

CALL TO ORDER – ROLL CALL

Vice Mayor Mark Ross called the meeting to order at 5:50 p.m. with all members present except Council Menesini, who arrived shortly after roll call. Vice Mayor Ross announced that Mayor Schroder had recused himself from all discussions due to a potential conflict of interest until such time he is cleared by the Fair Political Practices Commission.

PRESENT: Lara DeLaney, Councilmember; Janet Kennedy, Councilmember; Michael Menesini, Councilmember; and Mark Ross, Vice Mayor.

EXCUSED: None.

ABSENT: None.

PUBLIC COMMENT (Only those item(s) listed on the Agenda)

Heidi Perryman commented on Worth a Dam useful services that they provide, and requested that the City use the group during the Alhambra Creek Bank Stabilization project.

Linda Meza reminded the Council that the press meets with her to get their information.

Kathi McLaughlin stated that she was denied the public access to the engineering reports and the contract and scope of work for Cal Engineering based on the fact that it related to litigation. Ms. McLaughlin noted that the Cal Engineering refers to a proposal that they submitted in March, but could not find the meeting at which this item was agendized. She requested to know when the first meeting was held and why did the Mayor have a conflict in September, but not earlier in May or July when this litigation was discussed. Ms. McLaughlin requested to know why the minutes of October 1st did not list the questions from that meeting to which Vice Mayor Ross responded, that the minutes listed are action minutes and a more detailed set of minutes will be approved at a later date. Ms. McLaughlin indicated that she had requested records, under the Public Records Act, and to date has not received the documents, and reminded Council that the City had 10 days to provide the documents or respond with a date when the documents will be made available.

Mike Alford stated that the responsibility of the Creek should be a joint effort between the property owners and the City.

Paul Wilson recalled that the bank stabilization originally was part of the Flood Assessment but was cut from the project. He recommended that some of the costs should be shared by the property owners.

Julian Frazer stated that he attended the preconstruction meeting and each person expressed their concern with the safety of the beavers. He expressed his confidence with contractor and Skip Lisle. Mr. Frazer further stated that the flaw in construction is the lack of supervision—so we

need to pay attention. He indicated that he was extremely disappointed when he heard that there was legal action filed to stop the project.

Council adjourned to Closed Session in the City Manager's Office at 6:10 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(b):
One potential case.

Vice Mayor Mark Ross reported that by unanimous decision the Council directed the City Attorney to defend the City in this case.

ADJOURNMENT

Adjourned at 7:15 p.m. to a Regular Meeting on October 15, 2008 at 7:00 p.m. at City Hall in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Mark Ross, Vice Mayor

Mercy G. Cabral, Deputy City Clerk – 11/5/08