Wainwright asked about the Union Pacific representative who came before the Council and commented on money the City owes Union Pacific. Mr. Pearson said those costs were related to the bridge and track work that was done in front of the Station. Ms. Catalano explained why the City does not believe the Union Pacific claim is valid.

Councilmember Wainwright asked about the 25.56% increase in other taxes, primarily in the document transfer tax, the transient occupancy tax and business licenses, as well as a second reference to a \$100,000 increase in franchise fees. Administrative Services Director Lianne Marshall explained that they were two different comparisons.

On motion of M. Ross, seconded by L. DeLaney, the Council voted to approve the recommended budget adjustments with the proviso that \$182,000 be set aside for the consideration of a loan to the Marina Enterprise fund for the removal of the pier, providing that it doesn't interfere with the DBAW loan, by the following vote: J. Kennedy, Absent; Rest, Ayes. [C.Heater/2.1.0]

5. Motion authorizing the City Manager to sign the Martinez Municipal Pool Use Agreement with the Martinez Swim Team. [J.Tool/11.04.01]

Councilmember Wainwright asked about parking in the neighborhood near the pool, and whether the residents were satisfied with the changes made last year at the request of the City.

Joann Tool, Deputy Director of Parks & Recreation, explained that since the change was made there have been no complaints from the residents about parking. At the request of Vice Mayor DeLaney, Ms. Tool also explained that swim team parents and spectators have been asked to park in the Rankin Park parking lot, rather than down on the street. Recreation Supervisor Patti Lorick noted that part of the earlier problem resulted when multiple activities were taking place at the Park on the same day.

Paul Wilson commented that given the number of spaces in the parking lot (132) and the number of parents and relatives who come for swim meets and practices, there will inevitably be some overflow. He asked that the Marina Vista gate be kept closed until all other spaces are filled. He indicated the parking issue has not been resolved and suggested that families carpool to the activities instead of bringing multiple cars per family.

In response to a question from Councilmember Wainwright, Ms. Tool noted that the Marina Vista gate had to be left open for staff access and to meet fire code requirements. Councilmember Wainwright confirmed that the gate is monitored to ensure that only staff is using that entrance.

On motion of L. DeLaney, seconded by M. Ross, the Council approved Item #5 by the following vote: J. Kennedy, Absent; Rest, Ayes.

9. Resolution No. 017-06 accepting the Joe DiMaggio Drive Landscape Replacement Project per contract documents and instructing the City Clerk to File a Notice of Completion.

Councilmember Wainwright asked for clarification on the removal of trees done under change order #1. Mr. Pearson could not say for sure what trees were removed, but it is likely that they were "volunteer" trees that had sprung up on their own, or trees that had died. He agreed to research and report back to the Council.

Mayor Schroder indicated that the appearance was much improved since the landscaping project was done.

Vice Mayor DeLaney asked that in the future when a CIP project comes to the Council for final approval, that a description of the project be included. Councilmember Ross said even a copy of the initial staff report would be helpful.

There was no public comment on the item.

On motion of L. DeLaney, seconded by M. Ross, the Council approved Item #9 of the Consent Calendar, by the following vote: J. Kennedy, Absent; Rest, Ayes. [D.Salts/12.04.35]

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER

10. Marina Agreement Progress Report (standing).

Richard Pearson, Community Development Director, noted that the Marina Subcommittee met with one of the proponents of the project last week and they are still working on the entitlements for the Marina and the dredging. The Subcommittee will be making a report to the Council in a future Closed Session, and they will conduct a public workshop to go over the lease agreement.

Mayor Schroder noted that even if the City had the money for the dredging, it could not be done at this time because all the capacity of the permit has been used up. Mr. Pearson confirmed that it would take 9 months to a year to get through the regulatory process to obtain new permits for dredging.

Vice Mayor DeLaney asked if the public workshop would be a joint meeting with the Council and the Marina Commission. Mr. Pearson said it would at least be a Council meeting, to which the Marina Commission could come. Whether it would be a joint meeting of the two bodies, he could not say.

Rick Parker asked if the permit for dredging would be expedited if it was found that there was contamination from the last oil spill in the silt. Mr. Pearson said it might be possible. He indicated that the City has hired someone to test for contamination. Ms. Catalano noted that Shell has agreed to reimburse the City for the testing costs.

Mr. Parker also commented on a letter he received from the City Attorney, containing 28 points that he needs to answer regarding his proposed boat restaurant. He indicated he is unable to answer the questions until he gets clearance from the Council that he can proceed with his project. He asked to be treated the same as any other boat owner wanting to bring a boat into the marina.

Mike Alford asked why the City has not applied for the dredging permits yet, since they know the process will take up to a year. He also questioned the difficulties with the boat restaurant, since everyone seems supportive of the idea, and Mr. Parker says he's ready.

Julian Frazer said that Shell Oil should participate in the dredging on a regular basis, regardless of the oil spill, given the fact that ship traffic stirs up the silt and the Shell dock is fairly close to the marina. He commented on the need for a more complete dredge than just for maintenance, and he agreed the City should be proactive in applying for the permits well in advance of the need. He also discussed some of the concerns with Mr. Parker's restaurant, in view of a past boat becoming derelict in the marina. He suggested that any restaurant brought in should already be completed and ready for business. He urged caution on the part of the Council.

James Smithwick commented on the success that Sacramento has experienced with the Delta King restaurant, and urged the Council to do what it can to bring the restaurant boat in.

Councilmember Wainwright discussed the questions sent to Mr. Parker, noting they were not sent until after the last Council discussion of the issue although it was implied that he had already received them at that time. He questioned whether Almar was opposed to the idea, and he encouraged the Council to support the idea and expedite the process, since it seems to be something the majority of the residents favor.

Mayor Schroder reported that the Marina Subcommittee has met with Almar and Pacific Marine Development, and they are not opposed to the restaurant if it's something the City wants to do. He acknowledged there were many questions posed by the City Attorney to Mr. Parker, but he noted that the Council has a fiduciary responsibility to do its due diligence to protect the City. He was supportive of the idea, but he indicated he wanted to be sure the City proceeds carefully in the matter. He invited Mr. Parker to meet with him.

Councilmember Ross discussed some of the areas of concern with the boat restaurant, noting that it is different from land-based businesses, especially in the many regulatory agencies that have jurisdiction over the marina. He was supportive of the concept generally, and he expressed willingness to meet with Mr. Parker as well.

Vice Mayor DeLaney asked if staff is moving forward with the application for dredging permits, or if it is subject to the marina lease agreement process. Mr. Pearson said it was dependent on the marina lease, because at this time the City does not have the money to begin the application process. He commented on the complexities of the entitlement process and the technical requirements involved.

Vice Mayor DeLaney remarked on the need for balance between the due diligence required for projects such as the boat restaurant and encouraging new and innovative businesses to come to Martinez.

11. 630 Court Street Building Update.

Susan McCue, Economic Development Director, updated the Council on the RFPs, indicating that the City received 6 proposals and five development teams were interviewed by a panel of outside experts. She expressed the hope that a development agreement would be reached by May 1st.

Vice Mayor DeLaney asked Ms. McCue to explain how the financial capacities of the proposals will be evaluated. Ms. McCue indicated that Seifel Consulting will evaluate the financial capabilities of the development teams that submitted proposals. Vice Mayor DeLaney confirmed that the financial information would not be provided to the Council or the public, but only to the consultant. Ms. McCue agreed that was the usual process.

Julian Frazer reiterated his request for information on how much has been spent legally and staff-wise. He indicated that the Council should have learned some valuable lessons from this project, which can be applied to the boat restaurant, in terms of gathering as much information as possible prior to agreeing to new ideas and proposals.

Paul Wilson suggested that if these negotiations don't work out, the City should abandon the project and let the County sell the property to developers who can do what they need to do to make the building usable.

Mike Alford commented on a previous offer made by him and his associates, noting they never received a response to their offer to buy the property.

12. Comment(s)/Update(s)/Report(s).

None.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

12. A. Consider and approve recommendations from the Redevelopment Subcommittee that the City Council instruct staff and the City Attorney to develop legislation repealing the existing redevelopment ordinance and establishing a new ordinance. (Councilmembers Kennedy & Ross)

OR

B. Approve a Resolution Calling and Giving Notice of the Holding of a General Municipal Election, and requesting the County Board of Supervisors to conduct said Election submitting to the voters an Election for a Referendum to Ordinance 1311 C.S., Determining and Declaring the Need for a Redevelopment Agency to function in the City of Martinez.

Councilmember Ross discussed efforts of a citizens' committee to find a compromise for redevelopment, and the Council Subcommittee's recommendation for support of the compromise, including a commitment to no eminent domain in residential areas and that the redevelopment agency board include citizen members.

Deputy City Attorney Veronica Nebb noted that citizens cannot sit on the board of directors for a redevelopment agency; however, the law allows for the creation of another layer in the form of a redevelopment commission that can have citizen members on it. The redevelopment agency board of directors would still consist of City Councilmembers.

Vice Mayor DeLaney said she has heard of 2 or 3 redevelopment agencies in the State that are not solely City Councilmembers. Ms. Nebb said she was unaware of that possibility. Councilmember Ross said he had heard the same thing, which is why the citizen committee made that recommendation.

Councilmember Wainwright asked how much authority a redevelopment commission would have. Ms. Nebb said it could have as much or as little as desired by the board of directors. Councilmember Ross said he would like to see the commission have full authority conveyed to it.

Councilmember Ross discussed other recommendations the citizen committee made, as well as possible priorities that should be given through the redevelopment agency. He also discussed the need for further study of the issue.

Vice Mayor DeLaney asked if completion of the feasibility study has been discussed at the subcommittee level. She strongly felt that the study should be completed, as it will provide many of the answers needed. Councilmember Ross said it had not been discussed by the Subcommittee.

Councilmember Wainwright asked about legal issues with repealing one ordinance and re-enacting another one, specifically time limitations. Ms. Nebb discussed a provision of the State Elections Code that says that once a referendum petition has been presented, the Council has 2 possible courses of action – to repeal the ordinance or place it before the voters; and the Council cannot enact the same ordinance within the next 12 months following the repeal or the vote. The question that would need to be decided is the definition of “same.”

Mayor Schroder asked if it would be possible for the City to study the issues while waiting for the year to pass. Ms. Nebb said yes and reviewed possible tasks that could be done during the interim.

Councilmember Wainwright asked about limits to the time allowed for the Council to place the item on the ballot once it has been successfully challenged by a referendum. Ms. Nebb said there is a minimum number of days, but no maximum time limit.

Councilmember Ross confirmed that the City could continue to study the issue during the year before the new ordinance is enacted. Ms. Nebb said yes, but noted that the costs would have to be expended from the City’s budget.

Councilmember Ross asked about duplication of efforts by the City and the agency itself, with some of the work being done prior to formation of the agency. Ms. Nebb said it could be minimized with careful planning and attention to the timeline.

Mayor Schroder opened public comment on the item.

Roy Jeans commented on the arduous process involved in seeking a compromise solution. He asked the Council to give its support to approving Item #12A. He indicated that any action taken would have continuous scrutiny from the public.

Rich Verrilli agreed with Vice Mayor DeLaney that the feasibility study should be completed. He commented on the seriousness of the task, and he indicated he thought the Council should allow the issue to be put to a vote of the people.

Mike Alford noted there were many people on the citizens' committee who were left out of the process. He also stated that to promise not to use eminent domain on residential properties was not possible.

At the request of Mayor Schroder, Ms. Nebb said it was not factually correct that the redevelopment agency cannot limit the power of eminent domain. She discussed the options for enacting that provision by legislative act, and she noted that if a succeeding Council or agency wants to change that, it would again be subject to referendum.

Councilmember Wainwright asked if it is possible for a City Council to prevent itself from having eminent domain on residential properties, but later rezone an area to non-residential and use eminent domain then. Ms. Nebb said the City Council has eminent domain authority by itself, by constitutional right, and the City has the power to rezone properties. However, the limitation against the use of eminent domain by a redevelopment agency would not be based on the zoning of a property, but on its use.

Councilmember Wainwright confirmed that the City Council could take property by eminent domain. Ms. Nebb said yes, under current law, a City Council can take property for a public purpose, without ever having a redevelopment agency.

Councilmember Ross asked if a redevelopment agency is limited in its use of eminent domain, would a City Council be able to act to take property. Ms. Nebb said a City Council doesn't have the same breadth of power of eminent domain as a redevelopment agency; it can only use eminent domain for public projects.

Councilmember Ross asked if all the items recommended by the subcommittee are legally feasible, legally enforceable and viable if the Council makes it so. Ms. Nebb said yes, and any changes to those provisions at a later date would be subject to a referendum by the people. Vice Mayor DeLaney suggested contacting the California Redevelopment Association (CRA) to get a list of cities that have voluntarily limited their use of eminent domain powers in their redevelopment area. Ms. Nebb said of the four cities represented by her office, two have redevelopment agencies and one of those has limited its use of eminent domain. She agreed to contact the CRA for more information, if it is available.

Don Pollata expressed support for completing the feasibility study first, and was appreciative of Vice Mayor DeLaney's suggestion. He was also appreciative of the efforts of the citizens' subcommittee to reach compromise, although he indicated he was involved early in the process but not invited back. He commented on the difficulty in trusting future Councils to abide by any guidelines set by this one, and the lack of legal strength in the recommendation from the citizens' subcommittee to ensure that the compromise is honored.

Paul Wilson expressed respect for Councilmember Ross and Mr. Jeans, but was regretful that they ultimately were willing to meet only with those willing to compromise. He discussed the ability of those property owners in the downtown who want to go forward to form their own downtown tax assessment district. He indicated that redevelopment is only one tool to improving the downtown, and each property owner should be required to make necessary improvements themselves. He also commented on the uniqueness of the City and the need to preserve what is good in the downtown.

An unidentified speaker discussed recent changes in the City that have brought improvement. He urged the Council to make property owners responsible for making necessary improvements, and make Martinez a destination once more.

Danny Brown complimented Vice Mayor DeLaney on her suggestion to finish the feasibility study. She indicated the Specific Plan needs to be finished as well. She noted that she attended the first meeting of the citizens group, but was not invited later when she disagreed with what was decided.

Mr. King said the issue is not eminent domain, but the redevelopment agency itself. He agreed that adding more housing would not solve the problem, but bringing in more businesses would. He expressed that redevelopment is not right for Martinez.

Julian Frazer also commended Vice Mayor DeLaney for suggesting that the feasibility study be completed. He discussed information he got from an attorney who disagreed with Ms. Nebb. He commented on the initiatives mentioned by Ms. Phelps, noting that the Council should be supportive of them if they are serious about wanting to limit eminent domain. He noted that another way to protect from eminent domain is through zoning. He also said he stayed away from the citizen group meetings because he preferred to do things in a public forum. He recommended that eminent domain for commercial uses should also be limited. He suggested that any citizens appointed should be done by unanimous vote of the Council, not an appointment by the Mayor. He asked that the City Attorney investigate charter cities, which Martinez is not, and he commented on the need for greater protection of the historic character of Martinez. He urged the Council to take no action on redevelopment until reforms have been enacted.

Beth Rainsford strongly recommended the repeal of the redevelopment ordinance, since it would most likely be rejected by the voters anyway. She noted that eminent domain is not the only issue for those opposed to redevelopment. She asked that as part of the feasibility study, analysis be done to assess the impacts on the general fund, the fire district and community services over the 40 year life span of a redevelopment agency. She also noted that Roy Jeans does not

represent CAMRA, nor the many people who signed the referendum petition. Regarding the citizen representatives, she questioned whether any unbiased appointments could be made. She was appreciative of the positive publicity received by the City through the Amgen event, and she urged the Council to drop redevelopment and get back to business.

An unidentified speaker expressed agreement with Ms. Rainsford and commented on the basic need for Martinez to develop a new image to market.

Kristen Henderson noted that a recent newspaper article indicated that 40% of cities with redevelopment do not have eminent domain in their charters, and 30% have self-imposed limitations. She asked if there was a place for the public to go to really understand what's being suggested for the Council. After Mayor Schroder explained the options before the Council, Ms. Henderson commented on the costs involved in taking properties if the City has to pay fair market value for them. She asked Ms. Nebb for clarification on the eminent domain powers of a redevelopment agency as opposed to the Council. She also asked for more information on the tax increment benefit to the City from redevelopment and impacts on the General Fund.

Vice Mayor DeLaney said the tax increment would be used for the improvements in the project area, which would allow the General Fund to be used for other things.

Ms. Henderson further asked if a redevelopment agency would be subject to the same public access requirements as other government agencies. Ms. Nebb indicated that it was.

Mayor Schroder expressed appreciation for Ms. Henderson's study on sidewalks in the City.

James Smithwick commented on the need to provide for infrastructure improvements throughout the City because of the impact that new regional and local development will have on the area as a whole. He also noted that the theft of anyone's property, commercial or residential, is wrong for any reason other than for the public good, not just to extend the tax base. He encouraged the Councilmembers to sign the petitions brought by Ms. Phelps.

David Piersall said nearly all similar-sized cities in California already have redevelopment agencies, yet it could be another tool to use in addition to marketing and events. He expressed hope that the majority in favor of redevelopment will continue to grow.

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

Vice Mayor DeLaney said it would be her preference to take the issue to the voters again, preferably during the General Election in November. She again expressed her support for finishing the feasibility study, and expressed optimism that it will show that redevelopment will be a benefit to the City. She was appreciative of the efforts of Councilmember Ross and the citizens' committee to find a compromise solution, and indicated that the provisions suggested by them were worth investigating. She suggested a concrete timeline to prevent the issue from dragging on. She concluded by saying that she could support the recommendation of the Subcommittee, but her preference would be to put the matter to the voters.

Councilmember Wainwright said he still had serious reservations, and the compromise offered by the committee does not go far enough. He suggested that any citizen membership on a redevelopment commission should be nominated by the Martinez Historical Society and approved by the Council. He commented on the negative impacts of redevelopment on the City of Pittsburg, and he questioned the “coincidental” timing of their presentation to the Council.

Councilmember Wainwright also said there should be no eminent domain for private gain, for residential or commercial properties, currently or in the future. He suggested that the area north of the tracks, especially the waterfront, should be excluded from the redevelopment area, the life of the agency should be limited to 20 or 30 years, with all financial obligations paid for by that time, there should be 100% pass-throughs to the Martinez School District, the City’s General Fund, and the East Bay Parks District. Vice Mayor DeLaney indicated that by State law, the pass-throughs cannot be negotiated.

Councilmember Wainwright suggested that the primary purpose of the redevelopment agency should be stated in the ordinance and in the organizing legislation: to preserve the historic character of the downtown and preserve the existing neighborhoods. He also said there should be no use of redevelopment revenues for private property improvements, noting that his suggestions would move the issue closer to the center. He questioned why the compromise solution is being discussed, since the item on the last agenda was supposed to be discussion of placing the original ordinance on the June ballot. He also questioned why the redevelopment ordinance that was previously passed did not include limitations to the use of eminent domain. Vice Mayor DeLaney noted that it was publicly pledged to be written in the redevelopment plan, but Councilmember Wainwright responded that such a promise would have no authority or power.

Councilmember Wainwright also discussed the brochure sent out by the City regarding redevelopment, particularly information related to the diversion of funds. Vice Mayor DeLaney said it does not divert funds, but rather it generates funding. Councilmember Wainwright commented on circular, misleading information on the issue. He agreed the Specific Plan should be finished first, before placing the ordinance on the ballot. He expressed reservations about the feasibility study, noting it was too easy to manipulate the findings, as had been done with the study on blight in the City.

Councilmember Ross commented on his suggestion in June of 2003 to put the advisory measure to the voters, expressed regret for anyone left out of the process with the citizen committee, and took responsibility for its failings. He noted that most cities of similar size in California already have redevelopment, and Martinez is one of the only cities in the Amgen Tour that did not. He indicated that the feasibility study is only one answer that needs to be addressed, but the City needs to find a middle ground to honor the previous vote of the majority in favor of redevelopment. He suggested that the feasibility study be completed in the next few months, with discussions of compromises that can be reached, and see if a more palatable ordinance can be drafted. If not, there would still be time to put the original ordinance on the ballot in November.

Vice Mayor DeLaney confirmed that Councilmember Ross would allow the original ordinance to go on the ballot in November if no compromise can be reached in the meantime.

Mayor Schroder noted that revitalization of the downtown is the goal of everyone in the room. He acknowledged that the Specific Plan is very close to being adopted, and it will be a key component in accomplishing the revitalization. He also indicated that the tax increment financing gained from redevelopment would be a valuable tool as well. He expressed support for Councilmember Ross' recommendations, including development of an alternate ordinance and repeal of the existing one. Ms. Nebb reviewed the potential timeline, noting that a decision to place the issue on the November ballot would need to be made by August.

Councilmember Wainwright asked Ms. Nebb what the chances were that her office would decide that there does not need to be a year between the repealing of the old ordinance and the enacting of a new one. Ms. Nebb acknowledged it was possible, but indicated that a year interval between would be the safest choice.

Councilmember Wainwright commented on the time constraints with the November election and suggested that the Council repeal the existing ordinance now, and wait 12 months before enacting a new one. Mayor Schroder and Councilmember Ross disagreed.

Councilmember Ross made a motion, seconded by L. DeLaney, that the Council direct staff to issue an RFP to finish the feasibility study by July 1 (or sooner), and for the City Council to develop an alternate ordinance, through the subcommittee, a workshop or workshops, and bring it back to the Council with options.

Councilmember Wainwright asked that he be added to the subcommittee, if that is the route the Council chooses. Vice Mayor DeLaney and Mayor Schroder indicated their preference for it to be a workshop with the full Council.

Councilmember Ross amended his motion, "for the City Council to develop an alternate ordinance, through a workshop or workshops, ..." The Council approved the motion by the following vote: Councilmember Kennedy, Absent; Rest, Ayes.

13. City Council Comments.

Vice Mayor DeLaney disputed Mr. Frazer's comment regarding the Council not taking any action on the historic preservation, noting she and Councilmember Wainwright have been diligently working with the County to ensure that the design of the new District Attorney's building reflects the historic character of the downtown, and the Specific Plan includes a historic district also. She announced a workshop sponsored by the California Preservation Foundation regarding historic preservation to be held on Friday, March 10th at the Martinez Masonic Temple, 700 Masonic Street. She also encouraged the public to attend the Martinez Area Chamber of Commerce "Citizens of the Year" dinner on Saturday, March 4th at the Shell Clubhouse.

Councilmember Wainwright suggested that the Council consider whether the City's Tree Ordinance should be updated by staff, and asked to have the issue placed on a future agenda. He also reiterated the historic preservation workshop as presented by Vice Mayor DeLaney, and he discussed how Martinez was chosen for the workshop.

Councilmember Ross thanked staff and all of the volunteers for all their efforts on the Tour of California. He announced that the Air District is sponsoring a Global Warming Summit in San Francisco, March 6th – 8th. He also requested an update on the 911 Memorial.

Mayor Schroder stated that the Amgen Tour was a wonderful event, and he thanked everyone involved. He also commented on the reception Martinez gave to the event, as compared to that of San Jose.

ADJOURNMENT

Adjourned at 11:30 p.m. to a Regular City Council Meeting on March 15, 2006, 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 – 4/5/06