

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present.

CLOSED SESSION (Adjourn to City Manager's Office)

CONFERENCE WITH LABOR NEGOTIATORS – Pursuant to California Government Code pursuant to Section 54957.6

Agency designated representatives: Joe Wiley, Wiley, Price and Radulovich,
June Catalano, City Manager
Lianne Marshall, Administrative Services Director
Richard Pearson, Community Development Director
Dave Cutaia, Chief of Police

Employee Organization: Public Employees Union, Local #1 and
Martinez Police Non-Sworn Employees Association

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

The meeting reconvened at 7:15 p.m. with all members present except Councilmember Wainwright who was excused but scheduled to return at 8:30 p.m. Mayor Schroder reported that a closed session was held and direction was given to the City's negotiators. Nothing else was reported.

PRESENTATION(S)/PROCLAMATION(S)

Presentation to Brandon Rutley – CCT Offensive Player of the Year for 2005.

Proclamation presented to Brandon Rutley, junior at Alhambra High School, in recognition of his being named Contra Costa Times Offensive Player of the Year for 2005.

Presentation by John Fuller, Park and Recreation Commissioner, on Chelsea Piers (Item postponed until later in the meeting, due to technical difficulties.)

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Reserved only for those requesting to speak on items not listed on the Agenda.

Rick Parker commented on his discussions with staff for a future restaurant at the Marina, expressing concern with the long delay and impacts on the project.

Urgency Item added:

On motion of L. DeLaney, seconded by J. Kennedy, the Council agreed to add an urgency item #8B, resolution authorizing the City to participate in the Natural Resources Conservation District Emergency Watershed Protection Program for storm damage relief by the following vote:
B. Wainwright, Absent; Rest, Ayes.

On motion of M. Ross, seconded by J. Kennedy, the Council agreed to add an urgency item #9B, motion directing the City Manager and the City Attorney to negotiate an agreement with AEG Cycling and the City Manager to execute same unless in their professional judgment there are clauses in the agreement that materially and adversely affect the interest of the City by the following vote: B. Wainwright, Absent; Rest, Ayes.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

Motion waiving.

Items #7 and 8 were pulled for comment or discussion.

Mayor Schroder opened public comment on Consent Items #1-6.

1. Motion approving City Council Minutes of December 7 and December 21, 2005.
[M.Cabral]
2. Motion rejecting claim(s) against the City by Muir Hill Homeowners Association, #05-44; Laurel Jackson and Christopher Rogers, #05-46.
[C.Heater/2.1.0]
3. Motion approving Check Reconciliation Registers dated 01/05/06 and 01/12/06.
[C.Heater/2.1.0]
4. Motion adopting Ordinance 1324 C.S. granting a new pipeline franchise to Shell California Pipeline Company, effective 30 days after adoption. [M.Chandler/31.06.00]
5. Resolution No. 003-06 authorizing application to MTC for \$540,000 of federal funds for repaving Alhambra Avenue from Highway 4 to John Muir Road in federal fiscal year 2007-08.
[R.Pearson/12.04.40]
6. A. Resolution No. 004-06 advancing the Fiscal Year 2006-07 Capital Improvement Program's Water Surplus Fund allocation of \$250,000 for the Annual Water Line Replacement Project to the 2005-06 Water Line Replacement Project, Account No. C7016;
B. Motion approving the plans and specifications and authorizing the advertisement for bids for the 2005-06 Water Line Replacement Project and the Hillside Reservoir Bypass Line.
[T.Tucker/15.05.05&15.07.01]

Regarding Item #4, Paul Wilson expressed the hope that the pipeline has been tested and

certified to be in good condition, free from leaks, and in proper working order.

Regarding Item #5, Mr. Wilson asked that the spoils from the paving project be disposed of in a proper manner, noting that they should be recycled.

Seeing no further speakers, Mayor Schroder closed public comment on Items #1-6.

Vice Mayor DeLaney corrected page 10 of the December 21st minutes, related to discussion of building heights in the Downtown Specific Plan.

On motion of J. Kennedy, seconded by L. DeLaney, the Council voted to approve Items #1-6 of the Consent Calendar, with corrections to the minutes of December 21st by the following vote: B. Wainwright, absent; Rest, Ayes.

8. A. Resolution No. 006-06 approving application for ~~Off~~ On-Sale Beer and Wine License 707 Marina Vista. [D.Cutaia/04.08.09]

Councilmember Kennedy asked the applicant approximately when the ABC license would be approved. Mr. Jeans said in about six weeks. Councilmember Kennedy asked how the operation of his business will change with the license. Mr. Jeans said the business will be closed temporarily until the legal issues are resolved.

In response to a question from Mayor Schroder, Mr. Jeans discussed proposed hours for the business. He also clarified that his application is for an on-sale license, not off-sale.

There was no further public comment on the item.

On motion of L. DeLaney, seconded by J. Kennedy, the Council voted to approve Resolution No. 006-06 approving application for On-sale Beer and Wine License at 707 Marina Vista, by the following vote: B. Wainwright, absent; Rest, Ayes. [D.Cutaia/04.08/09]

7. Resolution No. 005-06 authorizing the City Manager to execute a funding agreement with Contra Costa County for Community Development Block Grant (CDBG) funds for ADA Upgrades at the Kiwanis Youth Center. [T.Tucker/5.14.04&9.14.00]

Vice Mayor DeLaney noted that she and Councilmember Ross were members of the Kiwanis and could be perceived to have a conflict of interest and should recuse themselves.

Councilmember Ross pointed out that only two Councilmembers would be remaining and thus unable to take action on the item. Councilmember Kennedy mentioned that the Kiwanis do not own the building in question.

City Attorney Jeff Walter noted that Councilmember Wainwright was also a member of the Kiwanis, so his presence would not help. One of the three could be selected randomly to deliberate on the item, however.

Councilmember Ross volunteered to step down and left the Chambers.

There was no public comment on the item.

On motion of J. Kennedy, seconded by L. DeLaney, the Council voted to approve Item #7 of the Consent Calendar, by the following vote: B. Wainwright; Absent, M. Ross, Abstaining; Rest, Ayes.

Councilmember Ross returned to the meeting.

Urgency Item:

8. B. Resolution No. 007-06 authorizing the City to participate in the Natural Resources Conservation District Emergency Watershed Protection Program for storm damage relief.

City Engineer Tim Tucker gave the staff report, discussing the recently adopted resolution by the County to enable private property owners to receive funds for flood-related repairs to their property through bank stabilization from the Natural Resources Conservation District (NRCD) and the City as a sponsoring agency.

Mayor Schroder asked if dollar amounts had been discussed at the NRCD meetings. Mr. Tucker said it could be a significant amount of money. He mentioned likely projects, including the preschool at the end of Arch Street.

Councilmember Kennedy asked how the City funding would work, which Mr. Tucker explained. He also indicated that the County is in the process of developing forms that the City can use.

Vice Mayor DeLaney mentioned that the actual title is Natural Resources Conservation *Service*, not District, and she also corrected the spelling of the governor's name.

Mayor Schroder opened public comment on the item.

Paul Wilson expressed the hope that something will be done to improve the City's storm drains, to avoid further impacts on the creek.

Kathy Roof urged the Council to adopt the resolution, in hopes that her preschool will be eligible. At the request of Councilmember Ross, she gave details of the damage that occurred to the bridge accessing the school.

Mayor Schroder confirmed that the replacement footbridge is working adequately. Vice Mayor DeLaney asked about parking, and Ms. Roof said they are currently parking on the other side of the bridge and walking across to the school.

Roger Goodwin noted that past improvements to the storm drains in the downtown had worked very well. He commented on successful efforts by the Friends of Alhambra Creek at Strenzel Meadow and invited the Council to the dedication on February 4th. He suggested Igor Skaredoff as a resource for further creek improvements.

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

On motion of L. DeLaney, seconded by M. Ross, the Council voted to approve Resolution No. 007-06 authorizing the City to participate in the Natural Resources Conservation District Emergency Watershed protection Program for storm damage relief by the following vote:
B. Wainwright, Absent; Rest, Ayes. [T.Tucker]

Presentation by John Fuller, Park and Recreation Commissioner, on Chelsea Piers

John Fuller, representing the Park and Recreation Commission, shared the Commission's vision for development of a regional recreational facility at the Martinez Waterfront from the warehouses north of the railroad tracks to the water. Mr. Fuller used Chelsea Piers as an example of a recreational facility that was developed through a partnership between New York City and private developers. The recreational facility at Chelsea Piers generates over \$2 million in revenue for the City of New York each year.

Mayor Schroder asked what property Mr. Fuller was proposing to be used, specifically if it included any East Bay Regional Park lands. Mr. Fuller showed the suggested area on the map. He acknowledged that it includes 1 of 3 catch basins in the area and the amphitheatre site.

Mayor Schroder said it was an interesting idea, although it represents major change for the area. He asked the origin of the idea, and Mr. Fuller explained that it occurred to him while on a business trip to New York City.

Mayor Schroder asked if the Parks Commission has had any contact with the investors or management of Chelsea Piers. Mr. Fuller said no, they would not do so without Council direction.

Councilmember Ross said the Marina Subcommittee could consider the idea.

Vice Mayor DeLaney suggested follow-up with other agencies and potential investors.

Councilmember Kennedy expressed appreciation for the visionary concept, acknowledging the current lack of affordable recreational activities in the area.

The Council directed this item be brought before the Marina Subcommittee for further research.

PUBLIC HEARING(S)

9. A. Public hearing to consider a resolution designating residential permit parking in front of 2911 through 2937 Alhambra Avenue and direct staff to remove twenty feet of red curb creating one additional on-street parking space.

City Engineer Tim Tucker presented the staff report, discussing the County hospital's plans to increase onsite employee parking, staff surveys of the current parking situation in the neighborhood, and their conclusion that there is adequate parking to accommodate hospital employee parking even if residential permit parking is approved for the area.

(Councilmember Wainwright entered at 8:30 p.m. and was seated.)

Mayor Schroder confirmed with staff that the hospital will have an additional 171 spaces as a result of proposed improvements. Mr. Tucker said yes, once they are completed. He also confirmed there are adequate spaces to accommodate hospital needs as well as the residential ones, without impacting additional neighborhoods further down the street.

Councilmember Kennedy expressed appreciation for the map of current permit parking areas in the City. She asked for clarification on an additional application for permit parking on Soto Street, which Mr. Tucker explained would be considered separately at a future meeting.

Mayor Schroder opened the public hearing.

Paul Wilson said it is time to take action with the people who are causing the problem and ask the County to build a proper parking structure for the hospital.

David Piersall commented on recent trends toward multiple car ownership by families, and he expressed concern about the precedent that might be set implying that parking in front of one's residence is a property right. He suggested a time limitation be placed on the permit parking, to be re-evaluated after the County has solved its problems with the hospital parking.

Mike Alford discussed other areas where County employee parking impacts the residents. He agreed a long-term solution was needed.

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

Councilmember Ross expressed support for permit parking in the area.

Vice Mayor DeLaney reiterated the County's plans to have 171 additional on-site spaces once their improvements are completed, which will go a long way towards solving the problems. She indicated it was appropriate to do something now for the residents in the area, while the improvements are being done.

Councilmember Wainwright agreed with Councilmember Ross that the residential permit parking program is a needed band aid to deal with the problem now, but the City should expect a long-term solution from the County within a reasonable timeframe. He suggested the Council address the full gamut of parking problems with the County throughout the City, perhaps through a referral to the Council Liaison Committee.

Mayor Schroder indicated he was also in favor of the application. He noted that the Council had recently passed a resolution asking for the County to work with the City to find a long-term parking solution. He agreed that it would be appropriate for the Liaison Committee to follow up with the County on a long-term parking solution.

On motion of L. DeLaney, seconded by B. Wainwright, the Council approved Resolution 008-06 designating residential permit parking in front of 2911 through 2937 Alhambra Avenue and directing staff to remove twenty feet of red curb creating one additional on-street parking space.

[T.Tucker/08.03.00]

Urgency Item:

9. B. Motion directing the City Manager and the City Attorney to negotiate an agreement with AEG cycling and the City Manager to execute same unless in their professional judgment there are clauses in the agreement that materially and adversely affects the interest of the City.

City Attorney Jeff Walter gave background information on the process thus far and the request from Amgen for contract and insurance requirements from participating cities. He also discussed concerns and proposed revisions to the contracts.

Councilmember Wainwright asked about risks to attendees at the event, since participants will be required to sign a “hold harmless” agreement. Mr. Walter said the City would be responsible for injuries as a result of dangerous conditions on public property, as it is for any event sponsored by the City.

Police Chief Cutaia noted that many events sponsored by other groups are required to provide insurance separate from the City. Mr. Walter also noted that the race sponsors have agreed to separate out issues related to the choice of route, but not for street conditions.

Mr. Walter expressed concern as well about the fact that AEG can cancel the race or Martinez’ participation in it at any time, but Martinez does not have a reciprocal right.

Mayor Schroder asked if cancellation due to weather conditions would be considered default on the part of the City. Mr. Walter confirmed there is no clause exempting “acts of God.”

Councilmember Ross said the purpose of the item on tonight’s agenda is to authorize the City Attorney and City Manager to pursue negotiations on behalf of the City, as long as no major unforeseen concern is raised. He said he would like to have the \$10,000 liability limit reciprocal.

Councilmember Wainwright said he thought the City should try to achieve the same language as Sausalito had requested, perhaps with a clause similar to the “most favored nation.” Mr. Walter discussed efforts to standardize the process among the cities, although he acknowledged there were different issues for each one.

Mayor Schroder agreed with Councilmember Ross’ suggestion, although he said he was willing to take some risks in view of the benefits the City will receive from participating in the event. He suggested passing the authority to the City Manager and City Attorney to finalize the document.

Councilmember Kennedy asked if the City Attorney would be able to review the cyclist contract. Mr. Walter said yes.

Councilmember Wainwright asked to have a “most favored city” clause included in the City’s contract. Vice Mayor DeLaney suggested a provision for protection from liability as a result of acts of God.

City Manager June Catalano asked for clarification on whether she and Mr. Walter could sign the contract without a favored nation clause if it seems prudent to do so.

Vice Mayor DeLaney asked if the Joint Powers Authority would be able to review the contract. Mr. Walter said yes, they already had and they have approved it.

Councilmember Ross stated that it was settled, since the insuring agency had approved it. The risk to the City will be minimal and he would like the City to have a positive reputation with AEG. He thanked Mr. Walter for his diligence in the matter.

Mayor Schroder opened public comment on the item.

Michael Alford suggested some disclosure to the riders and visitors of the risks that may result from damaged streets in the City, similar to that given by owners of unreinforced masonry buildings. In response to a further question from Mr. Alford, Councilmember Ross reviewed the proposed route through the City.

Paul Wilson asked about cost projections from the additional police and other staff workers as a result of the race. He asked if the City's involvement was only for this year, or if it would repeat. Economic Development Director Susan McCue said she had discussed the possibilities with the Tour directors, making it clear that Martinez would like to be a perennial participant. At the least, she noted that the activities on the Saturday preceding the race, "Martinez Celebrates Cycling", could become an annual event.

Ms. McCue also noted that the cost to the City would be about \$30,000, but Shell and John Muir Health have been generous sponsors already and should help defray the City's costs.

Seeing no further speakers, Mayor Schroder closed public comment.

Councilmember Ross acknowledged that the race planners will try to vary the cities involved, but expressed hope that Martinez would be fondly remembered as a cooperative asset to the race.

Councilmember Kennedy expressed her support for the City's participation, especially in view of the resultant publicity.

On motion of M. Ross, seconded by L. DeLaney, to direct the City Manager and the City Attorney to negotiate an agreement with AEG cycling, and the City Manager to execute same unless in their professional judgment there are clauses in the agreement that materially and adversely affect the interest of the City, with inclusion of the Sausalito agreement, the most favorite city clause, the Act of God clause, if possible, and reciprocal liability limit of \$10,000.

[J.Catalano/17.06.22]

CITY COUNCIL

Item #14 taken out of order.

14. Approve appointments to the Planning Commission.

Mayor Schroder nominated and the Council approved appointment of Lynette Tanner-Busby as Planning Commissioner by the following vote: L. DeLaney, Abstaining; Rest, Ayes.

Mayor Schroder nominated and the Council approved appointment of Donna Allen as Alternate Commissioner.

The Council discussed provisions for the role of Alternate Commissioner in terms of attendance, participation and voting. Councilmember Ross confirmed with Mr. Walter that allowing participation of the alternate even when a quorum of the Commission is present would not violate the Brown Act.

There was no public comment.

On motion of M. Ross, seconded by L. DeLaney, the Council approved an interim policy allowing the Alternate Commissioner to be able to attend all meetings, participate in discussions, and able to vote as long as there are less than 7 Commissioners present (even if there is a quorum present). [M.Cabral/15.00.04/16.06.01]

Item #15 taken out of order.

15. Consider and approve recommendations from the district Attorney's Building Ad Hoc Committee. (Vice Mayor DeLaney & Councilmember Wainwright; Continued from 12/21/05)

Councilmember Wainwright summarized the activities of the Subcommittee since their appointment and confirmation by the Council, including gaining the support of the City's Design Review Committee; meetings with the District Attorney, his staff, the building project staff and the architect and his staff; and obtaining the Council's agreement to a resolution requesting that the County work with the City on the above points as well as on formal, early stage coordination of such projects.

He indicated that the Subcommittee also had presented the City Council's resolution to the full Board of Supervisors; analyzed the Initial Study and Mitigated Negative Declaration prepared by the County Community Development Department and provided comments; had met with each of the County Supervisors individually; attended the December 8th Supervisors Capital Facilities Subcommittee meeting; and had prepared a report with recommendations to the Council for the December 21st agenda, which was withdrawn at the last minute in hopes of reaching a mutually satisfactory agreement with the District Attorney out of the public spotlight. After those efforts were unsuccessful the Subcommittee requested to bring the matter before the Council again at this meeting with the recommendations contained within the written report.

He further expressed that the Subcommittee is in favor of the District Attorney's plans to build an office building on the designated site, but discussed concerns echoing the State Office of Historic Preservation's severe criticism of the Initial Study and Draft Mitigated Negative Declaration for its treatment of the downtown Martinez historic district resources, and the Subcommittee's conclusion that the document has serious shortcomings. He commented on the need for a formal understanding between the Martinez City Council and the Board of Supervisors to communicate

with each other from the early stages of any project within the sphere of influence of the City of Martinez. He also noted that the Subcommittee has concluded that there is no question now nor has there been any question in the past of moving the County out of downtown Martinez due to any decision or potential decision by the Martinez City Council. He indicated as well that the Subcommittee had been unable to reach agreement with the District Attorney about the possibility of postponing the project until the County was in better fiscal shape, to do it properly.

Councilmember Wainwright also mentioned that the Subcommittee had discussed in private whether the City might consider a contribution to achieve a better design and parking treatment for the project.

Vice Mayor DeLaney added that the Subcommittee had received several emails, several correspondences, and there have been letters to the editor as well, in support of the Subcommittee's efforts. She reiterated Councilmember Wainwright's statement that the Subcommittee supports the construction of a new District Attorney's building, but wants one that can proudly fit into the tradition in the downtown. She expressed appreciation for all the support received and introduced Eileen Tumlin, a member of the Design Review Committee.

Ms. Tumlin gave a PowerPoint presentation illustrating some of the issues with the building and showing some of the changes that the architect has proposed.

Councilmember Wainwright reviewed the recommendation of the Subcommittee, that the City Council endorse the comments that were submitted by the Subcommittee on the Mitigated Negative Declaration of the County, to give further credence to the comments for consideration by the Capital Facilities Subcommittee of the Board of Supervisors. He indicated secondarily that the Subcommittee was recommending that the Council consider ways in which the City of Martinez might assist the County in helping with covering the extra cost that may be involved.

Vice Mayor DeLaney added that the Subcommittee is also requesting one further design change with respect to the skin of the building, as the corrugated metal proposed is inappropriate for the look of the downtown. She asked for the Council's endorsement of the Subcommittee's request.

Mayor Schroder asked if Building Director Dave Scola could give a brief report on exterior insulation and finish systems (EIFS), which is being proposed for the building. Mr. Scola explained that it has a stucco appearance, is very energy-efficient and it has the ability to have architectural appendages added to it. He also discussed problems that can result if it is not installed properly.

Councilmember Ross commented on past difficulties with funding and materials on the train station and how the problems were solved, resulting in a beautiful brick building. He indicated that the District Attorney's building should have the same importance, with efforts made to seek a compromise. He also expressed appreciation for the concept of the City sharing the cost of an improved exterior and suggested travertine as an alternative material. He mentioned ways the City could share the costs with the County – through the pass-through with a redevelopment agency, property tax sharing agreements, sales tax agreements on the Morello Avenue and Arnold area that the City annexed from the County, flood control projects, sanitation projects, or even a bond measure.

Vice Mayor DeLaney agreed, noting that the recent bond measure came very close to passing, with 63% of the vote approving. She suggested another bond with a different mix of projects including a parking structure for the downtown and a community center.

Councilmember Ross suggested that the Council propose to the County an MOU listing the possible ways that the City can contribute to financing.

Mayor Schroder opened public comment on the item.

James Ramirez said the building was inappropriate for the area because it is overwhelming, and the corrugated metal exterior is inappropriate. He agreed brick would be better. He was also concerned about impacts on parking for the American Legion facility.

Carl Edwards, carpenter, said the corrugated metal building would be more appropriate out with the refineries. The material is hard to work with and if not sealed properly will have a problem with birds. He was happy to see some work for the carpenters, noting that the unions could provide training if desired. He echoed Mr. Ramirez' concerns about parking impacts for the American Legion and Veteran's buildings.

Jeff Roubal agreed that the aluminum siding would not be appropriate for the location and that there would be parking impacts. He expressed opposition to the building as it's designed right now.

David Piersall commented on the eclectic designs of buildings already in the downtown. He disagreed with the contention that the proposed design of the new building is inappropriate, especially since the District Attorney has already made changes to the design in response to input from the community and the Subcommittee. The changes have given the building an eclectic design, which makes it even more appropriate for the downtown. He encouraged the Council to accept the revisions and thank the subcommittee for its work, and the District Attorney for his flexibility.

Paul Krintz, Martinez Historical Society, agreed the proposed siding is grossly inappropriate for the downtown. He asked that the Council work to defend the historic integrity of the downtown, particularly if they hope to be trusted with a redevelopment agency.

Christine Gregory thanked the Council for their efforts thus far. She questioned whether the "Bauhaus" style was suitable for the building. She also noted that the CEQA process was the right time to make changes in the design.

Roy Jeans encouraged the Council to find a better alternative than the proposed aluminum. He spoke of possible future impacts on political careers if the building is approved as proposed. He encouraged the County and the City to work together to find a solution that will meet the needs of everyone.

Roger Goodwin agreed that working with the County to resolve the issues was best. He also said he believed no one wants an unattractive building, but acknowledged that the County has certain needs in terms of size, etc. He commented on Councilmember Wainwright's statements

reminding the County of delays that occurred during the construction of the County jail as a result of community opposition and that the same thing could happen again, questioning whether they were intended as a threat to the County.

Mr. Goodwin also agreed with Mr. Piersall's comments about the eclectic variety of building styles currently in the downtown, noting as well that the definition of historic is not always consistent. He concluded by commenting that costs will continue to rise while the project is delayed.

Councilmember Wainwright responded that his statements were not intended as a threat, only a reminder that previous community objection had resulted in a better building. He also commented on previous statements by Mayor Schroder that the County has threatened or said it would move out of town if it didn't get its way on things like this, although virtually all of the County Supervisors said that no action by the City or potential action by the City would result in the County moving out of downtown Martinez. He repeated that the Subcommittee is not opposed to a new building for the District Attorney's office, only that the building should be designed to fit in more appropriately with the historic character of the downtown. He noted that the Subcommittee is not asking that the District Attorney build an historic building, but one that fits with the historic character of the downtown.

District Attorney Kochly commented that the proposed building is on the verge of approval by the County in spite of current fiscal restraints because of the great need by the staff for an appropriate work space in which to serve the residents of the County, and because the project has a fixed budget that will enable the County to pay for it without expending any new General Fund dollars. He also commented on the substantial changes that have already been made and agreed to, in spite of additional costs (that have been absorbed in his budget). He indicated that further changes to the design would require difficult choices, either to abandon the project altogether or to divert resources from the core mission of his office. He indicated, however, that if the Council is willing to consider some financial participation with the County to make the requested changes and avoid adopting objections to CEQA, he would postpone his building project from next week's Board of Supervisors agenda for the time being so that the possibility of participation from the City and the economics of further design changes could be pursued.

Paul Wilson commented on the Master Plan and Downtown Specific Plan, with identified requirements for development that apparently have no effect. He expressed concern about parking impacts, saying that the County should provide adequate parking rather than pushing it further into residential areas.

Mike Alford acknowledged the District Attorney's office is important, and the proposed location is ideal. He suggested a design similar to that of the Public Defender's building. He agreed that the corrugated design is wrong for the downtown.

Seeing no further speakers, Mayor Schroder closed public discussion.

Councilmember Wainwright said he initially resented the proposal that the City participate financially to make the design changes, since the County usually does not consider the City when making its plans. He urged that a formal agreement with the County be drafted to ensure that it

won't happen again. He also indicated that the comments the Subcommittee made on the Initial Study are now a part of the public record and the Council should endorse them. He noted that the Subcommittee was not proposing legal action on the EIR, but that would not prevent others from considering it. He urged greater consideration of the parking impacts, noting that the City should not suffer the consequences of this situation because the County can't commit resources for adequate parking for a new building downtown or for a better looking building.

Councilmember Wainwright also acknowledged that some flexibility on the part of the City might help resolve the issue, to find ways to assist the County to do what's right for everyone.

Vice Mayor DeLaney said she did not think the Council had to endorse the comments of the Subcommittee on the Initial Study, as the comments are now on record. She stressed that the goal was a better design for the building and some resolution of parking impacts. She indicated that if those goals could be reached through further discussion with the County and some contribution from the City, then the Subcommittee will have been successful.

Councilmember Ross said the first and most important contribution the City can make would be to find some way to assist the County financially in the redesign or parking provisions. He also noted that the building is going to be historic, whether it's built or not, if it opens up dialogue between the County and the City.

Councilmember Kennedy noted that waiving fees for the building would not be possible, since the County does not have to pay City fees. Councilmember Ross acknowledged that to be true, but noted that the precedent has been set that the City is willing to go the extra mile to reach compromise.

Councilmember Kennedy noted that design is a subjective issue, and she found the proposed design interesting, dynamic and appropriate for the existing eclectic downtown. She acknowledged that the County should have come to the City earlier in the process, even though it was common knowledge that the building was coming. She also said she did not support the recommendations of the Subcommittee, since the Council had no opportunity for input on the comments. She noted that the letter submitted by City staff addressed the concerns of the skin of the building and the parking, and should stand as the City's comments.

Councilmember Kennedy also indicated that the City is a long way away from a bond issue or redevelopment, and was concerned that the cost of construction will go up if the City waits for those things. She asked if the City Manager could have staff research possible procedures for public agencies to notify the City early on and allow opportunity for the Council, the public and Design Review to have input.

Mayor Schroder thanked the Subcommittee for their hard work. He also thanked the District Attorney for his cooperation so far, and his most recent offer. He disputed whether there was a real threat that the County would move their offices, noting that Gayle Uilkema and Mark DeSaulnier could confirm that there was some consideration given to the possibility. He noted as well that at one time the County Clerk was looking seriously at a building in the City of

Pleasant Hill. He acknowledged, however, that it doesn't mean that the City has to agree to everything that the County wants us to do, but a good working relationship is necessary. He indicated he could not endorse the comments of the Subcommittee at this time, but instead suggested continuing to seek compromise with the County in a cooperative manner.

Councilmember Ross made a motion that the City continue negotiations with the County on a possible solution to the cladding of the building, and seek potential revenue sources and a potential MOU as to what they may be, to seek resolution to the issues between the County and the City.

Councilmember Wainwright suggested an amendment to the motion, including the issue of parking for this new building, as part of what needs to be worked out.

Councilmember Ross agreed that parking is an important component, but expressed reluctance at linking the two issues at this time. Councilmember Wainwright disagreed, noting that parking was one of the major issues in the Council's initial resolution, in addition to design and a more timely consultation with the City.

Councilmember Ross suggested two separate motions.

On motion of M. Ross, seconded by L. DeLaney, the Council unanimously approved that the Subcommittee continue negotiations with the County on a possible solution to the cladding of the building, and seek potential revenue sources, and potential MOU as to what they may be, a list of those, and that we seek a resolution to this between the County and the City.

On motion of B. Wainwright, seconded by L. DeLaney, the Council unanimously approved engaging the County in discussions in relation to the DA building for accommodating the parking needs of the people that will be housed in the building and those needs created by the fact that there will be some parking spaces eliminated by the construction of this building, and that we do this simultaneous with our efforts to discuss with the County and reach an agreement on a new treatment for the exterior siding for the building, with discussions involving possible contributions from the City of Martinez to the financing of that redesign.

Mayor Schroder reminded everyone that the Board of Supervisors would have the final say on the building.

ORDINANCE(S)

Mayor Schroder asked for Council consensus to continue, since it was after 10:30 p.m. The Council agreed.

CITY MANAGER

Item #11 taken out of order.

11. Resolution allocating \$100,000 from Skate Park Grant funds (per Capita/Roberti Z'Berg) to make needed repairs to the Rankin Park Municipal Swimming Pool.

Community Development Director Richard Pearson stated that this was the first step in meeting the City's stated goal to improve the pool. Further analysis regarding funding and details of the repairs will be given at a later meeting.

There was no public comment on the item.

On motion of B. Wainwright, seconded by L. DeLaney, the Council approved Resolution No. 009-06 allocating \$100,000 from Skate Park Grant funds (per Capita/Roberti Z'Berg) to make needed repairs to the Rankin Park Municipal Swimming Pool. [J.Tool/11.04.02]

Item #12 taken out of order.

12. A. Resolution authorizing the Mayor to execute an agreement with Central Contra Costa Sanitary District for a joint construction project to replace the Hidden Lakes Open Space Bridges.
- B. Motion approving the plans and specifications and authorizing the advertisement for construction bids.

Community Development Director Richard Pearson gave a brief report on the necessity for the resolution.

Vice Mayor DeLaney commended staff for getting grant funds to assist with the project.

There was no public comment on the item.

On motion of L. DeLaney, seconded by J. Kennedy, the Council approved Resolution No. 010-06 authorizing the Mayor to execute an agreement with Central Contra Costa Sanitary District for a joint construction project to replace the Hidden Lakes Open Space Bridges.

On motion of J. Kennedy, seconded by B. Wainwright, the Council approved the plans and specifications and authorized the advertisement for construction bids. [T.Tucker/12.03.08&30.05.02]

10. Marina Agreement Progress Report (standing).

Community Development Director Richard Pearson reported that staff continues to develop the Marina long-term sublease with PMD/Almar, noting that a meeting was held last week with Tom Hogan and an engineering firm to begin the entitlement phase of the lease.

Councilmember Wainwright noted that including Mr. Parker's restaurant could create conflict with marina negotiations at this time. He questioned whether the Council should tie their hands for the two years of the entitlement process, to such an extent that attractive development proposals could not be considered.

Councilmember Ross said the Marina Subcommittee could meet quickly and evaluate the possibility of a floating restaurant.

Mayor Schroder agreed the restaurant seemed like a good idea, but he cautioned against the possibility of a conflict in the marina lease negotiations. He acknowledged Mr. Parker's time constraints. He asked Ms. Catalano to arrange a meeting with the subcommittee as soon as possible.

Mayor Schroder opened public comment on the item.

Paul Wilson asked about removal of the ferry pier, since funds were approved some time ago. Mayor Schroder said a water coverage grant has been received from BCDC, but there is no funding yet for the necessary fees and permits. Mr. Pearson indicated that Mr. Wilson may be referring to the \$25,000 contract for permits and preliminary restaurant location designs.

Mike Alford said Mr. Parker's suggestion is the best idea he's heard and it could be the beginning of much-needed improvements.

Robert Barker, Marina Commissioner, invited all those interested to attend the next Marina Commission meeting on the 25th.

Councilmember Ross asked for more information on the coverage permit and confirmed it has been received from BCDC, allowing for the removal and replacement of the pier, once funding is found.

Councilmember Wainwright expressed concern about the time constraints faced by Mr. Parker, and the effect of further delays. Mayor Schroder indicated that the subcommittee will meet with Mr. Parker as soon as possible and bring a report back to the Council at the next meeting.

Staff will also meet with Rick Parker, Almar and PMD to discuss the proposal of bringing a paddle wheeler into the Marina to be used as a floating restaurant.

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

City Manager June Catalano announced that the City has received a plaque for the Distinguished Budget Presentation Award from the Government Finance Officer's Association. She thanked the Budget Subcommittee, Lianne Marshall, Michael Chandler, Cathy Heater, Kristine Sosa, Finance Department staff and department heads. She noted that the award is a symbol of the commitment made to achieving the highest standards.

The Council congratulated staff on the achievement.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

16. City Council Comments.

Vice Mayor DeLaney requested an update from the Shell Ad Hoc Committee on the results of the clean up, etc., and negotiations on 630 Court Street, for the next agenda.

Councilmember Ross requested an update on the beer and wine license issued to the shop that never opened, and whether it is possible to rescind the license. Chief Cutaia said no ABC license has been issued yet, but he will research and report back. Councilmember Ross also requested that the Council be brought up to date on AB 1234 regarding expense reporting requirements.

Councilmember Wainwright requested that there be an update regarding the status of the Tour of California at each meeting.

Mayor Schroder expressed his thanks and gratitude to the Police and Public Works and the citizens for their response to the flood, and indicated he would like to recognize the employees for their hard work at a future meeting. He invited the public to attend Martinez First Night on January 28th.

ADJOURNMENT

Adjourned at 11:25 p.m. to a Regular City Council Meeting on February 1, 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 – 2/15/06