

CALL TO ORDER

Mayor Schroder called the meeting to order at 7:15 p.m. in the Contra Costa County Board of Supervisors Chamber at 651 Pine Street, Martinez, with all members present.

PRESENTATION(S)/PROCLAMATION(S)

A. *Proclaiming April 2008 as "Fair Housing Month."*

Proclamation presented to Arlene Bradley. Ms. Bradley thanked the Council for recognizing Fair Housing. Ms. Bradley stated that Housing Rights will be conducting several events this month and presented an invitation to the Council. She indicated that the County had budgeted funds for them and would welcome the opportunity to work with the City.

PUBLIC COMMENT

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

Steven Coll, Virginia Hills Homeowners Association, spoke in opposition to the granting of a liquor license to the Chevron market at 6606 Alhambra Avenue.

Marta Van Loan gave an update on the Library Garden. She also indicated that the costs of the furniture for the backyard had increased, and they would appreciate the Council's consideration in agendizing the item soon.

Steve Leshner of Shell Oil Products USA and Leanne Peterson of Main Street Martinez gave a brief update on the successful "Martinez Celebrates Cycling" Event that was held on Saturday, April 5th. They recognized many volunteers especially Noralea Gipner, City staff especially Bob Cellini, and the City Council for their support. Official T-Shirts were provided to the Council. Mr. Leshner recommended that Green Street be repaved especially by the District Attorney's building, prior to next year's event. He suggested that perhaps the County could pick up the cost for the paving of the section of Green Street.

Mark Westwind, member of the John Muir Association spoke on Earth Day and the John Muir Event on Saturday, April 19th.

Mayor Schroder read comments from Steven Ray Kitchen requesting the need for a Detox Center Downtown.

Mike Alford was concerned about senior citizens being at risk if woodburning fireplaces are phased out and then something happens to PG&E services. He expressed appreciation for Councilmember's Kennedy comments on the "Every 15 Minutes" at the last Council meeting. He also appreciated the Council working together and listening to public concerns. Mr. Alford requested that Shell do more to give back to the community, especially school children who are affected by the poor air quality mainly due to the refinery. He again urged the City and Shell to contact a company in Vermont that could reduce or eliminate emissions.

An unidentified speaker agreed with Mr. Kitchen's remarks. She also expressed concern for the homeless and commented on her past addiction/recovery and the need for more assistance/intervention.

Joseph Smith recognized the City's Building Department and thanked them for the great job that they do.

Shawn Masec also expressed the need for helping the homeless and looking out for others.

Captain Frey spoke on medical care in Seattle, Washington, especially the city-wide CPR training, and he urged the City to do the same.

An unidentified speaker complained about the business license fee for fortune-telling/palm reading businesses, stating that the fees were very high. She requested that the Council consider revising the fee.

Mike Cronin expressed his concern with a dangerous street corner near a park, where a homeless man recently died, and urged the Council to review the area. Mayor Schroder noted that the cause of death has not been determined yet.

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 March 19, 2008. [M.Cabral]
2. Motion approving Check Reconciliation Registers dated 03/27/08 and 04/03/08. [C.Heater/02.01.01]
3. Motion approving Cash and Investment Report for March 31, 2008. [C.Heater/02.01.01]
5. Resolution No. 022-08 accepting Subdivision 9111 "Villa Del Sol" improvements and authorizing the release of performance and labor and materials bonds for subdivision improvements and landscaping. [T.Tucker/13.9111]
6. Resolution No. 023-08 accepting the 2007-08 Cape Seal Project per contract documents and instructing the City Clerk to file a Notice of Completion. [D.Salts/12.05.00]

7. Resolution No. 024-08 accepting the 2007-08 Paving Project per contract documents and instruct the City Clerk to file a Notice of Completion and allocating the balance of the 2006-07 Traffic Congestion Relief funds. [D.Salts/12.04.00]
8. Resolution No. 025-08 accepting the Downtown Street Light Modification Project per contract documents and instruct the City Clerk to file a Notice of Completion. [D.Salts/9.12.00&12.13.01]

Councilmember DeLaney requested that Item #4 be pulled off the Consent Calendar for discussion.

Mayor Schroder opened public comment on Items 1-3 and 5-8.

Roger Goodwin spoke on Item #8, noting that the lights in the trees on Main Street have been beautiful, thanks to Main Street Martinez. Mayor Schroder agreed.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1-3 and 5-8.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, approve Items #1 through #3 and #5 through #8 of the Consent Calendar. Motion unanimously passed 5 - 0.

4. Motion authorizing the City Manager to sign the Martinez Pool Use Agreement with the Martinez Community Swim Team for the 2008 season. [J.Tool/11.04.01]

Councilmember DeLaney commented on an email from a neighborhood resident regarding parking, and she asked whether a condition could be added regarding the problem. Mayor Schroder noted that it may not be possible to restrict parking on a public street in front of a public pool, but the swim team is working to ensure that the parents and supporters park up on the hill.

Councilmember Menesini said he was hesitant to add a parking requirement at this point.

There was no public comment on the item.

On motion by Janet Kennedy, Councilmember, seconded by Michael Menesini, Councilmember, approve Item #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

CITY COUNCIL

9. A. Climate Change Ad Hoc Committee Report. (Councilmember DeLaney and Vice Mayor Ross) [30.08.00/41.01.01]

Vice Mayor Ross presented the Committee report, reviewing the various climate control activities and programs that are underway in the City. He urged the public to take action to conserve resources and fight global warming.

Councilmember DeLaney encouraged the public to attend the Climate Change Committee meetings and give their input and ideas.

Mayor Schroder opened public comment on the item.

Mike Alford asked what a "carbon footprint" is, and Vice Mayor Ross explained it is based on the impact a person makes on the environment. Mr. Alford expressed concern about the environmental impacts left by the refineries. He asked why not investigate practical ways to reduce emissions.

Captain Frey commented on the opportunity that Vallejo passed - to have an LNG plant in their community. He encouraged Martinez to consider inviting Chevron & Bechtel to partner together and build one here.

Kathi McLaughlin discussed e-waste recycling events planned and sponsored by the school district, as well as Shell-funded contributions.

Igor Skaredoff expressed appreciation for the goals of the Committee, noting that neighboring Pleasant Hill could be a good source of information.

Philip Ciarmentaro was interested in the meeting times and goals of the Committee, adding that the world is in an emergency state environmentally.

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

Mayor Schroder commented on the great new facility for household waste, operated by the Central Sanitary District and recycling batteries, fluorescent tubes, and paint cans.

Vice Mayor Ross stated that Will Travis from BCDC has a good presentation on the effects of Global Warming. He also indicated that the subcommittee would likely meet again in May or June. He noted as well that the refineries alone are not to blame - they provide a commodity that the public uses. If the public reduces its demand for the product, then the price will come down, and the impacts will be lessened.

B. Beavers in Alhambra Creek Subcommittee Report. (Councilmember DeLaney and Vice Mayor Ross) [16.17.16/41.01.01]

Mayor Schroder asked that everyone speak politely and respectfully.

Councilmember DeLaney presented the Subcommittee report and requested that the Council consider the recommendation to adopt the Management Strategy plan.

Subcommittee Member Heidi Perryman gave a Beaver PowerPoint Presentation, with an overview of the issues.

Subcommittee Member Mitch Avalon discussed Hydrology and Flood Management Issues. He also responded to questions from the Mayor and Vice Mayor about flood capacities, grant funding, and installation of a flood control wall.

Councilmember Meneseni asked whether the effect of standing water on adjacent properties and soil stability was investigated. Mr. Avalon discussed some of the information given to the Subcommittee, although he acknowledged no recommendations were made since the expertise among Subcommittee Members was limited in that area.

Councilmember Kennedy asked, and Mr. Avalon commented on how the bridge acts as a constraint on the flood potential.

Vice Mayor Ross commented on bank stabilization, confirming there are only a few areas of exposed creek bank in the downtown.

Mayor Schroder asked whether the recent appearance of a second dam affects any of the information related to flooding. Mr. Avalon said it would have no effect on the upstream section.

Councilmember DeLaney introduced Subcommittee Member Igor Skaredoff, who commended City staff for their assistance throughout the process. He then reviewed the Management Strategies for Wildlife Co-Existence.

Subcommittee Member Julian Frazer commented on the dams and potential for washouts, noting that the dam has washed out every time even though rainfall levels have been less than 1/2" in a 24-hour period. He also discussed various information resources and the important role that wildlife has played in the history of the City and the community. He strongly expressed that co-existence is the only viable option.

Subcommittee Member Albert Turnbaugh requested the Council keep an open mind when listening to both sides. He noted that there were businesses and property owners that were not present that did not support keeping the beavers. He asked the Council to consider what is in the best interests of the City as well as what is good for the beavers. He thought the beavers would be better cared for at a different location. He mentioned other ways that the City can generate revenue.

Mayor Schroder introduced Mary Tappel, Progressive Beaver Management, who reviewed her education and experience with beavers in the Sacramento area. She also discussed equipment options and made recommendations, suggesting a refocus on outreach to students and the community, and she reviewed new strategies and policies that might be of use to the City.

Vice Mayor Ross commented on flood control and creek enhancements that the City had put in place to prevent flooding in the downtown. He compared Martinez to San Luis Obispo, which has built a successful economy around its creek. He indicated that the research indicates that it would be possible for Martinez to balance economic and safety interests and keep the beavers while still protecting the downtown. He asked the Council to vote on the issue tonight, by calling a special meeting now and taking action.

Councilmember Menesini stated that it would be better to hear from the public first. Councilmember Kennedy said she thought all the information was not in yet, particularly the hydrology information and peer review of the engineering report.

Councilmember DeLaney indicated agreement with the statements made by Vice Mayor Ross.

The Council recessed at 10:05 p.m. and reconvened at 10:23 p.m.

Charolotte Golden said the City should keep the beavers, noting a fundraiser could be done if money is a problem.

Lauren and Amy sang a song in support of co-existing with the beavers.

Rick Parker asked where the money will come from to implement the proposed strategies. He was also concerned about spending the money since beavers are transient and might move anyway.

Cheryl Reynolds read a letter from Skip Lisle, reviewing the options in front of the Council and urging a strategy to control beaver behavior rather than removing them. Vice Mayor Ross thanked Mr. Lisle for his assistance to the City.

Donna Mahoney expressed appreciation for the patience and open-mindedness displayed by the Subcommittee in their meetings. She commented on the spiritual benefits that the City has gained from the beavers' presence in the downtown. She urged the Council to follow their consciences and do what's right - keep the beavers.

Kathi McLaughlin, a creekside resident, expressed appreciation for the presence of wildlife in the urban setting. She noted that humans have a greater negative impact on the creek and flooding than anything the beavers might do. She commented on the quality of life issues and asked the Council to remain true to the heritage of John Muir and learn how to co-exist with the beavers.

Captain Frey commented on the positive public relations that could result from supporting the beavers, and he was surprised that the Council was not taking advantage of the situation. He was doubtful that there will be much creek flooding in the future, due to global warming.

Mike Cronin was also supportive of keeping the beavers. He questioned the costs estimates referenced in the report.

Guy Jet noted that he himself had not spent much time in the downtown until the beavers came, although he has lived in the City 18 years. He questioned the need to do anything about the beavers, especially since the motivating factor seems to be the risk of a lawsuit. He felt the issues have been addressed, with no need to remove the beavers. He cautioned the Council about the political effects of going against the will of the community.

Robert Rust discussed the amount of debris that has been removed from the creek over the last few years, noting that the presence of the beavers is a sign of improved water quality. He felt the beavers were an asset to the community.

Mike Alford expressed agreement with Mr. Rust, and he agreed with Mr. Turnbaugh that the Council should listen to what is important, rather than consider the numbers of speakers pro and

con. He asked the Council to make sure that Dunnavin's property is protected, but leave the beavers alone.

Heidi Perryman read a letter from Sharon Brown, Wildlife Biologist from Beavers, Wetlands and Wildlife, expressing appreciation for the enlightened response to the presence of the beavers - spending time and resources to find a win-win solution. Ms. Brown's letter urged the City to continue the process and allow the beavers to remain.

Mayor Schroder read comments from: Patricia Seals (supportive), Kit Dalton (agreed with the subcommittee), and Sherri-Ann Hasenfus (also supportive).

Moses Silva discussed some of the issues raised and ways to mitigate any minor effects from the dam. He urged the Council to let the beavers stay, noting that he has evidence to support the fact that there have been no negative impacts thus far.

Beth Rainsford expressed resentment that the Council would allow a guest speaker to speak for 20 minutes, but would cut off a Subcommittee Member at 7 minutes. She also disputed the statement that the committee report was "mythology" as the committee spent many long hours and much hard work studying the situation. She asked the Council to focus on developing a good watershed management policy, and to keep the beavers in Martinez.

Claude Rains thanked the subcommittee for their hard work and the quality report produced. He expressed support for keeping the beavers.

Bill Wainwright thanked staff, Councilmembers and citizens who worked on the report, characterizing the comments made by Ms. Tappel as "ungracious." He stated that removing the beavers would go against the very nature of the City, provided that there is adequate protection for private and public property. He asked the Council to demonstrate their connectedness with the citizens by listening to their input and acting accordingly.

Luigi (did not state last name) presented a petition in support of the beavers.

Deborah (did not state last name) also presented a petition in support. She asked the Council to follow in the steps of John Muir and preserve the beavers.

Krogard Butler, Pleasant Hill resident, noted that the Council and City have been carefully watched and will be judged as well by how this situation is resolved. She urged them to think long and hard about their decision.

Jim Smithwick asked the Council to take their vote on the issue out in public, not in a closed session. Mayor Schroder clarified that the Council will not be going into closed session tonight, and that the City Attorney has advised that a vote cannot be taken tonight because of the way the item was agendaized.

Julian Frazer asked the Council to be sure that any speakers who gave their addresses and the Subcommittee Members are notified of continued meetings on the beavers. Mayor Schroder said it would be done.

An unidentified speaker thanked the Council for their time and efforts on the matter, expressing confidence that the beavers are fine and will continue to manage their habitat well.

Roger Goodwin said he was pleased with the enthusiasm shown tonight, and invited all who were concerned to join the City and Friends of the Creek in the creek cleanup on April 26th, 9:00 a.m. at the Adult Center. He also noted that the City would be unable to "keep" the beavers without trapping and caging them, even if improvements are made to allow the beavers to stay.

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

Mayor Schroder said he didn't think anyone on the Council or in the room disagreed that the beavers were a good thing for the City. He thanked the Subcommittee for their work and for the information they presented. He acknowledged his issues were burrowing, flooding and financial considerations, noting that he still had questions. He also indicated that the Council needs to meet with the City Attorney regarding liability concerns, but the final decision will be made in a public hearing, not privately. He commented on the responsibility the Council has to be good stewards of the City's financial resources as well.

Vice Mayor Ross extended his heartfelt thanks to the Subcommittee for their hard work. He expressed confidence that the issues can be resolved satisfactorily.

Councilmember DeLaney agreed with Vice Mayor Ross, especially that the issues can be solved so that the will of the people can be respected.

Councilmember Kennedy thanked the Subcommittee for the valuable information provided, but she acknowledged concerns with the same issues as the Mayor, especially regarding liability. She agreed flood control issues were ongoing, and consideration needs to be given to those costs.

Councilmember Menesini congratulated the Subcommittee members for the excellent report; although, he agreed there are questions that still need to be answered - particularly flooding, financial considerations, and environmental concerns.

Mayor Schroder clarified the directions given to staff: to provide information on water quality, soils, bank stability, and costs associated with flood management. Mayor Schroder also requested that the Council meet with the City Attorney in closed session regarding the liability issues.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

10. Appointment of Mayor Rob Schroder and _____ as Alternate to the Central Contra Costa Transit Authority's Board of Directors for a two-year term. [M.Cabral/06.07.01]

On motion by Rob Schroder, Mayor, no second required, appoint Mayor Schroder to CCCTA Board of Directors. Motion unanimously passed 5 - 0.

On motion by Rob Schroder, Mayor, no second required, appoint Mark Ross as Alternate to the Central Contra Costa Transit Authority's Board of Directors. Motion unanimously passed 5 - 0.

11. Appointing Michael Marchiano on the Planning Commission as an Alternate Commissioner. [M.Cabral/16.06.01]

On motion by Rob Schroder, Mayor, no second required, appoint Michael Marchiano on the Planning Commission as an Alternate Commissioner. Motion unanimously passed 5 - 0.

12. City Council Comments.

Mayor Schroder requested that the meeting adjourn in memory of Joseph Scola Sr. also known as "Papa Joe" father of Public Works Director Dave Scola.

ADJOURNMENT

Adjourned 11:40 p.m. *in memory of Joseph Scola, Sr., also known as "Papa Joe"* and to a Special City Council Closed Session Meeting on April 18, 2008, at 12:00, Noon, at John Muir Best Western Inn, 445 Muir Station Road, #127, then to a Regular City Council Meeting on May 7, 2008, at 7:00 p.m. in the Council Chambers.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 5/21/08