

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:05 p.m. with all members present except Councilmember Ross who was excused and Councilmember Menesini who arrived at 7:15 p.m.

PRESENTATION(S)/PROCLAMATION(S)

A. *Proclamation presented to Yau-Man Chan, recognizing challenges on "Survivor: Fiji."*

Proclamation presented to Yau Man Chan recognizing him for his integrity, amazing accomplishments, and being the most popular Survivor participant; proclaiming July 18, 2007 in the City of Martinez, as "Yau Da Man Chan Day."

Mr. Chan expressed appreciation for the recognition and the opportunity to represent Martinez in the reality TV world.

B. *Presentation of Certificates of Recognition to Jessie Sayling, Mark Shoemaker, and Richard West.*

Certificate presented to Jessie Sayling and Mark Shoemaker for their efforts in making "Rock for Relief" a successful event with all contributions going toward the "Wounded Warrior Project." A certificate was also given for Richard West, who was out of town.

Ms. Sayling expressed appreciation for the support shown.

C. *Swearing in of Police Officers Tom Breinig and Kristina Buelna.*

Chief of Police David Cutaia introduced Police Officers Tom Breinig and Kristina Buelna, including a brief background of each of them. The Council welcomed them to the City.

Swearing in performed by City Clerk Gary Hernandez.

The Council recessed briefly to allow those who wished to attend a reception in honor of the new officers to leave the meeting.

PUBLIC COMMENT

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

Chris Kapsalis announced volunteer opportunities at the Veterans Hospital, urging the public to honor the veterans there by helping them. He also commented on loud motorcycle noise, loud

stereos, etc., and requested enforcement of the City's laws related to noise abatement. He urged the City to adopt a zero tolerance for noise violations and cruising.

Councilmember Menesini suggested fines in noise abatement areas, as a deterrent. He also thanked Mr. Kapsalis for his efforts on the issue.

Mayor Schroder agreed that noise abatement for all types of noise is an important issue to the citizens.

Al Ferrara also spoke about motorcycle noise and supported some type of abatement. He questioned whether there is a state law that is being violated. Mayor Schroder acknowledged that there are applicable DMV regulations.

Robert Blatz, President of ABATE Local 15 (motorcyclist group) commented on safe DB levels and discussed other sources of noise that are equally loud.

Paul Wilson spoke in opposition to a FOCUS application for a Priority Development Area for Downtown Martinez and his right to file legal action against the City for designating a residential neighborhood for priority development without a public hearing.

Mayor Schroder indicated he had recused himself from the matter, since his home was close to the boundary. Councilmember Menesini explained that the purpose of the application was for infrastructure funding.

Councilmember DeLaney explained further the source of the funding being applied for.

An unidentified speaker stated his appreciation for the services of Chief Cutaia. He also questioned the purpose of establishing a Railroad Quiet Zone for the downtown, which Councilmember DeLaney explained would be for the benefit of current and future residents.

Councilmember Menesini asked staff whether the City can regulate industrial noise between the hours of 10:00 p.m. and 6:00 a.m. City Attorney Veronica Nebb explained some of the powers and limitations the City has in dealing with different types of industrial noise.

Councilmember Kennedy noted that the original concern about train noise came from downtown residents and business operators. She also noted that the City of Berkeley is considering similar quiet zone legislation.

Jennifer Fitzgerald also spoke in favor of noise abatement. She asked why the police could not do more to deter the law breakers. Chief Cutaia explained staff and legal limitations make it difficult to enforce. He agreed that noise abatement is a priority for the police.

Beverly Forrest also spoke in favor of some type of noise abatement and to some type of signs being posted as suggested by Councilmember Menesini. She noted that Port Costa had a similar problem and posting signs helped.

Marina Soler also spoke in favor of noise abatement enforcement. She expressed appreciation to the police department for their efforts in drug enforcement.

Doug Rowe concurred with other speakers and indicated his willingness to work with the Council and the police department to reduce noise.

An unidentified speaker also spoke on noise abatement and recommended noiseoff.org, a website that gives suggestions.

John Fitzgerald also spoke in favor of noise abatement, noting that some noises can be predicted and controlled, but some have to be dealt with by the authorities. He questioned the Chief on the number of traffic citations given to motorcyclists for decibel levels. Chief Cutaia said citations had been given for that, and some had been cited for modified exhaust. Mayor Schroder asked Mr. Fitzgerald to finish his comments, but he indicated there would be no debate on the matter tonight. Mr. Fitzgerald asked about illegal dumping; Mayor Schroder referred him to Dave Scola for code enforcement.

Barbara Kapsalis thanked the Council for addressing the noise issue. She announced a Disaster Preparedness Workshop to be held on Monday, July 23rd at 5:30 p.m. at the Campbell Theatre on Ward Street.

Mike Alford agreed that it's a matter of respect, and motorcyclists are not the only offenders.

Kristin Henderson also supported some type of noise abatement and discussed noise problems in her neighborhood. She requested equal enforcement not just noise from motorcycles.

An unidentified speaker stated that blaming the noise on one source only, like motorcycles, is unfair. He commented on other sources of unacceptable noise, i.e., leaf blowers, chain saws, etc.

Nancy Flynn expressed concern about noise from future development.

Seeing no further speakers, Mayor Schroder closed public comment. The Council recessed briefly.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of June 20, 2007. [M.Cabral]
2. Motion rejecting claim(s) against the City by David Yob, Claim #07-11; Diane Cirrincione, Claim #07-16. [M.Cabral]
3. Motion approving Check Reconciliation Register(s) dated 06/14/07, 06/21/07, 06/28/07, 06/29/07, 07/03/07, and 07/11/07. [C.Heater/2.01.01]
4. Motion approving Investment Report for June 2007. [C.Heater/2.01.01]

5. Motion approving Arts and Library Commission recommendation to grant \$1,000 from the Arts and Library Commission budget to the John Muir Association for scholarships to the John Muir Day Camp. [J.Tool/16.09.00]
6. Motion approving a three year extension to existing Grazing License Agreement, under the same terms and conditions, with Patricia Hornung over the Roanoke Open Space area. [T.Tucker/19.04.00]
8. Resolution No. 062-07 accepting the Waterfront Road Open Space as completed and instructing the City Clerk to file a Notice of Completion. [D.Salts/12.04.37]
9. Resolution No. 063-07 approving Subdivision 8917 "Muir Landing" Final Map, and authorizing the City Manager to execute the Subdivision Improvement Agreement. [T.Tucker/13.8917]
11. Resolution No. 064-07 authorizing the Mayor to execute an amendment to the lease with Eagle Marine. [M.Chandler/5.11.00]
12. Resolution No. 065-07 authorizing staff to file an application for local assistance funds from the Roberti-Z'berg-Harris Block Grant under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 in the amount of \$99,378 for possible use to help in the reconstruction of the restroom building at Nancy Boyd Park. [J.Tool/11.01.00]
13. Resolution No. 066-07 authorizing the Mayor to execute documents to relocate the existing access easement to Central Contra Costa Sanitary District property (Pump Station), Assessor Parcel Number 373-011-006. [T.Tucker/30.05.02]
14. Resolution No. 067-07 authorizing the City Manager to award and execute the construction contract with the lowest responsible bidder for Rankin Park Lap Pool Renovation Project. [T.Tucker/11.04.02]
15. Resolution No. 068-07 authorizing the City Manager to award and execute the construction contract with the lowest responsible bidder for the 2006-07 Paving Project. [T.Tucker/12.04.00]

Item Nos. 7 and 10 were pulled from the Consent Calendar. Mayor Schroder opened public comment on Items 1-6, 8, 9, and 11-15.

Paul Wilson spoke on Item 14 regarding funding for the lap lanes at the community pool.

On motion by Janet Kennedy, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve to approve Items 1-6, and 8 and 9, and 11-15. Motion unanimously passed 4 - 0.

7. Resolution allocating funds from the General Fund for the purchase of both a fixed and mobile surveillance camera system for crime suppression throughout the City.
[T.Simonetti/04.08.13]

Councilmember DeLaney asked for a staff presentation on the item, because of increased costs from the original proposal. She acknowledged the need for the cameras, but was concerned about the costs and the budgeting process.

Chief Cutaia discussed the original request by Councilmember Menesini and the research done by staff. He also noted that the City had received a surveillance van through a homeland security grant, which can be used for traffic surveillance as well. He also noted that part of the estimated cost will be used to outfit the van with necessary equipment.

Councilmember Menesini asked whether the van will be easily identified as a surveillance vehicle. Chief Cutaia said the appearance can be changed easily.

Councilmember DeLaney asked whether part of the JAG grant given to the City could be used for equipment for the van. Chief Cutaia indicated he would research and respond to the Council.

Mike Alford said the cameras had been discussed in one forum or another. He was strongly supportive of the idea, and he thought it would be a good investment.

Chief Cutaia clarified that \$10,000 of the proposed allocation was from the JAG grant.

Richard Verrilli questioned whether this item should have been on the Consent Calendar, since it is an issue of public concern. He thought there was some provision for cameras on stoplights.

Mayor Schroder indicated that was a different program altogether. Chief Cutaia confirmed the stoplight cameras were in progress.

Mr. Verrilli expressed concern about random placement of surveillance cameras, without some cause. Mr. Menesini said he was confident that the surveillance van would be used judiciously.

Harlan Strickland agreed a surveillance van would be helpful, but he questioned the placement of too many cameras, infringing on public life and freedom. He thought there should be a public hearing on the matter. Councilmember Menesini said the cameras have a proper role, but he agreed extreme numbers of cameras would be inappropriate.

Roger Goodwin noted that the cameras would be used to fight crime in areas that currently have problem. He indicated the cameras would be a good tool for the police department.

Kristin Henderson cautioned against the use of cameras to the point where civil liberties are violated.

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

Councilmember DeLaney clarified that her concern was not with the cameras themselves, but rather the cost issue and the fact that there were errors in the staff report.

Councilmember Menesini commended Councilmember DeLaney for her concern about financial issues. He indicated willingness to defer the decision unless all questions have been answered.

Mayor Schroder said he understood Councilmember DeLaney's concerns, but he urged the Council to move forward, for the public good.

Vice Mayor Kennedy agreed with Councilmember DeLaney, but noted that the surveillance van could help with park safety issues.

Chief Cutaia indicated that due diligence would be done to ensure that the City has the equipment it needs, at the best price possible.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 061-07 allocating funds from the General Fund for the purchase of both a fixed and mobile surveillance camera system for crime suppression throughout the City. Motion unanimously passed 4 - 0.

10. Resolution authorizing City Manager to execute the contract with Frederic Knapp Architect, Inc., in an amount not to exceed \$50,000, for the preparation of a Historic Resource Inventory for Downtown Martinez.[A.Lopez/9.12.14]

Councilmember DeLaney expressed concern about the financial implications of the study, although she acknowledged there was some value in doing it for the good of the downtown and historic preservation.

Councilmember Menesini agreed the amount of money was of concern to him also, as well as the proposed methodology. He suggested close involvement by staff for the best interaction with the downtown and community. He also recommended continuing the item until the next meeting in September.

City Manager Don Blubaugh explained the background of the firm, noting that staff was looking for an objective analysis of historic resources.

Vice Mayor Kennedy discussed the selection process done by staff and the Downtown Subcommittee in reviewing the bids received. She agreed an independent objective study would be best.

Mayor Schroder opened public comment on the item.

Kristin Henderson discussed legal issues that are of concern in deciding what is historic and what is not. She thought the predicted costs were very reasonable.

Richard Verrilli was also concerned about the money. He thought the Martinez Historical Society should be considered for preparing the inventory, before bringing in a private firm.

Paul Wilson said he thought an independent, objective opinion would be the best thing for the City, rather than risk favoritism. He also thought the approach should be City-wide, not just focused on the downtown. He commented on the RFP submitted by the architect, indicating he would involve more than the Historical Society and property owners.

Mayor Schroder noted that it is imperative that the property owners also be involved, since it is their property under consideration.

Mike Alford expressed concern about an outside firm being used, rather than community members who have sufficient knowledge and expertise. He was also concerned about the amount of money being allocated for another "study."

Assistant City Manager Karen Majors explained why staff recommended this firm and the need for the study. She discussed CEQA requirements for historical buildings, noting that once the resource list is completed according to state and federal regulations, the environmental evaluation will be easier.

City Attorney Nebb agreed that the list will make it easier to follow legal protocols to clarify how and what makes a building eligible for historic status, as well as helping with environmental analysis.

Roger Goodwin echoed Ms. Nebb regarding the legal criteria necessary, acknowledging that the study needs to be done.

Harlan Strickland agreed the study should be done and done soon. He also noted that historic designation can help with grant eligibility and tax relief.

Seeing no further speakers, Mayor Schroder closed public comment on the item. Councilmember DeLaney expressed concern about the need for objective analysis, noting that the firm seems to have a bias toward preservation. She was also concerned about redundant surveys being done, when the Historical Society and members of the public have already done them.

Mayor Schroder said he thought the firm would be gathering information from many different sources, including the citizens and the Historical Society.

Councilmember Menesini said he was not prepared to vote on the item tonight, since there are resources in the community that are equally qualified. He wanted there to be plenty of opportunity for public input also.

Councilmember DeLaney suggested a presentation by the consultant before taking a vote.

Vice Mayor Kennedy read from the firm's report, explaining their goals and process in more detail. She expressed confidence that the firm would provide objective observations and recommendations.

At Mayor Schroder's suggestion, Item 10 was continued to the next meeting in September with a presentation by the consultant.

PUBLIC HEARING(S)

16. Public hearing to adopt Ordinance No. 1038 C.S. authorizing an amendment to the Public Employees Retirement System contract for 3% at 50 for local police members.
[M.Chandler/4.5.13]

Assistant City Manager Lianne Marshall gave a brief staff report.

Mayor Schroder opened and closed the public hearing with no speakers coming forward.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Ordinance No. 1038 C.S. authorizing an amendment to the Public Employees Retirement System contract for 3% at 50 for local police members. Motion passed 3 - 1. Yes: Michael Menesini, Councilmember, Janet Kennedy, Vice Mayor, and Rob Schroder, Mayor; No: Lara DeLaney, Councilmember; Absent: Councilmember, Mark Ross.

17. Public hearing to consider, and possible introduction of, an ordinance repealing and reenacting Chapter 9.34 of the Martinez Municipal Code, Adult Entertainment Businesses, pertaining to Zoning regulations applicable to adult-oriented businesses and the regulation of adult-oriented businesses. [A.Lopez/9.10.11]

Deputy Community Development Director Albert Lopez gave the staff report, explaining why the revisions were necessary. He noted that currently there is only one such business in the City, and should they decide to move, the City needs to have appropriate legislation in place. He also reviewed specific provisions of the proposed new legislation, and he noted that the Planning Commission had recommended approval by the City Council.

Mayor Schroder commented on changes to the industry with the growth of internet businesses. He also clarified that the Gazette's report that the City was targeting a specific business was incorrect; there is only one business currently, but the ordinance will apply to current and future businesses of this type.

Vice Mayor Kennedy asked for clarification about Section 9.34.200(a) on page 27, with limitations on hours. Mr. Lopez agreed it could be stated more clearly. Ms. Nebb indicated that the activities listed could be done during regular business hours.

Councilmember DeLaney asked for clarification on the map included in the staff report, which Mr. Lopez provided.

Mayor Schroder opened the public hearing.

Paul Wilson commented on the timing of the ordinance, and he questioned their motives, as to whether the City is trying to "zone" the adult businesses out of the City. He commented also on recent articles in the Gazette regarding the ordinance. He questioned whether the crime in the

area was as a result of the adult business, or merely coincidental. He chided the Council regarding the intent of the ordinance.

Mike Alford agreed with Mr. Wilson, questioning the purpose and motive behind the ordinance. He noted that the PG&E building in the same block is one of the oldest buildings in the City, with a lot of history. He also questioned the amount of crime reported.

Kristin Henderson mentioned that the PG&E building was built in 1915, and she gave the architect's name as well. She expressed concern that the ordinance may be implemented to please one certain entity, which is unfair and an abuse of the law. She noted that some on the Council have used their sexuality to win campaigns and influence people, which makes this ordinance hypocritical.

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

Councilmember Menesini said he felt strongly that these types of business should be zoned appropriately, away from families and children. He asked Chief Cutaia his opinion of the ordinance from the standpoint of public safety. Chief Cutaia said there are certain illicit activities that often occur near adult businesses, even though prohibited in public. He agreed with staff's recommendation and indicated the Police Department supports it.

Councilmember DeLaney asked why the limit on proximity to residential uses was only 300', while other distances were greater. Chief Cutaia deferred to Zoning staff. Ms. Nebb explained that the maximum distance was based on the most sensitive land use, which included churches and playgrounds, followed by proximity to other similar uses, and finally proximity to residential areas. She noted that according to State and Federal law, the City cannot set separations that virtually zone the use out of business, which would happen if the proximity to residential use was set at 1000'.

Ms. Nebb commended Mr. Lopez for his work to ensure there are adequate sites in the City under the new ordinance, as well as considering buildings available to lease, and with appropriate infrastructure in place.

Mayor Schroder commented on natural barriers in place that might shield the businesses from view as well.

Councilmember DeLaney expressed appreciation for the thorough job done by staff in presenting the material and doing the research. She was supportive of the ordinance, and she mentioned other businesses in the downtown that the Council has worked to ensure were in appropriate places.

Councilmember Menesini agreed with Councilmember DeLaney that staff did a very good job, and he was appreciative of the fact that Chief Cutaia felt the ordinance was a positive step in terms of public safety.

Vice Mayor Kennedy clarified that the ordinance does not target a specific business, but is part of the Council's efforts to improve the downtown and make it safe and attractive for new businesses and new residences. She noted that most of the businesses near the current use are leasing space, and leases do expire, requiring businesses to move elsewhere, which makes this revision necessary.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, introduce an ordinance repealing and reenacting Chapter 9.34 of the Martinez Municipal Code, Adult Entertainment Businesses. Motion unanimously passed 4 - 0.

Mayor Schroder stated that the City Attorney had indicated the public hearings for all the Landscape and Lighting Assessment Districts could be taken as one, although the votes would need to be done individually.

City Engineer Tim Tucker gave the staff report.

Councilmember DeLaney noted that two residents had been in attendance earlier and wanted to comment on #23, LLAD Brittany Hills. They felt the cost of the assessment was high, in return for the limited landscaping work being done. She noted they were also concerned about the costs of the reports and landscape maintenance done. Mr. Tucker explained that the expenditures are tracked closely by district, and in that particular case, the assessments are less than the expenditures. City Manager Don Blubaugh added that the level of service has not changed, but the City is spending more than it is taking in.

Councilmember DeLaney asked if the residents could talk to Mr. Tucker for further clarification, and he agreed to meet with any who have concerns.

Councilmember DeLaney said the citizens were also concerned about the lack of notification as to the public hearing. Mr. Tucker explained that applicable noticing requirements were met, and individual notices were not required.

Mayor Schroder opened and closed the public hearing on Items #18-25, with no one coming forward.

18. Public hearing on Landscape and Lighting Assessment District 1979-3, Village Oaks Terrace: [T.Tucker/10.02.34]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve ordering any changes in improvements and Resolution No. 069-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 1979-3, Village Oaks Terrace. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

19. Public hearing on Landscape and Lighting Assessment District 1981-3, Muir Station:
[T.Tucker/10.02.15]

- A. Motion ordering any changes in improvements, report, diagram, or assessments.
- B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
- C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Janet Kennedy, Vice Mayor, seconded by Michael Menesini, Councilmember, to approve ordering any changes in improvements and Resolution No. 070-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 1981-3, Muir Station. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

20. Public hearing on Landscape and Lighting Assessment District 1983-3, Vista Oaks:
[T.Tucker/10.02.22]

- A. Motion ordering any changes in improvements, report, diagram, or assessments.
- B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
- C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve ordering any changes in improvements and Resolution No. 071-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 1983-3, Vista Oaks. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

21. Public hearing on Landscape and Lighting Assessment District 1988-1, The Center Martinez: [T.Tucker/10.02.31]

- A. Motion ordering any changes in improvements, report, diagram, or assessments.
- B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
- C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Janet Kennedy, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve ordering any changes in improvements and Resolution No. 072-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 1988-1, The Center Martinez. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

22. Public hearing on Landscape and Lighting Assessment District 1994-1, Creekside:
[T.Tucker/10.02.36]

- A. Motion ordering any changes in improvements, report, diagram, or assessments.
- B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
- C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve ordering any changes in improvements and Resolution No. 073-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 1994-1, Creekside. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

23. Public hearing on Landscape and Lighting Assessment District 1997-1, Brittany Hills:
[T.Tucker/10.02.37]

- A. Motion ordering any changes in improvements, report, diagram, or assessments.
- B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
- C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve ordering any changes in improvements and Resolution No. 074-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 1997-1, Brittany Hills. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

24. Public hearing on Landscape and Lighting Assessment District 2000-2, Terra Vista:
[T.Tucker/10.02.40]

- A. Motion ordering any changes in improvements, report, diagram, or assessments.
- B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
- C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Janet Kennedy, Vice Mayor, seconded by Michael Menesini, Councilmember, to approve ordering any changes in improvements and Resolution No. 075-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 2000-2, Terra Vista. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

25. Public hearing on Landscape and Lighting Assessment District 2001-1, Alhambra Estates: [T.Tucker/10.02.41]

- A. Motion ordering any changes in improvements, report, diagram, or assessments.
- B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2007-2008 Fiscal Year.
- C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve ordering any changes in improvements and Resolution No. 076-07 approving the Engineer's Report and confirming the district diagram and assessments for the 2007-2008 Fiscal Year for LLAD 2001-1, Alhambra Estates. Resolution overruling protests not needed. Motion unanimously passed 4 - 0.

ORDINANCE(S)

CITY MANAGER

26. Resolution selecting the development team of Howard Goldenberg and Associates for 630 Court Street and authorizing the City Manager to execute the Exclusive Negotiating Right Agreement. [K.Majors/5.15.00]

Mayor Schroder stated he would recuse himself due to a conflict of interest, and he left the dais.

Vice Mayor Kennedy discussed the RFP process, noting all were excellent candidates.

Assistant City Manager for Community & Economic Development Karen Majors gave the staff report, discussing the past history, RFP process, and the staff recommendation to select Goldenberg & Associates. She mentioned members of the project in attendance and turned the presentation over to them.

Architect J. Allen Sayles introduced Mr. Goldenberg and his associates, and briefly discussed their areas of expertise. He then gave a PowerPoint presentation describing the details of their proposal - including an approximate timetable and preliminary budget. He expressed appreciation to the City for selecting his firm.

Councilmember DeLaney asked and the applicant confirmed that the estimate included the basement buildout. She also asked if Rocco's would include a full bar.

Councilmember Menesini commended the applicant for the amount of work proposed to be covered by the budget estimate.

Vice Mayor Kennedy opened public comment on the item.

Paul Wilson asked about the entitlement process and the exclusive negotiating agreement. Vice Mayor Kennedy explained that it will allow the development team to do their due diligence in terms of feasibility studies, etc. Ms. Majors explained that this is step one of the process that should take about a year and a half, with many opportunities for Council input and review.

Mr. Wilson said he thought this project will be a great addition to the downtown. He asked whether any part of the process could be done concurrently, so as to shorten the timeline. Mr. Menesini said most likely.

Mr. Wilson commented on the exterior treatment and made some recommendations, to keep the facade looking good. He also asked about the patio area, and the relevance to the priority development area recently designated. Ms. Majors explained that there are many unknowns, but if this project goes through, grant money might be available for other areas of the downtown priority development area.

Kristin Henderson asked Ms. Nebb about public access to City records related to the project, such as related to earthquake safety, engineering, etc. Ms. Nebb explained that the public would have access to see the records, but to get copies of proprietary information, the request may need to go through the design team.

Ms. Henderson commented on issues with the Historical Society and the Downtown Association that led her and Bill Wainwright to get involved. She briefly discussed design details and made some recommendations as well.

George Bell agreed with Mr. Wilson that it was a good project, and Rocco's was especially appropriate for Martinez, but he also agreed that the 3rd floor doesn't quite fit the building.

Vice Mayor Kennedy noted that the regular process for development would follow, with several public hearings.

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

Councilmember Menesini asked about Rocco's menu, and whether it was connected to the San Francisco Rocco. Mr. Blubaugh mentioned the quality of the Rocco's in Walnut Creek and recommended visiting there.

Councilmember DeLaney expressed appreciation for all the bids that were received, and indicated her support for the project. Councilmember DeLaney asked that the extension time for the negotiation period be reduced to 30 days, rather than 60. Councilmember Menesini said he was sure the applicant would want to keep it as short as possible.

Councilmember Menesini also was supportive.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 077-07 selecting the development team of Howard Goldenberg and Associates for 630 Court Street and authorizing the City Manager to execute the Exclusive Negotiating Right Agreement. Motion unanimously passed 3 - 0. Yes: Lara DeLaney, Councilmember, Michael Menesini, Councilmember, and Janet Kennedy, Vice Mayor; Abstain: Mayor Rob Schroder; Absent: Councilmember Mark Ross.

Mayor Schroder returned to the meeting. He stated the Council's policy to adjourn or continue the meeting after 11:00 p.m., and by consensus, the meeting was continued.

27. Status report on the ICLEI Climate Change Program and as follows:

A. Motion authorizing staff to submit application for ICLEI membership.

B. Formation of a Council Subcommittee for Climate Change.

Solid Waste & Recycling Coordinator Bart Carr gave a staff report, including a PowerPoint presentation regarding ways that Martinez can get involved in the ICLEI organization and cost considerations.

Vice Mayor Kennedy discussed a presentation made by ICLEI at a Mayors Conference in Pinole. She expressed optimism at getting involved with the organization. She also noted that the environmental science group at the high school would be a good resource.

Vice Mayor Kennedy asked how long Mr. Carr had worked for the City. He said off and on since 1992. She responded to letters in the Gazette regarding the "recent hiring" of Mr. Carr, noting that he has always done a great job for the City. She apologized for the mis-reporting in the newspaper.

Councilmember Menesini echoed Vice Mayor Kennedy's appreciation for Mr. Carr's efforts. He indicated his support for the City's involvement with ICLEI.

Councilmember DeLaney asked how long the membership application process would take. Mr. Carr said it should be fairly quick. He mentioned also that there is a pledge the City has to take for some targeted reduction. Councilmember DeLaney asked further questions about the timeline, which Mr. Carr responded to.

Mayor Schroder thanked Mr. Carr for his presentation and for his work on behalf of the City. He opened and closed public comment on the item, with one audience member making remarks from his seat (inaudible to the recording).

Mayor Schroder opened and closed public comment on the item with no one coming forward.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, authorize staff to submit an application for ICLEI membership and form a Council Subcommittee for Climate Change. Motion unanimously passed 4 - 0.

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

No comments or updates reported.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

29. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference. [M.Cabral/41.02.00]

There was no public comment on the item.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Janet Kennedy as Voting Delegate and Lara DeLaney as Alternate for the League of California Cities Annual Conference. Motion unanimously passed 4 - 0.

CITY COUNCIL

30. City Council Comments.

Vice Mayor Kennedy announced the Martinez Relay for Life, a fundraiser for the American Cancer Society, will be held on August 11-12th. She also reported on her attendance at the League of California Cities Conference--June 28th, the Community Services Meeting and June 29th, the Housing Community and Economic Development Policy Committee. Vice Mayor Kennedy stated that she will be attending the League's Council, Mayors and City Manager's Conference in Monterey next week.

Councilmember Menesini announced a book sale at the Library on July 21st and the Peddlers Faire on August 4th.

Mayor Schroder announced that the Martinez Community Swim Team will be having a barbecue fundraiser on July 21st at the Sheriff's Hall, and on July 28th at 10:00 a.m. the dedication of the Hidden Lakes Bridge, and the Martinez-Benicia bridge dedication on August 25th at Waterfront Park. He also reported that there was an effort to rename the new toll booth span of the bridge to the Congressman George Miller Martinez-Benicia Bridge, which did not happen.

He also noted that the daughter of Mrs. Nora Delahante had sent a thank-you note for the adjournment of the last meeting in her honor.

ADJOURNMENT

Adjourned at 11:10 p.m. to a SUMMER RECESS (during the month of August) and will reconvene to a Regular City Council Meeting on September 5, 2007, 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 – 9/5/07

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