

## **CALL TO ORDER**

Council met in closed session at 6:00 p.m. with all members present except Councilmember Menesini who arrived at 6:20 p.m.

## **CLOSED SESSION**

*CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to California Government Code Section 54956.9(b): One potential case.*

## **RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder called the meeting to order at 7:00 p.m. with Councilmembers Lara DeLaney, Michael Menesini, Mark Ross, and Vice Mayor Janet Kennedy all present.

Mayor Schroder reported that the Council met in closed session with respect to conference with legal counsel--anticipated litigation, and direction was given to the City's legal counsel.

## **PRESENTATION(S)/PROCLAMATION(S)**

*Presentation of City donations to Alhambra High School and College Park High School for annual "Grad Night" events.*

Council presented a \$500 donation to Yondi Sparks, Fundraising Chair for College Park High School Grad Night. A \$500 donation was also presented to Joelle Fockler, Fundraising Chair for Alhambra High School Grad Night. Both expressed appreciation for the donations. The public was invited to attend the grad night preview as well.

*Presentation of City Budget for fiscal year 2007 and 2008.*

Budget presentation was moved out of order and discussed later in the meeting.

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

Donald Rose indicated that he is homeless and being cared for by homeless people. He gave some brief background on himself, and his experience as a homeless person. He urged the community to work on a project like the Shelter in Marin County. He also stated that not everyone who is homeless is a derelict.

Paul Wilson read a newspaper article from the Contra Costa Times regarding the Shell Oil Refinery incident in March about which he was unhappy. He also read an article regarding Mr. Turnbaugh who is applying for special permits to get around the Downtown Specific Plan requirements. Mr. Wilson expressed concern that no one has any intentions to follow the regulations in the Specific Plan.

Mike Alford also spoke on the Shell Oil incident and the negative effects to the community. He recommended that whatever was done with the homeless on Green Street should also be done on Main Street. He complained about the Council's evasiveness on some issues, as well as the length of time the City has been waiting to repair the ferry pier. He also questioned whether the City needs more low-income housing.

An unidentified speaker spoke on the "Cinco de Mayo" event at his restaurant on Main Street and incidents that occurred with the homeless. He urged the Council to enact an ordinance to give the police more options. Mayor Schroder discussed some of the concerns of Main Street Martinez, and plans for a task force to study the matter. Chief Dave Cutaia commented on the zero tolerance approach of the police department. Vice Mayor Kennedy discussed county resources that could give some assistance. Chief Cutaia agreed, although he noted there have been some difficulties in the past. Councilmember Menesini commented on recent population growth among those in the downtown area with mental health problems.

Phil Ciaramitaro suggested that a Police team walk the beat around lunch and dinner time. He congratulated the Council for getting the Campbell Theatre opened.

Rich Verrilli noted that the beaver family had been featured on Channel 2. He also spoke about the Shell incident and wanted to know if any portion of the fine is returned to the community. He urged the City to look into the possibility of an ordinance like that in San Francisco related to biodegradable bags. Councilmember Ross explained how the air district allocates fine monies, and some local programs that have been funded there from.

Jim Neu questioned when the Shell incident took place and why the community never received an alert call. Councilmember Ross and Chief Cutaia explained the nature of the incident, indicating that the county determined there was no risk outside of the refinery itself. Chief Cutaia was confident there was no shelter-in-place called.

## **CONSENT CALENDAR**

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

1. Motion approving City Council Minutes of April 18, 2007.
2. Motion approving Check Reconciliation Register(s) dated 04/26/07 and 05/03/07.
3. Motion approving the City of Martinez Investment Policy.

4. Motion authorizing the City Manager to execute a contract change order with LCC, Inc. for Construction Engineering Services, in the amount of \$125,000 for the Alhambra Avenue Improvement Project.
7. Motion introducing Ordinance No. 1337 C.S. amending Title 10, Vehicles and Traffic, Chapter 10.20.010, Special Speed Limits, of the Martinez Municipal Code to establish a 25-mile per hour speed limit on Morello Avenue between Arnold Drive and Marie Avenue.
8. Resolution No. 034-07 adopting the 2007-2008 Proposition 4 Appropriations Limitation.
9. Resolution No. 035-07 upholding the Planning Commission's decision and denying the appeal and approving Design Review #06-13, Variance #06-07, and Use Permit #06-04 to allow construction of a new Triplex with increased density and less than required parking, side yard, and rear yard in the R-2.5 Zoning District at 231 Main Street.

Councilmember Ross indicated that he had a conflict of interest and needed to recuse himself from Item 10. He also requested that Items 5 and 6 be pulled for further discussion.

Mayor Schroder opened public comment on Items 1-4 and 7-9.

David Piersall spoke against approval of Item 7, reducing speed limits on Morello Avenue.

Regarding Item 7, Roger Goodwin agreed with staff's recommendation for lower speed limits on Morello Avenue. Regarding Item 9, he also expressed support for upholding the Planning Commission approval of the triplex project.

Paul Wilson asked for more information about the change order in the contract for the Alhambra Avenue Improvement project (Item 4). He also commented on the need to apply the Downtown Specific Plan requirements for the triplex project (Item 9). Mayor Schroder deferred to City Engineer Tim Tucker to give Mr. Wilson the information on the change order.

Regarding Item 3, Mike Alford asked what the City's Investment Policy was, which Councilmember Ross explained. City Manager Don Blubaugh explained State requirements to have an investment policy, updated annually. Councilmember Menesini noted that the policy has good, conservative policies.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1-4 and 7-9.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Consent Calendar Items 1, 2, 3, 4, 7, 8, and 9. Motion unanimously passed 5 - 0.

5. Motion authorizing staff to submit information and commitments for designation as an "Amgen Tour of California Stage Start Host City" for 2008.

Councilmember Ross expressed appreciation for the cultural improvements in the City, including involvement in the Amgen Tour of California. Mayor Schroder corrected the fiscal impact mentioned in the staff report.

Councilmember DeLaney expressed concern about so much money being spent for a one day event.

There was no public comment on Item 5.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, approve Item 5, authorizing staff to submit information and commitments for designation as an "Amgen Tour of California Stage Start Host City" for 2008. Motion unanimously passed 5 - 0.

6. Motion directing staff to expend a total of \$25,000 in Park Dedication Fees in fiscal year 2006/2007 for the purchase and installation of lights at Highland Avenue Park and perimeter fencing for the Skate Board Park.

Councilmember Ross thanked staff for development of the skate park, and the proposed fencing. He asked about the earlier proposal for a fence behind the library. Mr. Blubaugh said he would follow up with Councilmember Ross later.

There was no public comment on the item.

Councilmember DeLaney commented on problems with graffiti at the skate park and suggested allowing murals to be painted at the park.

Councilmember Menesini agreed it was an idea that should be considered. He noted that a subway in Paris had artistic graffiti throughout. He also suggested additional police surveillance, which Mr. Blubaugh indicated was included.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, approve Item 6, directing staff to expend a total of \$25,000 in Park Dedication Fees in fiscal year 2006/2007 for the purchase and installation of lights at Highland Avenue Park and perimeter fencing for the Skate Board Park. Motion unanimously passed 5 - 0.

10. Resolution No. 036-07 upholding the Planning Commission's decision to deny the application for Administrative Design Review to legalize construction of a partially completed project and grant approval of the modified "redline" roof version at 639 Ulfian Way as amended.

Councilmember Ross left the dais. Mayor Schroder reviewed a revision to the resolution, as suggested by the City Attorney.

Mayor Schroder opened public comment on the item.

Roger Goodwin expressed concern that the owners of the property went ahead and built the roofline as they saw fit, rather than what was approved. He urged the Council to include a deadline for removal of the illegal structure.

There was no further public comment.

Mayor Schroder thanked Vice Mayor Kennedy for suggesting an innovative design alternative, representing a good balance for all.

Councilmember DeLaney asked about penalties for those who build without permits. Dave Scola explained that fines are usually levied when there is no relief. Assistant City Attorney Veronica Nebb explained further that this project came before the Council because the applicant was trying to comply. Mr. Blubaugh discussed the process thus far, noting that a failure to comply at this point would result in code enforcement action.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Item 10, Resolution No. 036-07 upholding the Planning Commission's decision to deny the application for Administrative Design Review to legalize construction of a partially completed project and grant approval of the modified "redline" roof version at 639 Ulfian Way as amended and revised in Exhibit A. Motion unanimously passed 4 - 0. Yes: Lara DeLaney, Councilmember, Michael Menesini, Councilmember, Janet Kennedy, Vice Mayor, and Rob Schroder, Mayor, Abstain: Mark Ross, Councilmember.

Councilmember Ross returned to the dais.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

*Presentation of City Budget for fiscal year 2007 and 2008.*

City Manager Don Blubaugh introduced the 2007-2009 proposed budget. He indicated that the purpose for this presentation is to allow for public participation and response from Council, as well as to review amendments to the budget in response to earlier Council comments. He also reviewed Council fiscal policies, goals, and budget savings. He discussed funding for updated salaries and benefits, as well as potential costs for retirees and new hires, liability insurance, and workers compensation. He further reviewed community and internal programs funding.

Assistant City Manager for Administrative Services Lianne Marshall reviewed general fund revenue projections for fiscal year 2007-08 (total projected \$19,839,119) and for fiscal year 2008-09 (total projected \$20,297,293); she reviewed general fund expenditure projections for 2007-08 (total projected \$20,242,884) for 2008-09 (total projected \$20,857,044); general fund balance; enterprise funds (Water, Marina, and Parking); summary of all funds expenditures for 2007-08 (total projected \$39,159,027) and for 2008-09 (total projected \$37,683,510). Ms. Marshall further reviewed the Administrative Services Department 2005-07 accomplishments and 2007-09 key objectives and budget highlights.

Chief of Police David Cutaia reviewed the Police Department 2005-07 accomplishments, 2007-09 key objectives, and 2007-09 budget highlights.

Public Works Director Dave Scola reviewed the Public Works Department 2005-07 accomplishments, 2007-09 key objectives, and 2007-09 budget highlights.

Assistant City Manager for Community and Economic Development Karen Majors reviewed the Community and Economic Development 2005-07 accomplishments, 2007-09 key objectives, 2007-09 budget highlights, and Capital Improvement Program (past and future projects).

Mr. Blubaugh expressed appreciation for the staff work that went into the project, as well as to the Council Subcommittee for their work, and to the audience for their patience.

Councilmember Menesini commended staff and Mr. Blubaugh for the excellent presentation.

Councilmember DeLaney thanked specific staff members for their work. She also commented on State funding for street and road improvements, and she questioned whether the City ever considers purchasing surplus equipment from the military. Chief Cutaia said they had in the past, but at the present time there isn't much available, due to the Iraq conflict.

In response to a further comment from Councilmember Menesini, Mr. Blubaugh confirmed that staff had not included the State funding from Proposition 1B because the exact amount that the City will receive has not been determined yet. He indicated that a list of projects that the money can be used for will be prepared in advance. Councilmember Ross suggested that the Paving Subcommittee be reactivated to assist in the allocation process.

Mayor Schroder noted that \$500,000 has been budgeted for removal of the ferry pier removal, but it is likely that BCDC will provide a grant instead, in which case the City funds can be used for other projects.

Vice Mayor Kennedy thanked staff for the presentation, and she was especially appreciative of the additional money for green programs.

Councilmember Ross complimented staff for the thorough presentation, and he expressed appreciation for the funding set aside for future retiree costs. He also asked Chief Cutaia about the booking fees that the City will no longer have to pay, and he indicated it would be about \$145,000. Councilmember Ross also commented on the grant funding process, particularly for cultural activities that will help revitalize the downtown.

City Manager Blubaugh commended Lianne Marshall, Cathy Heater and Mike Chandler for their work on the budget.

Mayor Schroder opened public comment on the item.

Phil Ciaramitaro, Martinez Opera, thanked the City for the proposed funding for the opera. He briefly discussed the history and goals of the organization, as well as outreach efforts into the community at large. He asked the Council to consider partnering with Martinez Opera in the amount of \$10,000 per year.

George Bell, Main Street Martinez and Martinez Area Chamber of Commerce, thanked the Council for the past and ongoing support. He reviewed plans for the coming year, noting that the two organizations were going to be working together on outreach, webpage, and events. Mayor Schroder expressed appreciation for the cooperative spirit between the groups.

Al Boise, Martinez Little League, said he didn't think the amount allocated for parks maintenance workers was enough. He discussed the contribution that the Little League has made toward field improvements and the service to Martinez youth exclusively. He also reviewed the volunteer efforts of many of the Little League participants. He urged the Council to consider hiring more park maintenance staff. He also specifically asked the Council to reimburse the Little League for costs spent on field maintenance. After brief discussion, Mayor Schroder explained that the League should present a formal request to the City regarding the matter.

Paul Wilson asked the Council to consider putting in one or more benches in the downtown area, as an amenity to encourage shopping and participation in some of the downtown events. He also expressed surprise about the amount of money that was supposed to be coming from the Department of Boating & Waterways, to be used for marina improvements.

David Piersall said he thought it was inappropriate for the lifeline water service costs to be paid from the City's general fund rather than the water enterprise fund, which in effect means even residents not served by the City's system are subsidizing the water costs for others. Mr. Blubaugh explained that was the only way to fund the lifeline services, according to State law. Councilmember Menesini noted that the county probably has a similar program, which means that residents on the City's water are also subsidizing County users. Mr. Piersall also expressed concern about the accuracy of income projections from property tax and sales tax revenues.

Richard Verrilli asked if there was a way that citizens could find out which liquor stores have been illegally selling liquor to minors. He also asked if cameras could be placed at the main entrances to the City to help find vehicles that have been stolen or used in a crime.

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

Councilmember Menesini responded to Mr. Verilli's suggestion about additional cameras, noting that the Council has asked staff to do a cost analysis of the possibility of more cameras. Chief Cutaia added that the preliminary study has been done, and the report should be to Mr. Blubaugh soon.

Councilmember Ross explained how the revenue projections were calculated, and he noted that the revenues in recent years have exceeded the projections.

Councilmember DeLaney suggested that \$200,000 be taken from unrestricted funds and transferred to the Parks and Recreation for ballfields and the swimming pool. Councilmember Menesini suggested that an assessment of the ballfields be made before allocating monies so that it can be determined as to how much is needed. After some discussion, it was agreed to review this issue after the State's budget is approved.

Vice Mayor Kennedy asked that all grant funding be consistent - either for a 2 year period, with review after 1 year, or all approved for one year at a time. The Council agreed the organizations should be treated the same and the grant applications were for one year.

Councilmember Menesini suggested allocating \$25,000 for a ferry feasibility study at the discretion of the City Manager. After extensive discussion about the possibilities, the Council agreed.

Mayor Schroder indicated his agreement for additional funding for park programs and facilities, although he felt the exact amount should not be set until after the State budget is settled. He also agreed with Councilmember Menesini that the City should be investigating the possibilities of Martinez becoming part of a ferry system.

Vice Mayor Kennedy requested monies to be set aside for the unreinforced masonry program. The Council agreed to review this issue after the State adopts its budget.

11. *Comment(s)/Update(s)/Report(s).*

## **CITY COUNCIL**

12. City Council Comments.

Mayor Schroder stated that he has a conflict on the 630 Court Street Subcommittee and has asked Janet Kennedy to step in.

Councilmember Ross congratulated those involved with the Campbell Theatre.

Vice Mayor Kennedy announced the Peddlers' Faire on Saturday May 19th, reminded all to shop the Farmers Market on Thursdays and Sundays, and announced a "Walk to Remember" (a fundraiser for Contra Costa Hospice) on Saturday at the Amphitheater.

City Manager Blubaugh reported that Central Contra Costa Sanitary District is planning a sewer line replacement project on Marina Vista (from Miller almost to Court) which will affect that area and the downtown for about five weeks. It was agreed to have the Sanitary District make a presentation at the June 6th meeting.

Mayor Schroder requested the meeting be adjourned in memory of John Telfer. He and Councilmember Menesini reviewed some of Mr. Telfer's accomplishments and contributions to the City.

## **ORDINANCE(S)**

## **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

## **ADJOURNMENT**

Adjourned at 11:00 p.m. *in memory of John "Jack" Telfer* to a Regular City Council Meeting on June 6, 2007, at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 6/6/06