

**CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL**

**PRESENTATION(S)/PROCLAMATION(S)**

**PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

Kristin Henderson read a letter into the record regarding her candidacy for a “Doty Tile” grant that would fund the research and documentation of tile throughout the greater downtown area, as well as her qualifications and work with various professional organizations and associations. She asked the City to have a historic resource survey on the Downtown Specific Plan area, possibly through a community development block grant. She also informed the City that any action that results in the demolition of any of Martinez’ historic resources, particularly 630 Court Street (also known as the Sharkey building), may result in legal action.

**CONSENT CALENDAR**

**MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.**

Councilmember Kennedy noted she would abstain from the vote on the minutes (Item #1) and she had a comment on Item #8.

Mayor Schroder opened public comment on Items #2-7, with no speakers coming forward.

1. *Motion approving City Council Minutes of October 18, 2006.*

There was no public comment on Item #1.

2. *Motion rejecting claim(s) against the City by Penelope Chiado, #06-23; Viola Garcia, #06-25; John Solis, #06-29; and Lateesha Atz, #06-32.*
3. *Motion approving Check Reconciliation Register(s) dated 10/26/06, 11/02/06, 11/06/06.*
4. *Motion approving Cash and Investment Summary for September 2006.*
5. *Resolution No. 100-06 approving destruction of records pertaining to the Administrative Services Department.*
6. *Resolution No. 101-06 accepting the 2005-06 Water Line Replacement, Project No. C7016 and Thomas Hill Reservoir Bypass Line, Project No. C7011 per contract documents and instructing the City Clerk to file a Notice of Completion.*

7. *Resolution No. 102-06 authorizing a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2007/2008 Transportation Development Act (TDA) Article 3 funding for the construction of the Bicycle and Pedestrian Crossing project at the intersection of Tavan Estates Drive and Reliez Valley Road and authorize the City Manager or appointed designee to execute all documents and agreements that may be necessary for the completion of this project.*

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kenney, Councilmember, the Council voted unanimously to approve Items 2-7.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, the Council voted to approve Item 1, City Council Minutes of October 18, 2006 by the following vote: J. Kennedy, Abstain; Rest, Ayes.

8. *Resolution establishing a Housing In-Lieu Special Revenue Fund.*

Councilmember Kennedy thanked staff members Lianne Marshall and Cathy Heater for setting up the fund, commenting on the many home ownership programs that may be available to the City as a result.

On motion by Bill Wainwright, Councilmember, seconded by Janet Kennedy, Councilmember, the Council unanimously approved Item 8, Resolution 103-06 establishing a Housing In-Lieu Special Revenue Fund.

## **PUBLIC HEARING(S)**

9. *Accept the 2007 Interim Year Rate Review Report and conduct a public hearing to approve a resolution amending the Pleasant Hill Bayshore Disposal (now known as Allied Waste Services) franchise agreement on a 3.7 percent rate increase for residential & commercial collection recommended by the 2006 Interim Year Rate Review Report.*

Building Director Dave Scola noted that Bart Carr, Solid Waste & Recycling Coordinator, and Erik Nyland of Newpoint Group were present. Mr. Nyland presented the Interim Year report, discussing the methodology used and recommendations made for rate adjustments. He also reviewed the history of rate changes over the last six years.

Mayor Schroder discussed the work of the Subcommittee that established the process for rate setting, and he asked how long the methodology would be in effect. Mr. Nyland said it was a 10-year cycle, but it is likely that the same method would be renewed with some minor changes.

Councilmember Ross asked whether the changes would result in lower or higher rates. Mr. Nyland said they would try to match the increases to the CPI as much as possible, although the interim year process might need some improvement.

Vice Mayor DeLaney asked for clarification on the CPI for this year, and Mr. Nyland explained how it was derived.

Vice Mayor DeLaney asked for more information on the amount of discretion the City Council has in approving or denying the rate increases. Councilmember Wainwright expressed his concern as well, that the Council actually has no choice in the matter. Mr. Nyland confirmed that the action before the Council is actually acceptance of the report that justifies the rate increase calculated according to the methodology in place.

Mayor Schroder clarified that Mr. Nyland is a consultant working on behalf of the City through the process.

At the request of the Council, Tim Argenti of Pleasant Hill Bayshore discussed their agreement with the rates recommended by the methodology, but expressed willingness to review the process with the City if desired.

In response to a question from Councilmember Wainwright, Mr. Argenti also commented on the incentives to the company to keep controlled costs down. He also confirmed that the bulk of the increase relates to uncontrolled costs.

Mr. Nyland explained further the calculations used to determine the rate adjustments based on the CPI. City Attorney Jeff Walter clarified that the rate increase is based on controlled costs, not uncontrolled costs. He also confirmed the amount of the rate increase in 2006. Mr. Argenti clarified as well that there is a cap on the amount of profits that Pleasant Hill Bayshore can gain.

Mayor Schroder opened and closed the public hearing with no speakers coming forward.

On motion by Bill Wainwright, Councilmember, seconded by Lara DeLaney, Vice Mayor, the Council voted unanimously to approve Item 9, accepting the 2007 Interim Year Rate Review Report and approve Resolution 104-06 amending the Pleasant Hill Bayshore Disposal (now known as Allied Waste Services) franchise agreement on a 3.7 percent rate increase for residential & commercial collection recommended by the 2006 Interim Year Rate Review Report.

## **CITY COUNCIL**

### *10. Flood Task Force Update.*

City Engineer Tim Tucker presented the staff report, including a review of the progress of the Task Force and Council Subcommittee, goals set, an information packet developed for creek residents, public education, sandbag distribution locations and accomplishments of the Task Force. He also indicated that the City has entered into a contract with Philip Williams and Associates and reviewed the work they will be performing.

In response to a question from Vice Mayor DeLaney, Mr. Tucker discussed the possibility of fee waivers for property owners who need to do creek improvements on their property. Vice Mayor DeLaney suggested a section of the City website be devoted to flood control information.

Vice Mayor DeLaney asked whether the creek inspection process included digital photographs. Mr. Tucker said yes, when there are problems noted, photos are usually taken. He also noted that Friends of the Creek are monitoring the condition of the creek as well.

Councilmember Ross thanked the Subcommittee and the Task Force for their work, but he also encouraged residents, living along the creek, to let the City know when problems begin to develop.

Councilmember Wainwright asked whether research had been done into reports that creekbank reinforcements upstream had made life difficult for people downstream. Mr. Tucker said that was outside the scope and expertise of this group.

Councilmember Wainwright asked what liability the City might face in approving permits allowing such improvements. Mr. Tucker said the plans are done by qualified engineers who would be responsible for any negative impacts, and the City's approval of plans or granting of permits would not increase its liability.

Councilmember Wainwright asked if the properties most affected by flooding last year are better prepared this year. Mr. Tucker said staff is working with the owner of the property with fencing that created a problem last year to avoid a similar problem in the future. Councilmember Wainwright asked about the adequacy of the drain on Castro Street. Mr. Tucker confirmed it was not intended to handle drainage from flooding, only normal drainage.

Councilmember Wainwright said he thought the City should allow for fee waivers in instances of flooding by "acts of God."

Councilmember Kennedy thanked staff and the Task Force for their assistance to the Subcommittee, noting their knowledge and expertise were great. She also noted that recent legislation provides the possibility for some funding of flood improvements.

Vice Mayor DeLaney asked whether the contact information for downtown property owners had been updated for use in emergency situations. Staff confirmed it was being updated as information is available.

Mayor Schroder also thanked staff and the Task Force for their work.

Mayor Schroder opened public comment on the item.

Paul Wilson commented on the impacts of City storm drains on the creeks. Mr. Tucker said the consultant would be evaluating the FEMA study of 1988, as well as whether a lower cost, smaller project might be better. Mr. Wilson asked whether the State was now requiring treatment of storm water before it drains into the bay. Mr. Tucker confirmed the City is under the jurisdiction of the Regional Water Quality Control Board, and is required to take steps to prevent storm water pollution.

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

11. *630 Court Street Options: Discuss and provide direction to staff.*

Interim City Manager Don Blubaugh presented the staff report, reviewing the options available to the City at this point.

Councilmember Ross said he thought it would be good to work with the County in connection with the possible sale of 610 Court Street.

Councilmember Wainwright asked the City Attorney about development possibilities in light of the easement between the two properties, owned by a third party. Mr. Walter agreed it would need to be considered. Building Director Dave Scola confirmed it was an access easement for the property owner behind on Las Juntas.

Vice Mayor DeLaney asked how much additional work on the RFP would be needed, if the 610 Court Street property were included. Mr. Blubaugh said up to three months additional time could be needed, whereas there is one existing proposal that includes restoration of the existing building at 630 Court Street. He also noted that including 610 Court Street in the RFP would require time for the County to consider what to do with their employees at that location.

Councilmember Kennedy expressed disappointment that the existing proposal had been withdrawn. She agreed that including 610 Court Street should be considered before a final decision is made regarding 630.

Mayor Schroder agreed including 610 could result in a better proposal, including restoration of the existing building at 630. He also agreed the County should be contacted about the property at 610 Court Street.

Mayor Schroder opened public comment on the item.

Kristin Henderson expressed appreciation for the possibility of saving the facade of the building at 630 Court Street, noting that there are tax breaks for donating facades for historic preservation. She reiterated her earlier statement that any attempt to plan demolition or any action that leads toward the demolition of 630 Court Street, also known as "the Sharkey building", may result in legal action, in view of the historic tiles. She noted that the Shaky Hand Winter Art tour would include activities at 630 Court Street.

David Fisher commented on a development proposal for 630 Court Street submitted by his group previously, including earthquake retrofitting. He urged the City to either go through a new RFP process, or look at the proposals submitted in the past. He also encouraged the Council to consider the two properties separately because of the easement.

Sonja Snavelly, downtown business owner, commented on the urgent need for action to draw business to the downtown.

Mike Alford mentioned his repeated statements that Mandalay Realty is interested in the property at 630 Court Street and wants to keep the existing building. He called for leadership from the Council.

David Piersall discussed the importance of the property as an anchor site for the downtown. He noted that a redevelopment agency would be ideal for pursuing the future of this property. Otherwise, demolition may be the best answer, to allow private development without fear of lawsuits.

Paul Wilson commented on the staff time and money that the City has already invested in the property. He suggested the City sell the property to a private party and allow them to develop it appropriately.

Dick Duncan discussed what he has learned through the process thus far, including the significance of the easement and the potential for preserving the existing building. He also noted that the price the County set for the building, \$175,000, took into consideration the costs for earthquake retrofitting.

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

Councilmember Wainwright agreed with public comments that the City should move ahead without delay, and not wait for the County to decide about 610 Court. He expressed concern about demolishing the building, suggesting instead preservation of the facade at least, in view of the historic connection for many in the community. He was specifically concerned about the precedent that could be set as a result, and he suggested a deadline for action by the City.

Councilmember Ross agreed that the City should act promptly, once all the information is available.

Vice Mayor DeLaney commented on the conflicting information as to whether the existing building could safely be preserved. She was concerned whether the City could resolve all the issues involved.

Mayor Schroder agreed there were new questions and discussed some of the issues to be resolved, particularly the easement and consideration of 610 Court Street.

Vice Mayor DeLaney said she thought the City should consult with the County about the possibilities at 610 Court Street, but if the easement is a problem, decisions about 630 Court Street should be the focus at this point. She also noted that her connections at the County would make her a good choice for the Council Subcommittee.

Councilmember Kennedy agreed, expressing support for Mayor Schroder and Vice Mayor DeLaney to serve on the Subcommittee.

The Council agreed to explore with the County the options on 610 Court Street before a decision is made on 630 Court Street.

On Motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Vice Mayor, the Council voted unanimously to approve formation of a 630 Court Street Subcommittee with the option to explore 610 Court Street.

On motion by Rob Schroder, Mayor, the Council voted unanimously to approve appointment of Rob Schroder and Lara DeLaney to the 630 Court Street Subcommittee.

Item #13 taken out of order.

13. *Interim Status Report on the Pescatore fishing boat as requested by Councilmember Wainwright.*

Interim City Manager Don Blubaugh presented the staff report, including a chronology of events and the conclusion that the boat may be beyond repair at this point.

Councilmember Wainwright expressed disappointment at the deterioration of the boat while under City care. He suggested that future restoration projects by the City include better plans and more community involvement.

Councilmember Kennedy agreed there should be some historic recognition of the contribution made by the fishing industry to the City. Mayor Schroder agreed that maintenance of a wooden boat requires special care and conditions, particularly if stored outside.

Vice Mayor DeLaney expressed her concern about the Joltin' Joe, noting that past reports suggested some steps be taken to prevent similar deterioration, yet nothing has happened. Mayor Schroder noted that Pacific Marine Development has indicated willingness to help with the project, and he suggested the Yacht Club would be ideal for spearheading the restoration.

At the request of Mayor Schroder, Building Director Dave Scola gave more information on the earlier restoration of the Pescatore, as well as the possibility of finding another similar boat in better condition.

Vice Mayor DeLaney asked for an update on the condition of the Joltin' Joe. Mr. Scola said it was still reparable, but needs to be stored inside. Mr. Blubaugh indicated there were plans to move it inside the train station.

Mayor Schroder opened public comment on the item.

Mike Alford commented on a past Marina Commission meeting, where it was reported that Eagle Marine was willing to move the Joltin' Joe. He questioned why the Marina Commission's recommendations were ignored, while the boat continues to deteriorate. He urged the Council to have it moved immediately.

David Piersall agreed the Pescatore is probably beyond repair, and a more durable medium should be used to memorialize the contribution the fishing industry has made to the City. He questioned whether the Joltin' Joe was worth preserving, although he acknowledged some tribute to Joe DiMaggio might be appropriate.

Dick Duncan said the historical society is interested in both boats, although it has no place to put them. He asked the City to investigate what is currently stored at the train station, and see if there is some way that the boats can be put there, under the care of the historical society.

Paul Wilson reviewed the efforts made to get the train station opened for the boats, noting that he serves on a committee under the oversight of the Marina Commission that is trying to preserve the Joltin Joe. He commented on the need for the City to save something to remember Joe DiMaggio. He asked for Council assistance in getting the boat moved.

Mr. Blubaugh indicated he would investigate the "coordination" obstacles to moving the Joltin Joe.

12. *Status Report on Pier Removal as requested by Councilmember Wainwright.*

Interim City Manager Don Blubaugh presented the report, noting specifically that an answer should be forthcoming from Assemblyman Joe Canciamella's office regarding the possibility of State funding assistance for removal of the pier.

Mayor Schroder commented on time constraints facing the City, in view of the pending contract with Pacific Marine Development.

Vice Mayor DeLaney asked if it is feasible to have the preconstruction bid documents and studies concluded by June 1st, so that action could begin as soon as the approvals are given. Mr. Blubaugh said yes, it should be possible.

Councilmember Wainwright asked whether there is a State policy regarding removal of infrastructure improvements that have deteriorated. Mr. Blubaugh said it was likely to be the responsibility of the local jurisdiction, although the City could push for legislation at the State level.

Councilmember Wainwright suggested that a contact be made with the newly-elected assemblyman regarding the pier status with the State. The Council indicated their agreement with his suggestion.

Mayor Schroder opened public comment on the item.

Paul Wilson noted that \$250,000 of taxpayer money has been set aside for the pier removal, and it was also supposed to be paid for as part of the entitlements under the DBAW funding. He noted that Almar will actually be the project manager, not the City. He questioned whether Moffett Nichols should be given the additional \$30,000 they are requesting, and he suggested the pier removal should be done as part of the improvements to be funded by DBAW instead. Councilmember Wainwright clarified that the DBAW money would actually be in the form of a loan, which will be paid back at taxpayer expense.

Mike Alford questioned why the pier removal has been delayed, and he suggested hand-delivering the request to State officials. He also indicated he had some experience and would be willing to assist in the process.

Mayor Schroder clarified that the reason nothing can be done until June 1, 2007, is not for lack of desire, but because of the requirements of various regulatory agencies and because of impacts on the natural habitat.

Vice Mayor DeLaney clarified that the City would be the project manager for the pier removal, not Almar or Pacific Marine Development.

David Piersall commented on the negative impact the deteriorating pier has on visitors to the City. He urged action as soon as possible, even at the City's own expense.

Noralee Gipner said she was impressed with the progress the City is making on many issues. She thanked the Council for their work.

14. *City Council Comments.*

Councilmember Ross stated that he attended the Air District Global Warming Summit that was attended by Al Gore. He indicated that he will be bringing to the Council a plan of action to reduce global warming. He congratulated the Council elect.

Councilmember Kennedy congratulated Alhambra High School Football Team for a wonderful season, noting that the first round of the playoffs will start this Saturday. She invited everyone to the Hospice Tree Lighting on Saturday as well. She also congratulated Tom Lessig, teacher at John Swett Elementary, who won the Warren W. Eukel award of \$10,000 for exemplary teaching.

Vice Mayor DeLaney announced that the Kiwanis will be holding a Turkey Drive at Nob Hill on Saturday. She requested several items for future agendas: timeline for revising the redevelopment ordinance revision, status of development of CERT program, and status of the issue of train noise.

Councilmember Wainwright acknowledged Vice Mayor DeLaney's tremendous campaign. He expressed regret that he would not be serving with the Council in the future. He asked that the City Attorney give a legal opinion on the Council's ability to re-enact a redevelopment agency creation ordinance before the 12 months has elapsed. He also suggested several issues that the Council should consider for the future, indicating he would be willing to continue to serve as a "civilian."

Mayor Schroder encouraged Councilmember Wainwright to remain active and work on City/community issues, especially regarding historic preservation, unreinforced masonry buildings, and flooding.

**CITY MANAGER**

15. *Comment(s)/Update(s)/Report(s).*

No comments made.

**APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

16. *Reappointment of Daniel Pellegrini as Trustee of the Contra Costa Mosquito and Vector Control District for a four year term.*

Mayor Schroder proposed reappointment of Mr. Pellegrini, and the Council indicated their support.

On Motion by Rob Schroder, the Council voted unanimously to approve reappointment of Daniel Pellegrini as Trustee of the Contra Costa Mosquito and Vector Control District for a four year term.

## **ADJOURNMENT**

Adjourned at 9:20 p.m. to a Special Meeting on Monday, November 27, 2006 at 5:30 p.m. then to a Regular City Council Meeting on December 6, 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 – 12/6/06