CITY COUNCIL REGULAR MEETING
JULY 5, 2006
7:00 P.M. (Council Chambers)

Janet Kennedy, Councilmember
Mark Ross, Councilmember
Bill Wainwright, Councilmember
Lara DeLaney, Vice Mayor
Rob Schroder, Mayor

INFORMATION FOR THE PUBLIC

Staff reports on Agenda Items are available for review in the City Clerk’s Office prior to the City Council Meeting and/or at the City Council Meeting.

Consent Calendar items are considered to be routine and will be enacted without discussion and in one motion, unless a member of the City Council, Staff or Public requests specific action.

The Mayor accepts Public Comment on Agenda Items as they are discussed. If a member of the public would like to speak on an issue not scheduled on the Agenda, he/she may come to the rostrum during the “Public Comment” portion of the meetings. In consideration of others wishing to speak, members of the public are kindly requested to limit their comments to 3 minutes on any one item. A speaker may have the ability to yield their 3 minutes to a particular speaker with a maximum time of 10 minutes.

If you wish to be identified for the record, please state your name and present a Speaker Card to the Clerk.

All interested persons are invited to attend Public Hearings and take the opportunity to speak. In accordance with Section 65009 of the California Government Code, anyone wishing to challenge action taken on any of these items in Court may be limited to raising only those issues he/she or someone else raised at the described Public Hearing or in written correspondence addressed and delivered to the City at or prior to the Public Hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at (925) 372-3512. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to help ensure accessibility to this meeting. Upon request, this agenda will be made available in appropriate formats to persons with disabilities as required by Section 202 of the Americans with Disabilities Act of 1990.

It is the policy of the City Council that at approximately 10:30 p.m. the Council will, by consensus, adjourn the meeting to a date announced or to continue the meeting as posted.

NOTE: Regular City Council Meetings are held on the first and third Wednesdays of every month at 7:00 p.m. in the City Hall Council Chambers. City Council adjourns for a Summer Recess during the month of August. Meetings are televised on Friday following Wednesday’s meeting on the Public Access Channel 24 or Channel 26 at 7:30 p.m. City’s Web: cityofmartinez.org
Information Events Telephone: (925) 372-3463
CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

PRESENTATION(S)/PROCLAMATION(S)

Flag Presentation for Armed Forces Serving Our Country.

Presentation of CRM Module System.

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

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of April 26, May 17, and June 14, 2006.

2. Motion approving Check Reconciliation Register(s) dated 06/15/06, 06/19/06 and 06/22/06.


4. Resolution accepting bids for the 2005-06 Cape Seal Project and awarding the construction contract to the lowest responsible bidder.

5. Resolution allocating $5,700 from the Zone 5 Drainage Area fund for a preliminary drainage study by PWA for long term solutions to Alhambra Creek flooding.

6. Resolution authorizing the City Manager to award and execute the construction contract for the 2006 Paving Project.

   a. Resolution describing improvements and changes;
   b. Motion approving Engineer’s Report;
   c. Resolution of intention to levy and collect assessments, set date for public hearing on July 19, 2006, and direct City Clerk to give and publish all required notices.
PUBLIC HEARING(S)

8. Public hearing to consider denying or upholding an appeal of the Planning Commission’s decision to amend conditions of approval for Subdivision 5254, to allow construction of a second story 600 square foot addition (VR #06-01 and DR 05-48) at 4815 Phyllis Terrace. Applicant: Oertel.

ORDINANCE(S)

CITY COUNCIL

9. City Council Comments.

CITY MANAGER

10. Discuss and Consider Redevelopment Financial Feasibility Study by Seifel Consulting Inc. and give direction to staff.

11. Discussion of City Attorney response to questions posed by Councilmember Wainwright and Ad Hoc Group of Concerned Citizens.

12. Approve resolution authorizing waiver of $100,000 in permit fees for the Contra Costa County District Attorney’s building.


14. Code Enforcement and Administrative Citation Update.

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

16. Appointments to Arts and Library Commission.

ADJOURNMENT

Adjourn to an Adjourned Regular City Council (Neighborhood) Meeting on July 19, 2006, at 7:00 p.m. Morello Park Elementary School, Multi-Use Room, 244 Morello Park Drive, Martinez, California.

If you challenge the action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda or in written correspondence delivered to the City Clerk, at or prior to the public hearing.

I certify under a penalty of perjury under the Laws of California that on Friday, June 30, 2006 at 5:00 p.m., I posted this notice at City Hall, 525 Henrietta Street, Martinez, CA.

Mercy G. Cabral, Deputy City Clerk
CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

Mayor Schroder called the meeting to order at 7:10 p.m. with all members present.

PUBLIC COMMENT (Comments are limited only to items listed on the agenda)

Mayor Schroder incorporated the public comments with the agenda items.

CITY COUNCIL

1. Adopt resolution authorizing changes to the Marina Term Sheet and authorize the City Manager to sign the completed Marina Sublease agreement with Martinez Marina, LLP (MMLP), subject to a final review by the City Attorney.

2. Review of terms of Sublease by the City Attorney.

City Attorney Jeff Walter reviewed changes to the Term Sheet and Sublease relative to the entitlement period. He noted that this is not the final document but a work in progress. He also stated that June 1st is the deadline for approval by the City, Martinez Marina and the Department of Boating and Waterways (DBAW), which might be difficult to meet.

Mr. Walter further explained the structure of the document and the due diligence need on the part of the City, as well as the eventual long-term lease that will be developed later if all the issues are resolved. He discussed the necessary components of the lease, the anticipated timeline, the background of the existing debt (almost $3 million), deadlines, description of property exclusions, overview of the lease, City costs and MMLP costs.

Community Development Director Richard Pearson gave detailed analysis of the term sheet provisions, with requested changes from MMLP.

Councilmember Wainwright questioned Mr. Pearson’s statement that the City Council had agreed to the provisions, noting it was discussed in closed session, but not voted on yet. Mr. Pearson confirmed that was one of the actions being considered tonight.

Mr. Walter said the City’s payment of expenses would only apply to certain improvements, which he reviewed. He noted that by the end of the entitlement period, the City and lessee will have a better picture of whether or not the proposal will work, and either party will have the ability to back away with no repercussions, as long as it is within the bounds of the lease.

Vice Mayor DeLaney asked about the discrepancy between the City’s obligation of $275,568 and the total projected cost up to $519,902. Mr. Walter said he was unsure where the second number came from.
Tom Hogan, MMLP, explained that $422,000 would be the City’s total, but costs through phase 1 would be $275,000 (based on a contract with Moffett Nichols). Mr. Walter agreed that phase 1 costs for the entitlements would be $275,000. He added that MMLP would reimburse the City for half of that if they do not go forward after the entitlement period.

Vice Mayor DeLaney asked about the City’s improvement obligations, noting some of the exhibits referenced were not included in the packet. Mr. Walter said the exhibits were not finalized yet. Mr. Hogan said drafts of the exhibits related to exceptions were available.

Vice Mayor DeLaney said the document should be clearer as to what the City is committing to do. She also asked the significance of the June 1, DBAW deadline. Mr. Walter said if the agreement is not finalized, DBAW’s commitment to loans for the City could evaporate. Vice Mayor DeLaney asked whether the deadline was in writing from DBAW, and she noted that past DBAW deadlines have not be firm. Mr. Pearson acknowledged that past deadlines have been extended, but there is no guarantee that this one will be.

Vice Mayor DeLaney asked about the requirement for East Bay Regional Park District (EBRPD) consent. Mr. Walter explained that when the land was granted for park use in 1975 by State legislation, the memorandum of agreement specified that use of the marina must be consistent with a marina plan approved by EBRPD, as well as the City. Therefore, any changes to the plan must meet EBRPD approval. Mr. Pearson said the last time the lease was reviewed by EBRPD, they indicated it was okay and did not need board approval, as long as it was within the City’s 1994 marina plan. Mr. Walter said a letter from EBRPD should be given to the City for that purpose.

Mr. Walter also said there was a City-State committee created in 1974, which is supposed to approve leases and subleases of the property, but it has not met in over 15 years. He indicated research is needed as to whether DBAW will require that approval.

Councilmember Wainwright asked if the agreement would be with the same parties that signed the management agreement. Mr. Walter said no. Mr. Hogan explained that Almar would be the management company, and he explained that Martinez Marina LLP was composed of himself, Jeff Pence and Almar.

Councilmember Wainwright confirmed that the management agreement was one of the exhibits to the lease. He questioned the validity of Almar Marina Management Inc., based on research he did at the Secretary of State’s website. Mr. Hogan confirmed it is a California corporation.

Mayor Schroder clarified that there are two Almars listed with the State – Almar Management Inc. and Almar Marinas LLC, which has been suspended.

Councilmember Wainwright asked, and Mayor Schroder confirmed that Almar Management signed the lease. Councilmember Wainwright also said that Pacific Marine Development had been suspended from doing business in California, according to research he had done. He expressed that it is important to know who the City is doing business with. Councilmember Wainwright also questioned why MMLP would not be able to bear the cost of entitlements, since they had indicated they would be putting $4 million in equity into the marina.
Mr. Hogan explained that after further review, they had decided they were not willing to take the full risk since the City could decide not to go forward with the lease after the entitlement period.

Councilmember Wainwright said a better format would be for the City to directly pay the costs. Mr. Walter explained that the end of phase 1 would be a benchmark, and the City will have the option of retaining consultants itself or to direct Almar Management to hire consultants at City cost. The City will be hiring Moffett & Nichols to handle the entitlements.

Councilmember Wainwright asked about the section regarding MMLP’s management fees. Mr. Walter said the section specifies the priority of uses for the income from the marina operation – if the income does not meet the expenses, the City’s marina fund will have to find funding from other sources.

In response to a further question from Councilmember Wainwright, Mr. Hogan expressed confidence that the income generated will be sufficient. He also discussed the enterprise fund under which the marina operates. Councilmember Wainwright was concerned about potential costs to the City. He asked whether it would be better for the City to have direct contact with the service providers, rather than through MMLP.

Vice Mayor DeLaney noted that the document says the City will directly contract with Moffett Nichols. Mr. Pearson confirmed that to be true.

Councilmember Wainwright asked if there could be a section added for conditions and precedents to make it easier to understand. Mr. Walter said as the process continues, the parties will continue to negotiate on the final sublease, to be finalized by the end of the 2-year period. Councilmember Wainwright expressed concern that the provision for extension of the entitlement period will not put enough pressure on MMLP to finish the process. Mr. Walter said there are reasonable causes why the work might not be completed within two years, but the extended period cannot be more than 5 years.

Vice Mayor DeLaney asked about the existing DBAW loans and the City’s responsibility to make loan payments during the entitlement period. Mr. Walter said it is a central provision, because the lessee does not want DBAW to foreclose on the property. He indicated the City will continue to negotiate terms with DBAW.

Mr. Hogan added that the loans are not against the property, but against the City’s marina fund. He confirmed that the City should receive enough in rents to be able to make necessary payments on the loans.

Councilmember Ross all the loans could be structured into one DBAW loan and the provisions of the document will be changing through the entitlement period.

Vice Mayor DeLaney asked why so much was struck out in Section 6, Operation and Management of the Marina. Mr. Walter said it was not struck out in the City draft. Mr. Hogan said MMLP intends to operate the marina as a “first class marina,” which is restrictive enough without including specific hours and other details.
Councilmember Ross asked for specifics on what constitutes a “first class marina.” Mr. Hogan said it should be upper tier in its performance and maintenance, similar to South Beach, Marina Village, etc.

Councilmember Wainwright asked about the due diligence section with some points not finalized before the sublease is signed. Mr. Walter said there would be general categories of what the City would be willing to pay for, but it will not commit until the cost is fully known. He confirmed there were some sections that need to be changed to be consistent with the changes to the term sheet.

Councilmember Wainwright noted he had other questions that he will bring up by email to Mr. Walter.

Mayor Schroder opened public comment on the item.

Mike Alford expressed appreciation for the questions raised by Councilmember Wainwright and Vice Mayor DeLaney. He asked for more information on the partnership and confirmed that Almar Management Inc. was the signer of the marina agreement. He questioned whether the City should be negotiating with a company when the make-up of the company is unknown. Staff explained that LLC is a legal term (limited liability corporation), not a separate entity from Martinez Marina. Mr. Alford also asked about the City’s costs for dredging of the basin area. Mr. Pearson explained that it would be determined during the entitlement period.

Paul Wilson commented on the high price the City will be paying, given how little the management company will be providing. He was concerned about the costs and risk to the City, and he asked how much property will be subleased. At the request of Mayor Schroder, Mr. Pearson explained what landside property would be part of the lease.

Councilmember Wainwright commented on inclusion of the parking lots. Mr. Pearson explained that the inclusion or exclusion of the lots was still being negotiated. Mr. Walter noted that there was confusion earlier as to what section would be part of the leased land. He indicated that during the due diligence period, the City will be negotiating shared facility agreements so that the management company will not have control over the full area, but will be responsible for maintenance obligations. Councilmember Ross noted that DBAW has parking standards that must be met as well.

An unidentified speaker asked why a management company is needed if the City is paying for all the improvements. Mayor Schroder stated that the City is paying for some of the improvements and MMLP will pay for others. Councilmember Ross said the State is requiring the City to have a management partner, which will save the City money in the long run.

Brian Walker acknowledged that the agreement has been changing through the negotiation process, and the City seems to be taking on more of the financial obligation, to the point that the lease is different from what was put out in the RFP. He also commented on the demolition of the existing docks at the City’s costs, while before it was part of the contractor’s scope of work. Regarding the State land perimeter, he said any new areas should not be included in the leased area, but should remain under City control.
Dennis Folsom asked if Pacific Marine Management, Moffett Nichol, and Almar were “bundled.” Mayor Schroder said no, Moffett Nichol is a marine engineering firm. He deferred to the City Attorney for further explanation.

Mr. Folsom asked about the extent and timing of the dredging. Mayor Schroder commented on time needed for the permitting process. Mr. Folsom asked for confirmation of the timeline and what improvements will be done at City costs. Mayor Schroder said phase 1 (including permits and the entitlement process) will take 1-2 years and cost to the City is $275,000. Mr. Folsom asked if expansion of the breakwater would be included. Mayor Schroder said it was not possible to say at this point.

Mr. Pearson said the permits would include everything needed for rebuilding and expanding the marina. Mr. Folsom asked, and Mr. Pearson confirmed there would be no expansion to the east.

Julian Frazer cautioned that no action should be taken by the Council at special meetings, in the interest of open government. He was concerned about the entitlement period lasting up to two years, with no projects starting until after that time. He suggested that improvements could be started with Joe DiMaggio’s boat, now owned by the City, in the form of a semi-permanent cover and stabilization.

Mr. Folsom asked for further information regarding Pacific Marine Management and its relationship with Moffett Nichols and with Almar. Mr. Walter said his office would be sure before the document is signed, to identify the persons who make up the entities and ensure they are qualified to do business in the State. He further stated that Moffett Nichols is well-known for their work with marinas throughout California. He noted that Pacific Marina Development is a California corporation, and a managing member of Martinez Marina LLC. He was unsure who the other shareholders were, noting it might not be a matter of public record.

Mr. Walter also confirmed that the term sheet approved last year shows demolition of the dock as an obligation the City has assumed.

Vice Mayor DeLaney questioned when the dock was included. In response to a further question from Councilmember Wainwright, Mr. Walter clarified where in the document it was mentioned. He indicated it will be paid for with loans.

Seeing no further speakers, Mayor Schroder closed public comment.

Councilmember Wainwright said he thought that the City had previously done their due diligence and investigated who they were doing business with. Mr. Walter and Mr. Pearson were unable to confirm, but Mr. Pearson noted that only the management lease has been signed at this point with Almar, a family-owned organization that operates several marinas in the State. Councilmember Wainwright expressed concern that the background information had not been provided. He commented on the executive summary of July 2005, which indicates that Almar/Pacific Marina Development would be able to invest $4 million in the marina. He questioned whether the company was financially capable if they now are unable to pay for the entitlements.
Councilmember Wainwright also recommended that the City specify in the lease that the parking lots must remain as such. He agreed with Mr. Walker that the lease should not include geography discovered in the meantime. He said he would like to know the effect this agreement might have on the Council’s ability to negotiate with other developers/individuals for projects in the marina area. Mr. Walter said if the document specifies uses, negotiation for non-listed uses cannot occur unless the parties and DBAW agree (DBAW requirements limit the use of berths). Councilmember Wainwright asked, and Mr. Walters confirmed there were no restrictions on landside uses.

Vice Mayor DeLaney commented on confusion with the changes to the term sheet, specifically the costs for phase 1 entitlements. She also said that the sublease agreement has too many holes and contradictory ideas that have not been resolved. She indicated she could not approve the agreement as it is, and she expressed doubt about the firmness of the June 1 deadline. At the request of Mayor Schroder, Mr. Pearson clarified that only $275,000 has been agreed to by the City, and that is what is before the Council at this time. Any additional costs would need to be negotiated. He noted, however, that the authorization for the City Attorney and City Manager to finalize the agreement had been granted by the Council in July of 2005.

Vice Mayor DeLaney questioned whether the July resolution actually provides the necessary authorization, since the name of the leasing organization has changed. Councilmember Wainwright added that the Council is not being treated with good faith if the City Attorney and City Manager are authorized to sign an agreement that has completely changed from its original form.

Vice Mayor DeLaney noted that the resolution mentioned a DBAW deadline of August 2005. Councilmember Wainwright agreed, saying it would be irresponsible of the Council to agree to something like this, especially since Pacific Marina Development has been suspended from doing business in California.

Vice Mayor DeLaney said she was interested in making progress on the marina, but there were still too many substantive points not settled.

Councilmember Ross moved to approve adoption of a resolution authorizing changes to the Marina Term Sheet and authorizing the City Manager to sign the completed Marina Sublease Agreement with Martinez Marina, LLP, subject to a final review by the City Attorney at the May 3rd City Council meeting and include information regarding the status of the Lessee’s actual corporate status, revisions of the $519,000 figure and other errata that is included in the Marina Term sheet and the agreement before us and any other questions regarding the parking lot and sublease use.

Mr. Walter said there was not sufficient time by May 3 to make enough progress on developing the agreement. Councilmember Ross amended his motion to May 10. Mr. Walter suggested May 11 instead. Councilmember Ross agreed.

Councilmember Kennedy asked for clarification on the effect of the motion, questioning whether anything would be gained, since information could be requested without a motion, and final action would not take place until the May 11th meeting anyway.
Mayor Schroder seconded the motion, but acknowledged he would like answers to some of the questions as well. He noted that his past research into Pacific Marina Development and Almar had indicated some entities were suspended, but others with similar names were not. He agreed careful investigation was needed. He also suggested that contact be made with Harold Flood of DBAW regarding the status of the City’s process and the upcoming deadline.

Councilmember Wainwright commented that Exhibit E, “Due Diligence Tasks” should be titled “Unfinished Business” because there are major matters that should be covered in the signed document, but are not. He questioned whether the issues would ever be satisfactorily addressed. He also indicated that he had many other questions that he will send to the City Attorney and to the other Councilmembers.

Vice Mayor DeLaney asked about the possibility for a 20-year extension of the sublease, at the option of the operator. She said the City should have some control over whether it is extended. Mr. Walter indicated that the lessee cannot be forced to extend.

Councilmember Kennedy said she was not bothered by the fact that the original agreement is with one agency and a different organization is involved now, noting it is not uncommon for development companies to change hands during a project. She was concerned, however, about delays in getting the entitlements and the potential loss of DBAW funding. She also noted that the entitlements are necessary to determine what is feasible.

Councilmember Wainwright asked whether the City could do the entitlements through Moffett Nichols without approving the sublease at this time. Mayor Schroder noted that DBAW is requiring the City to have a managing partner.

Councilmember Ross expressed respect for the questions raised by the Council, but he noted that some of the answers will come through the entitlement process. He called for the question.

Councilmember Wainwright asked if he could make an amendment. Mayor Schroder said no, the question has been called.

On motion made by M. Ross, seconded by R. Schroder, the Council adopted a resolution authorizing changes to the Marina Term Sheet and authorizing the City Manager to sign the completed Marina Sublease Agreement with Martinez Marina, LLP, subject to a final review by the City Attorney and the City Council on a potential May 11th meeting and include information regarding the status of the Lessee’s actual corporate status, revisions of the $519,000 figure and other errata that is included in the Marina Term sheet and the agreement before us and any other questions regarding the parking lot and sublease use by the following vote: Kennedy, Schroder, Ross, Ayes; Rest, No.

At Councilmember Wainwright’s request, Councilmember Ross reviewed the details of the motion. Staff was requested to contact Harold Flood of DBAW to find out whether the June 1st deadline for the loan commitment is firm or not. [J.Tool/14.01.00]
CITY MANAGER/CITY COUNCIL

3. Comments.

No comments made.

ADJOURNMENT

Adjourned at 9:12 p.m. to a Regular Meeting on May 3, 2006, at 7:00 p.m. at City Hall in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral , Deputy City Clerk – 7/5/06
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 Ross, who arrived shortly after roll call.

CLOSED SESSION (adjourn to City Manager’s Office)

CONFERENCE WITH REAL LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the California Government Code: (One potential case).

RECONVENE – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting reconvened at 7:00 p.m. with all members present as indicated. Vice Mayor DeLaney reported that the Council met in closed session, with direction given. Nothing else was reported.

Councilmember Ross clarified that no direction was given, only discussion. Vice Mayor DeLaney acknowledged he was correct.

PRESENTATION(S)/PROCLAMATION(S)

None.

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

Barry Winge stated his belief that the Environmental Impact Report of the Downtown Specific Plan is not in compliance with CEQA provisions and federal law, and he objected to the lack of response by the Council. He offered his assistance to correct the report. He provided a review of the EIR and requested that copies be given to the Council. Mr. Winge noted that when changes are made to the Specific Plan, those changes need to be reflected in the EIR as well.

Rick Parker stated that he was very saddened about the Council’s decision regarding his floating restaurant. He indicated that he would like to know why his project was denied. Mr. Parker informed the Council that a petition was signed in favor of his restaurant and that he will take it to a vote of the people. He offered to send his petition of signatures to the Council.

Mr. Swisgood spoke on the poor condition of the Marina. He also indicated that the floating restaurant is an opportunity for the City and urged Council’s reconsideration, as he believes this would be an asset to the City. He commented that the boat would be a big attraction to Martinez and bring customers from other cities. He further stated that the restaurant at the Sharkey Building will not be able to pull in the same business.
Mike Alford also spoke on the Council’s decision in rejecting Rick Parker’s floating restaurant, noting it would not cost the City anything. He demanded that Council do something about the poor condition of the marina.

Julian Frazer spoke on Historic Preservation, in response to a quote from John F. Kennedy used by a Councilmember at the last meeting. He distributed and read from a letter from the Town of Brookline, Massachusetts (birthplace of John F. Kennedy), regarding preservation of structures of historic and architectural significance. Mr. Frazer urged the Council to do a survey of buildings and act now to create historic preservation neighborhoods throughout the City. He also commented on the deteriorating condition of the Joe DiMaggio boat, which the City had promised to restore. He indicated that at the least a structure over the top of the boat should be put in place immediately to stop the deterioration. Mr. Frazer also briefly commented on eminent domain issues in the City of San Ramon where restrictions had once been in place but now were be taken away.

Vice Mayor DeLaney clarified her quotation from John Kennedy regarding change.

Max Horn stated that Martinez needs upgrading and that the City would be wise to bring an unusual restaurant to the Marina, such as the floating restaurant. He also spoke on his familiarity with earthquake retrofitting requirements.

Ann Mobley urged the Council’s support and reconsideration of Rick Parker’s restaurant and requested that the City preserve the old Sharkey Building.

Michelle Soul indicated that she is in full support of the floating restaurant as an interesting venture that would benefit the City, especially since the marina is currently such an eyesore.

Craig Gray concurred with the others in supporting the floating restaurant and asked if the consultant’s findings are part of the public record. Vice Mayor DeLaney explained that there was no written report. The item was discussed in closed session where the consultant determined that the project was not economically viable at this time.

Maryann Broadhorst confirmed that Pacific Marina Development is the company the City is working with on the marina lease and that Almar Marina Management will be the marina operator. She also asked if Mr. Parker will have a chance to resubmit his proposal at a future date. Vice Mayor DeLaney clarified that there are infrastructure issues at the Marina that need to be resolved first, and then the City can issue an RFP to accept restaurant proposals.

Councilmember Wainwright added that the proposed floating restaurant at the marina could block slips that would provide potential rental income. He agreed that the marina needs at least one restaurant. He encouraged Mr. Parker to return with a new proposal.

Rick Parker clarified that the location of his restaurant would not be displacing any slips, but would be using the guest dock, and could meet the other requirements as well. He indicated that he would be bringing the boat to the guest dock in the next few weeks so that the public can look at it.
Vice Mayor DeLaney indicated that the regular meeting would now be adjourned and a special meeting opened to discuss Railroad Quiet Zones.

Councilmember Wainwright asked if the City abided by all Special Meeting requirements. Deputy City Clerk Mercy Cabral indicated that it had.

Councilmember Wainwright read the municipal code and asked if the notices were sent and if e-mails were adequate forms of notification. City Attorney Jeff Walter stated that faxes and/or e-mails can be used if provided 24 hours in advance.

Vice Mayor DeLaney stated that she was the one who called the Special Meeting, acting in the absence of the Mayor.

Councilmember Wainwright stated that he did not believe the criteria had been met for a Special Meeting.

In view Councilmember Wainwright’s concerns, Mr. Walter recommended that the item be continued to a future meeting.

Councilmember Wainwright indicated that Special Meetings should be reserved for urgent matters and should require a 72 hour notice. He believed that shutting off the train whistle in Martinez is an important issue that needs public input.

Councilmember Ross agreed this was not an urgent item and could be postponed.

Vice Mayor DeLaney explained her reasoning for placing the item on the agenda, but agreed that a continuance was probably best.

*Added from Special Agenda:*

**CITY MANAGER**

1. Railroad Quiet Zone Update. [T. Tucker/6.7.6&10.17.00]

Item continued.

**CONSENT CALENDAR**

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

Motion waiving.

Councilmember Wainwright asked that Item #10 be pulled for discussion. Councilmember Ross stated he would like to comment on Item #9 and recused himself from Item #7.

Vice Mayor DeLaney opened public comment on the Consent Calendar.
Julian Frazer stated he would like to pull Item #1 and Item #9 off the Consent Calendar. Vice Mayor DeLaney urged him to go ahead now with his comments. He stated that when someone wants to pull something off the Consent Calendar, it can then be placed on the agenda for further discussion. Mr. Frazer also commented on the fact that Vice Mayor DeLaney was not correctly following the recently adopted procedures.

1. Motion approving the City Council Minutes of April 19, 2006. [M.Cabral]

Mr. Frazer clarified comments he made at the April 19th meeting (page 4 of the minutes) regarding structures that define the character of a neighborhood and should be preserved. Regarding page 13 and 15, he clarified that one objection to redevelopment is the amount of money that would be diverted from funding for emergency services.

Mr. Frazer stated that he would also like to pull Item #9 for discussion. Vice Mayor DeLaney requested he go ahead and make comment at this time.

Councilmember Wainwright interjected stating that he would like to make comments regarding Item #1 first. He stated that he thought the motion regarding the lights at Tavan Field (page 9 of the minutes) included covering the costs to the users of the lights ($70.00) and asked if the clerk could verify this and correct the minutes if needed.

B. Wainwright moved for approval of Item #1 to include the comments made by Mr. Frazer and the research on his question. Motion died for lack of second.

On motion of M. Ross, seconded by J. Kennedy, the Council approved the minutes of April 19, 2006, with the amendment requested by Councilmember Wainwright by the following vote: Mayor Schroder, Absent; Rest, Ayes.

7. Motion approving the Arts and Library Commission’s recommendation to allow the Friends of the Library to pursue plans to improve the backyard area of the Martinez Library and upon acceptance and completion of the project, authorize City financing and installation of the appropriate fencing to prevent night inhabitants and vandalism. [J.Tool/16.09.00]

Councilmember Ross noted that after consulting with the City Attorney, he did not need to recuse himself after all. He said he thought this would be a great use for the area.

On motion by M. Ross, seconded by B. Wainwright, the Council approved Item #7 by the following vote: Mayor Schroder, Absent; Rest, Ayes.

9. Resolution No. 043-06 establishing policy principles for local telecommunication services to ensure and protect vital city and community interests. [M.Chandler/22.01.06/41.00.05]

Councilmember Ross discussed Item 9 and the need to retain local control while still allowing choice. He was confident that AT&T would be able to deliver.
Vice Mayor DeLaney opened public comment on Item #9.

Mr. Piersall asked whether or not the City staff made contact with San Ramon or Pasadena to find out why they contracted with AT&T rather than wait for the full package of services. Councilmember Ross said that they had made contact with San Ramon, but not Pasadena. He stated that AT&T is located in San Ramon.

Mr. Piersall interjected that AT&T is actually located in Texas. Councilmember Ross stated that is true, but they also have offices in San Ramon and may have wanted to support them. He confirmed there was no information on Pasadena.

Julian Frazer commented on the broad range of Comcast’s service area throughout the United States. He suggested that maybe a different type of technology should be considered, which might enable the City to split up the franchise.

Mr. Alford agreed with Mr. Frazer that opening up new technology would keep the City from being locked into one company, as it is with the garbage company.

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

Councilmember Ross discussed the reasons for having only one garbage company for simplicity of service.

Vice Mayor DeLaney agreed that these policies would create a level playing field for competing businesses, while still retaining local control and keeping prices down.

On motion of J. Kennedy, seconded by M. Ross, the Council approved Item #9 of the Consent Calendar by the following vote: Mayor Schroder, Absent; Rest, Ayes.

10. Resolution No. 044-06, authorizing the City Manager to sign the contract with Moffatt & Nichols for Phase I entitlement costs of up to $275,000 for the Marina and allocate, as a loan, $275,000 from the General Fund to the Marina fund for contract costs.

At the request of Councilmember Wainwright, Mr. Pearson presented a staff report explaining staff’s recommendation to contract with Moffatt & Nichols.

Councilmember Wainwright asked what services will be provided for the $275,000 and asked if that would be the maximum amount. Mr. Pearson confirmed it was an estimate.

Councilmember Wainwright asked for confirmation that Phase I would cover the two major items – the breakwater and the dredging. Deputy Director of Parks & Recreation Joanne Tool stated yes and explained the various components, including engineering and technical studies.

Councilmember Wainwright asked about a time frame. Ms. Tool said it should take approximately six months to complete Phase I.
Councilmember Wainwright questioned the distinction between Phase I and Phase II. Ms. Tool stated that Phase I is gathering all the information and Phase II is obtaining permits.

Councilmember Wainwright asked for clarification that Phase I is primarily completion of paperwork that is given to agencies, and that Phase II permits will cost more ($176,684). Ms. Tool stated that the $176,684 covers Phase II, III and IV.

Councilmember Wainwright asked about Phase III and IV. Ms. Tool stated that Phase III is for bid documents for actual construction of the breakwater and the dredge, and Phase IV is for obtaining building permits.

Councilmember Wainwright asked about the difference of Phase II and IV, for obtaining permits. Ms. Tool explained that Phase IV is to obtain permits for final drawings, construction bids and to actually do the work. She further explained that the City will know where it stands with the breakwater and dredging after Phase I, and can then determine if they then want to move forward with the lease agreement at that time.

Councilmember Ross asked about time issues. Ms. Tool stated that the longer it is delayed, the longer it will be before the City has the answers it needs, and the longer the dredge is delayed.

Councilmember Ross asked, and Ms. Tool confirmed that two to three more weeks would not be a significant delay. He suggested a continuation until after the special meeting on the marina.

Vice Mayor DeLaney asked if there was a rough estimate of time on Phase I. Ms. Tool stated about six months. Vice Mayor DeLaney stated that she had no problems with going forward with the entitlements, but was concerned about the lease itself and missing information.

Vice Mayor DeLaney opened public comment on the item.

Mr. Alford asked about the entitlements and why the City has to pay for them. He questioned why the City is even doing business with this company.

Mr. Frazer discussed his objections to the contract, especially given the City’s past experience with Westrec. He encouraged the Council to seek to make some improvements within the next six months, not two years from now, so that people can start to see necessary improvements in the marina area. He also asked if the special meetings could be included in the packets for those who subscribe.

There being no further comments, Vice Mayor Delaney closed public comment.

Councilmember Ross noted that Moffatt & Nichols are experienced consultants in the marina business, and they would be able to tell the City whether the proposed improvements are feasible.

On motion by M. Ross, seconded by J. Kennedy, to approve Item #10 of the Consent Calendar, to authorize the City to contract with Moffatt & Nichols to do the feasibility study for $275,000 to determine the viability of the breakwater and other items contained in the contract.

06.05.17.6
Councilmember Wainwright said each Councilmember should be able to speak before a motion is made. He commented on the changes to the original agreement, resulting in the City paying for the entitlements. He said he could not support a contract today with so much missing information in the lease and questions about the lessee’s business standing.

Vice Mayor DeLaney questioned whether the City would be required to pay more than $275,000 for Phase I, should additional resources be required. Mr. Pearson stated the $275,000 would be the maximum.

Vice Mayor DeLaney asked what the contract deliverables would include. Mr. Pearson reviewed the different components of the contract.

Councilmember Ross asked whether the full extent of the entitlement costs was known at the time the RFP was released. Mr. Pearson said the details were not specified at that point. Councilmember Ross noted it was unusual for a lessee to pay such costs.

Vice Mayor DeLaney asked the Council to vote on the motion. It was approved by the following vote: B. Wainwright, No; R. Schroder, Absent; Rest, Ayes.

2. Motion rejecting Claim(s) against the City by PG&E, Claim #06-05 and Peter & Sons Koi & Pond Supply, Claim #06-12.. [J. Catalano]

3. Motion approving Check Reconciliation Register dated 5/106, 5/4/06, and 5/11/06. [C. Heater/2.1.0]

4. Motion approving the City of Martinez Investment Policy. [C. Heater/2.1.0]

5. Motion approving Revenue Summary and Expenditure Summary for April, 2006. [C. Heater/2.1.0]

6. Motion adopting Ordinance 1327 C.S. Title 2 of the Martinez Municipal Code, Section 2.08.030, Quorum and Majority Vote, effective 30 days after adoption. [41.07.00]

8. Resolution No. 042-06 adopting the Fiscal Year 2006-07 Appropriations Limit. [C. Heater/2.1.0]

There was no public comment on Items 2, 3, 4, 5, 6 and 8 of the Consent Calendar.

On motion of J. Kennedy, seconded by M. Ross, the Council approved Items 2, 3, 4, 5, 6 and 8 of the Consent Calendar by the following vote: R. Schroder, Absent; Rest, Ayes.

PUBLIC HEARING(S)

ORDINANCE(S)
11. Consider and discuss placing an Infrastructure bond measure on the November 7th ballot as requested by Vice Mayor DeLaney (Continued from the April 19th meeting).

Vice Mayor DeLaney spoke on the City’s need for infrastructure improvements. She also discussed Measure O that was defeated in November, 2004, and the projects that would have been funded through it.

Councilmember Wainwright asked how this mechanism was different from Measure O. Vice Mayor DeLaney explained that this was not the same as an infrastructure district, but would be a property tax bond similar to Measure O.

Councilmember Wainwright asked about the time frame for this bond. Vice Mayor DeLaney said that the Council would need to take action by the last meeting in July, 2006, to be placed on the November, 2006, ballot. She discussed the survey results from Measure O and the projects the public would like to see done.

Councilmember Kennedy asked whether the $30 million would cover all the projects, and she indicated she would like to see some allotted for flood control. She was supportive of the bond issue and was hopeful that the community would support it.

Councilmember Ross says he would like to see a geographically well-balanced bond issue for the entire City and not just for the downtown area as Measure O seemed to be. He noted that the costs may have gone up in the meantime, and the City’s priorities may have changed also. He would like the Council to explore the idea further.

Vice Mayor DeLaney opened public comment on the item.

Harlan Bailey commented on the lack of changes to the library over the past 43 years, and the benefits a good library can bring to a community. He asked for better support of the library.

David Piersall said putting Measure O back on the ballot unchanged would be the “triumph of hope over experience.” He stated that he was originally in support of Measure O until $2 million was slated to be set aside for acquiring more parkland, as well as the marina provisions being unclear. He thinks the Council needs to come up with a better plan, with projects that will bring the community together.

Al Turnbaugh stated that he voted no on Measure O as well because he disagreed with how the money was to be spent. He discussed objections to downtown property owners having to pay for a flood control district, saying these costs should be included as well. He also commented on conflicting goals and purposes from community members who speak against redevelopment, but oppose renovation and repair of historic buildings because of preservation issues.

Julian Frazer said that the numbers need to be defined if Measure O is re-enacted, and he commented on Measure AA that passed in 1991, as a joint measure between the City and the
County. He suggested that the preservation of open space and the library should have high priority. He also commented on the need for a broad base of support prior to a bond being proposed. Specifically, he said the Councilmembers who are in favor of a bond measure should be sure their supporters don’t work against it.

Roger Goodwin reviewed some of the provisions that had been in Measure O. He urged the Council to move forward on this and make sure there is a complete understanding of how the funds would be allocated.

Marta Van Loan said she did support Measure O, but she acknowledged that a more focused approach would help. She expressed concern however that the bonded indebtedness might outlast the improvements themselves.

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

Councilmember Wainwright said he thought there should be better explanation of how the bond funds would be allocated, and he agreed that the measure needs to be one that unifies the City. He also agreed that the funds would be better used for improvements that will last the 30 year pay back period. He expressed concern about the tone of some of the public comments made, and he asked that there be no more name-calling and disparaging remarks.

Councilmember Wainwright also commented on the need to preserve historic buildings downtown and a bond passed by San Francisco to repair unreinforced masonry buildings (URMs). He suggested the bond should cover seismic retrofits as well.

Councilmember Ross agreed the community needs to come together for the bond issue, and for redevelopment, for the financial and physical betterment of the City.

Councilmember Kennedy commented on the need to replace the City pool, not repair it. She noted that bond money can be used with grant funding to make even greater improvements, as other cities have done.

Vice Mayor DeLaney discussed the challenges ahead to get something together in time for the November election. She agreed that the list of projects they have now may not be the projects the public would be interested in supporting, and she mentioned several others. She also said she thought that additional public meetings may be beneficial for this. She noted that Proposition 42 proposed that additional sales tax on gas was supposed to go to cities for local street and road improvements. Martinez would receive $1.1 million should the infrastructure bonds pass in November, which would be very helpful to Martinez.

12. a. Consider the proposed amendments regarding an Emergency Historic Preservation Ordinance meeting Title 22, Zoning, of the Martinez Municipal Code and if agreeable in principle, refer to the City Attorney for review in time for deliberation at our next regular scheduled Council meeting as requested by Councilmember Wainwright; and
b. Suspend the issuance of any City permit for the removal or demolition of any building 50 years of age or older until the Council has acted upon these proposed amendments.

Councilmember Ross recused himself as he has a property in escrow in this area.

Councilmember Wainwright explained the purpose and background of Item #12. He also discussed the Historical Resource Inventory created by the City in 1982. He mentioned that there were other historic buildings in the City not on the list, such as the Sharkey building, and thus they are not protected from demolition or removal. He also discussed the provisions of his proposed amendments to the ordinance. He commented on recent research that shows the Sharkey Building is on the County’s list of historic buildings, and the discovery that the building facade is virtually unchanged from its original appearance, contrary to what the Council had been told.

Vice Mayor DeLaney asked about Chapter 22.47 of the Municipal Code, specifically the wording under 22.47.050 since it indicates that any resident of Martinez has the right to pursue historic designation by the Historical Society with City Council approval.

Councilmember Wainwright acknowledged that anyone can go to the Historical Society for a designation of a cultural resource, but that does not protect the buildings from demolition or removal. Vice Mayor DeLaney stated that it outlines in the permit section that it is unlawful for any person to tear down, demolish, construct, alter or remove any structure that has been designated a cultural resource.

Councilmember Wainwright clarified that his amendments would save all buildings that have not been so designated that are over 50 years old. Vice Mayor DeLaney questioned the need to overrule the provisions that currently exist and risk taking away property rights from their owners.

Vice Mayor DeLaney opened public comment.

Mr. Piersall commented he was relieved to see that Councilmember Wainwright believes that the laws ought to be subject to amendments, but does not believe he adequately justified his proposed amendment, noting that it seems to be focused on 630 Court Street. He questioned why the Historic Society did not include 630 Court Street on their 1982 inventory, and whether anything had changed since that time to deem it of historic significance now. He also commented on the improved safety to the public from allowing replacement of the building with another of similar design and character, yet seismically safer.

Mr. Alford said that since this is on the County historical list, the City should not tear it down; history cannot be replaced. He also commented on the BH Development presentation of two weeks ago and suggested the building be brought up to code rather than torn down.

Mr. Turnbaugh discussed development of a URM ordinance, and the opportunity for public input on it. He commented that what Councilmember Wainwright is proposing the worst form of eminent domain, a regulatory taking without any compensation. He suggested this needs to be
given a lot of thought before a decision is made. He also discussed the seismic retrofit, earthquake and public safety problems with the Sharkey Building as it exists now.

Apolinar Omania spoke about a building he owns at 405 Berrellesa Street and how there is no way he is going to be able to save it. He also owns 432 Berrellesa where he has built a nice new structure.

Julian Frazer expressed concern that the Councilmember who campaigned about preserving historic Martinez is now proposing to tear historic buildings down. He also noted that 50 years is the standard at which a building can be considered for historic significance. Mr. Frazer noted as well that no building, new or retrofitted, can be guaranteed not to come down in an earthquake. He commented on the fact that many who want to allow historic buildings to be removed because of earthquake risks are willing to consider putting housing north of the tracks where liquefaction is a potential risk.

Ms. Billingsly expressed concern about the precedent that could be set, allowing more buildings to be torn down on Main Street. She said the building should be preserved since it is on the County’s list of historic buildings, or at least the Board of Supervisors should be consulted first.

Alice Alvarez commented on the trees on private properties in Martinez and the tree ordinance that protects them and provides procedures for removing them. She also said that buildings that have such historic value to the community should have some kind of protection.

There being no further speakers, Vice Mayor DeLaney closed public comment.

Councilmember Wainwright commented on Mr. Turnbaugh’s comments that the Council would “abdicate to the Historical Society.” He clarified that ultimately such requests would go to the Planning Commission after review and recommendation by the Historical Society. He also said his proposal is a method for protecting older buildings in Martinez from removal or demolition without proper review.

Councilmember Kennedy stated that she worked in the field of historic preservation for 30 years. She noted that if the City had a redevelopment agency, there would be a way to sell property at lower prices and give developers incentives to retrofit or renovate, rather than demolish a building. She also commented that she read the engineer’s report specifically detailing what the Sharkey Building needs. She believes the proposed amendments would put a six month hold on projects and would effectively take away personal property rights, which is worse than eminent domain. Given the cost for new construction, she doubted that there would be wholesale demolition of the downtown as some have implied. She concluded that she could not support the amendments.

Councilmember Wainwright clarified that the RFP for developing this property did not envision demolition, but retrofitting/renovation. He cautioned against basing the decision for the Sharkey building on one structural engineer’s report done in 2004. He urged another look at the possibilities, given the impacts to the downtown in the future.
Vice Mayor DeLaney concurred with Councilmember Kennedy. She commented on a book she received from the Martinez Historical Society, saying she was surprised by how much present-day Martinez does not resemble the Martinez of the past. She specifically noted that there were many homes that have been relocated within the City in the past. Although the goal of preserving the downtown is wonderful, the current Municipal Code has provisions for that. She felt that requiring a 60 day waiting period and then another 120 days, could prevent people from improving their property in the event of a disaster.

Vice Mayor DeLaney also stated that there has not been a final analysis on the Sharkey building at this time, and she believes that Mr. Hirahara’s experience and his team will know what is best for the City and the building.

Vice Mayor DeLaney stated that the Council had neglected to vote on Item #11, and invited Councilmember Ross back in for the vote.

On motion by M. Ross, seconded by J. Kennedy, the Council voted to direct staff to prepare a potential bond measure for the November 7 ballot, including the possibility of hiring bond counsel and other appropriate professionals as necessary, and to develop a protocol for public input to help facilitate the bond measure’s creation by the following vote: Mayor Schroder, absent; Rest, Ayes.

13. CITY COUNCIL COMMENTS

Councilmember Wainwright stated that he had an item for the agenda that was denied by the Mayor - to reconsider the April 26th action to authorize the City Manager to sign the completed marina sublease agreement with Martinez LLP subject to final review by the City Attorney and the City Council. Mr. Wainwright indicated that he objected to the handling of the motion. He summarized the opinion of the City Attorney that the City is not bound by Roberts’ Rules of Order unless not following them violates State law. He asked City Attorney Jeff Walter whether that was correct, and Mr. Walter asked the rest of the Council if they were willing to waive attorney-client privilege for him to respond. The Council agreed by consensus.

Mr. Walter confirmed that the courts have decided that unless there is some mandatory State law that would be violated by not following a particular parliamentarian procedure, it is implicit that the procedures are being amended when the Council takes action different than the rules would dictate. Thus, his conclusion was that the failure of the Council that night not to follow the formal two-thirds majority rule that Councilmember Wainwright cited did not undermine the underlying action that was taken.

Councilmember Wainwright requested that on the upcoming City Council agenda, the Council should consider the motion by Councilmember Ross on calling the question which was neither seconded nor voted on, and agree to consider the marina sublease without prejudice and in its entirety when submitted again at a future regularly scheduled meeting, as special meetings tend to limit public participation. He commented on the need for a full debate on the issues since the sublease can last 40-45 or even up to 60 years, including public involvement and review.
Councilmember Ross discussed the motion that was made and the background as to why it arose. He paraphrased the original agenda item, that the Council was to direct the City Manager to execute the contract sublease on her own without Council interference or involvement. Based on questions that Vice Mayor DeLaney and Councilmember Wainwright raised, he believed that the item should be postponed to another meeting so that the questions could be answered, and that the power to make the final decision should be taken from the City Manager and given back to the Council.

Vice Mayor DeLaney interjected that this is not the time for a debate on the issue, but for City Council comments.

Councilmember Ross said he thought the motion should stand as it was made at the time, allowing for the questions that were raised to be answered. Councilmember Wainwright said he was asking for this to be put on the agenda for a regular scheduled meeting.

Vice Mayor DeLaney said she was confident the marina issues would be discussed fully at a future meeting. Mr. Walter noted that the new policies indicate that if the Mayor denies an item to be placed on the agenda, two Councilmembers can then put it on.

Councilmember Wainwright moved to have reconsideration of the April 26th action be put on a future agenda. Motion failed for lack of a second.

CITY MANAGER

14. Marina Agreement Progress Report (standing)

Community Development Director Richard Pearson reported that the attorneys are working on the next draft of the agreement. He indicated that the Department of Boating and Waterways will be meeting on June 27, and the City will have to present a signed agreement at that meeting.

Vice Mayor DeLaney asked when the lease would be brought back to the Council. Mr. Pearson responded that it could be heard at a Special Meeting on May 31, or June 14, 2006, or at the Regular Meeting of June 21, 2006, but the latter would be cutting it close.

Vice Mayor DeLaney asked about putting it on the June 7, 2006, meeting agenda. Mr. Pearson said that would be great, but the Specific Plan is scheduled for that night, and he doubted they could cover both items.

Mr. Walter reported that due to scheduling conflicts, staff was tentatively scheduling a Special Meeting on May 31st or June 14th. City Manager Catalano suggested that staff could videotape the session and work with Comcast to broadcast it.

Councilmember Wainwright spoke to the City Attorney about his comments regarding the sublease. He expressed concern that the City has not done the level of due diligence that should be done when considering a 40-45 year lease, especially considering the scrutiny that was given to Mr. Parker’s proposal. Mr. Pearson stated that staff is reviewing the financial information.
with the same consultant that reviewed Mr. Parker’s proposal, and a report will be made. Mr. Pearson also stated that some of the questions asked of Mr. Parker are not appropriate in this case, as there was a detailed RFP and two binders full of answers to those questions, that the Council has had for a year or more to review.

In response to a further question from Councilmember Wainwright, Mr. Pearson stated that determining whether or not the lessee can provide the $4 million equity will be part of the financial review.

Vice Mayor DeLaney opened public comment on the item.

Julian Frazer said an RFP should be issued for a restaurant at the marina. He also commented on the 2-year entitlement period, and he suggested the lessee should agree to do a capital improvement within the first year. He also commented on the need to investigate the quality of any restaurant coming in. Mr. Frazer noted that it would be good if the City Attorney would direct the City Council, particularly the Mayor or Vice Mayor, to tell them what the procedures are. He asked what the process is to make a motion for reconsideration.

Mike Alford spoke on the scrutiny that Mr. Parker underwent. He commented that when someone comes in with a proposal and then changes it, as the marina lessee did, it’s criminal. He further expressed frustration that none of his questions are ever answered, just shifted from one individual to another.

There being no further speakers, Vice Mayor DeLaney closed public comment.

Councilmember Ross responded to Mr. Frazer’s comments, noting that if the marina operator leaves after the entitlement period, they will have to pay back half of the $275,000 spent by the City.

Vice Mayor DeLaney reiterated that there needs to be a signed agreement by the June 27 DBAW meeting, and confirmed that there would likely be a special meeting sometime between June 7 and June 21st, in order to allow sufficient discussion on the matter.


City Manager June Catalano reported that the City hired Libby Seifel of Seifel Consulting, Inc. to complete the next portion of the study as requested by Council. Her report will be due by July 1st.

Economic Development Director Susan McCue reviewed the scope of work and cost of the plan. Ms. McCue also discussed Phase II - the financial feasibility portion. She described what the consultant will do, concluding with a report and presentation by her at the July 5, 2006, Council meeting.

Councilmember Wainwright asked about the notation of costs and wanted to know what they were for. Ms. McCue stated that what the consultant will do is identify projects that would make sense in the study area, cost those out and do an analysis over time of the expense of those costs related to cash flow.
Councilmember Wainwright asked about the administrative costs incurred and whether they will be factored into the redevelopment plan. Ms. McCue stated that they would be. Councilmember Wainwright commented that Ms. McCue’s verbal explanation was clearer than what was written.

Vice Mayor DeLaney opened public comment.

Julian Frazer wanted to know if all the staff costs would be covered. He commented on the need to hire good consultants and to get accurate cost estimates.

There being no further speakers, Vice Mayor DeLaney closed public comment.


City Engineer Tim Tucker updated the Council and gave a brief background on the Shell incident of November 8th and the establishment of the citizens committee. Mr. Tucker indicated that the Committee is meeting weekly, and he reviewed the issues before them. He also reviewed the membership of the committee: Gayle Goldblatt, Marlene Bigley, Raul Lomeli, Ralph Sattler, and Tom Borman. He indicated that the committee is working closely with Steve Lesher of Shell. Mr. Tucker stated that Shell has posted Most Frequently Asked Questions developed by the committee on their website: ShellMartinezRefinery.com. He also stated that the committee is currently working on identifying the remaining issues and drafting a final report.

Mr. Tucker said that to date only the Root Cause Analysis has been made available by Shell for committee review. The committee is still awaiting the release of the Environmental Analysis Report. Shell has provided many answers to many questions and provides the committee with updates to the number of outstanding claims. He stated that there was over 3,000 outstanding claims when the committee began their work, but Shell recently reported they currently have 250 outstanding claims.

Councilmember Ross confirmed that a questionnaire had been sent out to the community by Shell at the direction of the committee.

Vice Mayor DeLaney opened public comment.

Julian Frazer questioned whether there were any impacts on the marina. He said it would be better if Shell intentionally dumped the oil on City roads to pave them, instead of releasing it into the air. He also commented on difficulties with signing of the settlement agreements, noting that if a person disagrees with any of the provisions they can be crossed out before signing, and it shouldn’t affect their settlement.

Mike Alford wanted to know if Shell has ever told Martinez exactly what they dumped out on them, as a lot of people are having health problems this year. He asked if it was sulfur dioxide. Councilmember Ross stated that it was asphalt oil.

Mr. Tucker stated that it is basically oil. He also said the County health department has the root-cause analysis that goes into more specifics.
Councilmember Ross commented on the makeup of sulfur dioxide, noting it was less than 1% benzene and not considered dangerous.

Mr. Alford wanted to know if it sticks and dries when the weather changes. Councilmember Ross stated that it is basically low grade motor oil, and does break down in the sunlight.

At the request of City Manager June Catalano, Mr. Tucker further spoke on other incidents that have occurred with Shell, including an oil spill and a gas release. He stated that no detectable materials were found in the soil down at the marina from the January incident.

Councilmember Ross clarified that even though what was released in November was not particularly dangerous, it is still unacceptable to have anything released over the City.

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

No comments made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

ADJOURNMENT

Adjourned at 10:30 p.m. to a Regular City Council Meeting on June 7, 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 – 7/5/06
CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

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

He indicated that Public Comment would be postponed until later in the meeting.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES

1. Motion approving City Council Minutes April 26, 2006.

Councilmember Wainwright questioned the addition of new items to the agenda, and he asked that the minutes be carried over to the next meeting to allow adequate review.

The Council agreed by consensus to continue the minutes to the next meeting.

2. Motion approving Check Reconciliation Registers dated 06/01/06, 06/02/06, and 06/07/06.

Mayor Schroder opened and closed public comment on the Consent Calendar with no speakers.

On motion of J. Kennedy, seconded by M. Ross, the Council voted unanimously to approve Item 2 of the Consent Calendar.

Item #6 taken out of order.

CITY MANAGER


City Manager June Catalano reported that the study was on target for completion by July 5th. Economic Development Director Susan McCue agreed there were no problems foreseen with meeting the deadline.

Mayor Schroder opened public comment on the item.

Paul Wilson said he hoped a full impact analysis would be done, including staff time and all the money that will be spent on redevelopment areas. As the marina has no income at all since it is public property, he questioned whether it should be designated as blighted, or proposed for redevelopment. He also expressed that the City Council is responsible for the marina’s poor condition.
Mike Alford asked whether the study will include the effects of the newly-discovered fault line, and its impacts on future construction in the City. Ms. Catalano said that would be an environmental issue to be considered on a project by project basis. Mr. Alford commented on the effects of the earthquake last week.

Item #4 taken out of order.

CITY COUNCIL

4. Railroad quiet zone update.

Community Development Director Richard Pearson gave an update, indicating it would not be possible for the City to qualify for self-certification, so only two locations (Berrellesa and Ferry) would be proposed for safety improvements. He reported on estimated costs to the City, as well as liability issues.

Vice Mayor DeLaney asked if there is any way to condition residential development in that area to provide for noise mitigation funds. Mr. Pearson said it could be researched. City Manager June Catalano said mitigation fees can be charged to capital improvements, and this would qualify as a capital improvement.

Mayor Schroder confirmed that the gates would have to be in place before certification could occur.

Councilmember Ross echoed Vice Mayor DeLaney and suggested pursuing grant funding or contacting the railroad again to lessen the volume, as has worked in the past.

Councilmember Wainwright said he was not in favor of a quiet zone; those who live near the railroad tracks appreciate the sound of the train. The cost seems high, and the benefits not worth it. Councilmember Ross noted it would also make the crossings safer.

Mayor Schroder opened public comment on the item.

Paul Wilson commented on the background report by Bradley Johnson on June 16, 2004, which said certification could be done without additional safety measures. He also noted that the trains are required to sound their horns when approaching and leaving the station, so total silencing of them is not possible. He asked if the $250,000 was for Ferry Street alone or for Berrellesa as well. He indicated that Ferry Street is at the end of the platform, where the horn sounding is required. He noted that the train horn is necessary for public safety, especially for the hard of hearing.

Ann Mobley expressed frustration with the early meeting start time. She agreed with Councilmember Wainwright that the cost of these improvements and the potential for liability are too great for the City. She asked that the Council deny the proposal.
Mike Alford stated that the Council is ignoring the public again. Martinez is a train city and has been for many years. The train horn is necessary for safety. He questioned whether any California city with a train station has a quiet zone. He also stated that developers should pay for the safety barrier, and he suggested a retirement development for the area.

Annie Brown questioned why someone would buy a house near a train track and then complain about the noise. She said the City has spent enough money foolishly.

Seeing no further speakers, Mayor Schroder closed public comment.

Councilmember Ross clarified with Mr. Pearson that this is the first step to make the crossings safer and to allow installation of a horn at the intersection itself. Mr. Pearson said no, the two issues are different. Installing a horn at the crossings is an alternative to the quiet zone and would localize the sound. Mr. Pearson also indicated that a quiet zone could be designated for night hours only (after 10 pm and before 6 am).

Councilmember Ross asked the cost of installing a horn at the crossing, and Mr. Pearson discussed potential costs. Councilmember Ross said he would like to continue to pursue all the possibilities.

Vice Mayor DeLaney noted that the comments she gets from the community indicate displeasure at the noise from the train horns, so she is listening. She was surprised at the public and Councilmember Wainwright’s reaction to the possible lessening of noise impacts in the City. She reiterated her suggestion that a mitigation fee be considered, as well as grant funding, to help pay for the improvements.

Councilmember Wainwright said more people in the town would rather keep the train noise as part of the ambiance of the town. He again said that the cost is too high. Vice Mayor DeLaney acknowledged that some noise would be inevitable, but lessening it would be an improvement.

Mayor Schroder commented on other train noise, and past history of complaints from the community. As safety is a prime concern, he would still like to pursue the possibilities. He was confident that some compromise could be reached.

Ms. Catalano confirmed that the Council would like staff to pursue establishment of a noise mitigation fee.

Councilmember Ross recused himself from the meeting at 6:28 p.m.

PUBLIC COMMENT

Tim Platt offered suggestions about density standards for two areas of the Specific Plan— the Downtown Core and the Telfer area. He asked the City Council to do what is in the public’s best interests. He noted that most high density development in the central county area is in the mid-20 range. He reminded the Council that setting reasonable limits does not preclude the developer from requesting or getting a higher density project with public amenities, and it would also help the parking situation.
Marta Van Loan commented on the parking requirement of 1.5 spaces per unit. She noted that current parking in the downtown is inadequate, and many households have more than one car, which would impact the situation further. Vice Mayor DeLaney pointed out that the Downtown Shoreline District has a 2-space requirement.

Ann Mobley asked the City Council not to go beyond 24 units per acre. She also agreed with Ms. Van Loan that the parking requirement was inadequate, and she asked that there be no new buildings over two stories in height.

Mike Alford said parking will be a problem. He asked again if a retirement community had been considered for the downtown/Telfer area as it would be appealing and bring more money into the City.

Roger Goodwin reported on free movies for the public on July 15th and 22nd at the amphitheatre and distributed flyers. He noted that allowing 33 units per acre density would not require developers to build to that density, and projects will be considered on case-by-case basis anyway. He clarified that 1.5 spaces per unit does provide more onsite parking than one space per unit would. He urged the Council to move forward with the Plan, noting that a senior development could always be proposed as a project later.

Paul Wilson discussed the 2.6 earthquake on a fault that the consultant had said did not exist, but was 5 miles deep and less than 2 miles from City Hall. He urged the Council to enact a mandatory earthquake retrofit ordinance before it is too late. Regarding the Downtown Specific Plan, he suggested the Council try living in the areas that are being proposed for redevelopment. He expressed concern about effects of the Specific Plan on the current residents. He also expressed the hope that someday citizens will take the City back and restore it to its previous character.

Maury Huguet, attorney, clarified that density and height numbers are ranges and would only be granted for superior projects that meet strict criteria. He asked the Council to allow the development community to design superior projects. An audience member asked him if he lives in Martinez, and Mr. Huguet said he was born in Martinez and lived here 46 years, but has since moved to Benicia because the housing type he desired was not available in Martinez.

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

PUBLIC HEARING(S)

3. Public hearing to consider the following:

   A) Consideration of the certified Environmental Impact Report for the Downtown Specific Plan and related actions; and
   B) Consideration and possible action relating to text and map amendments to the Martinez General Plan (including the Central Martinez Specific Area Plan) related to the proposed Downtown Specific Plan; and
   C) Consideration and possible action relating to the final adoption of the proposed Downtown Specific Plan; and
D) Consideration and possible action relating to text and map amendments to the Martinez Zoning Ordinance to add three new zoning districts: Downtown Shoreline; Civic; and Historic Overlay.

The City Council may direct staff to bring back the formal adoption of resolutions and ordinances relating to the above at a future City Council meeting.

*This is a continued item from the June 7, 2006 meeting. The public hearing of this item was closed on June 7, 2006.*

Mayor Schroder summarized actions taken at the last meeting.

Councilmember Wainwright resumed his proposed amendments.

On Page 4-5, Development Standards for the Downtown Core, he recommended maintaining the current standard of 29 units per acre.

Vice Mayor DeLaney asked staff why the higher density of 43 units per acre was proposed. Mr. Pearson said the consultant proposed it, because they thought the Downtown Core should have a higher allowable density than the Downtown Shoreline District. He further explained that 43 was derived from dividing 1000 square feet (allowed in an R-1.0 district) into the number of square feet in an acre.

Vice Mayor DeLaney commented on the need to provide incentives for higher quality development and revitalization. She was not in favor of the amendment.

There was no second to Councilmember Wainwright’s amendment.

Councilmember Wainwright commented on the potential for massive, monolithic design of similar density projects. He asked if the criteria for the higher density could be added to the CC Zone. Staff indicated they could have it by the end of the meeting.

On Page 4-7, under Density, he proposed 35 units per acre rather than 43.

On Page 6-3 Historic Overlay, 6.1.4 Additional Measures, line 2, Councilmember Wainwright recommended, “Therefore…no building constructed more than 50 years before…” rather than “before 1955.”

Mayor Schroder said he would prefer to have a specific year. Councilmember Wainwright said the State standard for historic designation is 50 years. He clarified that the paragraph is specifically talking about demolition.

Vice Mayor DeLaney questioned what form the investigation of feasible methods for re-using the building would take, as well as who does the investigation and what form it will take. Mayor Schroder said the Historic Preservation Ordinance Subcommittee will establish criteria. Mr. Pearson agreed that an ordinance itself would establish criteria for preservation/demolition.

06.06.14.5
Councilmember Kennedy agreed 50 years is the standard for historic designation and the right thing to do. She seconded Councilmember Wainwright’s recommendation. The Council agreed to the change.

Councilmember Wainwright also asked that “or removed from its site” be added to the next sentence. Councilmember Kennedy noted that sometimes moving a historic structure from its site is the best way to preserve it. Vice Mayor DeLaney agreed it might create new hurdles or obstacles to preservation. Mayor Schroder agreed with Councilmember Kennedy and Vice Mayor DeLaney.

Councilmember Wainwright expressed concern about old neighborhoods where the area is being transformed by demolition and replaced with high density, modern structures, changing the character of the neighborhood. Vice Mayor DeLaney said the design guidelines in the Specific Plan are intended to preserve the character of neighborhoods.

Councilmember Wainwright deferred to the rest of the Council.

Councilmember Wainwright asked that the next paragraph read, “The City should also update the 1983 Historic Resource Inventory regularly…” The Council agreed by consensus.

Councilmember Wainwright also recommended the last paragraph read, “All proposals for demolition or substantial modification of other structures…” Vice Mayor DeLaney seconded the amendment, Council agreed to the change.

Assistant City Attorney Veronica Nebb suggested adding a second paragraph under Section 4.5.3, “In order to approve a density above the basic density, the Planning Commission would need to find that, in addition to meeting the minimum requirements of the District, the proposal is superior in terms of one or more of the following criteria: design and appearance, minimizing impacts on adjacent public lands, providing onsite amenities for future residents, preserving or creating view corridors, utilizing green building practices to the maximum extent feasible.”

Councilmember Wainwright asked what “public lands” entails, and Ms. Nebb gave examples. Councilmember Wainwright said he thought it was more applicable to the Shoreline District than to the Downtown Core. Mayor Schroder asked if that would include provision of a public park in a mixed use development in the downtown. Ms. Nebb said it could, especially if one parcel is developed, and then someone wants to develop an adjacent parcel. She said another criterion could be added, “or providing publicly-available open spaces or amenities.”

Councilmember Wainwright asked how many criteria must be met. Ms. Nebb said as it is written, only one out of six must be met to have more than the basic density. Councilmember Wainwright said he thought that was too low a level.

Vice Mayor DeLaney said Page 9-5 seems to have a discrepancy in terms of the criteria that would have to be achieved, when compared to Page 9-4. Staff said one refers to projects above the base density, and the other refers to projects at the highest end of the density range.
Councilmember Wainwright suggested three or more conditions should be met for projects in the Downtown Core, since there are six listed, and four or more for the Shoreline District since there are eight listed. Ms. Nebb said there could be difficulties with requiring a specific number of criteria to be met, since some might not apply to every project. After further Council discussion, Ms. Nebb discussed the possibility of a “sliding scale” from the low to the top end of the density range, at the discretion of the Planning Commission. Councilmember Wainwright asked for more time to consider other criteria.

Mayor Schroder agreed that the wording in Chapter 9 could be adapted for this section. At the request of Councilmember Wainwright, Ms. Nebb reviewed the criteria. Councilmember Wainwright suggested an additional criterion, “fitting with neighborhood character.”

Vice Mayor DeLaney expressed support for language similar to Chapter 9, as proposed by Ms. Nebb. The Council agreed by consensus.

Councilmember Wainwright suggested 12-29 units per acre, rather than 35, as more appropriate for the downtown.

After brief discussion, Councilmember Kennedy suggested having a range of densities and specific criteria for each level of density in the downtown neighborhood, similar to the section in Chapter 9. Mr. Pearson said the downtown neighborhood does not have a density range like that, since the existing zoning districts will remain. Additional density could be achieved through rezoning when needed for a particular project.

Councilmember Wainwright said he would like to take out the R-1.5 zoning from the Downtown Neighborhood District, as it results in smaller units. Councilmember Kennedy cautioned that if the minimum size is too large, it could rule out some senior development.

Councilmember Wainwright echoed Mr. Platt’s statement that the higher densities proposed do not match that of other cities in the central county. Councilmember Kennedy disagreed.

Vice Mayor DeLaney asked how the 35-unit limit was reached; Mr. Pearson said the existing Downtown Overlay District allows an increase to that density from R-1.5 (29 per acre) with a use permit. Vice Mayor DeLaney asked, and Mr. Pearson confirmed that the action taken on this item will not change the existing zoning densities in the Downtown. Ms. Nebb further clarified that although it changes the maximum density allowable, the zoning would need to be changed on a parcel by parcel basis to allow the upper density range.

Councilmember Wainwright asked whether the Specific Plan should state that the allowable density depends on the zoning of a parcel. Mr. Pearson clarified further how zoning affects the allowable density within a range stated in the General Plan.

There was no support for Councilmember Wainwright’s amendment to lower the maximum density.

Regarding Section 9.5.3 under the Downtown Shoreline, the Plan states: “In the Downtown Shoreline District, the maximum building height should be 40 feet or 3 stories for development approved at R-1.5 density and 30’ or two stories for development at R-2.5.” Councilmember
Wainwright suggested additional text: “Nevertheless, for locations within 200 feet of existing residences, only 25’ feet or 2 stories shall be permitted.” He also suggested “In some areas, such as transition areas near existing single family residential areas, a two-story maximum height may be determined to be appropriate by the Planning Commission” be deleted.

Councilmember Kennedy questioned whether that would limit design alternatives. She believed the current language provides enough protection through Planning Commission review. After brief discussion, there was no second for Councilmember Wainwright’s amendment.

Regarding Section 9.5.4, Density, Councilmember Wainwright suggested the first paragraph be amended to say “up to a maximum of 35 units per acre.” The Council did not agree.

For the next paragraph Councilmember Wainwright suggested “the proposal is superior in terms of four or more of the following criteria.” Vice Mayor DeLaney suggested two or more. Mayor Schroder and Councilmember Kennedy said they would rather leave it as it is. After further discussion the Council agreed to change it to say two or more.

Councilmember Wainwright suggested adding a 3rd criterion in Section 9.6.3, Architecture: “In projects of more than six units or two separate residential structures, the design should be varied, not uniform or monolithic.”

Assistant City Attorney Nebb said the same goal could be achieved by façade articulation. Mayor Schroder commented on a project near Pleasant Hill BART as an example.

Vice Mayor DeLaney noted that chapter 10 (Section 10.5.4) addresses the issue as well. Ms. Nebb agreed, noting that adding it under the Design Guidelines in Section 9.6.3 would make it mandatory.

City Manager June Catalano suggested replacing “monolithic” with “monotonous.” Councilmember Wainwright was agreeable to the change. The Council approved the amendment suggested by Councilmember Wainwright, with the change proposed by City Manager Catalano.

Community Development Director Pearson asked about the change made to Page 9-4, under Section 9.5.4, Density, in response to comments at the last meeting. Councilmember Wainwright asked about removing “where feasible.” After further discussion, the Council agreed to the change made by staff.

Councilmember Wainwright asked whether Section 12.3 should be Parking Standards or Strategies because it was different in the Chapter Summary than it was later in the chapter. Staff said it should be strategies.

Councilmember Wainwright asked, and staff confirmed that Section 12.1.2 would have added language about parking in-lieu fees.

On Page 14-9, Pacheco Corridor, Councilmember Wainwright suggested “Construct a pedestrian-bike-emergency vehicle bridge (or underpass) over (or under).” The Council agreed to the change.
Councilmember Wainwright asked for clarification on whether the Downtown Overlay District guidelines applied to the Downtown Shoreline District. Mr. Pearson confirmed they did not. Councilmember Wainwright asked, and Mr. Pearson confirmed there was no density bonus proposed for the Downtown Shoreline District.

Councilmember Wainwright said he would like to propose a rule that any new construction (other than conversion to housing in the Downtown Core or Civic District) require two parking spaces per unit. Vice Mayor DeLaney and Councilmember Kennedy mentioned that fewer vehicles would be needed in a transit-oriented or senior housing development. Councilmember Wainwright said at least the Downtown Neighborhood should require two covered garages per unit, even for multi-family.

Vice Mayor DeLaney said she would like to encourage condo developments and/or homeownership, but would rather discourage dependence on automobiles. Councilmember Wainwright expressed doubt that people would be willing to change their driving habits, and requiring fewer parking spaces on-site would result in more cars parked on the streets. There was no second on Councilmember Wainwright’s amendment.

Councilmember Wainwright suggested a general principle for density, “in transition areas near existing single-family residential areas, or residential areas with less existing density than in the proposed project area, only the lowest permitted density for the district may be used,” in order to provide an obligatory transition area from the new neighborhood to the old. Assistant City Attorney Nebb said such protection was already built into the Plan through the use permit process and the requirement for neighborhood compatibility. There was no support for Councilmember Wainwright’s suggestion.

Councilmember Wainwright expressed support for the Planning Commission’s recommendation for lower height limits: “With the exception of the Downtown Shoreline District, the maximum building height throughout the City will be 30’ or 2 stories.” He suggested adding, “In the Downtown Shoreline District, the maximum building height should be 40’ or 3 stories, with a use permit required to go higher.”

Mayor Schroder said 40’ is an appropriate height in the downtown, as some buildings in the downtown are already 40’ or higher. Vice Mayor DeLaney and Councilmember Kennedy were not supportive of the change.

Regarding the Historic Overlay District, Councilmember Wainwright suggested a bonus for building preservation and renovation in accordance with the Secretary of Interior standards and the State historical building code, even possibly forgiveness of all City fees. Ms. Nebb said such a policy was not practical because of prevailing wage requirements. Mayor Schroder suggested that is a topic for the Historic Preservation Subcommittee to consider.

Councilmember Kennedy discussed other incentives that could be offered, but said they should be offered on the project level, not made a part of the Specific Plan.

Councilmember Wainwright said he was finished with his amendments to the Specific Plan.
Vice Mayor DeLaney suggested the following changes:

Section 1.5, Applicability and Conformity with the Specific Plan, should read “No construction, demolition, substantial modification, addition, placement or installation of any building structure…”

On Page 1-5, Acknowledgements, add Donna Allen and Fred Korbmacher to the list of Planning Commissioners.

On Page 2-3, policy LU1-3, “encourage mixed-use and transit-oriented development.”

On Page 2-4, Goal H-1 “encourage transit and pedestrian-oriented housing in areas in addition to the …”

For Policy H-1-5, “encourage and promote transit and pedestrian-oriented residential projects.”

The Council agreed to Vice Mayor DeLaney’s amendments.

Regarding Page 2-3, policy LU1-7, Vice Mayor DeLaney suggested changing “small-scale industrial” to “small-scale service commercial.” The Council agreed to the change.

Vice Mayor DeLaney noted that Policy ED1-3, Page 2-4, Economic Development goals and policies mentions “row homes” but gives no definition. Community Development Director Pearson suggested changing to “townhouses.” Ms. Nebb clarified that townhouses and row homes are two different types and gave examples of each. The Council decided to keep row homes, add townhomes, and include a definition of row homes.

Regarding Page 2-6, policy C-1-4, regarding street closure limitations, Vice Mayor DeLaney expressed concern that it might prevent opportunities for the creation of a pedestrian mall. She suggested it be deleted. Mr. Pearson discussed the rationale for the policy, and suggested including an exception for pedestrian malls.

Mayor Schroder asked about the earlier suggestion for re-aligning streets near the corporation yard, and whether that policy would affect it. Mr. Pearson said no, not in the Downtown Core. Mr. Pearson suggested changing “downtown area” to Downtown Core. The Council agreed to the change.

Vice Mayor DeLaney suggested that Goal P-1 delete “while avoiding an oversupply of parking.” The Council agreed to the change.

Regarding Section 4.1, Purpose of the Downtown Core District, Vice Mayor DeLaney asked to have some mention of the City’s desire for a theatre for the downtown. Councilmember Wainwright suggested, “The intent of this Specific Plan in the Downtown Core is to create and encourage opportunities for a variety of commercial, residential, and cultural and entertainment uses, including…” The Council agreed to the change.

06.06.14.10
Regarding p. 4-5, Development Standards for the Downtown Core, Vice Mayor DeLaney asked whether the Council should consider the same kind of requirement for the multiple family residential structures to have the condominium standards and the subdivision map requirements in this area as well as the Downtown Shoreline District. She suggested “All new multiple development in this area shall be processed concurrently with a subdivision map, so that individual units can be offered for sale, and shall meet the requirements for new condominium units as contained in Chapter 21.54 of the Municipal Code.”

Mr. Pearson reviewed why the Council did not want to include similar languages in January (although it was split on the matter). Vice Mayor DeLaney commented on the need to encourage homeownership opportunities. Councilmember Kennedy commented on impacts from apartment-to-condo conversions.

Councilmember Wainwright and Vice Mayor DeLaney expressed concern about the high percentage of rental housing already in the Downtown Core. Councilmember Kennedy clarified that ownership housing is currently allowed.

Ms. Nebb said the Council may want to consider the interplay between housing policies and the need to meet housing goals. Vice Mayor DeLaney said affordable housing goals can be met through ownership opportunities.

Councilmember Wainwright seconded Vice Mayor DeLaney’s motion. Councilmember Kennedy and Mayor Schroder said they could not support it, especially in view of upcoming housing issues facing the City.

Vice Mayor DeLaney said she had some editorial comments that she would give to staff separately. Regarding Section 9-6, 9.6.1 Character Defining Statement, she suggested the following amendment: “Large industrial uses are encouraged to relocate out of the District, but smaller, self-contained service commercial light industrial uses may coexist with existing and new residential uses.” The Council agreed.

Councilmember Wainwright asked whether service commercial uses are allowed in the Downtown Shoreline District. Mr. Pearson said the Zoning Ordinance should be changed to match the Specific Plan.

Vice Mayor DeLaney asked why the townhouses and rowhouses are not allowed in the Grandview District (according to the table). Mr. Pearson agreed they should be added to the table.

Regarding Section 10.6.6, Occupancy and Employees, Vice Mayor DeLaney suggested removing the restriction requiring residency onsite by at least one worker. Ms. Nebb said that is the definition of live-work, as opposed to mixed use. The amendment was not supported by the rest of the Council.

Councilmember Wainwright said that Page 13-3, Pedestrian-priority streets, “Two-way traffic is encouraged on pedestrian-priority streets in order to maximize retail visibility,” seems contradictory. Mr. Pearson clarified that traffic on one-way streets usually travels at a faster rate of speed.

06.06.14.11
Councilmember Wainwright noted that two streets listed as pedestrian-priority streets are one-way currently. Mr. Pearson said the Plan recommends elsewhere that they return to two-way again.

Vice Mayor DeLaney said she was in support of an in-lieu parking fee. She was disappointed that the area north of the tracks was not being included in the Plan. She also said that encouraging green building standards and practices was not mentioned frequently enough.

The Council voted unanimously to direct staff to prepare a resolution on the adoption of the Specific Plan with the changes provided by the Council.

The Council recessed from 8:35 – 8:45 p.m.

3.d. Consideration of Text and Map Amendments to the Martinez Zoning Ordinance

On motion of L. DeLaney, seconded by J. Kennedy, the Council voted unanimously to direct staff to bring back the formal adoption of resolutions and ordinances relating to the above at a future City Council meeting, including amendments.

Amendments
Councilmember Wainwright noted that the numbering is off in the Downtown Shoreline District section. Staff agreed to correct it.

Councilmember Wainwright also suggested that the purpose be amended to say, “respect and complement the largely single-family home neighborhood immediately to the south…” The Council agreed.

Councilmember Wainwright suggested that theatres and community centers be added under conditionally permitted uses. The Council agreed.

Vice Mayor DeLaney suggested changing “smaller self-contained light industrial uses” to “smaller self-contained service commercial uses.”

Councilmember Wainwright suggested adding “all new development shall be designed to …” to paragraph A, General under Development Uses. Mr. Pearson said the language should match that of the Specific Plan, although it is mentioned under C, Density.

Councilmember Wainwright suggested for Chapter 22.27, Historic Overlay, under purposes, add to b “district, with particular focus on buildings listed in the county and on City of Martinez Historical Resource Inventories, and.” Mayor Schroder suggested it be delegated to the Historic Ordinance subcommittee for consideration.

Vice Mayor DeLaney indicated she could support it, since the guidelines are advisory. Ms. Nebb cautioned that the Council has not reviewed the County list, so she would not recommend including it here. The Council agreed to add the City’s list, but not the County’s at this point.
Councilmember Wainwright said the language in Section 22.27.040, Administration, and Section 22.16.200, Height of Structures should be amended to match the Specific Plan. Staff agreed.

Councilmember Wainwright asked if there should be some reference to the parking in-lieu fee. Mr. Pearson said the Council had decided to study the possibility of a parking in-lieu fee ordinance, and that would be mentioned in the Specific Plan, but not in the Zoning Ordinance. The City Council agreed.

Vice Mayor DeLaney confirmed deletion of the last sentence too. Staff said yes.

7. City Manager comments

None.

5. City Council comments

Councilmember Kennedy reported on the work of the Flood Committee, noting they should have something to report in a month or so.

Vice Mayor DeLaney mentioned there will be a special City Council meeting Saturday, June 17 at 10:00 a.m. (10:30 for the public) regarding the marina lease.

Councilmember Wainwright asked the Council’s consensus on consideration of an ordinance that would address the potential problem of an open seat on the Council following the next election. Mayor Schroder said it could be put on the agenda for discussion. The other Councilmembers agreed.

Ms. Nebb said the Council would need to consider State law provisions also.

ADJOURNMENT

Adjourned at 9:14 p.m. to an Adjourned Regular City Council Meeting on June 17, 2006, at 10:00 a.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk - 7/5/06
TO: Mayor and City Council

FROM: June Catalano, City Manager

PREPARED BY: Lianne Marshall, Administrative Services Director
Cathy Heater, Finance Manager

SUBJECT: Adjustments to Fiscal Year 2006-07 Budget

DATE: June 13, 2006

RECOMMENDATION:

Approve the resolution to adopt adjustments to the Fiscal Year 2006-07 budget as presented in this report. The Budget Subcommittee reviewed this report in its meeting on May 9, 2006, and recommended forwarding to the City Council for approval.

BACKGROUND:

The City of Martinez adopted a Biennial Budget for the period July 1, 2005 through June 30, 2007. This is the second year of the Biennial Budget and therefore the resolution includes only those revenue and expenditure adjustments needed for Fiscal Year 2006-2007.

Overview of Economic Conditions

Preliminary estimates released by the Bureau of Economic Analysis show an increase in the GDP of 4.8% in the first quarter of 2006, compared to a 1.7% increase in the fourth quarter of 2005. Consumer spending accelerated to a 5.5% increase, up from the 0.9% increase of the prior quarter. Federal government spending, business investment in equipment and software, and trade exports also showed strength in the most recent quarter. Corporate profits continued to show positive growth during the first quarter of 2006, rising 7.9%, but this increase was less than the 14.4% increase from the fourth quarter of 2005.

The Consumer Price Index increased 0.6% in April, after seasonal adjustment, which followed a 0.4% rise in March. The Federal Reserve is expected to increase interest rates in order to control inflation. Energy costs increased 1.3% in March and 3.9% in April. Bay Area home sales dropped by 14.2% in April compared to March, and by 25.1% from April of last year, according to DataQuick Information Systems, as home prices reached their peak.

The national unemployment rate was unchanged in April at 4.7%, but was 0.4% lower than a year earlier. California’s unemployment rate was 4.8%, with the East Bay at 4.3%. This continues a decline in unemployment in the Bay Area over the last six months.
Impact of the State Budget
The Governor’s budget released in January uses unanticipated revenues to raise ongoing budgetary commitments, prepay some budgetary debt, and provide baseline funding increases for most programs. The Governor’s budget assumes that revenues will be up significantly from the 2005-06 budget estimates and that revenues will further increase in 2006-07. These increases are largely from volatile sources, such as corporate profits and investment earnings.

In the May revision of the 2006-07 Budget, the Governor has proposed the restoration of Prop 42 Local Street and Road Improvement funds. If this funding is approved, the City’s allocation will be $153,550. In addition, a bond measure will be on the November ballot which if approved would allocate $1 billion to cities for street and road improvements. The budget revision also includes repayment of the first 2 years of the scheduled 15-year repayment of pre-Fiscal Year 2005-06 mandates owed to local government.

Historical Impact of State Take Aways
In 1992-93, the State began taking away revenues from cities as a means of addressing its budget problems. The first take away was a shift of property tax revenues to schools in the form of an Education Revenue Augmentation Fund (ERAF) payment. The cumulative amount the City of Martinez will have paid in the form of ERAF through Fiscal Year 2005-06 is $20,213,134. The table below illustrates the amount by fiscal year.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>ERAF Shift</th>
<th>ERAF III</th>
<th>Cumulative Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992/93</td>
<td>$396,000</td>
<td></td>
<td>$396,000</td>
</tr>
<tr>
<td>1993/94</td>
<td>$1,133,000</td>
<td>$1,529,000</td>
<td>$2,662,000</td>
</tr>
<tr>
<td>1994/95</td>
<td>$1,123,000</td>
<td>$2,652,000</td>
<td>$3,775,000</td>
</tr>
<tr>
<td>1995/96</td>
<td>$1,164,000</td>
<td>$3,816,000</td>
<td>$5,050,000</td>
</tr>
<tr>
<td>1996/97</td>
<td>$1,213,000</td>
<td>$5,029,000</td>
<td>$6,242,000</td>
</tr>
<tr>
<td>1997/98</td>
<td>$1,200,000</td>
<td>$6,229,000</td>
<td>$7,429,000</td>
</tr>
<tr>
<td>1998/99</td>
<td>$1,270,000</td>
<td>$7,499,000</td>
<td>$8,769,000</td>
</tr>
<tr>
<td>1999/00</td>
<td>$1,345,000</td>
<td>$8,844,000</td>
<td>$10,203,000</td>
</tr>
<tr>
<td>2000/01</td>
<td>$1,470,000</td>
<td>$10,314,000</td>
<td>$11,783,000</td>
</tr>
<tr>
<td>2001/02</td>
<td>$1,605,000</td>
<td>$11,919,000</td>
<td>$13,524,000</td>
</tr>
<tr>
<td>2002/03</td>
<td>$1,666,000</td>
<td>$13,585,000</td>
<td>$15,251,000</td>
</tr>
<tr>
<td>2003/04</td>
<td>$1,803,000</td>
<td>$15,388,000</td>
<td>$17,191,000</td>
</tr>
<tr>
<td>2004/05</td>
<td>$1,936,000</td>
<td>$17,723,067</td>
<td>$20,659,067</td>
</tr>
<tr>
<td>2005/06</td>
<td>$2,091,000</td>
<td>$20,213,134</td>
<td>$22,304,134</td>
</tr>
</tbody>
</table>

Ending of 2005-06
The General Fund is expected to close Fiscal Year 2005-06 with an undesignated Fund Balance of $4.9 million.
**Fiscal Year 2006-2007 Adjustments**

*Revenue Adjustments*
The Budget Subcommittee accepted staff’s recommended 2006-07 revenue budget adjustments as shown in Table 1 below:

<table>
<thead>
<tr>
<th></th>
<th>Adopted Budget</th>
<th>Recommended Changes</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Taxes</td>
<td>5,843,250</td>
<td>299,250</td>
<td>6,142,500</td>
</tr>
<tr>
<td>Sales Tax &amp; Sales Tax In-Lieu</td>
<td>4,257,973</td>
<td>240,027</td>
<td>4,498,000</td>
</tr>
<tr>
<td>VLF Property Tax Swap</td>
<td>2,058,590</td>
<td>366,410</td>
<td>2,425,000</td>
</tr>
<tr>
<td>Other Taxes</td>
<td>2,484,870</td>
<td>136,500</td>
<td>2,621,370</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>721,316</td>
<td>4,000</td>
<td>725,316</td>
</tr>
<tr>
<td>Licenses, Permits &amp; Fees</td>
<td>491,100</td>
<td>130,000</td>
<td>522,100</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>597,680</td>
<td>65,300</td>
<td>662,980</td>
</tr>
<tr>
<td>Fines and Forfeits</td>
<td>344,000</td>
<td>5,000</td>
<td>349,000</td>
</tr>
<tr>
<td>Use of Money &amp; Property</td>
<td>288,900</td>
<td>15,000</td>
<td>303,900</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>107,384</td>
<td>391,141</td>
<td>498,525</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>17,195,063</td>
<td>1,553,628</td>
<td>18,748,691</td>
</tr>
</tbody>
</table>

**Property tax** projections for 2005-06 were increased at mid-year based on actuals. After applying 5% growth to this new budgeted amount, the increase is $299,250. The County Assessor confirmed that Martinez can safely assume 5% growth in the coming year, despite a slowing of the real estate market.

**Sales tax** has been adjusted upward as a result of stronger than expected growth in 2005-06, which is expected to continue. The City’s sales tax auditor has increased its projections for next year based on this year’s performance by $240,027. The increase is net of an anticipated reduction in revenue during the transition of a major retailer to another owner.

**VLF Property Tax Swap** estimate has been revised upward by $366,410 based on new growth and prior year catch-up.

**Other Taxes** includes increases of $30,000 for business license and $106,500 for franchise fees based on trend.

**Intergovernmental** has been increased by $20,000 for the repayment of deferred mandated reimbursements from the State, but this increase is largely offset by a reduction in POST reimbursement of $16,000.

**Licenses, Permits & Fees** has been increased by $31,000 for mechanical permits based on trend.
Charges for Services has been increased by $65,300, including $42,500 for public works inspections and $32,800 for engineering plan check fees. These increases are slightly offset by a reduction of $10,000 for police services.

Fines and Forfeits has been increased by $5,000; this includes a $35,000 increase in tow release fees offset by a reduction of $30,000 in court fees.

Use of Money & Property has been increased by $391,141 for one-time rebates in workers’ compensation and liability insurance.

Expenditure Adjustments
The Budget Subcommittee also accepted staff’s recommended expenditure revisions as shown in Table 2 below:

```
<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>Adopted Budget</th>
<th>Recommended Changes</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government</td>
<td>$1,291,849</td>
<td>$41,003</td>
<td>$1,332,852</td>
</tr>
<tr>
<td>Non-Departmental</td>
<td>1,116,058</td>
<td>769,099</td>
<td></td>
</tr>
<tr>
<td>Admin Services</td>
<td>899,453</td>
<td>900,517</td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>8,740,937</td>
<td>8,809,159</td>
<td></td>
</tr>
<tr>
<td>Community Development</td>
<td>4,358,083</td>
<td>4,663,174</td>
<td></td>
</tr>
<tr>
<td>Total Operating</td>
<td>17,168,431</td>
<td>17,642,928</td>
<td></td>
</tr>
<tr>
<td>Transfers Out</td>
<td>610,431</td>
<td>1,051,572</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$17,778,863</td>
<td>$18,694,501</td>
<td></td>
</tr>
</tbody>
</table>
```

Maintenance and Operating expenditures across all departments increased $474,497. This includes:

Non-departmental has been increased $75,000 for vacation payoff due to retirements, partially offset by a $25,000 reduction in retiree medical costs.

Police Department adjustments include an increase of $50,000 for the animal control contract with the County.

Community Development adjustments include $25,000 for repairs to the police evidence building; $5,000 for repairs to the Amtrak Station; $60,000 for temporary support; and $13,750 for utilities and communication costs; partially offset by a $60,000 reduction in reimbursements from other funds.
In addition, the Budget Subcommittee has recommended funding for a number of special projects, including $50,000 for Downtown Creek Improvements; $15,000 to complete the 9/11 Memorial Project; an additional $67,575 as a loan to the Marina for improvements; an additional $25,000 for the AEG and Martinez bicycling events; and $5,000 for an RFP to solicit proposals for dinner cruises. A portion of the one-time rebates for workers’ compensation and liability insurance programs are recommended to be transferred to the Retiree Medical Reserve and Insurance Reserve in the amounts of $101,141 and $207,425, respectively.

Table 3 illustrates the impact of the recommended FY 2006-07 budget adjustments to the General Fund Ending Fund Balance, which is expected to close with an undesignated Fund Balance of $5 million.

<table>
<thead>
<tr>
<th>Operating Revenues &amp; Expenditures</th>
<th>Adopted Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Beginning Fund Balance-@7/1/06</td>
<td>$ 4,938,207</td>
</tr>
<tr>
<td><strong>Revenues &amp; Expenditures: Adopted Budget</strong></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>17,195,063</td>
</tr>
<tr>
<td>Expenditures</td>
<td>(17,168,432)</td>
</tr>
<tr>
<td>Transfers</td>
<td>(610,431)</td>
</tr>
<tr>
<td>Excess Revenue (Expenditures)</td>
<td>(583,800)</td>
</tr>
<tr>
<td>Estimated Beginning Fund Balance-@7/1/07</td>
<td>$ 4,354,407</td>
</tr>
<tr>
<td><strong>Recommended Budget Adjustments:</strong></td>
<td></td>
</tr>
<tr>
<td>Revenue Budget Adjustments</td>
<td>1,553,628</td>
</tr>
<tr>
<td>Expenditure Budget Adjustments</td>
<td>(474,497)</td>
</tr>
<tr>
<td><strong>Transfer Budget Adjustments:</strong></td>
<td></td>
</tr>
<tr>
<td>Creek Improvements</td>
<td>(50,000)</td>
</tr>
<tr>
<td>911 Memorial Project</td>
<td>(15,000)</td>
</tr>
<tr>
<td>Loan to Marina</td>
<td>(67,575)</td>
</tr>
<tr>
<td>Insurance Reserve</td>
<td>(207,425)</td>
</tr>
<tr>
<td>Retiree Medical Reserve</td>
<td>(101,141)</td>
</tr>
<tr>
<td><strong>Net Change to Fund Balance</strong></td>
<td>637,990</td>
</tr>
<tr>
<td><strong>Ending Fund Balance</strong></td>
<td>$ 4,992,397</td>
</tr>
</tbody>
</table>
Non-General Fund adjustments
The Budget Subcommittee accepted staff’s recommendations for revenue and expenditure revisions for Non-General Funds reflected in the table below:

<table>
<thead>
<tr>
<th>NON-GENERAL FUND</th>
<th>Fleet Maintenance</th>
<th>Information Systems</th>
<th>Water System</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2006-07 SUMMARY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adopted Budget</td>
<td>966,667</td>
<td>391,677</td>
<td>9,580,225</td>
<td>483,800</td>
</tr>
<tr>
<td>Recommended Changes</td>
<td>50,228</td>
<td>31,718</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Revised Budget</strong></td>
<td><strong>$1,016,895</strong></td>
<td><strong>$423,395</strong></td>
<td><strong>$9,580,225</strong></td>
<td><strong>$483,800</strong></td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adopted Budget</td>
<td>929,690</td>
<td>391,677</td>
<td>8,185,633</td>
<td>480,950</td>
</tr>
<tr>
<td>Recommended Changes</td>
<td>79,189</td>
<td>31,718</td>
<td>67,510</td>
<td>2,845</td>
</tr>
<tr>
<td><strong>Revised Budget</strong></td>
<td><strong>$1,008,879</strong></td>
<td><strong>$423,395</strong></td>
<td><strong>$8,253,143</strong></td>
<td><strong>$483,795</strong></td>
</tr>
</tbody>
</table>

Revenue increases in Fleet Maintenance and Information Systems are the result of rental income from other funds. Expenditure increases include $15,000 for supplies in the Water System; $50,000 for fuel and $7,000 for vehicle purchases in Fleet Maintenance; and $12,000 for the video streaming maintenance agreement and $20,000 for non-capital equipment to maintain the City’s equipment replacement schedule in Information Systems.

RESOLUTION NO. -06
APPROVING ADJUSTMENTS TO THE ADOPTED BUDGET
FOR THE FISCAL YEAR 2006-07

WHEREAS, in June 2005, the City Council adopted the Budget for the City of Martinez for Fiscal Years 2005-06 and 2006-07; and

WHEREAS, at year end, it is necessary to amend the Fiscal Year 2006-07 Budget to update certain general fund and enterprise fund revenue projections and expenditures; and

WHEREAS, those changes to the Fiscal Year 2006-07 Budget have been described, including their fiscal impact, in the attached staff report.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Martinez adopts the adjustments to the Fiscal Year 2006-07 Budget.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006, by the following vote:

AYES:
NOES:
ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council

FROM: June Catalano, City Manager

PREPARED BY: Richard Pearson, Community Development Director
              Tim Tucker, City Engineer

SUBJECT: 2005-06 Cape Seal Project

DATE: June 29, 2005

RECOMMENDATION:

Adopt resolution accepting bids for the 2005-06 Cape Seal Project and awarding the construction contract to Bond Blacktop, Inc. in an amount of $330,695.00.

DISCUSSION:

Sealed bids were opened by the City Clerk at 2:00 p.m. on Wednesday, June 28, 2006. Five bids were received to do the work. The lowest responsible bid was submitted by Bond Blacktop, Inc. of Union City. The bid summary is as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Blacktop, Inc.</td>
<td>$330,695</td>
</tr>
<tr>
<td>Graham Contractors, Inc.</td>
<td>$436,567</td>
</tr>
<tr>
<td>Intermountain Slurry Seal, Inc.</td>
<td>$450,330</td>
</tr>
<tr>
<td>Windsor Fuel Company</td>
<td>$458,161</td>
</tr>
<tr>
<td>International Surfacing Systems</td>
<td>$493,805</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$491,930</td>
</tr>
</tbody>
</table>

Bond Blacktop, Inc. has a proper and valid contractor’s license and has successfully completed several projects for several other agencies in the Bay Area.

The low bid of $330,695 is $161,235, or nearly 33%, below the engineer’s estimate of $491,930.

Staff recommends that Council award a construction contract in the amount of $330,695.00 to Bond Blacktop, Inc. of Union City as the lowest responsible bidder.
FISCAL IMPACT:

The project is budgeted under Account No. C1029. This project completes the cape seal portion of the 2005-06 Paving Project, budgeted under Account No. C1028. The pavement repair portion of the 2005-06 Paving Project was completed last fall. In addition to transferring the remaining balance from Account No. C1028, it is proposed to fund the project with the remaining 2005/06 Traffic Congestion Relief funds and with $40,000 of previously allocated General funds from Account No. C1012. The Traffic Congestion Relief funds must be expended on paving projects by the end of the next June.

The project funding is summarized below:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General fund (transfer from C1028)</td>
<td>$225,000</td>
</tr>
<tr>
<td>Gas Tax (transfer balance from C1028)</td>
<td>59,000</td>
</tr>
<tr>
<td>Traffic Congestion Relief (balance of 2005/06 funds)</td>
<td>78,000</td>
</tr>
<tr>
<td>General funds (transfer from C1012)</td>
<td>40,000</td>
</tr>
<tr>
<td>Total Funding</td>
<td>$402,000</td>
</tr>
</tbody>
</table>

The estimated costs for the project are summarized below:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Contract</td>
<td>$330,695</td>
</tr>
<tr>
<td>Contingency (10%)</td>
<td>33,305</td>
</tr>
<tr>
<td>Subtotal Construction</td>
<td>$364,000</td>
</tr>
<tr>
<td>Design / Admin / Inspect</td>
<td>38,000</td>
</tr>
<tr>
<td>Total</td>
<td>$402,000</td>
</tr>
</tbody>
</table>

Attachments: Resolution
Project Street List
**Project Streets (for Cape Seal)**
Andrews Drive
Nicollete Court
Soto Court
Ulfianian Way - Pine to Harbor View
Hillside Drive
Thomas Drive
Rainer Drive
Hidden Lakes Drive
Chilpancingo Parkway - Quiet Lake to Morello
Reliez Valley Rd. - Blue Ridge to northerly city limit
Muir Station Road
Muir Road - Center to Roman
Susana Street, Castro to Pine
Court Street, Susana to Warren
Jones Street, Pine to Court
Haven Street, Pine to Court
Warren Street, Pine to Court
Estudillo Street, Brown to Ward
Estudillo Street, Shell to Alhambra Way
Terrace Way, Shell to Estudillo
Vista Way, Estudillo to Pine
RESOLUTION NO. -06

AWARDING A CONTRACT TO BOND BLACKTOP, INC.,
FOR THE 2005-06 CAPE SEAL PROJECT

WHEREAS, on June 8, 2006, the City did advertise for bids from
general engineering contractors for the 2005-06 Cape Seal
Project; and

WHEREAS, there is a request to allocate $78,000 of 2005/06
Traffic Congestion funds to Account No. C1029; and

WHEREAS, on June 28, 2006, bids were publicly opened and the
lowest responsible bid is within available funds; and

WHEREAS, it is deemed in the best interest of the public and the
City to implement the 2005-06 Cape Seal Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Martinez that the bid of Bond Blacktop, Inc., is hereby accepted
in an amount of $330,695.00 when the required performance bond,
labor and materials bond, insurance and other contract documents
have been reviewed and approved by the City Attorney, and the
City Manager is hereby authorized to execute a contract for said
project with the contractor.

IT IS FURTHER RESOLVED that $78,000 of Traffic Congestion Relief
funds are allocated to Account No. C1029.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of
a resolution duly adopted by the City Council of the City of
Martinez at a Regular Meeting of said Council held on the 5th day
of July, 2006 by the following vote:

AYES:
NOES:
ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council

FROM: June Catalano, City Manager

PREPARED BY: Richard Pearson, Community Development Director
             Tim Tucker, City Engineer

SUBJECT: Preliminary drainage study by PWA

DATE: June 29, 2006

RECOMMENDATION:

Adopt resolution allocating $5,700 from the Zone 5 Drainage Area fund for a preliminary drainage study by PWA for long term solutions to Alhambra Creek flooding.

BACKGROUND:

The Mayor and City Council has recently established a Flood Task Force Subcommittee. The Subcommittee has established both long and short term goals for minimizing flooding in Martinez. Goal #12 states “Develop a list of alternative medium and long range projects including both planning issues and construction proposals.” Staff has requested a proposal from Philip Williams and Associates (PWA) to assist the Subcommittee on this goal. PWA is very familiar with Alhambra Creek. They have done hydrology studies relating to the Intermodal project and the Downtown Channel project. Attached is a scope of work which includes:

2. Assess cost benefit of culvert sized to address 100-year peak flow.
3. Assess costs and benefits of a smaller diameter pipe.

The Subcommittee has reviewed and approved the scope of work.

FISCAL/BUDGET IMPACT:

The preliminary study will cost $5,700. The funding source is developer drainage impact fees in Zone 5. The current fund balance for drainage area 5 is slightly over $100,000.

Attachment: PWA Proposal
RESOLUTION NO. -06

ALLOCATING $5,700 FROM THE ZONE 5 DRAINAGE AREA FUND
FOR A PRELIMINARY DRAINAGE STUDY BY PWA
FOR LONG TERM SOLUTIONS TO ALHAMBRA CREEK FLOODING

WHEREAS, the City Council of the City of Martinez supports the effort of finding short and long solutions to flooding in Martinez; and

WHEREAS, the City Council has established a Flood Task Force Subcommittee; and

WHEREAS, Goal #12 of said Subcommittee states to “Develop a list of alternative medium and long range projects including both planning issues and construction proposals;” and

WHEREAS, the City has received a proposal for $5,700 from Philip Williams and Associates, Ltd. to conduct a preliminary drainage study investigating the benefits and costs of both large and medium size storm drains within the Alhambra Avenue corridor that will help reduce flooding in Martinez in the long term; and

WHEREAS, Philip Williams and Associates is well qualified to complete such a preliminary study; and

WHEREAS, staff has determined the City has sufficient developer drainage impact fees to complete the study.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Martinez hereby allocates $5,700 from the Zone 5 Drainage Area fund for a preliminary drainage study by Philip Williams and Associates for long term solutions to Alhambra Creek flooding.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006, by the following vote:

AYES:
NOES:
ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council
FROM: June Catalano, City Manager
PREPARED BY: Richard Pearson, Community Development Director
Tim Tucker, City Engineer
SUBJECT: 2006 Paving Project
DATE: June 29, 2005

RECOMMENDATION:

Adopt resolution authorizing the City Manager to award and execute the construction contract for the 2006 Paving Project.

DISCUSSION:

Sealed bids were due to the City Clerk at 2:00 p.m. on Wednesday, June 28, 2006. However, the City received no bids to do the work. The Notice Inviting Bids was advertised in the local paper on June 8, and June 15, 2006, and sent to 13 of the local building plan rooms. Staff also contacted several paving contractors to advise them of the project. Contractors contacted after the scheduled bid opening indicated that they were either too busy to bid, were already committed on other projects or had not heard about the project.

Staff has reviewed the relevant section of the Public Contract Code with the City Attorney’s office and the City may now contract with any available qualified contractor(s) to get the work done. Section 20166 of the Public Contract Code reads as follows:

20166. In its discretion, the legislative body may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the legislative body may accept the one it chooses. If no bids are received, the legislative body may have the project done without further complying with this chapter.

Staff has contacted several contractors who have indicated that they are able to perform the work in a timely manner and are willing to submit a proposal to do the work. All have proper and valid contractor’s license and have successfully completed several projects for several other agencies in the Bay Area. They indicated that they will submit proposals within the next week.

Staff recommends that Council authorize the City Manager to award and execute a construction contract for the 2006 Paving Project in the amount of not to exceed the budgeted funds.
FISCAL IMPACT:

The project is budgeted under Account No. C1030. There is currently $405,000 budgeted for the 2006-07 Paving Project. The funding sources are listed below:

- $200,000 of Gas Tax funds for paving projects in the 2006-07 CIP budget
- $105,000 of General funds for paving projects in the 2006-07 budget
- $100,000 of General funds for paving projects in the 2005-06 mid year budget

Attachments:  Resolution
                Project Street List
**Project Streets include:**
Ward Street, east of Willow Street
Susana Street, Castro to Pine
Court Street, Susana to Warren
Jones Street, Pine to Court
Haven Street, Pine to Court
Warren Street, Pine to Court
Estudillo Street, Brown to Ward
Estudillo Street, Shell to Alhambra Way
Terrace Way, Shell to Estudillo
Vista Way, Estudillo to Pine
Muir Road, Glacier to Fountainhead
Virginia Hills, Alhambra to Safeway Driveway
RESOLUTION NO. -06

AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE THE CONSTRUCTION CONTRACT FOR THE 2006 PAVING PROJECT

WHEREAS, on June 8, 2006, the City did advertise for bids from general engineering contractors for the 2006 Paving Project; and

WHEREAS, on June 28, 2006, bids were to be submitted to the City and publicly opened; and

WHEREAS, no bids were received; and

WHEREAS, Section 20166 of the Public Contract Code allows the City to now have the work done; and

WHEREAS, staff will solicit proposals from qualified Contractors to perform the work; and

WHEREAS, it is deemed in the best interest of the public and the City to implement the 2006 Paving Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez that the City Manager is authorized to award a construction contract in an amount of not to exceed the budgeted funds when the required performance bond, labor and materials bond, insurance and other contract documents have been reviewed and approved by the City Attorney, and the City Manager is hereby authorized to execute a contract for said project with the contractor.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:
NOES:
ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
CITY OF MARTINEZ

CITY COUNCIL AGENDA

July 5, 2006

TO: Mayor and City Council

FROM: June Catalano, City Manager

PREPARED BY: Richard Pearson, Community Development Director
Tim Tucker, City Engineer

SUBJECT: LLAD 1979-3 - Levying Assessments for Fiscal Year 2006-2007

DATE: June 19, 2006

RECOMMENDATION:

For Landscaping and Lighting Assessment District 1979-3, Village Oaks Terrace:

1. Adopt resolution describing improvements and changes.
2. By motion, approve Engineer’s Report.
3. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to accept the Assessment District 1979-3 (LL-2) Village Oaks Terrace, formed by the County and transferred to the City for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easement and properties.

No boundary changes, no new improvements or substantial changes in the maintenance thereof are proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are not included in this district.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment. A Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.
**FISCAL IMPACT:**

The impact to the City budget if the assessment is levied is a General Fund Contribution of $2,500.00 to account number LL910. If the assessment is not levied, alternate funding sources will need to be identified to pay for annual maintenance costs.

**ATTACHMENTS:**

Resolutions, Map

Engineer's Report & Assessment Diagrams on file with City Clerk
RESOLUTION NO. -06

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 1979-3(LL-2),
VILLAGE OAKS TERRACE

WHEREAS, on July 19, 1993 the City adopted Resolution No. 97-93 to accept the assessment district from the County. Acceptance of said district occurred on December 14, 1993 by virtue of a motion by contra Costa County Board of Supervisors transferring district funds to the City; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 7304, Village Oaks Terrace (MS 350M38); and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07.

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit "A" hereto attached and by reference incorporated herein.

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on the map entitled "Proposed Boundaries of Landscaping and Lighting District 1979-3 (Village Oaks Terrace)" thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district; and
BE IT FURTHER RESOLVED that the City Council allocate General Fund Contribution of $2,500.00 to account number LL910.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
EXHIBIT “A”

VILLAGE OAKS TERRACE
LANDSCAPING AND LIGHTING DISTRICT 1979-3 (LL-2)

1. The construction or installation, including the maintenance or servicing, or both, thereof, of irrigation system and public landscaping, including trees, shrubs, grass, or other controlled vegetation.

RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 1979-3, (LL-2) VILLAGE OAKS TERRACE FOR FISCAL YEAR 2006-07
WHEREAS, the City council of the City of Martinez, California, has accepted transfer of Landscaping and Lighting Assessment District No. 1979-3 (LL-2) from the County; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 7304, Village Oaks Terrace (350M38); and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council at Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez, on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and

BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
RECOMMENDATION:

For Landscaping and Lighting Assessment District 1981-3, Muir Station Park:

1. Adopt resolution describing improvements and changes.
2. By motion, approve Engineer’s Report.
3. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes, no new improvements or substantial changes in the maintenance thereof are proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are not included in this district.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment. A Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.
**FISCAL IMPACT:**

The impact to the City budget if the assessment is levied is a General Fund Contribution of $1,000.00 to account number LL911. If the assessment is not levied, alternate funding sources will need to be identified to pay for annual maintenance costs.

**ATTACHMENTS:**
Resolutions, Map

Engineer's Report & Assessment Diagrams on file with City Clerk
RESOLUTION NO. -06

DESCRIPTING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 1981-3, MUIR STATION PARK

WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 1981-3 (Muir Station Park), and did, on June 25, 1981, pursuant to proceedings duly had, adopt its Resolution No. 81-88, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1981-3 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 5847, Muir Station Park (245M10); and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07.

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit “A” hereto attached and by reference incorporated herein.

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on the map entitled
“Proposed Boundaries of Landscaping and Lighting District 1981-3 (Muir Station Park)”, thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district; and

BE IT FURTHER RESOLVED that the City Council allocate General Fund Contribution of $1,000.00 to account number LL911.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
EXHIBIT “A”

MUIR STATION PARK
LANDSCAPING AND LIGHTING DISTRICT 1981-3

1. The construction or installation, including the maintenance or servicing, or both, thereof, of irrigation system and public landscaping, including trees, shrubs, grass, or other controlled vegetation.
RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 1981-3, MUIR STATION PARK
FOR FISCAL YEAR 2006-07

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1981-3 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 5847, Muir Station Park (245M10); and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, and servicing of both within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council at Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and
BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
CITY OF MARTINEZ

TO: Mayor and City Council

FROM: June Catalano, City Manager

PREPARED BY: Richard Pearson, Community Development Director
             Tim Tucker, City Engineer

SUBJECT: LLAD 1983-3 - Levying Assessments for Fiscal Year 2006-2007

DATE: June 19, 2006

RECOMMENDATION:

For Landscaping and Lighting Assessment District 1983-3, Vista Oaks:

1. Adopt resolution describing improvements and changes.
2. By motion, approve Engineer’s Report.
3. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes, no new improvements or substantial changes in the maintenance thereof are proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are not included in this district; however, the costs of maintenance for street lights are included in this district.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment. A Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.

FISCAL IMPACT:

F:\WP\AGENDA\STAFF REPORTS\CURRENT AGENDA & BACKUP\LLAD Vista Oaks 070506.DOC
The impact to the City budget if the assessment is levied is a General Fund Contribution of $8,000.00 to account number LL914. If the assessment is not levied, alternate funding sources will need to be identified to pay for annual maintenance costs.

ATTACHMENTS:
Resolutions, Map

Engineer's Report & Assessment Diagrams on file with City Clerk
RESOLUTION NO. -06

DESCRIPTING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 1983-3, VISTA OAKS

WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 1983-3 (Vista Oaks), and did on July 19, 1983 pursuant to proceedings duly had, adopt its Resolution No. 133-83, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1983-3 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 6265, Vista Oaks (241M1) and adjacent lands (APN 376-130-028); and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07.

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit “A” hereto attached and by reference incorporated herein.

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the
exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.

BE IT FURTHER RESOLVED that the City Council allocate General Fund Contribution of $8,000.00 to account number LL914.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
“EXHIBIT A”

LANDSCAPING AND LIGHTING DISTRICT 1983-3
VISTA OAKS

1. The construction or installation, including the maintenance or servicing, or both thereof, of irrigation system and public landscaping, including trees, shrubs, grass, or other controlled vegetation.

2. The construction or installation, including the maintenance or servicing, or both thereof, of public lighting facilities, consisting of standards, poles, luminaries and wiring.
RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 1983-3, VISTA OAKS
FOR FISCAL YEAR 2006-07

WHEREAS, the City Council of the City of Martinez, California, has formed Landscaping and Lighting Assessment District No. 1983-3 (Vista Oaks) pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and Section 13.29.010 of the Martinez Municipal Code, adopted on March 18, 1981; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 6265, Vista Oaks (241M1) and Assessor’s Parcel Number 376-130-028, Food and Deli; and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council at Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and
BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council
FROM: June Catalano, City Manager
PREPARED BY: Richard Pearson, Community Development Director
            Tim Tucker, City Engineer
DATE: June 19, 2006

RECOMMENDATION:

For Landscaping and Lighting Assessment District 1988-1, Center Martinez:

A. Adopt resolution describing improvements and changes.
B. By motion, approve Engineer’s Report.
C. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes, no new improvements or substantial changes in the maintenance thereof are proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are not included in this district.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment. A Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.
**FISCAL IMPACT:**

The impact to the City budget if the assessment is levied is a General Fund Contribution of $2,000.00 to account number LL915. If the assessment is not levied, alternate funding sources will need to be identified to pay for annual maintenance costs.

**ATTACHMENTS:**
Resolutions & Map

Engineer's Report & Assessment Diagrams on file with City Clerk
RESOLUTION NO. -06

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 1988-1 "CENTER MARTINEZ"

WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 1988-1 (The Center/Costco), and did on April 20, 1988 pursuant to proceedings duly had, adopt its Resolution No. 66-88, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1988-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Minor Subdivision, MS# 555-87 (135PMZ1), The Center Martinez; and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07; and

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit "A" hereto attached and by reference incorporated herein; and

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on the map entitled "Proposed Boundaries of Landscaping and Lighting District 1988-1 (The Center Martinez)", thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made.
for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district; and

BE IT FURTHER RESOLVED that the City Council allocate General Fund Contribution of $2,000.00 to account number LL915; and

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
EXHIBIT "A"

THE CENTER MARTINEZ LANDSCAPING AND LIGHTING DISTRICT 1988-1

1. The construction or installation, including the maintenance or servicing, or both, thereof, irrigation system and public landscaping, including trees, shrubs, grass, or other controlled vegetation.
RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT FOR 1988-1 (THE CENTER MARTINEZ) FOR FISCAL YEAR 2006-07

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1988-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Minor Subdivision, MS# 555-87 (135PMZ1), The Center Martinez recorded August 29, 1988 in Book 135 of Parcel Maps, Page 21, Contra Costa County Records; and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained herein above are hereby incorporated by this reference; and

BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council
FROM: June Catalano, City Manager
PREPARED BY: Richard Pearson, Community Development Director
Tim Tucker, City Engineer
DATE: June 19, 2006

RECOMMENDATION:

For Landscaping and Lighting Assessment District 1994-1, Creekside:

1. Adopt resolution describing improvements and changes.
2. By motion, approve Engineer’s Report.
3. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and Direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes, no new improvements or substantial changes in the maintenance thereof are proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are not included in this district.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment. A Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.
FISCAL IMPACT:

There is no impact to the City budget if the assessment is levied. If the assessment is not levied, alternate funding sources will need to be identified to pay for annual maintenance costs.

ATTACHMENTS:

Resolutions, Map,

Engineer's Report & Assessment Diagrams on file with City Clerk

RESOLUTION NO. -06

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 1994-1, CREEKSIDE
WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 1994-1 (Creekside), and did, on May 15, 1995, pursuant to proceedings duly had, adopt its Resolution No. 47-95, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1994-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 7586 (Creekside); and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07.

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit “A” hereto attached and by reference incorporated herein.

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map entitled “Proposed Boundaries of Landscaping and Lighting District 1994-1 (Creekside),” thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

F:\WP\AGENDA\STAFF REPORTS\CURRENT AGENDA & BACKUP\LLAD Creekside 070506.DOC
AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
EXHIBIT “A”

CREEKSIDE LANDSCAPING AND LIGHTING DISTRICT 1994-1

1. The construction or installation, including the maintenance or servicing, or both, thereof, of irrigation system and public landscaping, including trees, shrubs, grass, or other controlled vegetation.
RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND LIGHTING DISTRICT 1994-1, CREEKSiDE FOR FISCAL YEAR 2006-07

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1994-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 7586 (Creekside); and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council at Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and
BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council

FROM: June Catalano, City Manager

PREPARED BY: Richard Pearson, Community Development Director
Tim Tucker, City Engineer


DATE: June 19, 2006

RECOMMENDATION:

For Landscaping and Lighting Assessment District 1997-1, Brittany Hills:

1. Adopt resolution describing improvements and changes.
2. By motion, approve Engineer’s Report.
3. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes are proposed for the fiscal year 2006-07.

The incidental cost of repairing the landscaping and sound wall damaged at the rear of the lot with APN 377-080-100 located on Lees Place at the corner of Morello Hills Dr. and Morello Avenue, is proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are included in this district.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment. A Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.

FISCAL IMPACT:
There is no impact to the City budget if the assessment is levied. If the assessment is not levied, alternate funding sources will need to be identified to pay for annual maintenance costs.

ATTACHMENTS:
Resolutions, Map,

Engineer's Report & Assessment Diagrams on file with City Clerk
RESOLUTION NO. 06

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 1997-1, BRITTANY HILLS

WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 1997-1 (Brittany Hills), and did, on April 1, 1999, pursuant to proceedings duly had, adopt its Resolution No. 44-98, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1997-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 7854 (Brittany Hills); and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07.

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit “A” hereto attached and by reference incorporated herein.
BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
EXHIBIT “A”

BRITTANY HILLS
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
ASSESSMENT DISTRICT NO. 1997-1

1. The construction or installation, including the maintenance or servicing, or both thereof, of irrigation system and public landscaping, including trees, shrubs, grass, or other controlled vegetation.

2. The construction or installation, including the maintenance, or servicing, or both thereof, or public lighting facilities, consisting of standards, energy costs, poles, luminaries and wiring.

3. The construction or installation, including the maintenance or servicing, or both thereof, of a sound wall and median islands along Morello Avenue, and median island on Morello Park Drive.
RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND LIGHTING DISTRICT 1997-1, BRITTANY HILLS FOR FISCAL YEAR 2006-07

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1997-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 7854, 8129, 8130, 8214, and 8223, and Brittany Place, encompassing Subdivision 8224 (Brittany Hills); and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, street lighting, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council at Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and

BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.

* * * * *
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a regular meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
For Landscaping and Lighting Assessment District 2000-2, Terra Vista:

1. Adopt resolution describing improvements and changes.
2. By motion, approve Engineer’s Report.
3. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes, no new improvements or substantial changes in the maintenance thereof are proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are included in this district.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment. A Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.
FISCAL IMPACT:

There is no impact to the City budget if the assessment is levied. If the assessment is not levied, alternate funding sources will need to be identified to pay for annual maintenance costs.

ATTACHMENTS:
Resolutions, Map

Engineer's Report & Assessment Diagrams on file with City Clerk
RESOLUTION NO. -06

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 2000-2, TERRA VISTA

WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 2000-2 (Terra Vista), and did, on November 15, 2000, pursuant to proceedings duly had, adopt its Resolution No. 138-00, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 2000-2 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 8265, Terra Vista (424M41); and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07.

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit “A” hereto attached and by reference incorporated herein.

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on the map entitled “Proposed Boundaries of Landscaping and Lighting District 2000-2 (Terra Vista)”, thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
EXHIBIT “A”

LANDSCAPING AND LIGHTING DISTRICT 2000-2, TERRA VISTA

1. The maintenance, installation, or both of improvements shall include:
   a. Natural vegetation planting areas and irrigation system in the scenic easements and public right-of-way along the subdivision frontage of Hidden Lakes Drive.
   b. Street lights in the public right-of-way of Lance Court and at its intersection with Hidden Lakes Drive.
   c. Paving and curbs within a portion of the emergency vehicle access easement within Contra Costa County Subdivision No. 8265, Terra Vista. The landscaping within the emergency vehicle access easement will be maintained by the private property owner.
   d. Drainage culverts and facilities within the scenic easements.

2. The developer is required to perform maintenance on the District improvements under a warranty period. The warranty period is one year for street lights, drainage and paving, and two years for natural vegetation planting areas. During the period that the warranty work is being performed, the maintenance work performed by the developer may reduce the funds which must be expended by the District. Accordingly, the savings to the District will be shown as a credit against the assessment levied against each property.
RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 2000-2, TERRA VISTA FOR FISCAL YEAR 2006-07

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 2000-2 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 8265, Terra Vista (424M41); and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, street lighting, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council at Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and
BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council

FROM: June Catalano, City Manager

PREPARED BY: Richard Pearson, Community Development Director
Albert Lopez, Deputy Community Development Director

SUBJECT: Oertel Appeal, Second Story Addition

DATE: June 29, 2006

RECOMMENDATION:

Hold a public hearing to consider denying or upholding an appeal of the Planning Commission's decision to amend conditions of approval for Subdivision 5254 to allow the construction of a second story addition (Variance #06-01 and Design Review #05-48) at 4815 Phyllis Terrace in the R-7.5 Single Family zoning district (APN: 162-220-015).

BACKGROUND:

This project is before the City Council on appeal from an adjacent neighbor (David Ingham) who is appealing the decision of the May 23, 2006 Planning Commission meeting. At that meeting the Planning Commission decided to amend previous conditions of approval placed on the subdivision when originally constructed in 1978. The conditions of approval the Planning Commission amended included an explicit limitation on second story construction on lots 3 & 11 (subject lot is #11), and a condition that Alhambra Avenue-side side yards on Lots 3 & 11 be a minimum of 25 feet (see attachment “D-15”). It is unclear why these conditions were originally imposed. It was the Planning Commission’s decision that they were no longer appropriate, and it was reasonable to remove these two specific conditions, making way for the applicants to construct their two story addition.

These original conditions of approval limiting development on lots 3 and 11 were incorporated into the CC&R’s for the subdivision, and recorded by the builder as is standard practice.

The addition planned by the applicants is a 600 square foot addition as a second story on their existing home. The addition will span almost the entire depth of the home and will have a height of 21’. The addition would increase the building square footage from the existing 1,883 square feet to 2,483 square feet. The existing home is approximately 18’6” at the highest ridge, which means there would be a difference of 2’6” between the ridge of the existing home and the proposed addition. The second-story addition would have three windows (moved to six feet high per Planning Commission action) along the side (east) elevation, one window on the rear (north)
elevation, and one window on the front (south) elevation. The addition would have horizontal wood siding and a composition shingle roof to match the home. The applicant erected story poles (still in place) in November to indicate the size and location of the addition. The variance is required for a rear yard setback, and the Planning Commission hearing was required to amend the CC&R’s.

BASIS OF APPEAL:

One of the main arguments of the appellant, Mr. Ingham, is based on action taken by the Oertel’s to “abandon” the CC&R’s, which they did on April 23rd 2006 after gathering the appropriate signatures as required by the CC&R’s to amend them, in whole or in part. The Planning Commission directed the applicant to amend the CC&R’s prior to returning to the Commission, and Mr. Ingham believes the abandonment of the CC&R’s was done in error. The process to abandon the CC&R’s is a civil matter between the homeowners of the subdivision, however, the Ingham’s should seek a remedy within the structure outlined in their CC&R’s and follow that process.

The substance of the appeal therefore should focus on the Planning Commission decision to amend the conditions of approval pertaining to lots 3 and 11 and allow a second story addition on the Oertel property. Mr. Ingham does not want the second story addition due to privacy and sunlight impacts. Mr. Ingham believes the addition is inappropriate in its proposed location, and further believes it will hamper his ability to install a solar panel system he has been planning for many years. Mr. Ingham further argues that the variance should not be granted to reduce rear yard setbacks, and that the neighborhood cannot bear the burden of additional variances. He also questions the proposed family business regarding its appropriateness in a residential district.

STAFF ANALYSIS:

At the first Planning Commission meeting of February 14th, the staff recommendation was to move the addition to the Alhambra side of the property, away from Mr. Ingham’s home, if the Planning Commission would approve amending the original conditions of approval to allow a second story addition. At that meeting the Planning Commission opted to continue the item, directing the applicant to first address the CC&R limitation, and work with their neighbor to find a “win-win” solution.

When the item came back to the Planning Commission meeting May 23, 2006, the applicant presented what they believed to be “abandoned” CC&R’s (recorded document) and some revisions to the home design to address privacy issues. They proposed obscured glass along the side of the home facing Mr. Ingham. Staff recommendation at that time was to approve the project as proposed, and the Planning Commission concurred by amending the original conditions of approval, and approving the variance. The Planning Commission expressed its disappointment that Mr. Ingham was not more involved in abandoning the CC&R’s, but approved the project with conditions to move the windows higher and follow home occupation regulations.
Staff believes the recommendation made to the Planning Commission at the May 23rd meeting has merit since the proposed addition is in the most appropriate location for a second story, and that changes to the project recommended by the Planning Commission such as requiring six foot high windows will reduce privacy impacts. Moving the addition over the applicant’s garage area away from Mr. Ingham’s home is unlikely to result in a workable floorplan, and the project includes windows installed above eye level (six feet high) to reduce privacy impacts on adjacent neighbors, including Mr. Ingham. Further, the addition is proposed all within the existing footprint and results in a net height increase of less than three feet (3’). Taken as a whole, the addition is considerate of its neighbors.

In regard to the family business, any home-based business will be required to comply with the Home Occupation regulations already in place with the City, limiting the impacts to the residential character of the neighborhood. Staff believes this to be a minor issue and the Planning Commission added a condition of approval reflecting their desire for the applicant to comply with those regulations.

Furthermore, many of the lots in the subdivision have two story homes, and granting of the variance will not be a special privilege nor be out of scale with the existing neighborhood. The Planning Commission findings made in granting the variance and the design review application at the May 23rd meeting are contained in the previous reports and resolutions as attachments, as are the minutes and all correspondence.

**FISCAL IMPACT:**

No fiscal impact.

Exhibits:
- 1. Location Map
- 2. Plan Set

Attachments:
A - Letter of appeal
B – Conditions of approval as amended by Planning Commission May 23rd
C - Staff report and minutes from May 23rd Planning Commission meeting
D – Staff report and minutes from February 14th Planning Commission meetings
TO: Mayor and City Council
FROM: June Catalano, City Manager
PREPARED BY: Richard Pearson, Community Development Director
Tim Tucker, City Engineer
DATE: June 19, 2006

RECOMMENDATION:

For Landscaping and Lighting Assessment District 2001-1, Alhambra Estates:

1. Adopt resolution describing improvements and changes.
2. By motion, approve Engineer’s Report.
3. Adopt resolution of intention of levy and collect assessments, set date for public hearing on July 19, 2006 and direct City clerk to give and publish all required notices.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes, no new improvements or substantial changes in the maintenance thereof are proposed for the fiscal year 2006-07.

There is no increase in assessments. Assessments in these Districts will provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer’s Report. Energy costs and street lighting costs are included in this district.

The developers are required to perform maintenance on improvements within the district under a warranty period. The warranty period is two years for establishment of plant materials and one year landscape maintenance period. The warranty period commences upon the acceptance of improvements by the City Council. During the period that the warranty work is being performed, the maintenance work performed by the developer will reduce the funds, which must be expended by the District.

The funds collected will be used only within the boundaries of the District, and any deficit or surplus left in the account from prior years will be carried over to the next year’s assessment.
Registered Civil Engineer is to be designated as a qualified “Engineer” for the purposes of performing duties of Code. The Engineer’s Report is on file in the office of the City Clerk.

**FISCAL IMPACT:**

The Engineer’s Report for this assessment district does not include a general fund contribution; however, the Engineer's Report does include a $650.00 contribution to be allocated from the City's NPDES funds for one-half of the annual maintenance costs associated with the detention basin within the assessment district boundaries.

**ATTACHMENTS:**
Resolutions, Map,

Engineer's Report & Assessment Diagrams on file with the City Clerk
RESOLUTION NO. -06

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING DISTRICT 2001-1, ALHAMBRA ESTATES

WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 2001-1 Alhambra Estates and did on November 15, 2000 pursuant to proceedings duly had, adopt its Resolution No. 138-00, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 2001-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Subdivision No. 8330, Subdivision 8397 & MS 2000-52, Alhambra Estates; and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of said Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2006-07; and

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit “A” hereto attached and by reference incorporated herein.

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the
exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district; and

BE IT FURTHER RESOLVED that the City Council allocate NPDES Fund Contribution of $650.00 to account number LL917.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
EXHIBIT “A”

LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 2001-1
ALHAMBRA ESTATES

1. The maintenance, installation, or both of improvements shall include:

   a. Natural vegetation, landscape planting, irrigation systems, street lighting, drainage, detention basin, and sound walls in Subdivision 8330 and 8397, weed abatement on the scenic easement, and a fire break on a portion of lot 10 Subdivision 8397. A portion of lot 10 of Subdivision 8397 defined as a Scenic Easement. The Landscape and Lighting District shall be responsible for maintenance (weed abatement).

   b. Fire break on a portion of Subdivision 8397.

2. The developers are required to perform maintenance on improvements within the district under a warranty period. The warranty period is two years for establishment of plant materials and one year landscape maintenance period. The warranty period commences upon the acceptance of improvements by the City Council. Accordingly, the savings to the District will be shown as a credit against the assessment levied against each property.
RESOLUTION NO. -06

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2006-07
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND LIGHTING
DISTRICT 2001-1, ALHAMBRA ESTATES

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 2001-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Subdivision No. 8330, Subdivision 8397 & MS 2000-52, Alhambra Estates; and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, street lighting, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREOFOR, BE IT RESOLVED that a public hearing will be held on July 19, 2006 at 7:00 P.M. by the City Council at Morello Park Elementary School, in the Multi-Purpose Room, at 224 Morello Park Drive, Martinez, on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and
BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 5th day of July, 2006 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
TO: Mayor and City Council  
FROM: June Catalano, City Manager  
PREPARED BY: Susan McCue, Economic Development Director  
SUBJECT: Presentation – Seifel Consulting – Redevelopment Financial Feasibility Study  
DATE: June 29, 2006  

RECOMMENDATION:  
Accept the Financial Feasibility Study from Seifel Consulting and give staff direction on future actions. During the July 5th Council meeting, Libby Seifel, Principal of the firm, will present the findings of the Financial Feasibility Study, as well as provide copies of the final report for the Council and the public.

BACKGROUND:  
This past May, the City engaged the services of Seifel Consulting, Inc. to conduct a Redevelopment Financial Feasibility Study for the City of Martinez. The Financial Feasibility Study is Phase Two of a two-part effort begun in 2003. In January of 2004, Keyser Marston completed Phase One, culminating in a memorandum titled “Boundary Selection and Blight Analysis” which identified the downtown commercial core and the Marina as possible areas for inclusion in a redevelopment project area. Seifel Consulting used this same suggested study area as the basis for their Phase Two Study.

Libby Seifel and her staff presented preliminary findings to the Council’s Redevelopment Subcommittee, Councilmembers Janet Kennedy and Mark Ross, on June 29th.

FISCAL IMPACT:  
The Redevelopment Financial Feasibility Report completes the City’s two-phase study designed to evaluate the potential for forming a redevelopment project area. Approximately $10,000 was allocated for the Phase Two Report in the latter part of 2003 when the City retained Keyser-Marston to begin work on Phase 1, the “Boundary Selection and Blight Analysis.”
TO: Mayor and City Council

FROM: June Catalano, City Manager

SUBJECT: City Attorney Response to Redevelopment Questions

DATE: June 30, 2006

The City Council agreed to have the City Attorney research answers to the questions submitted by Councilmember Wainwright and the Ad Hoc Group of Concerned Citizens. The City Attorney will provide a memorandum and verbal update at Wednesday’s meeting.

Attached are the questions submitted by Councilmember Wainwright and Roy Jeans.

Attachment
TO: Mayor and City Council  
FROM: June Catalano, City Manager  
SUBJECT: Waiver of District Attorney’s Fees  
DATE: June 30, 2006  

The staff report will be available on Monday.
Community Development Director Richard Pearson will be providing a Marina Agreement Progress report.
TO: Mayor and City Council

FROM: June Catalano, City Manager

BY: Mercy G. Cabral, Deputy City Clerk

SUBJECT: Code Enforcement and Administrative Citation Update

DATE: June 30, 2006

Building Director Dave Scola will be providing a Code Enforcement and an Administrative Citation Update.
TO: City Council
FROM: Mayor Schroder
PREPARED BY: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Appointments to the Arts & Library Commission
DATE: June 28, 2006

RECOMMENDATION:

Mayor Schroder requests that the Council consider the appointments of Michael Gandy and Cheryl O’Brien to the Arts & Library Commission.

BACKGROUND:

In February of this year, Patricia Corr resigned and in May, Joe Novo also resigned from the Commission creating two vacancies. There are no other Citizen Interest Forms on file.

Announcements are posted throughout the year at City Hall, Martinez Library, Martinez Senior Center, and the City’s website. Applications are accepted on a continuous basis and are kept on file for two years.