

CALL TO ORDER

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

CLOSED SESSION

- I. *CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case.*

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

The meeting reconvened at 7:09 p.m. with all members present as indicated. Mayor Schroder stated that the Council met in closed session. Nothing else was reported.

PRESENTATION(S)/PROCLAMATION(S)

- II. *Presentation of Mothers Against Drunk Driving Award to Officer Dave Mathers.*

Chief Cutaia commented on the number of tragic accidents as a result of drunk driving. He discussed Officer Dave Mathers' work and experience, noting that he recently received the MADD Hero Award for targeting and arresting 67 drunk drivers, the most in Contra Costa County. The Mayor and Council presented the award and offered their congratulations.

- III. *Proclamation declaring July 3, 2006 as "Willows Theatre Day" in the City of Martinez.*

The Mayor and Council presented the Proclamation to Rich Elliott in recognition of the Willows Theatre's 30th anniversary, briefly discussing the history of the theatre in Martinez.

Mr. Elliott thanked the City and discussed plans for the 30th anniversary celebration.

- IV. *Proclamation recognizing Hidden Valley Elementary School as a "2006 California Distinguished School."*

Mayor Schroder and the Council presented the Proclamation to Maureen Braddish, most veteran teacher, and Lorie O'Brien, principal, of Hidden Valley Elementary, commending the administrators, faculty, staff members and families for the award.

- V. *Presentation by Main Street Martinez.*

Carolyn Boone, President of Main Street Martinez, outlined their 2006 accomplishments, downtown enhancements, communications, advertising, promotions and events, services

to the community, and upcoming projects for 2006-2007. She also thanked outgoing boardmembers Al Turnbaugh, Jessie Sayling, and Dick Duncan, and introduced new ones. She expressed appreciation for the support of the Council and was optimistic about the future of the organization. Copies of her report were distributed to the Council.

Mayor Schroder expressed appreciation for Ms. Boone's work with Main Street, and commented on the possibility of a joint plaza beautification project, as well as a 911 memorial.

Councilmember Kennedy commented on the good work of Executive Director Leeann Lorono, especially as a member of the Flood Control committee.

Vice Mayor DeLaney also thanked Ms. Boone and Ms. Lorono for their efforts with Main Street. Councilmember Wainwright was appreciative as well, in view of the investment that the City has made in Main Street Martinez.

Mayor Schroder noted that beginning tomorrow, a copy of the Council meeting video would be available on the City website, in addition to being broadcast on Comcast on Friday night.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Michele Sohl discussed a new company moving to Martinez called Permlight, a manufacturer of L.E.D. lighting. She briefly reviewed their history and identified their website as www.permlight.com. In response to a question from Mayor Schroder, she indicated that the business office will be on Main Street, near Starbucks.

There were no other speakers.

CONSENT CALENDAR

1. *Motion rejecting claim(s) against the City by Claudia Coale, Claim #06-13.*

Motion rejecting.

2. *Motion approving Revenue Summary and Expenditure Summary for May 2006.*

Motion approving. [C.Heater/2.1.0]

3. *Resolution authorizing the City Manager to execute an agreement with US Bank for banking services.*

Resolution No. 046-06 authorizing. [C.Heater/17.02.12]

Mayor Schroder read a letter from City Treasurer Carolyn Robinson, discussing the recent RFP for banking services, and her recommendation to switch to US Bank.

As a member of the Finance Subcommittee, Vice Mayor DeLaney thanked Ms. Robinson and City staff for the deliberate careful process.

There was no public comment on the consent calendar.

Councilmember Wainwright said he would recuse himself from Item #4.

On motion of Lara DeLaney, Vice Mayor, seconded by Bill Wainwright, Councilmember, the council voted unanimously to approve Items 1 through 3 of the Consent Calendar.

4. [Resolution accepting the 2005 Paving Project per contract documents and instructing the City Clerk to file a Notice of Completion.](#)

On motion of Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, the council voted unanimously to adopt Resolution 047-06 accepting the 2005 Paving Project per contract documents and instructing the City Clerk to file a Notice of Completion.

PUBLIC HEARING(S)

5. *Public hearing to consider the following:*

- A) [An appeal of Planning Commission's approval of a 42-unit townhouse development \(requiring a general plan amendment, vesting tentative map, planned unit development, and design review approvals\) on a 3.3 acre parcel located on Arnold Drive at Sunrise Drive and Pacheco Blvd; and](#)

Appellant Linda Shahada gave her time to the Housing Task Force. AnaMarie Avila-Farias began by introducing the members of the Housing Task Force and discussing their work on the City's Housing Element. She commented on the development proposal approved by the Planning Commission, and deferred to Gail Rodens for more information on what the task force would like to see included in the project for affordable housing. Ms. Rodens asked the Council to set precedent by requiring an affordable component, especially since the site was identified as an opportunity site in the new Housing Element.

An unidentified speaker continued the presentation by discussing what affordable housing means for the Martinez workforce and residents.

Ms. Avila-Farias reviewed specific recommendations on what the Council should do to make affordable housing a reality for the City, beginning with requiring this developer to provide its fair share of affordable homes, and developing further housing policies.

Deputy Director of Community Development Albert Lopez gave a staff report regarding the proposed development and the basis of the appeal.

Vice Mayor DeLaney asked for more information on the issue of the bus stop and the required right-of-way. Mr. Lopez indicated that the Planning Commission had added a condition of approval that the developer and staff would work together with County Connection to determine the best location for the bus stop.

Vice Mayor DeLaney asked about the limitation against RVs and boats being parking in the visitor parking area. Mr. Lopez said it is a condition of the project.

Councilmember Wainwright asked why the developer and planning staff had decided on such a light density. Mr. Lopez said the site topography and product type chosen by the developer place limitations on the density.

Vice Mayor DeLaney noted a correction to the Planning Commission minutes regarding the bus stop issue, and a statement by one commissioner that the project should *not* be held up by the discussions with County Connection. Mr. Lopez said she was correct.

Applicant Bob Fulton, co-owner of Black Mountain Development, gave some history of the property and project. He also mentioned one condition of approval that the applicant was asking to be added. He indicated that Black Mountain is not opposed to providing affordable housing, given direction to do so. He discussed fairness issues, however, in that every conversation with staff led them to reduce the number of units, from 60 to 47 to its current number, and provision of affordable units was never suggested. He expressed satisfaction with the 6:1 approval from the Planning Commission, since the project was designed according to staff direction. He also noted that typically, incentives are given for providing affordable units. He asked that the Council consider allowing the density to be increased by 4 affordable units, the parking reduced by 4 spaces, waiver of City fees for those units, and administrative approvals by staff rather than sending it back to Design Review or Planning Commission. He indicated that the 4 affordable units would be indistinguishable from any of the other units.

Vice Mayor DeLaney thanked Mr. Fulton for his offer, and she asked at what level of affordability those units would be set. Mr. Fulton said he hoped they would be tied to the ABAG designation of moderately affordable (income of \$83,000) at \$350,000 to \$400,000.

Vice Mayor DeLaney commented on the original density proposed, and asked whether Mr. Fulton would consider increasing the density at this point. Mr. Fulton responded that increasing it much more would require further Design Review and Planning Commission consideration, and ultimately delay completion of the project.

Mayor Schroder opened the public hearing.

Gail Rodens discussed State law requirements for the City to follow its Housing Element, and the current housing crisis facing the Bay Area. She encouraged the City to apply its housing policies to this development.

Etta Beck-Gilmore addressed density issues and impacts on the surrounding neighborhood from 42 new housing units which would negatively affect the quality of life in the neighborhood.

Larry Rosenthal, Executive Director of UC Berkeley's program on housing and urban policy, discussed the housing issues facing the State of California and the leadership needed by the Council to apply the policies of its Housing Element.

Marco Montenegro, program director for East Bay Housing, commended Mr. Fulton for his compromise offering of 4 affordable units. He noted that most cities now require 15% affordable component, and he asked the Council to give direction to the developer to add more.

Anne Crisp asked the City to require an affordable component of the developer because it's the right thing to do. She also asked when the City will start promoting affordable housing, if not now.

David Piersall commented on the obligation of government to be fair and predictable, not attempting to impose requirements on an arbitrary basis, which this would be. He suggested the Council accept the compromise offered by Mr. Fulton.

Mike Alford said he agreed with Mr. Piersall that the City should be thankful to the developer and accept his offer. He felt that all cities should bear the burden for additional housing equally, and he noted that there were many potential housing sites near the Virginia Hills subdivision.

Paul Wilson noted that the Housing Element was attached to the Downtown Specific Plan as an amendment to the EIR, providing 31 opportunity sites. He commented on hypocrisy shown in granting special treatment for some developers or omitting certain neighborhoods. He also expressed concern about the extent of the rezoning that will result if this project is approved.

Brian Walker, Housing Task Force member, urged the Council to move forward with adoption of an inclusionary ordinance, to settle the issue for future developments.

Oliba Cordona (through interpretation by Mercy Cabral) read statements by Horencio and Maria (low-income families) in support of affordable housing. They asked where to file a housing complaint.

Augustine (last name inaudible) said he would like affordable housing in Martinez so he will not have to leave the City.

Margarita Perez, 22 year resident, commented on the lack of home ownership opportunities for families like hers. Ms. Cordona stated that hard-working families like these deserve a place in Martinez also.

An unidentified speaker agreed houses in this area are too expensive.

Ms. Cordona commented on how many families have had to move from Martinez because there is no affordable housing. She also discussed her work with Contra Costa Interface Supporting Community Organization (CISCO) promoting affordable housing.

An unidentified speaker, 20-year resident, commented on the lack of affordable housing in the City. She urged the City to provide more in the future, as have Concord and Walnut Creek.

Jack Campbell, Independent Living Resource Center in Concord, discussed his experience lobbying for fair and affordable housing laws. He asked the Council to give serious consideration to their needs. He thanked the developer for being willing to consider compromise, as well as the Housing Task Force members for their work.

Tonya Dominga discussed her work as a mortgage loan officer, saying that if someone lives here, they should also be able to buy a house here.

Roger Goodwin agreed a Housing Element is needed, but noted that the developer has done everything asked by the City, with the project being approved 6:1 by the Planning Commission. He encouraged the Council to allow the project to go forward.

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

B) *Approval of a rezoning; and*

C) *Adoption of a negative declaration and direct staff to prepare appropriate finding for Council approval at a later date. Applicant: Black Mountain Development and Loving & Campos Architects.*

Direct staff to prepare appropriate findings for Council approval at a later meeting.

Councilmember Wainwright discussed the work of the Housing Task Force on the Housing Element, including provision for affordable housing, which should have been considered "on the books" and implemented as such. He read various sections of the Element, particularly the City's need to provide leadership and monitor the housing situation. He expressed concern that the developer was not guided appropriately to follow the Element, but he agreed it might be unfair to ask that the project be changed at this late point in the process. He expressed hope that the City will respond to Mr. Fulton's offer in such a way that it will benefit him and the City. He suggested that a decision not be made at this time, but instead the Council should seek guidance from staff on the matter.

Vice Mayor DeLaney asked if staff has surveyed other jurisdictions about their inclusionary requirements. Mr. Lopez said they had surveyed Pleasant Hill, Walnut Creek, and the County (whose ordinance is pending), and the requirements range from 10-15%, depending on the price range of the affordable units. He agreed with Mr. Montenegro that 15% is about average for this area.

Vice Mayor DeLaney asked for confirmation of the deadlines for enactment of Housing Element policies, specifically whether the date was April 2006 or July 2006. Councilmember Wainwright said he thought it had been changed to July.

Vice Mayor DeLaney asked whether a draft of the inclusionary ordinance could be completed by the end of July, particularly given the fact that many jurisdictions have already drafted one. Mr. Lopez said yes, it should be possible.

Vice Mayor DeLaney said it was unfortunate that the developer went so far in the process without mention being made of providing affordable units. She was appreciative of the offer to add 4 affordable units even now. She indicated she was a strong supporter of increasing home ownership opportunities. She complimented staff, the Design Review Committee, the Planning Commission, and the applicant for such a high quality project, and she expressed optimism that the additional affordable units could be incorporated. She was in favor of the project.

Councilmember Kennedy expressed appreciation for the concern raised about affordable housing, and for the developer for continuing to seek a solution. She gave a little history on the Housing Element goals and programs, designed to develop policies to promote home ownership for all income levels. She also noted that every city is required to have a Housing Element as part of their General Plan. She clarified that the opportunity sites were throughout the City, not just focused on the downtown, and she indicated that State requirements for affordable housing were going to get even tighter. She noted that 11 of the 19 cities in Contra Costa have developed or are developing an inclusionary ordinance. She expressed confidence that City staff would be able to provide adequate monitoring of the affordability units. She proposed the City ask staff to work with the developer on his offer, as well as consider waiving necessary fees. She also agreed that staff should begin working on the inclusionary ordinance as soon as possible, and both the development proposal and the draft ordinance come back to the Council in one month.

Mayor Schroder complimented the housing task force and the developer for their presentations, and especially the developer's willingness to compromise. He agreed that development of an inclusionary ordinance and doing necessary rezoning of opportunity sites should be done as soon as possible. Mayor Schroder asked, and Councilmember Kennedy confirmed that all of the 11 cities she mentioned have redevelopment agencies that help to build affordable housing.

On motion of Janet Kennedy, Councilmember, seconded by Bill Wainwright, Councilmember, the council voted unanimously to direct staff to continue to work with developer, review the request of waiver of impact fees, staff to begin working on an inclusionary ordinance and that these items come back on July 19th.

CITY COUNCIL

15 minute recess; reconvened at 9:18 p.m.

6. [Flood Subcommittee Update. \(Councilmembers Kennedy and Ross\).](#)

Councilmember Kennedy gave a brief update, noting that tasks, goals and a timeline have been developed. She indicated that the subcommittee will make a presentation to the Council by September.

Councilmember Wainwright mentioned he had raised some questions previously about the responsibilities of property owners along the creek, and he asked if the subcommittee was researching that aspect also. Councilmember Kennedy stated that an assessment of the creek banks was also being considered. She also commented on information that will be given to the property owners. Councilmember Wainwright confirmed that liability issues would also be reviewed.

Vice Mayor DeLaney asked who would do the assessment and what the limits would be. Councilmember Kennedy said previously the Friends of the Creek did the assessment, but decisions were still being made on the extent of the survey that will be done.

Mayor Schroder opened public comment.

Roger Goodwin acknowledged that Friends of Alhambra Creek did the initial survey of the creek banks, together with the Contra Costa Creek Organization. He acknowledged the efforts of the Flood Committee, and the direction it is going.

Paul Wilson said the biggest problem with the creek is the storm drain runoff. He questioned whether the property owners along the creek should be responsible due to the induce water runoff from the City storm drains, the City should be responsible. He indicated that the runoff should be collected and by state law it should be treated before it is disposed of.

Mike Alford asked if the whole creek is being studied or just the part within City limits. Councilmember Kennedy said they were looking at all the creeks that impact Martinez. He commented on encampments along the creek in the Franklin Canyon area that are dumping in the creek, and it eventually reaches Alhambra Creek.

There were no further speakers.

7. *City Council Comments.*

Continued to the end of the meeting.

CITY MANAGER

8. [Marina Agreement Progress Report \(standing\).](#)

Community Development Director Richard Pearson gave an update, acknowledging the Council's recent action on the lease agreement. He noted it has been sent to Harold Flood at the Department of Boating and Waterways (DBAW), and to Hogan et al; and will hopefully be approved and signed on July 27th.

Mayor Schroder opened public comment.

Paul Wilson said he was still worried about Martinez Marina LLC, to be formed after the agreement is signed, particularly what rights each member of the partnership will have over the City's marina.

Mike Alford asked what will happen next in the process. Mayor Schroder explained the agreement has been approved by the Council, but it will not be signed until after Martinez Marina LLC is formed and the agreement is approved by DBAW. He further explained that during the entitlement period of the next two years, various studies will be done and permits applied for.

Mr. Alford asked Mr. Pearson if the impacts of the recent 2.6 magnitude earthquake would be fully analyzed before any heavy building is done. Mr. Pearson confirmed a geotechnical study would be done, to help determine how deep the piers will need to be.

David Piersall asked when the ferry pier will be completely removed. Mayor Schroder said the Budget Subcommittee will be recommending that it be done soon, although if the Council does not approve it, it certainly would be removed within 3 years. Mr. Piersall said removing it will

greatly improve the appearance of the area. Vice Mayor DeLaney noted that the City had only recently received permits for the removal.

Roger Goodwin said it is good to know that so many studies have been done, and the City is not rushing into anything.

There were no further speakers.

9. [Code Enforcement Update.](#)

Item continued due to the absence of Code Enforcement officer Bill Dillard.

10. [Redevelopment Financial Feasibility Study Progress Report \(standing\).](#)

City Manager June Catalano reported that the report is on budget and on schedule to be presented at the July 5th Council meeting.

Vice Mayor DeLaney confirmed there would be no draft report presented to a subcommittee. Ms. Catalano said there might be a phone conference among the subcommittee, but there would not be time for an actual meeting. She noted, however, that the Redevelopment Subcommittee had met and given direction to staff.

Mayor Schroder opened public comment.

Paul Wilson asked if there would be opportunity for the public to review and comment on the study. Ms. Catalano said if a phone conference is set up, members of the public could come in and listen to the conference.

There were no further speakers.

11. [Comment\(s\)/Update\(s\)/Report\(s\).](#)

City Manager Catalano announced "Chess in the Chambers" on Saturday, June 24th 10:00 a.m. to 5:00 p.m. This is a free event being sponsored by Martinez Recreation. The City Manager and Council recognized the efforts of Patty Lorrick, City's Recreation Supervisor. Vice Mayor DeLaney also commended Ms. Lorrick for the innovative and unique events she plans.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

No appointments made.

[City Council Comments.](#)

Councilmember Kennedy stated that she will be in Sacramento attending the League of California Cities Policy Committee Meeting. She indicated that she is serving on the Housing and Economic and Development Committee.

Vice Mayor DeLaney encouraged citizens to volunteer for the 4th of July event. She stated that help is needed, and those interested should contact the Chamber of Commerce and/or Main Street Martinez.

Councilmember Wainwright commented on recent incidents at the park bordering Alhambra Avenue and Marina Vista. He suggested it could be better used as a children's playarea. He recommended that this idea be sent to the Park and Recreation Commission for review and perhaps involve other service groups so that the funding could be shared. Mayor Schroder discussed ways that the landscaping and policing of several City parks have been improved, to reduce vandalism and criminal activity. Councilmember Kennedy suggested working with the library to consider a reading area also.

ADJOURNMENT

Adjourned at 9:47 p.m. to a Regular Meeting on July 5, 2006 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA 94553.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 7/24/06