

Councilmember Wainwright updated the Council and public on the District Attorney's building, noting that he has received a report from the District Attorney that the corrugated metal elements proposed have been replaced with stucco or wood. The Committee is still discussing parking issues with the County Administration.

Councilmember Kennedy requested an update on the Flood Committee. She noted that there was an article in Western City Magazine regarding the award-winning Intermodal Station, and she congratulated Richard Pearson.

Vice Mayor DeLaney requested an update on 630 Court Street building for the next agenda and announced that the Annexation Ad Hoc Committee will be meeting on Friday, February 17, at noon. She looked forward to seeing everyone at the Amgen Tour of California.

#### ADJOURNMENT

Adjourned at 10:40 p.m. to a Regular City Council Meeting on March 1, 2006, at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Lara DeLaney, Vice Mayor

Mercy G. Cabral, Deputy City Clerk – 3/15/06

Elizabeth Herndon suggested waiting until the November ballot, since State law may be changing in the near future, especially considering the costs of placing the item on the June ballot.

Paul Wilson noted that San Ramon had restrictions on eminent domain, but is now in the process of re-enacting eminent domain. He commented on the long-term authority that a redevelopment agency would have and the financial burden it would place on the City. He questioned how many other areas of the City will be eventually labeled “blighted.” Mr. Wilson suggested the Council pursue enforcement of the URM ordinance instead, indicating that the only way to avoid the risks of eminent domain would be to reject redevelopment altogether.

David Piersall said he thought the majority of Martinez voters would now support redevelopment; the only question is whether the Council should certify the existing ordinance or (preferably) rescind it and draft a new one. He urged the Council to take some action to end the decades-old fight over redevelopment.

Seeing no further speakers, Vice Mayor DeLaney closed public comment.

Councilmember Wainwright asked the City Attorney if rescinding the existing ordinance and replacing it with one that has restrictions on eminent domain would realistically prevent the use of eminent domain. Mr. Walter explained that if the ordinance that establishes the redevelopment agency restricts the use of eminent domain, any future decision to reinstate it (or otherwise change the ordinance) would also be subject to a referendum of the people. He indicated that as long as the enabling ordinance precludes the use of eminent domain, it cannot be exercised.

Councilmember Ross thanked Councilmember Wainwright for asking that question. He also thanked Mr. Jeans and the other citizens who had participated in the meetings and apologized to those who missed the later meetings. He expressed support for the compromise proposed, especially for the restrictions on eminent domain. He indicated he was a strong supporter of property rights. He urged the Council to consider the compromise ordinance and take the time to study the possibilities fully.

Councilmember Kennedy echoed Councilmember Ross’ comments, expressing willingness to participate in an open dialogue on the issue. She asked whether the Redevelopment Subcommittee would be re-established to study and make recommendations.

Councilmember Ross said the first question is whether or not staff time could be used to draft a new ordinance while the old one is still on the books. Mr. Walters said the City Council could direct staff to place on a future agenda a new ordinance rescinding the enabling ordinance, and to study the issue further. He indicated it was unlikely that the costs could be recouped from the redevelopment agency, however. Councilmember Ross said he thought the Redevelopment Subcommittee was the appropriate forum to review the research.

Councilmember Wainwright asked for further clarification on the effect of the referendum; specifically whether any staff time or resources could be used on redevelopment until the existing ordinance is rescinded.

He indicated that after several meetings, the majority had agreed they were willing to support redevelopment with some conditions:

- a. Provision restricting the use of eminent domain for residential properties.
- b. Addition of two members of the public to the Redevelopment Board.
- c. Unyielding dedication to preserving the historic small-town character.
- d. All new structures and capital improvements must be of the highest quality.
- e. New residential development must be aimed towards residents who will foster economic revitalization of the downtown area.

He urged the Council to work towards unity and cooperation in the best interests of the City. He suggested placing the ordinance on the November ballot since Council elections will be on that ballot.

Councilmember Ross confirmed that Mr. Jeans had been meeting with people from both sides – some in favor of redevelopment and others originally opposed. Mr. Jeans noted that he himself was opposed to it originally, but he realized everyone agrees something needs to be done (although there is disagreement on how to proceed).

Councilmember Ross clarified that the Council has the option to rescind the earlier ordinance and place a revised one on the November ballot. He noted that 51% of the voters had approved formation of a redevelopment agency, and the revised ordinance is a fair compromise for both sides.

Councilmember Kennedy expressed disappointment at not being included in the community meetings. She agreed that removing eminent domain for residential properties was reasonable, as well as adding public members to the redevelopment board. She questioned how residential development could be aimed at residents who will foster economic development, and commented on the difficulties in defining historic character. She also noted that even a revised ordinance would be subject to public referendum as the original one was, which would delay the process further.

Councilmember Wainwright noted that the only item the Council could act on at this meeting is whether or not to place City Ordinance 1311 on the ballot in June. He expressed appreciation for Mr. Jeans' efforts in seeking unity in the community. He commented, however, that redevelopment is not the only solution to the City's problems.

Councilmember Wainwright discussed funding difficulties that have resulted for some cities because of money being diverted to redevelopment. He questioned the wisdom of creating a redevelopment agency when the City could not even manage the marina properly. He concluded by saying that Martinez does not need redevelopment and should stop fighting about it, but pull together to solve its problems.

Councilmember Ross commented on Councilmember Wainwright's lack of support or cooperation with solutions proposed by others, as well as his failure to propose viable alternatives. He agreed that the agenda item tonight is to consider placing Ordinance 1311 on the June ballot, but the alternative of rescinding and replacing it was also mentioned in the staff report.

Councilmember Wainwright also asked Almar's opinion of the floating restaurant idea. Mr. Pearson said they are interested, but the financial implications have to be considered.

#### 7. Housing Element Implementation Update.

Community Development Director Richard Pearson reviewed the Housing Element process to date. He indicated that the City is under certain deadlines by the State, including rezoning under-utilized industrial, office or commercial sites to multi-family residential to allow for lower cost housing. Property owners will be notified of the proposed changes, and then the rezoning will be brought to the Planning Commission to make recommendation to the City Council.

Councilmember Kennedy asked about meetings with the development community and nonprofits. Mr. Pearson said the first priority is the rezoning. He noted that many of the City programs depend on the County for funding.

Councilmember Kennedy asked about the possibility of touring infill housing in other cities. Mr. Pearson said the County Housing Department will be giving the City a list of projects, and staff is still working on scheduling a tour.

Councilmember Wainwright asked how and who determined where in the City the rezoning to multifamily use would be done. Mr. Pearson said the sites are listed in the Housing Element, and they were primarily along Highway 4, with some along Pacheco Boulevard and Howe Road.

Vice Mayor DeLaney opened public comment.

Paul Wilson questioned why the Housing Element places a greater burden on the area north of Highway 4. Councilmember Kennedy noted that some sites are south of Highway 4, but the open space needs to be preserved. Mr. Pearson discussed the State requirement to re-designate commercial, office or industrial properties as residential, noting there are few such sites south of Highway 4.

Mike Alford mentioned several sites south of Highway 4 that could be used for housing, rather than taking existing historic areas. Councilmember Kennedy clarified that the State asked the City to consider under-utilized commercial/industrial sites for residential use. Mr. Pearson discussed various properties that meet the State criteria.

Julian Frazer commented on State mandates and asked if a more regional approach could be taken to housing needs, in that some cities have gone beyond their requirements, so Martinez should be able to do less. He asked the Council to take a stand against the mandate as unreasonable for the City, noting that eventually there will be a negative effect on housing prices if too many are built.

#### 8. "Amgen Tour of California" Update.

Economic Development Director Susan McCue updated the Council on Saturday's event "Martinez Celebrates Cycling" from 8:00 a.m. to 5:00 p.m. downtown, as well as the "Stage Two Start" at 11:00 a.m. on Tuesday February 21<sup>st</sup>. Ms. McCue reviewed the parking availability for

Vice Mayor DeLaney asked when more information would be available on the City's current diversion rate, since the last statistics listed were for 2003. Mr. Carr said the 2004 report would be submitted to the State on March 1st.

Mr. Carr said the current diversion rate is 33%, because of the City's location next to the transfer station, unincorporated areas and bridge construction, with that waste being counted towards the City's total. He was confident that the eventual diversion rate would be higher.

Councilmember Ross asked whether the county and state were exempt from the ordinance. Mr. Scola said he thought government agencies were included. City Manager June Catalano asked the City Attorney whether the City could collect fees from other government agencies. Mr. Walter said it was unlikely.

Vice Mayor DeLaney opened public comment on the item.

Paul Wilson said as a contractor, he would be passing the costs on to his customers, many of them residents of the City.

Mike Alford asked why government agencies were exempt if they are using City facilities. Mr. Scola said they do not have to apply to the City for a permit, and that is the point in the process when the fee is charged. He noted, however, that they would be subject to their own ordinances for recycling.

Mr. Walter further explained that County and State agencies are exempt from City regulations, by State law. Mr. Alford expressed confusion as to why the City caters to the County. Mr. Walter expressed again that it is a matter of State law.

Rich Verrilli expressed concern about the difficulties of the new regulations. He suggested a higher threshold than \$50,000 and collecting the fees at the end of the project rather than the beginning.

Seeing no further speakers, Vice Mayor DeLaney closed public comment.

Councilmember Wainwright asked Mr. Scola if it would be possible to have the fee paid toward the end of the process rather than at the beginning. Mr. Scola said it could be done, but it might make it more difficult to get projects finalized because many times the final inspection is never called for, and the City has to use code enforcement measures to reach final inspection.

Councilmember Wainwright asked how a homeowner could demonstrate compliance on a home project. Mr. Scola said receipts could be used to show that the homeowner complied with a waste management plan.

Councilmember Ross said he would like the threshold amount raised to \$75,000, and some consideration of the efficacy of returning interest on deposits held.

*Presentation on County Homeless Program.*

Item continued.

**PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

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

Claude Nave asked whether the Texaco spill settlement money had been received by the City yet, and what it was or will be used for. He also asked about the status of the boat restaurant permit application and the Unreinforced Masonry Ordinance.

City Manager June Catalano indicated that the Texaco settlement funds had been received, with \$500,000 used to reimburse the City's legal fund, \$250,000 to pay the attorney, and \$750,000 would be used for capital improvement programs. Community Development Director Richard Pearson commented that the applicant for the floating restaurant had been given a list of information needed in determining whether or not it would be a viable business. Building Director Dave Scola indicated the URM ordinance is expected to be before the Council sometime in March.

**CONSENT CALENDAR**

**MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.**

Motion waiving.

Councilmember Ross asked the City Attorney how Item 4 should be handled, since 3 of the 4 Councilmembers present were also Kiwanis members. Mr. Walter said it should be separated from the other Consent Items, and the 3 Kiwanis members should draw straws to see who would abstain. Councilmember Ross volunteered to abstain.

There was no public comments on items 1-3.

1. Motion approving City Council Minutes of January 18, 2006. [M.Cabral]
2. Motion rejecting claim(s) against the City by Dionysios Tsirkas, #06-02. [J.Catalano]
3. Motion approving Check Reconciliation Registers dated 01/31/06, 02/02/06 and 02/09/06. [C.Heater/2.1.0]

On motion of J. Kennedy, seconded by B. Wainwright, the Council approved Items 1-3 of the Consent Calendar by the following vote: R. Schroder, Absent; Rest, Ayes. Councilmember Ross left the dais. There was no public comment on Item 4.

4. Resolution accepting bids for the Kiwanis Youth Center Improvements and awarding the construction contract to E.E. Gilbert Construction, Inc. [T.Tucker/5.14.04]

## CALL TO ORDER

Vice Mayor DeLaney called the meeting to order at 6:00 p.m. with all members present except Mayor Schroder who was excused and Councilmember Kennedy who arrived shortly after roll call.

## CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code.

### Agency

Designated Representatives: Joe Wiley, Wiley, Price, and Radulovich;  
June Catalano, City manager; Lianne Marshall,  
Administrative Services Director; Richard Pearson,  
Community Development Director

Employee Organization: Public Employees Union, Local #1

## RECONVENE – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting reconvened at 7:00 p.m. with all members present except Mayor Schroder who was excused. Vice Mayor DeLaney reported that a closed session was held and direction was given to the City's negotiators. Nothing else was reported.

## PRESENTATION(S)/PROCLAMATION(S)

Community Development Director Richard Pearson introduced Albert Lopez, Deputy Director of Community Development. Mr. Lopez thanked the Council for the opportunity to work for the City. The Council welcomed Mr. Lopez.

### *Presentation by Telfer Oil on Smart Growth and the Windsor Project.*

Mike Telfer commented on similarities between Windsor and downtown Martinez. He introduced his staff in attendance and reviewed details of the Windsor project - proximity to City Hall, oil tank farms, mixed use development, intermodal station, and the revitalization that should result. He answered questions from the Council about the number of units, smart growth, parking, environmental cleanup costs (to be paid for by the developer), building heights, comparison of flats to townhomes, affordable housing, population of Windsor, marketing potential of the commercial space, and redevelopment in Windsor.

Steve Cuddy, MC Architects, Napa, gave an overview of the project including density, pedestrian amenities, parking, mixed use, affordability, creek components, site constraints, and the live-work area.