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San Pablo dumps eminent domain plans

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The San Pablo City Council this week dropped plans to extend its eminent domain authority, bending to a raucous groundswell of mistrust and resentment of city government that included threats of a recall.

The council action -- 4-0 with Councilman Arturo Cruz abstaining -- amounted to a no-vote on a series of ordinances and resolutions to amend redevelopment plans covering more than 90 percent of the city; one of the ordinances would have reinstated for 12 years the agency's powers of eminent domain, which lapsed in March 2009. It ends, at least for now, an emotional, four-months-long public debate during which opposition solidified and city officials failed to rally support for eminent domain as a land-acquisition tool to facilitate development.

The officials contended that they need eminent domain, and only as a last resort, to assemble sites for commercial and residential development. Opponents, supported by the Virginia-based libertarian law firm Institute for Justice and its advocacy arm, the Castle Coalition, called eminent domain a cruel and brutal tool and accused the city of a secret agenda to kill working-class people's American dream of homeownership to accommodate out-of-town developers' vision of a gentrified San Pablo.

On Monday, several residents elaborated on that theme,

"Instead of being for the people, you are for the developers," said resident Adolfo Sanchez.

Handing the agency the power of eminent domain would be like "having your chicken house guarded by a pack of very hungry wolves," said resident Jai Sun.

"I want to live in a San Pablo where I feel safe and my home is safe," Sun said, imploring the council to "cease your hostile tactics."

City officials argued futilely that the California Constitution bars agencies from acquiring owner-occupied homes by eminent domain and transferring them to private entities. They even offered to sign contracts with individual homeowners promising to abide by that prohibition, but that placated few.

"It's absurd to think that any of these homeowners would take heart in the fact that the city is willing to sign a contract that says nothing more than that it will obey state law," said Christina Walsh, director of activism for the Castle Coalition. "The strongest guarantee is for eminent domain to not be on the table."

Officials attempted at previous meetings to win over residents with Power Point presentations extolling the accomplishments of the redevelopment agency -- improvements in the 23rd Street and San Pablo Avenue commercial corridors; the First-Time Homebuyer Program; the Signature at Abella homes and several other housing developments; College Center, Princeton Plaza, Towne Center and Plaza Sobrante shopping centers; athletic fields and parks.

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By and by, council members acknowledged an underlying issue of communication and trust; residents agreed.

"We definitely have a trust issue," resident Pat Ryan told the council. "We just don't trust you."

Many residents complained that a consultant's blight survey falsely labeled many of their properties as dilapidated -- a precursor, they feared, to condemnation. Official explanations that the survey was a procedural requirement separate from the eminent domain issue, and that its raw data was largely misinterpreted, did little to allay fears.

The timing of the vote late Monday night appeared to catch staff members and the audience by surprise; the agenda had called for tabling the matter indefinitely, and several eminent domain opponents challenged the council to an ultimatum, wielding placards calling for a June 7 vote.

Councilman Paul Morris first moved to establish a moratorium on eminent domain for four years and put any "major" development to a referendum; Councilwoman Cecilia Valdez seconded. The motion eventually morphed into a rejection of eminent domain.

After the meeting, Morris said the matter "needed to be brought to a head."

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