

CALL TO ORDER

Closed Session canceled.

CLOSED SESSION (adjourn to City Manager's Office)

- A. *CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.*

Property: APN 373-030-018-7 & 373-030-019-5, Ferry Street, Martinez. Agency Negotiator: Don Blubaugh, City Manager; Jeff Walter, City Attorney; Wendy Roberts, Asst. City Attorney; Karen Majors, Assistant City Manager, Community & Economic Development.

Negotiating Parties: City of Martinez and Carlo Zocchi, Alhambra Industrial Park; Ethan Friedman, Miller Starr & Regalia.

Under Negotiation: Purchase Price.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:00 p.m. with all members present. He indicated that the closed session that was scheduled for 6:00 p.m. had been canceled.

PRESENTATION(S)/PROCLAMATION(S)

- A. **WATER QUALITY ENHANCEMENT PROJECT: PARKING LOT NO. 3. -- A**
Collaborative Project of the Environmental Studies Academy and the City of Martinez.

City Engineer Tim Tucker began the presentation by the Environmental Studies Academy on the Water Quality Enhancement Project. He introduced Rona Zollinger and the Briones Students, and he announced that Ms. Zollinger had received the First Annual Environmental Education Award by the John Muir Association.

The ESA students explained their transformative education process describing their studies, programs, including Health Heroes, Ecological Literacy, Peer Mentoring, Restoration Projects, and Water Quality Enhancement Projects. They also discussed fundraising, brochures they have produced and gave a project overview on the Water Quality Enhancement Project for Parking Lot #3 in downtown Martinez.

The students thanked Mr. Tucker, Ms. Zollinger, and the City for allowing them to do this project.

In response to a question from Mayor Schroder, one of the students stated that construction on the project will start next month. Councilmember Menesini congratulated the students and their mentors for their participation and enthusiasm.

Vice Mayor Ross asked about fundraising contributions, and a contact number at City Hall, (925) 228-9232 ext 287, was given.

Igor Skardoff and Mayor Schroder presented a second John Muir award to Rona Zollinger and the Briones Environmental Studies Academy.

Mrs. Zollinger read a poem called "The Low Road" by Marge Piercy.

The Council congratulated the students and recognized their efforts.

PUBLIC COMMENT

(COMPLETE SPEAKER CARD AND GIVE TO CLERK) Reserved only for those requesting to speak on items not listed on the Agenda.

Leanne Peterson and Cathy Ivers, on behalf of Main Street Martinez and the Chamber of Commerce, announced the "Martinez Celebrates Cycling" Event on Saturday, April 5th. Ms. Peterson thanked the Council and City staff, especially Bob Cellini and Public Works, and reviewed event sponsors. Mayor Schroder announced that volunteers were needed, especially race marshals. Cathy Ivers stated that this was the third year that Shell was sponsoring the race, and they were very happy to do so. She asked those willing to help to contact Noralea Gipner at 372-0642.

Bill Wainwright stated that he admired City Manager Don Blubaugh and is very disappointed in his leaving. He indicated that it was time for the Council to stop wasting time focusing on special interests and pay attention to the needs of the community.

An unidentified speaker asked to know the City's policy on bikes at the Skate Park. After brief discussion, the Council asked the City Manager to review the issues surrounding bicycles at the Skate Park and bring it back to the Council. The speaker noted that skaters and bicyclists seem to get along at the Park.

Mike Alford concurred with Mr. Wainwright's comments. He questioned the need for additional bonds to pay for the City's infrastructure needs, which should be paid from the regular budget, especially with rising costs in the current economy. He expressed his frustration about not getting answers to his questions, and with governmental authority being too strong for the people to speak against.

Paul Wilson spoke on the Unreinforced Masonry (URM) Ordinance, specifically whether it was coming back for discussion or if it was being tabled. He also asked the Council to work on hiring more police officers. Mayor Schroder responded that the URM Ordinance would be back on a future agenda.

Richard Verrilli complained about the \$3.00 Comcast Franchise Fee that is being passed on to the customers. City Manager Don Blubaugh responded that COMCAST does this statewide, confirming it is a fee that goes to the City.

Seeing no further speakers, Mayor Schroder closed public comment.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of February 20, 2008 and March 5, 2008.
[M.Cabral]
2. Motion approving Check Reconciliation Registers dated 03/06/08. *[C.Heater/02.01.01]*
3. Motion adopting Ordinance No. 1345 C.S. amending the City of Martinez Municipal Code Title 2, Administration and Personnel, Chapter 2.72, Peace Officer Standards and Training, to include Section 2.72.040, Definition of a Designated Level I Reserve Police Officer, and Reserve Police Officer. *[T.Simonetti/04.08.12]*
4. Resolutions directing the City Engineer to prepare the Engineer Reports and Assessment Diagrams for the following Landscaping and Lighting Assessment Districts: *[T.Tucker]*
 - A. Resolution No 010-08 directing the 2000-2, Terra Vista, for fiscal year 2008-09.
[10.02.40]
 - B. *Resolution No. 011-8 directing the 2001-1, Alhambra Estates, for fiscal year 2008-09.*
[10.02.41]
 - C. Resolution No. 012-08 directing the 1997-1, Brittany Hills, for fiscal year 2008-09.
[10.02.37]
 - D. Resolution No. 013-08 directing the 1994-1, Creekside, for fiscal year 2008-09. *[10.02.36]*
 - E. Resolution No. 014-08 directing the 1988-1, Center Martinez, for fiscal year 2008-09.
[10.02.31]
 - F. Resolution No. 015-08 directing the 1983-3, Vista Oaks for fiscal year 2008-09.
[10.02.35]
 - G. Resolution No. 016-08 directing the 1981-3, Muir Station Park, for fiscal year 2008-09.
[10.02.15]
 - H. Resolution No. 017-08 directing the 1979 (LL-2), Village Oaks Terrace, for fiscal year 2008-09. *[10.02.34]*

5. Resolution No. 018-08 establishing a procedure for the temporary closure of City streets to accommodate special events and other purposes. *[K.Majors/12.20.00]*

Mayor Schroder opened public comment on Items #1-5.

Paul Wilson spoke on Item 5, noting that the City's Downtown Specific Plan cautions against closing City streets, especially for handicapped people. Mayor Schroder noted that this resolution is specific to an area outside of the downtown, and was requested by local residents for a specific event.

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

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Items #1-#5 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember, Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Mark Ross, Vice Mayor, and Robert Schroder, Mayor.

Council called a 5 minute recess at 8:00 p.m.

PUBLIC HEARING(S)

6. *Public hearing to consider adoption of a resolution amending the Schedule of Fees for City Services and rescinding Resolution 035-05. [M.Chander/02.02.01]*

Senior Management Analyst Mike Chandler presented the staff report, reviewing the last analysis done in 2005 and proposed fee increases and new fees. Mayor Schroder noted that fees for sidewalk repair/replacement have been waived to allow homeowners to make necessary safety improvements.

Councilmember Kennedy noted that the fee increases are based on City costs, and that the fees cannot be raised above those costs. Mayor Schroder confirmed that the new fees were based on actual labor costs blended with the CPI.

Councilmember DeLaney asked how the labor percent to be added was calculated. Mr. Chandler indicated that it was based on the increase in the City's budget information provided by the Finance Department.

Vice Mayor Ross requested an incentive program waiving fees for replacing fireplaces with gas burning inserts and plumbing associated with the conversion. After some discussion with City Attorney Veronica Nebb, it was decided that an amendment by resolution could be adopted at a future meeting.

At the request of Councilmember DeLaney, Mr. Chandler reviewed existing discounts for single-family residential alterations. Councilmember DeLaney proposed that the Council consider extending those discounts to single-family residential developments as well. Councilmember Menesini agreed.

Councilmember Kennedy asked whether the same discounts would be considered for multi-family. Councilmember DeLaney said they could be. Councilmember Kennedy expressed concern about what the cost to the City would be if further fee waivers were instituted.

Councilmember Menesini was concerned about raising fees, when the City's surplus is higher than ever. Vice Mayor Ross disagreed, commenting on the need to get a reasonable return on its investments, in order to be responsible with the financial trust given by the people. He also noted that keeping up with rising costs is easier than waiting and instituting greater increases later.

Councilmember DeLaney pointed out that the Council ought to spend some time discussing cost efficiencies as well as fee increases.

Mayor Schroder opened the public hearing.

Rich Verrilli agreed with Councilmembers DeLaney and Menesini stating now is not the right time to increase fees. He asked if staff has reviewed areas where costs could be saved instead of increasing fees. Mr. Verrilli disagreed with discounting fees for single-family residences living in the downtown area.

Mike Alford asked that the City is trying to increase fees throughout the City when they could negotiate with Shell, Tesoro, etc. to offset fees and assist homeowners with converting to gas burning devices.

Tim Platt indicated that it was time to move forward to increase the City's fees. He stated that other areas of the budget will be impacted if the costs are not recouped in fees. Mr. Platt asked if there was a firm date to do a complete study to identify the City's full costs for providing the services and set in place a plan to bring the fees up that level. He also asked if there was any way to assess how much of the current costs to the City above the fee increases being considered were being subsidized by the City and the Community. He expressed his concern that the largest fee increase is appeals to the Planning Commission and Council. He urged the Council to cancel the appeal fees to allow for better interaction.

Mayor Schroder indicated that the last study was prepared in 2004, and asked Assistant City Manager Administrative Services Lianne Marshall if there was a plan to do another full cost study. Ms. Marshall replied that no fee study was scheduled, and that she did not expect another study to be conducted until the second year of the next budget cycle, in 2010-11. She added that the current report contemplates annual adjustments until such time as the next comprehensive fee study is conducted.

Roger Goodwin noted that these were necessary fees and did not seem very high. He reminded the public that the City's financial staff has received awards for excellence in the past.

There being no further comments, Mayor Schroder closed the public hearing.

Councilmember DeLaney indicated that she could support Community Services, Senior Center, Police and similar fee increases since they are based relatively the same with cost comparisons with other jurisdictions. However, she could not support other increases.

Vice Mayor Ross reviewed some of the fees stating many of the fees were less than \$20 with most increases being very nominal, and major increases set for major projects.

Councilmember Menesini stated perhaps the fees are not that high; however, it's a lot of money if you don't have it. He noted that given the City's budget surplus, he did not see a real need for the increases and could not support raising the fees at this time.

Councilmember Kennedy stated there is a cost of doing business, and the City has set a good process in raising fees slowly over time. She further stated that she would not support reduction of fees for specific housing in a specific area due to Fair Housing issues; and she did not believe the increases would cause an impact.

Mayor Schroder stated that he supported the increases as brought forward. He commented that it is his belief that this organization is very, very lean, but is very efficient and staff works very hard and accomplishes more work than their counterparts in other cities. He also noted that Mr. Blubaugh had a lot to do with the City's reorganization and efficiency.

On motion by Mark Ross, Vice Mayor seconded by Janet Kennedy, Councilmember, to approve Resolution No. 019-08 amending the Schedule of Fees for City Services and rescinding Resolution 035-05. Motion passed 3 - 2. Yes: Janet Kennedy, Councilmember, Mark Ross, Vice Mayor, and Robert Schroder, Mayor. No: Lara DeLaney, Councilmember, and Michael Menesini, Councilmember.

ORDINANCE(S)

CITY MANAGER

7. Presentation on Open Space Map and direct staff on including map as an addendum to the City Parks Master Plan. *[K.Majors/09.03.09]*

Deputy Director of Community Development Albert Lopez presented the staff report.

Mayor Schroder commented on the designation of the golf course as open space.

Councilmember Menesini expressed surprise that there are only 71 acres of privately owned open space. He asked whether the City can acquire scenic easements on some of the privately owned open space areas.

At the request of Councilmember DeLaney, Mr. Lopez reviewed the acreage totals. There was brief discussion about the possibility of the City acquiring some of the privately owned sites. Mayor Schroder noted that 30 of the 71 acres of privately owned open space is the golf course.

Mayor Schroder opened public comment on the item.

Mark Thomson expressed appreciation for the inventory done. He pointed out an inaccuracy in the document related to scenic easements on four of the properties, and he asked that the document be updated. Councilmember Menesini noted that is still a matter of some controversy.

Paul Wilson questioned the zoning on the marina property, and Mr. Lopez said it was "Mixed Open Space/Recreational Facility." Mr. Wilson asked for examples of a mixed development, and Councilmember Menesini clarified that it was not "Mixed Use."

Tim Platt asked for clarification on the colors used on the maps. Otherwise he was appreciative of the map being included with the Parks Master Plan.

Mike Alford asked for more information on some of the sites on the map, since he was colorblind. Staff and the Council answered his questions.

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

Councilmember Menesini reiterated his request for staff to investigate the possibility of acquiring some of the privately owned open space parcels, and report back to the Council.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, accept the Open Space Map and direct staff on including map as an addendum to the City Parks Master Plan. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember, Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Mark Ross, Vice Mayor, and Robert Schroder, Mayor.

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

No comments made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

9. Consider and possibly take action regarding recommendations of the Redevelopment Subcommittee regarding formation of the Martinez Redevelopment Agency.
[2.13.01/23.00.00]

Councilmember Kennedy, Subcommittee member, presented the staff report.

Councilmember DeLaney asked how the Council could put the redevelopment agency formation question on the ballot, since in the past it could only be done as an advisory vote.

Karen Tiedemann of Goldfarb & Lipman LLP explained that it would actually be placing a Council-initiated referendum of the redevelopment issue on the ballot, not the formation question itself. She acknowledged it is not usually done, but state law allows it.

Mayor Schroder opened public comment on the item.

Paul Wilson asked why the redevelopment area can't be restricted to the downtown, preventing it from expanding into the neighborhood areas. He expressed dissatisfaction with the Keyser Marston report that blighted the marina green, particularly parklands and recreational facilities.

Bill Wainwright commented on the possible conflict with the potential park bond measure. He also noted that a large percentage of the proposed redevelopment area is publicly owned property, so the amount of money that would be generated from the redevelopment agency would be minimal. He reminded the Council that when hired, City Manager Don Blubaugh had cautioned the Council to let redevelopment wait because of its divisive nature. Mr. Wainwright asked the Council to quit wasting the City's time with this issue and accomplish other things.

Mike Alford asked why the City should invest in the development of properties that are privately owned by wealthy individuals who can afford to do it themselves. He also questioned whether redevelopment has helped any other cities, and he expressed concern about the impacts on traffic, congestion, crime, etc.

Catherine Hern commented on the "deja vu" situation the City is in - with a parks bond issue possibly on the November ballot and another push for redevelopment. She asked the Council to take a step back and consider what is best for the people of the City.

Tim Platt agreed that the parks bond measure is one that needs to be passed, and that it will likely conflict with a redevelopment measure. He expressed concern with the options presented in the report presented by the subcommittee. He asked the Council to wait to do anything about the redevelopment issue until after the November election. He also asked for clarification on whether the time limit for referending an agency formation ordinance is 30 days or 90 days. He further commented on the critical need to update the feasibility study, especially with the changes to redevelopment law since the study was done; and new questions that should be answered first. He urged the Council again to avoid creating a conflict.

Bettina (last name inaudible) commented on her experience with redevelopment in cities in southern California. She encouraged the City to find ways to attract singles or working families to Martinez, to do a better job of marketing the City's strengths and to unify the City.

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

Vice Mayor Ross expressed appreciation for the public input. He reviewed similarities and differences between the proposed parks bond measure and the redevelopment agency formation ordinance. He expressed confidence that both measures could succeed, even at the same time. He noted that the school district and Regional Park District were also proposing bond measures or additional parcel taxes, and he commented on necessary components for success with bond measures. He noted that the plan development process would allow for questions to be answered, and he expressed confidence that the redevelopment measure could be rescinded by the Council later if the answers were not satisfactory. He questioned why people could trust the Council to spend the \$20,000,000 - \$30,000,000 that would be generated by the parks measure (over 3-4 years), but not the redevelopment funds over a 45 year period.

Councilmember DeLaney agreed with Vice Mayor Ross, adding that the City has wrestled with the issue long enough and the majority of voting residents indicated their support with the advisory vote a few years ago. She noted that redevelopment is a tool that could help with marina improvements, unreinforced masonry repairs, infrastructure needs and the downtown. She was supportive of moving forward, but asked for clarification as to whether the 30-day or 90-day limit applies to the referendum process, however. She felt that another feasibility study could wait until after the agency is formed, in the plan creation stage. She also indicated her support for limits on eminent domain, inclusion of a citizen oversight committee, and the dissolution provisions should it not prove financially viable.

Councilmember Menesini said he agreed with Ms. Hern's point of view that having the two issues on the ballot at the same time would create an enormous distraction. He spoke of the need for the community to come together in support of the park bond measure. He also thought the feasibility study was outdated, and there are new issues to be considered and questions to be answered.

Councilmember Kennedy expressed her support for redevelopment and the benefits it can bring to the City, (including possibly more police officers). As a former parks commissioner, however, she felt a strong commitment to improving the City's park and recreation facilities, and the only way the City can pay for the improvements is through the bond measure. She acknowledged that the voters have expressed their support for redevelopment, but she did not think that rushing the matter will serve the community well. She urged the Council to concentrate instead on getting the park bond approved.

Mayor Schroder discussed the redevelopment advisory vote (Measure M) in 2004, and the divisiveness that resulted. He indicated he still thought redevelopment was a good idea, especially with the dissolution provisions suggested by Vice Mayor Ross. He also acknowledged the importance of the parks bond measure passing. He stated that he wants to move forward with redevelopment but sees no need to fast-track it for the November election. He didn't think an updated feasibility study was absolutely necessary, but he acknowledged it could be beneficial to the process.

Vice Mayor Ross clarified that he was also supportive of the parks bond measure. He also noted that he did not want to rush into redevelopment, and the decision of whether to put it on the ballot could be made later.

Councilmember Menesini said he could not support formation of an agency and then rescinding the ordinance just to avoid a referendum of the people.

After further debate, the Council directed staff to begin the process of updating the feasibility study but not with the intent of placing it on the November 2008 ballot. At the request of the Council, Ms. Tiedemann reviewed the time limits for referendums, acknowledging there is some ambiguity. She advised the Council to consider the 90-day limit as applicable, until further clarification is given by the courts or the legislature.

10. City Council Comments.

Vice Mayor Ross requested staff to explore the possibility of staffing a booth at the County Fair, to showcase the City and do some marketing. The Council discussed it briefly and indicated tentative support for research into the possibility.

Councilmember DeLaney announced that the Beaver Subcommittee will be submitting a report for the next Council meeting, and the next Beaver's meeting will be held on Monday, April 24th. The draft of the report will be available in the City Clerk's Office.

Councilmember Kennedy congratulated the recipients of the Martinez Chamber of Commerce Citizens Awards.

Councilmember Menesini suggested that the Council take a closer look at upcoming ordinances (Unreinforced Masonry, affordable housing, etc.) and the financial impacts they could have on the business community. He said he would support the ordinances if the Council decided to wait awhile given the economic times.

Mayor Schroder indicated that the Unreinforced Masonry Ordinance does need to be adopted soon in order to preserve life. He requested that the meeting adjourn in memory of Elizabeth Majors, mother of Assistant City Manager Community & Economic Development Director Karen Majors.

ADJOURNMENT

Adjourned at 10:29 p.m. *in memory of Elizabeth "Betty" C. Majors* then to a Regular City Council Meeting on April 2, 2008, 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--4/16/08