



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
December 19, 2007**

**TO:** Mayor and City Council  
**FROM:** Albert Lopez, Deputy Community Development Director  
**SUBJECT:** Continuance of General Plan Amendment – 635 Vine Hill Way  
**DATE:** December 12, 2007

**RECOMMENDATION:**

Continue item to February 6, 2008.

**BACKGROUND:**

At the December 5<sup>th</sup> meeting the City Council continued this item to December 19<sup>th</sup> to allow the applicant's attorney additional time to review legal arguments presented at the public hearing. On December 11<sup>th</sup> the applicant's attorney submitted a letter (attached) requesting the hearing be continued to after the holidays to allow time for a more thorough review, and because he was out of town until January 16<sup>th</sup>, 2008. Staff believes this is a reasonable request and should be granted.

For the notified residents of Martinez who may attend the December 19<sup>th</sup> meeting expecting the item to be heard, staff has sent them a courtesy notice letting them know of this calendar change.

**FISCAL IMPACT:**

None.

**ACTION:**

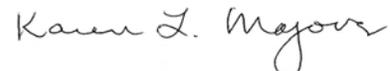
Motion to continue item to February 6, 2008.

Attachment

**APPROVED BY:**

  
City Manager

**APPROVED BY:**

  
Assistant City Manager Community  
& Economic Development



Scott D. Reep, Esq.

ATTORNEYS AT LAW

Stephen Gizzi, Esq.

December 11, 2007

Karen Majors  
Assistant City Manager  
City of Martinez  
525 Henrietta Street  
Martinez, CA 94553-2394

REF: 635 Vine Hill Way Project

Dear Ms. Majors:

As you are aware, this office represents Mr. Gary Freitas in matters concerning his pending application for a General Plan Amendment rezoning the above referenced property. Following the City Council hearing last Wednesday evening, the Martinez City Attorney requested that our firm provide a response to the legal arguments submitted by the project opponents. The matter was then continued until the next City Council meeting on December 19, 2007 in anticipation of our response.

As you will recall, my office only received the opposing counsel's correspondence earlier on the day of the hearing – December 5, 2007. We therefore did not have an opportunity to properly respond to the legal arguments raised at the hearing that evening. We appreciate that the City has now allowed Mr. Freitas an opportunity to properly address these last minute issues. However, because I do not believe that an adequate response will consist of only two or three pages as the City Attorney has suggested, it will not be possible for us to have our response back to the city in time for the next City Council meeting on the 19th. Further, I will be out of town over the holidays and not returning to my office until January 16<sup>th</sup>. In light of these facts we are requesting a further continuance of this matter until the February 6, 2008 Council meeting, or until the first meeting after that date when all four eligible voting members of the City Council will be in attendance.

Thank you for your consideration of this request.

Very truly yours,  
Gizzi & Reep, LLP



Stephen Gizzi