

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present except Councilmember Wainwright who arrived shortly after roll call.

CLOSED SESSION

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

A) 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.

On motion by J. Kennedy, seconded by M. Ross, the Council added an Urgency item under Closed Session by the following vote: B. Wainwright, Absent; Rest, Ayes.

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION pursuant to California Government Code subdivision (c) of Section 54956.9: One potential case

RECONVENE – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting reconvened at 7:07 p.m. with all members present. Mayor Schroder reported that a closed session was held and direction was given to the City's negotiators and legal counsel. Nothing else was reported.

PRESENTATION(S)/PROCLAMATION(S)

Proclamation designating April 24 – April 30, 2006 as “West Nile Virus & Mosquito & Vector Control Awareness Week.”

Mayor Schroder read the proclamation, noting that Dan Pelligrini of the Mosquito Abatement and Vector Control Board was unable to attend tonight's meeting. He briefly discussed the impacts of the West Nile virus.

Proclamation designating April 27, 2006 as “Kiwaniis Day” on the occasion of the 80th anniversary of the Kiwanis Club in Martinez.

Mayor Schroder read the proclamation, reviewing the contributions of the Kiwanis Club to the City. He presented the proclamation to Councilmember Ross, who invited Mayor Schroder and Councilmember Kennedy (not currently Kiwanis members) to the celebratory luncheon.

Presentation to Officer Glenn Walkup by Catherine Skivers, past president of the California Council of the Blind.

Officer Glenn Walkup was given the “Humanitarian Award” by Catherine Skivers on behalf of the California Council for the Blind, in recognition of his successful efforts to avoid potential discrimination in the treatment of a blind passenger on Amtrak. At Ms. Skivers’ request, Chief Dave Cutaia read the award and presented it to Officer Walkup.

Presentation to the Martinez Police Department by Paula Birdsong, Mothers Against Drunk Driving of California.

Presentation of the “2006 MADD California Hero Award” made to the Martinez Police Department by Kenwall Person. Mr. Person also recognized Officer David Mathers and thanked the City for acting as a Host Agent for a grant that was received through the Office of Traffic Safety. Chief thanked the Council for authorizing the grants.

Presentation by Rona Zollinger and ACREEC.

Mike Morris, intern at the Environmental Studies Academy (ESA) reported that the Alhambra Creek Environmental Education Collaborative (ACREEC) had received the Sea World Environmental Excellence award in the amount of \$10,000.

Mr. Morris then introduced Marshall Burgamy, Director of Adult Education and Continuing Education, who expressed pride at the national recognition and thanked the Council for the creek restoration efforts in the downtown. He reviewed the five-year history of the organization and thanked City Engineer Tim Tucker for his assistance as well as members of the Collaborative and the students. He concluded by reading a poem, “The Creek and the Stars.” He also recognized his colleagues, particularly the leadership of Igor Skaredoff.

ESA student Greg Linn read the mission and vision statements of the Academy.

Adam Scoggins, ESA student, read a poem, “Think Differently.”

Rona Zollinger, ACREEC coordinator and teacher, commented on the accomplishments over the last year, and the benefits gained by students in the program and by the community.

David Villasol, recent graduate of the Academy, discussed the origins and growth of the project as well as individual tasks that were accomplished.

Igor Skaredoff reflected on the years that the City and Friends of the Creek had worked together to benefit the creek and the community. He thanked the Council for their support.

Carla Koop, Contra Costa County Resource Conservation District, commented on the work of her agency with groups in the community on cooperative conservation service projects. She indicated that ESA and the partners that support it are models of what can be done with similar organizations. She expressed congratulations to Ms. Zollinger and the students.

Greg Linn and David Villasol briefly discussed the Sky Ranch restoration project, planting native plants along the hillside, constructing fences and the monitoring program.

Adam Scoggins discussed the eco-literacy program at John Swett Elementary.

Melissa Stevenson and Marsha Kent, teachers at John Swett, spoke on the school project and expressed their appreciation to the ESA, as did elementary school students.

Several of the ESA students shared their personal reflections on the program. In conclusion, Ms. Zollinger thanked her daughter, a freshman in high school, for her support. She dedicated the award to Marshall Burgamy and Matt Smith.

Presentation of Certificate of Recognition to Rona Zollinger, founder and director of the Environmental Studies Academy; and ACREEC, as recipient of the \$10,000 "Sea World Bush Garden Environmental Excellence Award."

Mayor Schroder and the Council presented the certificate to Ms. Zollinger. Mayor Schroder also commented on the work of the Council Flooding Subcommittee and Task Force. Ms. Zollinger thanked the Council for all their support.

Emergency Preparedness and Review.

Presentation made by Police Chief David Cutaia. Chief Cutaia reviewed the chronology of the Shell incident on March 23, 2006 and the City's response. He acknowledged there were glitches in the system, and he discussed efforts to improve the effectiveness. He also reviewed the County's Community Awareness Emergency Response (CAER). Chief Cutaia also reviewed the City's emergency preparedness program and what is needed to be prepared in the event of an emergency.

Councilmember Wainwright asked how newcomers to the City are informed of the City's emergency plan. Chief Cutaia discussed plans to give materials when the City is aware of new residents or businesses.

Councilmember Wainwright asked if there was a way for the siren to notify the community when the emergency is over. Chief Cutaia said there originally was a signal, but it caused more confusion than help.

Councilmember Ross noted that information on the emergency response plan could also be sent through the water bill or garbage bill. He thanked Chief Cutaia for the report and encouraged him to continue to press Shell to do whatever it takes to reduce the number of incidents. He asked whether it would be possible to use students to staff the City radio station (530 AM). Chief Cutaia said FCC regulations would allow emergency use only.

Vice Mayor DeLaney thanked Chief Cutaia for the report. She asked that additional information on the Emergency Preparedness Plan be provided on the City website. Chief Cutaia said the Police Department was working with Mike Chandler to do just that.

Mayor Schroder mentioned the American Red Cross's program to get at least three million people in the bay area in three years trained to provide emergency assistance in case of a big earthquake.

Julian Frazer said real estate disclosure forms should inform buyers of the need to shelter in place when the siren sounds. He agreed the focus should be on Shell to prevent incidents rather than on ways to improve the warning system. He also indicated the City should gain some benefit from Shell's proximity, in terms of street improvements, or discounts on gas. He recommended that new homes have a built-in radio system and doors/windows that lock automatically in emergencies. He asked that the Council schedule a special meeting dealing with Shell.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

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

David Piersall indicated his concerns with the long process on establishing an unreinforced masonry ordinance. He asked that the Council give it top priority, given the potential loss of life in the event of a bad earthquake. Mayor Schroder expressed agreement with Mr. Piersall and commented on the efforts of the Council subcommittee. Dave Scola indicated that the stakeholders meeting should occur within the next few weeks.

James Smithwick spoke on a letter regarding the City's response to his concerns regarding the Santos Ranch Project. Mr. Smithwick indicated that the existing fence is inadequate for his needs. He also said that he would take legal action, but would rather settle the matter with staff.

Riccardo Guardino announced that Senator Migden from San Francisco will be introducing the "Around the Horn Maritime Transportation Resolution." He also announced the launch of "America 500 Birth Date" and to commemorate the launch, Mr. Guardino invited the public to participate in a 5-minute silent tribute to America's peace and optimism, on Tuesday, April 25th at 11:00 a.m.

Councilmember Wainwright asked for clarification on the naming of America, because he thought it was named for the Portuguese explorer Amerigo Vespucci.

Julian Frazer recommended that Council establish a Preservation Ordinance, entailing the definition of "historic" and the process for demolishing older buildings. He was concerned about proposed amendments to the General Plan that remove language referring to historic structures. He noted that local jurisdictions have the ability to create their own historic list and standards.

Gary Costa spoke about road conditions on Vista Way and requested that his vehicles be cleaned due to people running over pot holes and causing the oil and tar to splatter onto his vehicles. Vice Mayor DeLaney said the Pavement Management subcommittee will be glad to consider the issue at the next meeting, on May 3rd at noon.

Paul Wilson requested that the City spray the weeds growing in the street on the 500 block of Talbart Street.

Rich Verrilli requested that the City make the Council Policies and Procedures available to the public. Mayor Schroder confirmed that the agenda packet, including staff reports, could be accessed on the City's website

An unidentified speaker also spoke on the poor conditions of Vista Way and asked the Council to make needed repairs.

Mike Alford spoke on the deteriorated condition of the Joe DiMaggio boat and asked what could be done. Mayor Schroder discussed the effects of weathering on the boat and said it could be a good community service project for the Yacht Club, the boating community or service clubs. Mr. Alford asked and Mayor Schroder confirmed that the Marina Commission would be a good place to start.

Harlan Strickland thanked the City for the online Council packet. He also stated that he was gathering signatures for a statewide initiative on eminent domain abuse. Councilmember Wainwright asked how people could contact him, and Mr. Strickland shared his address, phone number and email information.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

Motion waiving.

Councilmember Ross noted he would be abstaining from Item #4, since he was not at the last meeting. Councilmember Wainwright asked that Item #3 be pulled for discussion.

Mayor Schroder opened public comment on Items 1, 2, and 5-8.

1. Motion rejecting claim(s) against the City by Ronald Dalton (for Colton Dalton), #06-09.
[J.Catalano]
2. Motion approving Check Reconciliation Registers dated 03/30/06, 04/06/06, and 04/13/06.
[C.Heater/2.1.0]
5. Resolution No. 033-06 authorizing the Mayor to execute a Drainage Area Fee Collection, Right-of-Way, and Maintenance Agreement with the Contra Costa Flood Control and Water Conservation District for Drainage Areas 47, 57, 72, 87, and 88.
[T.Tucker/10.06.06]
6. Resolution No. 034-06 establishing the rate per Equivalent Runoff Unit for the fiscal year 2006-2007 and request the Contra Costa County Flood Control and Water Conservation District to adopt an annual parcel assessment for the National Pollutant Discharge Elimination System Program.
[T.Tucker/10.06.06]

8. Resolution No. 036-06 accepting bids for the Hidden Lakes Open Space Bridge Replacement Project and awarding the construction contract to the J.F.C. Construction, Inc., in an amount of \$447,856. [T.Tucker/12.03.08]

David Piersall discussed the purpose of the resolution in Item #7, created by the League of California Cities, in response to efforts of Assembly Speaker Fabian Nunez' proposed legislation to centralize telecommunication franchises at the State level. He suggested that the City follow the example of San Ramon and not require a franchise agreement for AT&T to provide upgraded service to the City, as an alternative to high cable costs. He asked the Council to table Item #7 and contact San Ramon for more information.

Mayor Schroder discussed a meeting he attended at Assemblyman Canciamilla's office on the matter. He acknowledged concern about the loss of cable franchise fees, while at the same time wanting to be sure that competition is not hindered. He also noted that San Ramon is the center of AT&T's west coast operations.

Councilmember Wainwright asked if staff could explain their recommendation. Mike Chandler discussed concerns with the potential loss of revenue, loss of control on local right of ways, the current franchise agreement and the provision for services throughout the City, as well as the possible reduction of public, educational and government channels and the increased burden on cities, and local emergency notifications. He indicated that the majority of cities in California have supported the resolution.

Mayor Schroder mentioned fees that will be collected by the State may not be given to local jurisdictions. Councilmember Ross asked whether the Franchise Subcommittee could have time to review the issue and report back.

Mayor Schroder acknowledged it is not an urgent matter, and there should be time for review by the Subcommittee. Vice Mayor DeLaney agreed there was no urgency, although she indicated she had no problem with the proposal as it is.

After brief discussion, Council deferred action on the item until after public comment on the Consent Calendar was finished.

Regarding Item #5, Julian Frazer discussed the impacts of heavy rainfall on drainage and the formation of new creeks. He suggested that staff map the locations of the streams and creeks to avoid slides in the future.

Regarding Item #7, Mike Alford asked why the City has to go with only one cable provider. He said the Council should set the criteria for the things they want, and allow different companies to present proposals.

Mayor Schroder noted that Comcast is currently the only cable provider wanting to offer service to Martinez, but AT&T is expressing interest while saying they are not subject to a franchise agreement.

Regarding Items 5 and 6, Paul Wilson asked if the financial impact would be passed on to the property owners. The Council said yes, but clarified there has been no increase in the charge since 1993, and the renewal is proposed at the same rate.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1, 2, 5, 6 and 8.

Regarding Item #8, Councilmember Wainwright questioned why there was a disparity between the accepted bid and the engineer's assessment, which is almost always low. Community Development Director Richard Pearson explained that staff always checks that the low bidder is accurate and trustworthy. He acknowledged that there is a large discrepancy, but it seems to be an accurate bid. He also explained that the engineer's estimate is based on past construction bids and some contingency amounts are built in to the contract also.

On motion of L. DeLaney, seconded by B. Wainwright, the Council unanimously approved Items 1, 2, 5, 6 and 8 of the Consent Calendar.

4. Resolution City Council denying an appeal, upholding the Planning Commission's decision to direct the applicant to redesign an illegally constructed deck; Design Review #05-25 applicant: Frank Breinig, 1965 Lake View Place.

There was no public comment on Item #4. Mayor Schroder confirmed with Assistant City Attorney Veronica Nebb that Councilmember Ross could stay in the room during the vote on Item #4.

On motion of L. DeLaney, seconded by J. Kennedy, the Council approved Resolution No. 032-06 denying, upholding, and directing by the following vote: M. Ross, Abstaining; Rest, Ayes.
[A.Curl/09.08.01.02]

7. Resolution establishing policy principles for local telecommunications services to ensure and protect vital city and community interests. [M.Chandler/22.01.06/41.00.05]

On motion of L. DeLaney, seconded by B. Wainwright, the Council voted unanimously to continue Item #7 and refer it to the Franchise Subcommittee.

Councilmember Wainwright confirmed the Franchise Subcommittee meetings are open to the public.

3. Motion approving the Park and Recreation Commission's recommendations a) to allow the Martinez Baseball Club use of the Tavan lights for the dates of May 3, 5, 10, 17 and 24th from 7:30 p.m. to 8:30 p.m.; and b) that the Park and Recreation Commission begin the process of workshops for the Tavan neighborhood for the use of Tavan lights in the future.

At Councilmember Wainwright's request, Deputy Director of Park and Recreation Joann Tool gave a report on the background and the request by the Park and Recreation Commission for use of the field and lights by the Martinez Baseball Club for a one-year trial. She also indicated the

Commission was interested in having a meeting with the neighborhood to discuss the issue, after the one-year trial. She commented on the need for more field practice time for the City's youth sports.

Councilmember Wainwright asked if the adult teams would also use the field and the lights. Ms. Tool said the adult teams already do, two nights a week. Ms. Tool confirmed there had been no complaints about the adult use, because it is only two nights, not five nights a week.

Vice Mayor DeLaney asked if the letter and workshops for the neighborhood would be done after the current season or before. Ms. Tool said the Commission thought there was such a great need that there is no time for meetings before. Vice Mayor DeLaney suggested that at least a letter be sent, explaining the need and trial period.

Councilmember Wainwright asked how many homes would need to be notified. Ms. Tool said she was unsure, but reviewed the general areas that would be affected.

Councilmember Ross agreed on the need for the lights to be used and that some notice and explanation to the neighborhood should be given.

Councilmember Kennedy discussed her experience playing adult softball at Tavan, with limited hours for the lights. She thought this was a good solution, and she applauded staff, the Park Commission, and the sports clubs for working to solve the difficulties caused by so many teams and the limited number of fields.

Mayor Schroder opened public comment on the item.

Julian Frazer said the more a park is used, the less problems with vandalism, etc. It will be good for the neighborhood, even if the lights are on 5 nights a week.

Mike Alford expressed support for the idea also.

Paul Wilson noted that it will not affect the neighborhood significantly, especially since it will only be for an hour at a time. He questioned whether the City really needed to charge for the use, and he commented on the need to support youth sports. He also expressed concern that community members could not turn off the lights because of chemicals stored there.

An unidentified speaker expressed appreciation for the Council's consideration, on behalf of youth sports.

Another unidentified speaker expressed his thanks as well for listening and considering the request.

Al Boise, Martinez Little League, was supportive of the idea. He noted that past games at night were well-attended and enjoyed.

The president of the Martinez Baseball Club commented on the growth in membership. He expressed appreciation for past Council support and noted that the City's high school teams are now beginning to benefit from training they received from the Baseball Club.

Seeing no further speakers, Mayor Schroder closed public comment.

Councilmember Ross reiterated his comments in appreciation of staff and the Parks Commission. He acknowledged the need to be sensitive to the community and the need for more fields and money allotted for improvements. He suggested that the adult use could possibly subsidize the electric costs for the youth. He concluded by saying that baseball should reign supreme in Martinez, as the home of Joe DiMaggio.

Councilmember Wainwright said it was nice to have a good cause come before the Council. He suggested the City bear the costs for the lights. He also asked why the matter could not have been decided by the Parks Commission. Ms. Tool said the City Council had made the decision previously to discontinue the use due to vandalism and electric costs.

Councilmember Wainwright also agreed that the neighborhood should be notified. He indicated willingness to make a motion for approval. Vice Mayor DeLaney was willing to second the motion, but she commented on the memo from Parks Commissioner Patchin regarding the lights at Waterfront Park. She expressed the hope that consideration could be given to that, without too much delay.

Mayor Schroder expressed wholehearted support as well, and agreed that the lights at Waterfront should also be considered. He briefly discussed the history of an advisory vote of the people in support of the Waterfront lights being used, but no action was taken. He also agreed the neighborhood impact should be minimal from the Tavan lights.

On motion of B. Wainwright, seconded by L. DeLaney, the Council unanimously approved Parks Commission recommendation, with prior notification to the neighborhood.

[J.Tool/11.04.04]

The Council recessed briefly.

Mayor Schroder noted that it was unlikely the Council would get to Item #17, so it would be continued to the next meeting.

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER

9. 630 Court Street Project Update. [S.McCue/5.15.00]

City Manager June Catalano gave a brief review of the project past and present and the selection process. She indicated that BH Development will give a presentation at the May 3rd Council meeting and that staff will be proceeding with exclusive negotiations with them. She discussed the history of the project, including RFPs, bids received, the developer chosen, and she acknowledged the need to respect the historic character of the area.

Mayor Schroder commented on an article in the Contra Costa Times indicating that the City has sold the building to the developer. He confirmed with Ms. Catalano that was untrue. She said the sale will not happen until much further along in the process, and assurances are in place.

Vice Mayor DeLaney asked about the process, suggesting that the plans and design be submitted to the Martinez Historic Society at the same time as it is sent to the Design Review Committee (DRC). Ms. Catalano expressed appreciation for the idea.

Councilmember Ross suggested there be some research into the feasibility of the structure for rehabilitation. He expressed the likelihood that tearing it down may be the only option.

Councilmember Wainwright deferred his comments until after the public.

Mayor Schroder opened public comment on the item.

Julian Frazer said there was an unspoken understanding that the building would be retrofitted, not torn down. He noted that the City of San Francisco would require such a building to be saved, and it would be inappropriate to take the building down even though it is not on the State or national register of historic buildings. He encouraged the Council to create its own registry and standards for preservation of older buildings. He also asked that terms like retrofit and renovation not be used when what is actually proposed is a tear down.

Tim Platt acknowledged that Mr. Frazer made some good points. He asked the square footage of the building, and was told that it was 3,000 square feet. He also asked how the Council will ensure that the design and character will be as described. Ms. Catalano said the project will go through Design Review as a requirement for approval, and building permits and plans must match what is approved by the DRC. She also indicated that legal protections and tenant approvals must be in place before the building is sold to the developer.

Councilmember Kennedy suggested that strict conditions be set for the sale, following the finalization of the development agreement.

Paul Wilson expressed disappointment that a historic building will be torn down. He asked whether Martinez will end up a place with historic placards or historic buildings. He said it is time for the people to take back control to preserve the heritage of the town.

Jim Smithwick asked how much the developer will pay the City for the property, and how much the building will be worth once the developer has completed the renovation. Mayor Schroder indicated that the City paid \$178,000, and the developer will pay \$198,000. Ms. Catalano noted that Libby Seifel, an economic consultant, has reviewed the plans and proposal and reported to the City that it is a very expensive project for the square footage that will be obtained. Although there will not be much profit in the deal, Ms. Catalano expressed optimism that the project will be a spark for the entire block.

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

Councilmember Wainwright asked who the City staff had consulted with in the State Office of Historic Services to confirm that the building does not have historic status. Ms. Catalano said that Economic Development Director Susan McCue and Deputy Director of Community Development Albert Lopez will be available at the May 3rd meeting to address that issue.

Councilmember Wainwright commented on information he received at a recent workshop on historic preservation, and he summarized research he has done on the building. He noted that the Historic Society has formed a Historic Preservation Committee. He agreed with Vice Mayor DeLaney that a referral to the Historic Society would be appropriate.

Councilmember Wainwright also suggested that the City could provide incentives to the builder in the form of fee waivers, if he is able to keep at least the outside of the building intact. He indicated that the City has the responsibility to set an example for the owners of other historic buildings. He expressed confidence that the developer has enough experience and knowledge to be able to act responsibly with the building.

Vice Mayor DeLaney noted that the staff report indicates the developer is willing to research further the possibility of preserving the building facade, although a structural engineer has done a thorough analysis of the building. She also noted that the developer is willing to try to match the historic look of the downtown in the design of the replacement building.

Councilmember Ross commented on the fact that Councilmember Wainwright's comments come so late in the process, but acknowledged this building will be a test since the reality will govern the requirements for retrofit at a cost of \$60 - \$100 per square foot, not to mention ADA requirements. He noted that numerous buildings in the downtown are not likely to be financially feasible to restore rather than rebuild. He also noted that historic buildings could be created in the future as well.

Councilmember Wainwright observed that earlier proposals had not included tear down of the building, so his ideas are actually early in the process for this type of project.

Councilmember Kennedy pointed out that the architect is a resident of Martinez, and thus is very mindful of the City's heritage and desires for the downtown.

10. Marina Agreement Progress Report (standing).

Community Development Director Richard Pearson updated the Council on the Marina lease indicating that Tom Hogan and his group will be sending comments to be reviewed. He announced that a special meeting will be held on April 26th to review the lease.

Mayor Schroder asked, and Mr. Pearson confirmed that the Marina Commission will be invited to the meeting, and the lease will be reviewed page by page.

Councilmember Wainwright asked how far in advance the Council can get copies of the documents. Mr. Pearson said that would depend on the City Attorney, but at least a week prior to the meeting.

Julian Frazer expressed interest in having BH Development consider a restaurant at the marina, especially since the Council has been discussing the possibility with another restaurant owner – it should be open to others to submit proposals as well. He also commented on Council campaign promises to “save historic Martinez,” noting that now that they are in office, they are proposing to tear down a historic structure.

Mike Alford agreed with Mr. Frazer’s comments regarding a restaurant on the waterfront. He noted that he had found a developer willing to pay \$600,000 for the Court Street property while preserving the historic building, but no one ever responded to him.

Paul Wilson said he hoped the contract could be signed by November, in time for the election. He was concerned that the City has learned to drag its feet, but there could be a new Council after November.

Mayor Schroder closed public comment. He asked, and the Council agreed by consensus to continue beyond 10:30 to discuss item #11.

11. Redevelopment Financial Feasibility Study Progress Report (standing, continued from April 5th meeting).

Mayor Schroder reviewed comments at the previous City Council meeting, with a split Council in the absence of Councilmember Ross. He opened public comment on the item.

Tim Platt said there was concern at the last meeting that data from the Feasibility Study may be used to support whatever side one is on, but that is no reason to postpone getting needing information. He recommended that the Council go forward with the study, as the information will benefit the public.

Paul Wilson stated that if the study is not finished, it cannot be used to justify redevelopment.

Mike Alford agreed with Mr. Wilson. He questioned the money spent on the redevelopment attorney when no decision can be made until the State law questions have been answered. He asked how much the attorney was paid. Mayor Schroder commented on Mr. Alford’s attitude. Mr. Alford commented on the Mayor’s language as inappropriate. Mayor Schroder asked him to finish his comments. Mr. Alford yielded the floor.

David Piersall said it was agreed that the State will be making some decision on redevelopment law in this session, and it seems inappropriate to spend financial resources on a flawed, incomplete study that will be of no use except as a political football, changing nothing.

Roy Jeans said any decision on redevelopment should wait until after the November election. He discussed community meetings on redevelopment with Councilmember Ross and then Councilmember Wainwright in attendance, resulting in a proposal that is a good middle ground with a better chance of approval by the voters. He asked the Council to leave the redevelopment ordinance off the November ballot.

Julian Frazer reviewed comments made by the redevelopment attorney at the last meeting. He reiterated his contention that “feasibility study” is not an accurate description, but instead should be called a “net cost analysis” or “revenue generating analysis.” He also discussed cost considerations that need to be considered before the City goes ahead with redevelopment.

Mr. Frazer noted that discussions on redevelopment should not be done in private, but in the public arena, with full participation by the community. He noted that another consideration is whether or not the City can restrict its powers of eminent domain, and San Ramon recently reneged on its promise not to use eminent domain.

Harriett Burt said the meetings mentioned by Mr. Jeans were very public, and anyone could have come. She explained that they were an attempt by well-meaning citizens with opinions across the spectrum. She also mentioned a Newsweek column related to redevelopment, very worth reading. She noted that the meetings were also an attempt to resolve 50 years of debate as to whether or not redevelopment is a good tool for the City. She thought it might be worth waiting to see what the legislature decides, and look at other funding options. She encouraged everyone to set aside emotions and look at the facts instead.

Kristin Henderson commented on Phoenix Ironworks in Oakland and efforts to fight eminent domain at great cost, which would not have been possible without financial resources.

Jim Smithwick said everyone wants to improve Martinez, but there is a big difference of opinion on whether redevelopment is the answer. He suggested the Councilmembers come up with unique, individual ideas for beautifying the City rather than look to a redevelopment agency to solve the City’s problems.

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

Councilmember Wainwright said he usually admires and appreciates Mr. Piersall’s remarks, but he disagreed in this instance. He noted that the attorney’s conclusion was that even with the changes being considered at the State level, the City will still qualify for redevelopment. He also noted that Keyser-Marston had proposed a project area that was 50-70% publicly-owned land that will bring in no tax increment. He reiterated his comment from the last meeting that finishing the study would give the City needed information on whether redevelopment is practical.

Councilmember Kennedy said she thought the City Council should wait to see the legislative outcome first. If the study is done now, the results may not even be applicable after the legislature acts.

Vice Mayor DeLaney said the redevelopment attorney is from a well-respected firm, who said the pending legislation largely has to do with blight definitions. She indicated the economics need to be looked at regardless of the outcome of the legislation, and the study could be used for considering an infrastructure finance district as well. She explained the tax increment benefits that could be gained for use on public projects, and said the City should proceed with getting all the facts.

Mayor Schroder explained why he would oppose doing the study now since it is usually done after an enabling ordinance is passed. He was still not in favor of doing the economic study until after a redevelopment agency is established. He expressed concern that the information generated by the study could be spun in many different ways.

Councilmember Ross noted that the middle ground consensus recently reached by the citizens group demonstrates that redevelopment could be a possibility. Currently, neighborhoods pay property tax but are not benefiting from it. The feasibility study should show a significant amount of good to be gained.

Councilmember Ross suggested rescinding the old ordinance and enacting a new one, while proceeding with the financial feasibility study. Ms. Nebb cautioned that if the old ordinance is rescinded, another one cannot be enacted for one year. She said the old ordinance could be repealed, and the feasibility study done, with a draft new ordinance drawn up but not enacted.

Vice Mayor DeLaney asked about a substantially different ordinance. Ms. Nebb said that could be done, although is often difficult to define “substantially different.”

Councilmember Ross said he would still support proceeding with the study, noting it would be good to know how much the City has lost over the years by not having a redevelopment agency. He expressed willingness to make a motion.

Vice Mayor DeLaney said she would like to allow other firms to bid on the job. The Council discussed the necessary timeline, and Ms. Catalano said she was unsure whether it could be done by July 1st.

On motion of M. Ross, seconded by B. Wainwright, the Council voted to authorize expenditure of \$10,000 to complete the redevelopment feasibility study by July 1st by the following vote: Mayor Schroder and Councilmember Kennedy, No; Rest, Ayes.

Direction was given to staff to contact Keyser Marston and other firms as determined by staff.

12. Consider and discuss placing an infrastructure bond measure on the November 7th ballot.

Item continued. [40.20.09]

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

None made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

14. Consider possible creation of a Historic Preservation Standing Subcommittee and approval of Council appointments to the Subcommittee.

Item continued. [41.02.00]

CITY COUNCIL

15. Shell Release Citizens Advisory Committee Update.

Item continued.

[T.Tucker/16.17.01]

The Council discussed whether to continue the meeting. Councilmember Kennedy left the meeting at 11:17 p.m.

The Council recessed for five minutes.

16. Consider and discuss Councilmember Wainwright's request to the City Attorney to review questions relating to the creation of a Martinez Redevelopment Agency and report back to the City Council. (Continued from the April 5th meeting)

Councilmember Wainwright summarized his request and specific questions. He also requested to include the items raised and discussed this evening and those represented by Mr. Jeans to the City Attorney for review.

Mayor Schroder opened public comment.

Julian Frazer commented on the private meetings held. He suggested additional limitations: First, a final opinion on whether or not eminent domain can be taken out. He said if the Council is serious about limiting eminent domain, they should support the citizens advisory measure, which restricts eminent domain unless for a definite public purpose. Second, he suggested unanimous appointments of citizen members of the redevelopment board.

Mr. Frazer asked Councilmember Wainwright to email him a copy of the other proposed limitations. Councilmember Wainwright gave him a copy right then. Mr. Frazer also asked why the City thought they could make a better decision on the tax increment allocations than the elected State officials.

Mike Alford asked why blight was such a buzzword. He encouraged the Council to work to preserve the City instead of tearing down historic buildings. He also noted that increasing Section 8 housing will increase crime. He asked that the Council not to rely on redevelopment to solve the City's problems.

Tim Platt said the questions that Councilmember Wainwright is asking, as to whether the actions of the Council or Redevelopment Agency are irrevocable are critical issues. If not, he would say the issue is dead.

David Piersall commented on the 1788 ratification of the U.S. Constitution and the significant amendments that have been made since then. If it had been frozen in time at any point, as is now proposed by some for the redevelopment ordinance, the United States would be a different place.

Kristen Henderson noted that 70% of cities with redevelopment have limited eminent domain to some extent, so obviously it can be done.

Vice Mayor DeLaney asked if the questions could be referred to the redevelopment attorney, Ms. Tiedemann. Ms. Nebb said her office would consult with them. She indicated she had not received the set of questions from the citizen group.

Vice Mayor DeLaney noted that some jurisdictions use redevelopment money for facade improvements, some for unreinforced masonry improvements, both of which could benefit private property while improving the infrastructure as well. She also noted that the redevelopment project area is usually based on need. She suggested that the questions be revised slightly before submitting them to the attorney.

Councilmember Ross said he thought the attorneys could deal with the questions as they are. He suggested one more question: Is it possible for the City make substantial changes to make a new ordinance possible? And the basic question from Councilmember Wainwright is whether or not it is possible to legally limit a redevelopment agency's purview geographically.

Mayor Schroder said he was willing to put all the questions to the attorney – Councilmember Wainwright's, Mr. Jeans', and Councilmember Ross's. Ms. Nebb said she may need clarification on some of the questions, but the basic one seems to be whether a future Council can have limited powers from a statutory perspective.

On motion of B. Wainwright, seconded by M. Ross, the Council voted to expend City resources to request the City Attorney's review and analysis of the possibility of limiting through various suggested limitations of a creation of a redevelopment agency by June 1, and include the ability for the City Attorney's office to consult with Ms. Tiedemann's office on issues as they come up, including the items from Roy Jean's letter, the question of whether eminent domain can be excluded in a redevelopment agency, how a new ordinance could be created that would include substantive changes to place on the November ballot by the following vote: J. Kennedy, Absent; Rest Ayes. [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.

Councilmember Ross asked if AB 1234 is included. Ms. Nebb said it is in there.

Item continued. [41.07.00]

18. City Council Comments.

Vice Mayor DeLaney announced a Wine Tasting benefiting the Martinez Early Childhood Center on Friday, April 21st at the Shell Club House; volunteers needed for the Downtown Martinez Clean-up Sunday, April 23rd at 8:00 a.m.

Councilmember Ross announced Earth Day celebration on Saturday, April 22, at 10:00 a.m. at the John Muir Historic Site.

ADJOURNMENT

Adjourned at 11:46 p.m. to a Regular City Council Meeting on May 3, 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 – 5/17/06