

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:30 p.m. with all members present except Councilmember Kennedy who arrived shortly after roll call.

CLOSED SESSION

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

A) Property: 630 Court Street
Agency Negotiator: June Catalano, City Manager
Jeff Walter, City Attorney
Susan McCue, Economic Development Director
Libby Seifel, Seifel Consulting
Negotiating Parties: BH Development and Court Street Investors, Inc.
Under Negotiation: Terms and other conditions of sale or disposition.

B) Property: 7 North Court Street, Marina.
Agency Negotiator: June Catalano, City Manager
Jeff Walter, City Attorney
Richard Pearson, Community Development Director
Joann Tool, Deputy Director of Parks & Community Services.
Negotiating Parties: Rick Parker
Under Negotiation: Price and Terms of Lease.

CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code.

Agency

Designated Representatives: Joe Wiley, Wiley, Price, and Radulovich
June Catalano, City Manager
Lianne Marshall, Administrative Services Director
Richard Pearson, Community Development Director

Employee Organization: Public Employees Union, Local #1

Councilmember Ross left the meeting at 6:45 p.m.

RECONVENE – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting reconvened at 7:00 p.m. with all members present except Councilmember Ross who was excused. Mayor Schroder reported that a closed session was held and direction was given to the City's negotiators and staff. Nothing else was reported.

Mayor Schroder also noted that Councilmember Ross was present for most of the closed session, but had to leave before the Council meeting itself.

PRESENTATION(S)/PROCLAMATION(S)

None.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

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

James Smithwick spoke regarding the fence line on the back of his property and showed pictures of the current noncompliant situation. He asked for a written copy of the final decision on the issue. He also questioned whether the City should have allowed the developer to override the approved plans. Mayor Schroder acknowledged there are issues still to be resolved between the developer and Mr. Smithwick. He asked that staff respond to his concerns in writing. Mr. Smithwick asked if the issue could be agendaized for the next Council meeting. Mayor Schroder indicated that the Council meeting was not the right forum.

Councilmember Wainwright agreed with Mayor Schroder, expressing optimism that the matter could be resolved before the next Council meeting.

Steve Nicholas spoke on his concerns regarding the shelter-in-place on March 26th and the City's emergency/evacuation plan, asking specifically what the process is for notifying those not at home and whether a citizen could get a copy of the City's plan. He asked that the item be put on the next agenda, since it is the Mayor and Council's responsibility to ensure the City's safety. He also commended the East Bay Regional Park employee who notified softball teams at the marina of the emergency situation on March 26th. Mayor Schroder indicated that the safety and security of the residents was the Council's number one priority. He asked Chief Cutaia to respond to Mr. Nicholas' concerns.

Chief Cutaia confirmed the City does have an emergency plan, including evacuation routes, although he noted that the route could change depending on the nature of the emergency. He commented on the limited staffing of the Police Department and the role of the County and responsible industries in terms of notification, etc. He acknowledged that the community notification plan administered by the County did not work properly, and he has been meeting with them to correct the problems. He also discussed available shelters and evacuation routes in the City. He expressed willingness to show Mr. Nicholas the City's plan, although he noted that some of it is confidential.

Mayor Schroder suggested a presentation be made at a future Council meeting to answer questions about the plan and the City's preparedness. Vice Mayor DeLaney asked that the written report from Chief Cutaia be made available to the public and discussed at the same meeting.

Councilmember Wainwright asked for some proactive work on the part of staff to get the county to correct problems with the phone system, since this is not the first time it has not worked right. Chief Cutaia discussed his efforts with the County, and he noted that he was also investigating the possibility of the City purchasing its own notification system.

Julian Frazer commented on an article in the Contra Costa Times, "Group Forms to Fight Eminent Domain" regarding the re-establishment of eminent domain by the redevelopment agency in San Ramon. He asked for clarification from the City Attorney on how a general law city (like Martinez) can have an effect on a State law in removing or restricting the power of eminent domain from a redevelopment agency. At the request of Mayor Schroder, Deputy City Attorney Veronica Nebb said the State law provisions for redevelopment do allow a city to restrict or limit any of the powers available in establishing the redevelopment agency or the redevelopment plan. Once established, any changes require another legislative action, subject to the same power of referendum.

Mayor Schroder questioned whether San Ramon's action would also be subject to referendum. Ms. Nebb said only if the redevelopment agency originally had restrictions on eminent domain. Vice Mayor DeLaney asked if there would be any difference between restrictions in the plan itself or in the ordinance. Ms. Nebb said no.

Mike Alford requested a copy of the materials sheet released in the Shell incident on November 8, 2005. City Manager June Catalano indicated it was likely posted on the Shell website. Mr. Alford also urged the Council to solicit the County to install and implement a better warning system and requested that Shell conduct community education programs.

Paul Wilson asked when the information regarding the developers for the 630 Court Street project would become available for public review. He also complained about the City's radio station that was never updated regarding the shelter-in-place and the lack of information available. He was concerned particularly about risks to the elderly and those with respiratory problems. Mayor Schroder said information on the developers would be available as soon as the negotiations are completed.

Chief Cutaia explained why police dispatch initially thought the Shell incident was a test, and the complete report made to the Council regarding the City's response.

Rick Parker said his contact with the police department during the recent incident was good, and the officer he talked to seemed to know what was going on. He asked to know the result of the closed session on his proposal. Mayor Schroder indicated he would be contacted soon.

Roger Goodwin stated that those individuals wanting information on the releases should go straight to Shell or the County (including raising the issues before the Board of Supervisors). He read a letter of appreciation to City staff, businesses and residents from his recently-deceased dog Rufus and asked that the meeting be adjourned in his memory. Mayor Schroder expressed his condolences.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

Motion waiving.

2. Motion rejecting claim(s) against the City by Gary Costa, Claim #06-8A. [J.Catalano]
3. Motion approving Check Reconciliation Registers dated 03/09/06, 03/14/06, 03/16/06, and 03/23/06. [C.Heater/2.1.0]
4. Motion approving Revenue Summary and Expenditure Summary for February 2006. [C.Heater/2.1.0]
5. Motion approving the Arts and Library Commission Grant of \$1,000 to the John Muir Association for their Summer Environmental Theater program for children. [J.Tool/16.09.00]
6. Motion adopting Ordinance 1326 C.S., amending the Martinez Municipal Code Title 6, Chapter 6.04, Animal Control adding with amendments the County of Contra Costa's Dangerous Animal Ordinance, effective 30 days after adoption. [V.Nebb/6.3.4]
7. Resolution Nos. 023-06, 024-06, 025-06, 026-06, 027-06, 028-06, 029-06 and 030-06, directing the City Engineer to prepare the Engineer Reports and Assessment Diagrams for the following Landscaping and Lighting Assessment Districts: [T.Tucker]
 - a) 1979 (LL-2), Village Oaks Terrace for fiscal year 2006-07. [10.02.34]
 - b) 1981-3, Muir Station Park for fiscal year 2006-07. [10.02.15]
 - c) 1983-3, Vista Oaks for fiscal year 2006-07. [10.02.22]
 - d) 1988-1, The Center Martinez (formerly The Center/Costco) for fiscal year 2006-07. [10.02.31]
 - e) 1994-1, Creekside for fiscal year 2006-07. [10.02.36]
 - f) 1997-1, Brittany Hills for fiscal year 2006-07. [10.02.37]
 - g) 2000-2 Terra Vista for fiscal year 2006-07. [10.02.40]
 - h) 2001-1, Alhambra Estates (formerly Subdivision 8330, Subdivision 8397 and MS 2000-52) for fiscal year 2006-07. [10.02.41]

Vice Mayor DeLaney asked that Item #8 be pulled for discussion. Councilmember Kennedy indicated she would have to abstain from the vote on the March 1st minutes.

Mayor Schroder opened public comment on Items #1-7.

Julian Frazer clarified comments he made at the March 15th meeting.

On motion of L. DeLaney, seconded by B. Wainwright, the Council approved Items #2-7 of the Consent Calendar by the following vote: M. Ross, Absent; Rest, Ayes.

1. Motion approving Regular City Council Minutes of March 1, and Special City Council Minutes of March 8, Regular and Special Council Minutes of March 15, and Special Council Minutes of March 21, 2006.

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

On motion of B. Wainwright, seconded by L. DeLaney, the Council approved the minutes of March 8 and March 21 by the following vote: M. Ross, Absent; Rest, Ayes.

On motion of B. Wainwright, seconded by L. DeLaney, the Council approved the minutes of March 15 by the following vote: M. Ross, Absent; Rest, Ayes. [M.Cabral]

8. Resolution No. 031-06 authorizing the City Manager to execute an agreement with Granicus, Inc. to implement video streaming media solution which will allow for internet access to City Council meetings. [K.Devries/17.]

While Vice Mayor DeLaney expressed support for providing additional public access to the meetings, she questioned how much such a system would be used. She asked how many requests have been received for the video tapes of the meetings during the last year, and questioned whether the benefits would outweigh the costs. She also asked how the service could be used by staff to assemble an agenda package, as indicated in the staff report.

Administrative Services Director Lianne Marshall explained how the system would be used and explained how the system would streamline the minutes process as well. Ms. Catalano also noted that it would be possible to have other videos on the website highlighting City services and events. Ms. Marshall noted that a representative of Granicus was present to answer any other questions.

Vice Mayor DeLaney asked what the \$1,000 monthly fee would cover. Charlie Blanchett, Granicus, said it would cover all the band width needed to distribute the information on the web, storage of archived meetings for at least one year, the management and monitoring of the system, access to a 24/7 help desk, and software maintenance.

Councilmember Wainwright asked what kind of software would be needed to access the information. Mr. Blanchett said a browser and a media player, which 98% of computers used today, have.

Vice Mayor DeLaney asked the download time for those with dial-up access. Mr. Blanchett said downloading the entire file would not be necessary to view it. He acknowledged the video quality might not be good on dial-up connections, but the audio should be. He added too that it would be possible to search and easily go to one agenda item or another.

Councilmember Wainwright asked whether it would be possible to upload the previous 12 months. Mr. Blanchett said it could be done, at no additional cost.

Councilmember Kennedy commented on her experience with video streaming of meetings by other jurisdictions. She indicated her support for the item.

Julian Frazer asked the Council to consider doing the video in “real time,” to allow greater public participation. He also suggested the online agenda could display what item was being discussed, etc. Mr. Blanchett said all the items suggested by Mr. Frazer could be implemented, although there might be a 30-second delay.

Ms. Marshall clarified that staff was suggesting a 24-hour delay of webcasts in the beginning.

Beth Rainsford asked, and Mayor Schroder confirmed that the Friday night cable broadcasts of the meetings would continue.

Paul Wilson said this would be very good for the City, especially so that staff members and City Commissions could have up-to-date information on City Council actions. He also thanked staff for the more complete Council agenda packets now available to the public.

Lynette Busby asked how many of the 19 cities in Contra Costa County have this feature, and how many of them are served by Granicus. Mayor Schroder said Brentwood, Pinole and Richmond use Granicus, as well as 120 other cities. He indicated that the County uses a different company to provide the service.

Tim Platt expressed support for the idea. He asked whether this would allow Specific Plan meetings to be televised and a record kept for the future.

Mike Alford agreed this would be a good resource. He asked whether copies of the meetings could be made on disk for members of the public.

Mr. Smithwick asked if DVD copies could be made for permanent storage beyond 12 months.

Julian Frazer said this would work well with a City wifi service. He asked if a copy of the meeting could be saved by the user at home. Mr. Blanchett said it could be done.

Rich Verilli agreed there were some benefits to the system, although he commented on the need for adequate long-term storage, in accordance with the Brown Act. He agreed with Vice Mayor DeLaney that cost considerations were important. He suggested postponing action on the item for a month to allow further investigation of other cities’ practices.

Mr. Smithwick asked whether it would be possible for a home user to download the meeting and watch it later while offline.

Mayor Schroder closed public comment on the item.

Councilmember Wainwright expressed support for the idea and congratulated staff for presenting it. He asked if Granicus would offer five years of video storage instead of just one. Mr. Blanchett said yes. Mayor Schroder noted, however, that the City only retained video tapes for one year.

On motion of B. Wainwright, seconded by L. DeLaney, the Council approved Item #8 of the Consent Calendar.

PUBLIC HEARING(S)

9. Public hearing to consider and uphold, deny, or take action with respect to an Appeal of the Planning Commission's decision to direct the applicant to redesign an illegally constructed deck and continue to the next meeting final Design Review approval (DR #05-25). Applicant: Frank Breinig, 1965 Lake View Place.

Planning Manager Albert Lopez presented the staff report, discussing the history of the issue including Planning Commission and Design Review Committee (DRC) hearings. He reviewed the issues, site location, site plans, property visits by staff, photos of the two properties and decks, and the DRC proposal for lowering the deck. He indicated that staff supports the decision of the Planning Commission.

Mayor Schroder confirmed with Mr. Lopez that the existing support structure could be used if the deck is lowered.

Vice Mayor DeLaney asked for clarification on letters from the appellant stating that staff was slow in providing measurements needed for a redesign proposal. Mr. Lopez acknowledged that it took some time, but the information was eventually provided.

Vice Mayor DeLaney asked about a past deck proposal by a previous owner, which was denied. Mr. Lopez was unable to confirm or deny the information.

Vice Mayor DeLaney confirmed that staff and the DRC believed access to the yard could be provided even if the deck is lowered. Mr. Lopez acknowledged it was a design constraint, but staff feels it is manageable.

Mayor Schroder opened the public hearing.

Nina Breinig, appellant/applicant, commented on the soundness and safety of the deck. She reviewed the history of the deck dispute, discussed her efforts to cooperate with the Surges and proposed changes that have been rejected. She also commented on the size of the Surges deck and the minimal impact of her smaller deck on the view, as well as her willingness to reduce the size of the deck by 3 feet.

Councilmember Wainwright asked whether Ms. Breinig was aware of the need for a permit. Ms. Breinig explained that she thought her contractor would handle any necessary permits. The contractor's explanation to her was that he thought no permit was needed because it was a deck

extension, not a new deck. In response to further questions, Ms. Breinig said the contractor was willing to take responsibility, including removing and rebuilding the deck at his own cost; otherwise, she will take him to court.

Councilmember Wainwright asked what Ms. Breinig would do if the situation were reversed, and she was impacted by the construction of an illegal deck by her neighbors. She indicated she would have cooperated in discussing the matter when attempts were made to do so.

Andrew Surges, neighbor, reviewed the history further, noting that Planning staff, the DRC and the Planning Commission all agree the deck is inappropriate and needs to be redesigned. He indicated that the Breinigs knew a permit was necessary, and he himself referred them to Dave Scola for assistance. He noted as well that the Breinigs have offered no alternative design as requested by the DRC, and he asked the Council to uphold the Planning Commission decision.

Martha Surges, neighbor, commented on the personal and monetary value of their view, which they are not willing to give up. She asked the Council to settle the matter, indicating that the building permit process should have been followed, and/or the Breinigs should have followed the recommendations of the DRC. She expressed concern about the precedent that might be set if the illegal construction is allowed to remain.

Councilmember Kennedy asked if Ms. Surges would consider the proposed 3 foot reduction. Ms. Surges said they would consider it, but she would like to see the design first, to ensure it will not interfere with their view.

There being no further speakers, Mayor Schroder closed public comment.

Vice Mayor DeLaney referred to the staff report, and she asked Ms. Breinig why she only proposed a 1 foot reduction following the DRC meeting, and that not until a month after the meeting. Ms. Breinig said she was on vacation and assumed the contractor was going to put up the story poles in her absence. She proposed the 1 foot reduction as a token compromise, with hopes of getting the measurements from the Surges ultimately. She reviewed again her proposed alternatives, with every option being rejected. She expressed frustration with the process, with staff direction and the lack of responsiveness from the Surges.

Councilmember Kennedy asked staff if the recommendations of the DRC were a feasible design. Mr. Scola said the deck materials could be re-used, and the lower stairway could be re-oriented or relocated.

Councilmember Kennedy asked whether narrowing the deck to 7 feet was considered. Building Inspector Don Salts commented that 7 feet would lessen the impact on the view, but he could not say whether it would be structurally sound, given the height of the deck. Mayor Schroder confirmed approximately where the support beam would be placed.

Councilmember Wainwright said he didn't think reducing the deck to seven feet would restore the view sufficiently. He asked, and staff confirmed that the original deck did not block the view. He felt that the best solution was to lower the deck. He also was concerned about the precedent that could be set by approving an illegally constructed deck.

Vice Mayor DeLaney agreed, expressing sympathy to Ms. Breinig for the cost and trouble that she has expended as well as to the Surges' for their lost view. She commented on the need to follow policies and procedures already in place, and indicated she thought the appeal should be denied.

Councilmember Kennedy said she thought more consideration should be given to the matter. She stated that Ms. Breinig is now well aware of the fact that building without permits is unacceptable. She was appreciative of the Surges' willingness to consider an alternative if it is presented professionally. She also would like to allow Ms. Breinig another 30-45 days to develop the alternatives more completely, and she suggested an outside organization be brought in for conflict resolution.

Councilmember Wainwright said he felt enough time has been given by the Planning Commission, DRC, and staff. He indicated he would rather a decision be made now to uphold or deny the appeal.

Mayor Schroder agreed, saying he thought the appeal should be denied, while still encouraging the two parties to try to resolve the issue. Ms. Nebb said denying this appeal would not preclude the applicant from submitting an application for an alternative design. She noted, however, that code enforcement action could be enacted if no alternative is presented.

Councilmember Wainwright said he would rather deny the appeal and give a short amount of time for compliance. Ms. Nebb reviewed the courses of action available to the applicant if the appeal is denied – they can legally challenge the denial or submit an alternative design. She indicated the Council could not order the deck to be removed, but they could direct staff to delay code enforcement action.

Councilmember Wainwright asked whether a new deck design would have to go through the usual approval process, and Ms. Nebb agreed it would. Mr. Scola clarified that code enforcement has already begun, but was delayed while the appeal process has been going.

On motion of L. DeLaney, seconded by B. Wainwright, the Council denied the appeal and upheld the Planning Commission's decision by the following vote: J. Kennedy, No; M. Ross, Absent; Rest, Ayes. [A.Curl/09.08.01.02]

ORDINANCE(S)

CITY MANAGER

10. Redevelopment Financial Feasibility Study Progress Report (standing).

City Manager June Catalano discussed the background of the study, noting that Keyser Marston is recommending that the City wait until proposed state legislation is completed.

Karen Tiedemann of Goldfarb & Lipman gave an update on the proposed redevelopment reform bill related to the definition of blight (both physical, in terms of geologic conditions and parking; and economic, requiring quantifiable measurements to make the determination). She also discussed possible implications for adoption of a redevelopment project area in the City, and she commented on the lengthy approval process for legislation.

Councilmember Wainwright asked what percentage of bills that go through committee actually get passed. Ms. Tiedemann said it is very low. Councilmember Wainwright questioned the advisability of postponing action based on the possibility of some future changes to the law.

Councilmember Wainwright asked whether Ms. Tiedemann thought Martinez might not meet the necessary standards for a redevelopment area under the new regulations. Ms. Tiedemann said no, but the information from the feasibility study needs to be based on existing conditions and regulations at the time a redevelopment area is established. If the standards change, the study would need to be re-done before any redevelopment action can be taken. She acknowledged that the financial analysis could still be done to determine whether the City should proceed, regardless of the blight definitions.

Vice Mayor DeLaney confirmed with Ms. Tiedemann that it was very likely Martinez would qualify under either set of standards. She also asked if Ms. Tiedemann was familiar with Assembly Bill 2286 on infrastructure finance districts within opportunity zones. Ms. Tiedemann said she was aware of it, but not knowledgeable about the details. Vice Mayor DeLaney said she thought it was a concept that could potentially benefit the City.

Councilmember Kennedy noted that Senate Bill 1754 was similar in intent. She asked Ms. Tiedemann about proposed constitutional bills related to eminent domain. Ms. Tiedemann said there are many different ones, including citizen initiatives and federal legislation, most of which do not allow the use of eminent domain for the taking of property if it is going to be turned over to a private developer.

Mayor Schroder opened public comment.

Paul Wilson asked how the State of California will react to the City condemning their property (the marina). He also questioned whether redevelopment money will be used for infrastructure repairs. He expressed concern that necessary maintenance might have been deferred in anticipation of redevelopment.

Mike Alford asked if Ms. Tiedemann was paid to come to the meeting. Ms. Catalano said she was a redevelopment attorney who was paid for her time. He questioned whether the Council would be considering a feasibility study if redevelopment didn't exist. Mayor Schroder said no. Mr. Alford noted that if the citizens vote against redevelopment in November, the feasibility study will not be needed.

Tim Platt commented on the need for good information if redevelopment is going to be considered. He agreed the economic feasibility study would really give solid facts on which to decide for or against redevelopment.

Councilmember Kennedy asked how this study will help, if everyone is sure it is a flawed study. Mr. Platt said it should have been completed before the advisory vote was taken. Even generally correct information will be beneficial to the voters as they decide how to vote.

Councilmember Kennedy said she thought the study should be postponed until the legislation is completed, since it could affect the study results.

Julian Frazer noted that only one of the citizen initiatives is really citizen-driven; the other is sponsored by the California Redevelopment Association (CRA). He disagreed that eminent domain is the primary issue among the different measures, and he indicated that diversion of funds from other agencies is also a concern. He also commented that the title of “feasibility study” was misleading – it should actually be called a revenue-generating and the net cost, because the City needs to know how much revenue will be generated and where it’s going to go, as well as what the money will be spent on. He strongly urged the Council to complete a cost benefit analysis before moving forward. He suggested that a moratorium be enacted until the pending legislation is finalized, if the Council is that concerned about the impacts of the legislation. He asked the Council to consider the wishes of the people, and institute some protections.

Councilmember Kennedy said she didn’t think the CRA had an initiative yet, although she acknowledged they were working on one. Mr. Frazer disagreed, saying it is available on their website.

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

Vice Mayor DeLaney said based on the information presented by Ms. Tiedemann, she would recommend going forward with the study. She suggested using a different consultant, however, and she discussed why the additional study was not done earlier. She said now that the Specific Plan is almost finished, it would be a good time to do the second part of the study. She asked also that the Council consider an infrastructure financing district, and/or another bond measure.

Councilmember Wainwright agreed with Vice Mayor DeLaney, but he suggested whatever consultant does the study should be closely monitored. He commented on the fact that much of the area in Keyser Marston’s proposed redevelopment project area is publicly owned and would bring no tax revenue to the City. He was concerned whether there would be adequate revenue to justify a redevelopment agency, as well as the costs involved. He indicated he thought the financial feasibility study should be done.

Councilmember Kennedy agreed with Keyser Marston’s recommendation that any further studies be postponed until the legislation issue is settled. She questioned whether the information gathered by a feasibility study would be of any value, since much of it would be outdated. She discussed her work with the League of California Cities and the information she received regarding pending legislation and potential impacts. She suggested waiting to do the study.

Councilmember Wainwright reiterated the conclusion of Ms. Tiedemann that the City could go forward without knowing the outcome of the legislation, since it was likely the City would qualify regardless.

Mayor Schroder agreed with Vice Mayor DeLaney's comments as to why the financial study was not done earlier. However, he expressed concern about the potential changes to State law and the impacts, as well as the cost of the study. He questioned whether Keyser Marston would be the one to finish the study. Ms. Catalano said that an actual scope of work and cost breakdown has not been done by Keyser Marston yet.

At the request of Ms. Catalano, Susan McCue confirmed that the original cost estimate for the phase 2 study was \$10,000, although she noted that estimate is 2 years old, and prices may have gone up.

Mayor Schroder noted the Council's split vote on the issue, Kennedy and Schroder, No; DeLaney and Wainwright, Ayes. The item was continued until the next meeting, when Councilmember Ross will be present.

The Council recessed for five minutes.

11. Marina Agreement Progress Report (standing).

Community Development Director Richard Pearson stated that progress is still being made on the lease agreement. Staff is also preparing the contract for the design and entitlements. Wednesday, April 26th has been tentatively set for a workshop to review the Marina lease.

In response to a question from Vice Mayor DeLaney, Mr. Pearson explained that the contract for the entitlements will be between the consultant (Moffett Nichol) and the City, not between the marina company and the consultants, so a separate contract is required. The completed contract will come to Council for final approval.

Councilmember Wainwright asked about cost breakdown, and Mr. Pearson indicated it will be specified in the contract. He indicated there would not be an RFP for the project.

Mayor Schroder opened public comment.

Julian Frazer suggested that an RFP should be issued to see if other restaurants were interested in the marina. He also asked about the status of the sewer laterals from the previous restaurant and bait shop. Mr. Pearson said the lateral from the old restaurant was still there, but he was unsure whether the old bait shop had a sewer connection, but the lateral continues on to the Yacht Club. He was unable to provide detailed information about the service possibilities.

Mike Alford expressed confusion about the cost and timing of the permits necessary for the pier removal. After a brief discussion of the City's decision to advance the money for the removal of the pier, Mayor Schroder noted that the Council has taken no formal action thus far, and it will come back for further discussion.

Roger Goodwin commented on the need to pay attention to the words of the Council.

Councilmember Wainwright asked when it would be brought back to the Council, and Mayor Schroder indicated it could be on the next agenda.

Paul Wilson asked who the City is negotiating with regarding the marina. He also suggested that the “extra” \$180,000 be used for repairing the City pool instead. Ms. Catalano said repair of the pool is one of the Council’s goals.

Councilmember Wainwright asked about recent allocations for the pool. Mr. Pearson acknowledged that money was allocated, but there were no bids received for the RFP, so only minimal repairs will be made now. He indicated there will be further study as well on what needs to be done to the pool.

James Smithwick cautioned against any bonds.

12. Code Enforcement Update.

Chief Building Inspector Don Salts updated the Council on the number of Code Enforcement cases and closed cases since the beginning of the year, as well as reviewing the type of cases that have been problematic. He also discussed joint meetings with other code enforcement agencies in the county to compare strategies, etc., and he noted that enforcement has been easier since the administrative citation ordinance was passed. Staff is working on a review of the City policy regarding the parking of recreational vehicles.

Vice Mayor DeLaney commented on the need for a rental inspection program and asked whether any tracking was being done in that regard. Ms. Catalano said staff could bring a report back. Vice Mayor DeLaney suggested the City needs to be more proactive rather than just responding to complaints.

Councilmember Kennedy expressed appreciation for the report and for the work done by Bill Dillard, the Code Enforcement Officer.

Councilmember Wainwright asked whether an administrative citation would normally be given for an unpermitted deck. Mr. Salts reviewed the usual procedure of issuing warnings prior to assessing fines. Ms. Nebb noted, however, that the administrative citation process would not be as effective in getting the deck removed as the abatement process would.

Mayor Schroder opened public comment.

Hope Savage discussed a long-term derelict property in her neighborhood and asked whether the owner was being fined. Dave Scola acknowledged that the property has been a continual problem and has been cited on several occasions, but it is currently in good condition and has been improving.

Mayor Schroder asked if the City could require that the building on the property be torn down. Mr. Scola said a notice to repair or demolish had been sent, and the owner was in the process of applying for a new development on the site.

In response to a question from the audience, Mr. Scola said a \$100 fine has been collected from that owner, and other fines have been levied and collected in other cases, but he could not tell the total amount received. Mayor Schroder questioned, and Mr. Scola agreed that a full report could be prepared.

Paul Wilson agreed with Ms. Savage's complaints about the property. He also commented on the boarded-up DMV building that appears to be abandoned. He expressed appreciation for Code Enforcement action for one of the rental properties in his neighborhood.

Julian Frazer discussed the need for an accurate count of rental units in the City and how many are currently vacant and/or need repair. He also commented on the use of "faux" architectural materials and the need for better quality.

Mayor Schroder closed public comment on the item.

The Council directed staff to review the number of cases related to rental properties and the amount collected from the Administrative Citation Process since its adoption.

Mayor Schroder asked, and the Council agreed to continue the meeting even though it was after 10:30.

13. Downtown Specific Plan Update in reference to the March 28, 2006, Planning Commission meeting.

Community Development Director Richard Pearson updated the Council indicating that the Planning Commission had held a public hearing, but continued the item after taking public comment. He also stated that one of the major concerns was the rezoning of the residential neighborhoods, and he is now recommending limited rezoning.

Mayor Schroder asked Ms. Nebb for guidance as to how much the Council could discuss, given the fact that the item is still before the Planning Commission. Ms. Nebb said there was no problem with the report being given and the Council can give direction to staff, but they could not discuss specifics of the Plan.

Councilmember Wainwright explained why he had asked for the item to be on the agenda, to let the rest of the Council know what happened at the Planning Commission. Vice Mayor DeLaney noted that the Council would get copies of the minutes from that meeting, and they should be a good summary of what was discussed.

Mayor Schroder opened public discussion on the item.

Hope Savage said she was concerned that rezoning of the neighborhoods would set the stage for redevelopment action in the future. She indicated that the Planning Commission should not vote on the proposed rezonings unless every household is notified of what is being considered. She suggested that the only rezoning that should be done is of the opportunity sites, and she chided

Mayor Schroder for changing the boundaries of the specific plan area so that his home would not be included. She stated that if a full-scale rezoning is done, she would work to collect signatures for a referendum of the voters to stop the specific plan. She asked the Council to leave existing neighborhoods alone and listen to the will of the people.

Mayor Schroder clarified that his home was never in the specific plan area, but rather was within 500' of the area, and he had asked to move the boundary so that it was further than 500' from the specific plan area.

Vice Mayor DeLaney clarified the standards that must be met in order to determine economic blight, noting that under-utilization of residential properties was not listed.

Beth Rainsford shared copies of maps that showed the areas proposed for rezoning, and discussed the potential densities that would result. She commented on the impact on the character of the existing neighborhoods and asked why the rezoning couldn't be limited to opportunity sites. She also expressed disappointment in comments by Mayor Schroder in the Contra Costa Times. She urged the Council to direct staff to restrict the rezoning to opportunity sites only.

Mayor Schroder confirmed with Mr. Pearson that he was intending to recommend to the Planning Commission that there be no rezoning of existing single-family homes.

Mike Alford commented on the hypocrisy of the situation, expressing confusion at the changing recommendations of staff. He also disputed statements by Councilmember Kennedy regarding the homeless, and she explained the basis of her comments. He discussed the effects of high density housing on the crime rate.

Paul Wilson agreed with Mr. Alford that the reported homeless count seemed high. He expressed concern about the impacts of rezoning on property values. He was also concerned about proposed amendments to the Central Martinez Specific Plan Area to allow more high-density housing.

Tim Platt discussed problems with noticing of the Planning Commission and the materials available to the public. He especially urged noticing of the property owners that could be affected by the rezoning. He was also concerned about the clarity of the materials that were provided to the public, and he recommended the material be simplified, especially related to the effects of the Downtown Overlay District.

James Smithwick expressed opposition to the rezoning of any single-family residential properties, because of the negative effects from multi-family housing right beside single-family uses. He also noted that Berkeley's homeless count is often inflated.

Julian Frazer agreed that property owners should be notified when their property is set to be rezoned. He also agreed that no rezoning be done other than for opportunity sites. He urged the Council to carefully read all the changes proposed for the General Plan. He expressed concern that interfacing the downtown overlay district with the new Specific Plan could have unintended consequences. He also urged the Council to establish the area from the trestle down as a historic district, with clear standards and definitions.

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

None made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

The Council decided to continue items #15-17 to the next meeting.

15. Shell Release Citizens Advisory Committee Update.

Item continued to next agenda. [16.17.01]

16. Consider and discuss a request to the City Attorney to review questions relating to the creation of a Martinez Redevelopment Agency and report back to the City Council.
(Councilmember Wainwright)

Item continued to next agenda. [41.01.01]

17. A. Resolution approving adoption of the City Council Policies and Procedures; and
B. Resolution rescinding Resolution No. 55-95 Establishing a Travel and Meeting Policy; and
C. Introduction of ordinance amending Title 2 of the Martinez Municipal Code, Section 2.08.030, Quorum and Majority Vote.

Item continued to next agenda. [S.McCue/41.07.00]

18. City Council Comments.

Vice Mayor DeLaney asked staff to place on a future agenda consideration and discussion of an infrastructure bond. She also requested that staff consider rotating Council meeting locations, and she requested that staff look into a memorial tree for Rufus.

Councilmember Wainwright repeated his request that a Historical Preservation Subcommittee be created and requested that he be appointed. He briefly discussed the benefits from a greater historic awareness. He asked that the Council adjourn in memory of Loretta Fraga Pistochini.

Mayor Schroder expressed support for Vice Mayor DeLaney's proposals to consider an infrastructure bond and to reinstitute the neighborhood Council meetings.

Councilmember Kennedy stated that she attended the League of California Cities Policy Committee conference and a workshop on “Housing after a Disaster.” She requested that the City have more community involvement and input in preparing for and responding to a disaster. She also agreed with the suggestions for rotating meeting locations and infrastructure bonds. She also announced that there will be a Flood Subcommittee meeting on Tuesday, April 11th at 6:00 p.m. in the Board Room. She further clarified the homeless “one-day snapshot” study, which was conducted by Contra Costa County Health Department Homeless Division. She also suggested that the City consider funding sources for affordable housing. She wished Mayor Schroder a Happy Birthday.

ADJOURNMENT

Adjourned at **11:40 p.m. in memory of Loretta Fraga Pistochini and “Rufus,” Roger Goodwin’s canine companion**, then to a Regular City Council Meeting on April 19, 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 – 5/3/06