

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:00 p.m. with Councilmembers Lara DeLaney, Janet Kennedy, and Vice Mayor Mark Ross present. Councilmember Michael Menesini was excused.

PRESENTATION(S)/PROCLAMATION(S)

PUBLIC COMMENT

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

David Piersall thanked the Council and staff for placing the Municipal Code on line and making it available to the public for their use.

Marian Guglielmo, speaking on behalf of many residents of the Riverhouse, indicated that they depend on Luigi's for bringing the community together, something the management of the Riverhouse can't seem to do. She commented on recent news reports about Luigi's. She requested an investigation as to why someone would want to prevent increase in the community spirit in a family-oriented town like Martinez.

An unidentified speaker stated that she supported the beavers and Luigi's and would appreciate it if the City just leave both alone and let them be happy here in Martinez.

Kit Dalton stated that she is a frequent patron of Luigi's. She agreed that Luigi's creates a sense of community, and is the essence of what Martinez is; Martinez needs Luigi's.

Nancy Saulter said she patronizes Luigi's frequently and uses the table and chairs, which are assets. Ms. Saulter believes that Luigi is a responsible business man and she supports him and the beavers.

Pat English, Haute Stuff restaurant, reviewed the pockets project and clarified that when the pockets were installed, the business owners knew they were temporary. With the Downtown Specific Plan, the City will be looking at something permanent that will benefit the downtown. She indicated that her window was broken, rumors have started and there is a lot of misinformation being passed around. Ms. English wished Luigi well and hoped that things will get back to the harmonious way they used to be.

Mike Alford indicated that the 500 block did not become popular until the pockets were installed and now that Luigi's and other stores are there, it is even more popular. He further indicated that the problems that are going on are being agitated by an outside source. Mr. Alford also reviewed

recent robberies down Alhambra Avenue and the failure of the police to keep the community safe; however, there were 19 or 20 officers protecting a gay wedding. He questioned why public safety issues aren't being addressed. Mr. Alford commented that it would take \$35,000 for him to win the election, which he did not have; all he will bring to the table are facts, figures, times, dates and places.

Sue Northrop, Main Street Quilts, noted that she chose to open her store in Martinez even though she lives outside the City. When she learned about the removal of the patio she was okay with the idea because it would improve drainage. She stated she could not survive another flood; it would mean having to close her business. Ms. Northrop stated that she has been personally attacked in her store by two women who want to know why she is against the patio. She further stated that she has no personal grudge, but she will not fight for keeping the patio.

Lory Bruno, long time resident, asked how much money was spent for police presence at the gay ceremonies. Chief Simonetti answered that it was about \$1200. He also explained that sources had led him to believe there would be more protesters and it could have been a risk to public safety.

Ms. Bruno also commented that when she makes the turn from Alhambra onto Main that section of the street looks very nice, especially when Luigi put up his tables. She thought that all store owners on the block should be treated equally. She indicated she was a beaver fan.

Noralea Gipner referenced an article in the Gazette, which was basically a lot of fingerpointing and negativity.

Char West, business owner, was very upset with the negativity in the article in the Gazette also. She expressed concern that Luigi was quoted as saying that things are happening to him because he is from another country or because he supported the beavers. Ms. West stated strongly that never in the downtown has anything happened due to someone's ethnicity or heritage. The pockets happened because of Dick Duncan and a lot of volunteers and donations--that's camaraderie. Ms. West said that all the business owners were here for the same reason, to make money and make a difference in downtown. If the City decides the pocket has to come out because of drainage and safety issues, she hopes that Luigi and his family understand the reason for removing the pocket is not a personal issue.

Jennifer Woodridge stated that she feels safer sitting in front of Luigi's reading a book than sitting in the park, and his family is very nice and caring. She felt that nothing had changed as a result of Luigi's actions. She also asked that the City leave the beavers alone and just let everything be.

Paul Wilson indicated that there is no public seating in downtown, in spite of repeated requests by him. Luigi's is filling the gap left as a result. He further indicated that it was a shame that this has to air out like this instead of the Chamber and Main Street handling it. He also asked about plans for the Fourth of July. Mayor Schroder noted that the City has received a \$5000 grant from AT&T.

Luiza Daderdako, daughter of Luigi, spoke of her school excursion and how her father treated her classmates. She also showed a picture of a beaver signed by the class. She urged the Council to keep the beavers.

Ann Mobley, downtown property owner, stated the issue is not about beavers, but about the pocket, which has caused drainage problems. She also clarified for the record that she did not start the rumors; however, she had heard that a member of Main Street Martinez contacted the merchants and told them that it was the City's plan to remove the pocket because of the drainage and other safety issues. She then contacted Dave Scola and he told her that it was the plan. She indicated that she also wants to see all the merchants do well, and she has no problem with Luigi and his family. She encouraged the City to make Main Street improvements, such as making it a two-way street and installing parking meters.

Joseph Tulli, speaking for Luigi Daderdako, summarized Mr. Daderdako's concerns noting he looked forward to resolving the issue at hand. Mr. Tulli stated that Luigi has insurance that covers the pocket area; he has a permit from the County's Department of Environmental Health, which is the same permit if he were to have a restaurant. Mr. Tulli indicated that Luigi serves sandwiches and hopes to open a delicatessen, and he discussed his intentions to order signs discouraging loitering in the area. Mr. Tulli further indicated that Luigi had gathered a petition showing the will of the people is in support of the pocket. Mr. Tuilli also stated that if there is a drainage issue it should be repaired, rather than having the pocket removed.

Rich Verrilli stated that he was not too happy with the situation. He did not understand why Luigi believes he is being persecuted because he is from another country, when we are all from another country. Mr. Verrilli stated that this item should be handled through the permit process. He recalled when Luigi was before the City Council requesting a liquor permit, this Council granted him his permit because he was an outstanding citizen, not because of his origin.

Brixhilda Daderdako, Luigi's wife and co-owner of the 99 Cents Store, expressed her frustration with City staff. She indicated that she has been to City Hall three or four times and has received no assistance. She also noted that they have been told to remove their signs, but other businesses do not have to. She stated that the rules should be the same for all, and she asked why Luigi is being mistreated. Mayor Schroder assured her that the City enforces its Codes equally. He also indicated that the Council is limited in what it can do tonight, since this is not an agendized item.

Luigi Daderdako reviewed his history with the City and past issues. He showed pictures of store windows with displays/signs and pictures of scratched windows with gang signs. He indicated that he has never been flooded, although he has heard stories. He expressed willingness to make any repairs necessary, and he noted he has more than adequate insurance to pay for any damages. He also discussed other service he provides to the City, and he expressed concern that he was being unfairly targeted by other business owners.

After consultation with the City Attorney, Mayor Schroder recommended that this item be referred to the Downtown Subcommittee.

Councilmember DeLaney requested that the Council receive a copy of the chronological report of the pockets as soon as possible, as well as information about the City's policy regarding neon lights and other signs and enforcement of the same.

Vice Mayor Ross agreed it was time for the City to develop a fair and equitable plan for encroachment permits and pockets. He spoke supportively of all the downtown business owners and their hard work, and he asked everyone to bear with each other until the issue can be resolved.

Councilmember Kennedy agreed with the others. She noted that it had been the support of the neighboring businesses that convinced her to vote in favor of granting Luigi's liquor license.

Mayor Schroder also encouraged the business owners to regain their previous harmonious relationship, noting that the 500 block has been a great example in the past of neighbors working together. He indicated that the Downtown Subcommittee meeting would be open to the public and publicly noticed.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion rejecting claim(s) against the City by Danny Rene Godfrey, Claim #08-14.
[M.Cabral]
2. Motion approving Check Reconciliation Registers dated 05/29/08 and 06/05/08.
[C.Heater/02.01.01]
3. Motion approving allocation of \$15,000 from Child Care fees to replace the heating/air conditioning system at the Morello Park Center. [J.Tool/11.19.00]
4. Resolution No. 036-08 amending the City's Schedule of Fees for City Services for all furnace or fireplace conversions from woodburning to gas.[M.Chandler/02.02.02]
5. Resolution No. 037-08 amending the Salary Range for Water Superintendent. [D.Scola & L.Marshall/04.05.01]
6. Resolution No. 038-08 approving a contract with ESA for Climate Action Support.
[L.Marshall & M.Chandler/30.09.00]
7. Resolution No. 039-08 authorizing the City Manager to execute CALTRANS Freeway Maintenance Agreement for City Projects previously approved by the City Council.
[T.Tucker/03.03.00]

8. 1979-3 Village Oaks Terrace Landscape and Lighting Assessment District:
[T.Tucker/10.02.34]
 - a. Adopt Resolution No. 040-08 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution 041-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.
9. 1981-3 Muir Station Park Landscape and Lighting Assessment District:
[T.Tucker/10.02.15]
 - a. Adopt Resolution No. 042-08 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution No. 043-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.
10. 1983-3 Vista Oaks Landscape and Lighting Assessment District: [T.Tucker/10.02.35]
 - a. Adopt Resolution No. 044-08 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution No. 045-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.
11. 1988-1 The Center Martinez Landscape and Lighting Assessment District:
[T.Tucker/10.02.31]
 - a. Adopt Resolution No. 046-08 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution No. 047-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.

12. 1994-1 Creekside Landscape and Lighting Assessment District: [T.Tucker/10.02.36]
 - a. Adopt Resolution No. 048-09 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution No. 049-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.
13. 1997-1 Brittany Hills Landscape and Lighting Assessment District: [T.Tucker/10.02.37]
 - a. Adopt Resolution No. 050-08 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution No. 051-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.
14. 2000-2 Terra Vista Landscape and Lighting Assessment District: [T.Tucker/10.02.40]
 - a. Adopt Resolution No. 052-08 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution No. 053-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.
15. 2001-1 Alhambra Estates Landscape and Lighting Assessment District: [T.Tucker/10.02.41]
 - a. Adopt Resolution No. 054-08 describing improvements and changes.
 - b. By motion, approve Engineer's Report.
 - c. Adopt Resolution No. 055-08 of intention of levy and collect assessments; set date for public hearing on July 2, 2008; and direct City Clerk to give and publish all required notices.

Mayor Schroder opened public comment on the Consent Calendar.

Regarding Item #4, Paul Wilson commented on the costs of natural gas. He also questioned the amount of the potential expenditures for consultants under Item #6. Mayor Schroder noted that the cost would be paid out of Franchise fees, per the Solid Waste agreement with Allied.

Regarding Item #4, Mike Alford asked why such a big deal was being made over woodburning fireplaces, agreeing with Mr. Wilson' concerns. He questioned what will happen in a terrorist situation or during a power outage. He noted that the oil companies are generating much more pollution than a woodburning stove. Vice Mayor Ross said it was intended to be an incentive program for conversion, noting that health effects from woodsmoke were long term and pernicious.

Dan Sicular, Environmental Science Associates, spoke briefly on the scope of their activities to address the City's compliance with State law, to increase recycling, and to decrease greenhouse gases.

Seeing no further speakers, Mayor Schroder closed public comment on the Consent Calendar. On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve the Consent Calendar Items 1-15. Motion unanimously passed 4 - 0.

PUBLIC HEARING(S)

CITY MANAGER

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

No comments were made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

17. City Council Comments.

Vice Mayor Mark Ross announced that the City will have fireworks on the fourth of July with the help of a \$5,000 grant from AT&T. Assistant City Manager Karen Majors confirmed the information and noted that the presentation would be made at the next meeting.

Councilmember Lara DeLaney reported on Senate Bill 1836 regarding Infrastructure Financing Districts. She indicated that this bill will make it easier to use this method of financing and requested that Council support for the bill be placed on the next agenda, to which the Mayor agreed. Councilmember DeLaney also stated that she attended a Bay Area Leadership Forum at UC Berkeley that was hosted by the Urban Land Institute last week regarding the City of Berkeley's program to assist homeowners fund solar panel installations in their home; she requested that staff review the information. Mayor Schroder agreed and requested a report back to the Council.

Councilmember Janet Kennedy expressed her congratulations to Steve Weir and John Hemm on their wedding and appreciated the fact that there was Police presence. She announced the King of the County Barbecue on Saturday and Sunday June 21 and 22, at the Marina with lots of music, activities, and great food. Councilmember Kennedy also announced that she will be attending the League of California Cities Committee on Housing and Economic Development on Friday, June 27th in Sacramento.

Councilmember DeLaney announced that she will be attending the League's Environmental Policy meeting on June 26th.

Mayor Rob Schroder was concerned with the willow trees planted in the Alhambra Creek by volunteers of Worth a Dam. It seems that the trees were planted in the streambed of the creek and may have to be replanted before they mature so they don't impede the creek's flow; he requested that staff look into the matter. Mayor Schroder requested that the meeting adjourn in memory of Louise Rice.

ADJOURNMENT

Adjourned at 8:15 p.m. in memory of Louise H. Rice, and then adjourn to a Regular Meeting on July 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 Clerk – 7/16/08