

## **CALL TO ORDER**

Council met in closed session at 5:45 p.m. with all members present except Councilmembers Menesini and Ross who arrived shortly after roll call.

## **CLOSED SESSION**

*CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION pursuant to California Government Code Subdivision (a) of Section 54956.9 Name of Case: Carter v. City of Martinez; Case No. 06-CV-07534 PJH*

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

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

Mayor Schroder called the meeting to order at 7:00 p.m. with all members present. He reported that Council met in closed session with direction given to legal counsel--nothing else reported.

Public Comment taken out of order.

## **PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

**Reserved only for those requesting to speak on items not listed on the Agenda.**

Noralee Gipner asked how and when they can use the billboard for advertising the Home Tour in October. Deputy Director of Parks and Community Services Joann Tool said she should have the information later this week. Ms. Gipner also asked the status of the ferry pier removal, and Mayor Schroder and Ms. Tool gave an update.

Ms. Gipner asked for clarification on proposed transit-oriented development near the train station. Mayor Schroder indicated that would be discussed later in the meeting.

Paul Wilson reported on a shooting incident that occurred on Saturday, June 16th, noting he was very disappointed with the realization that his neighborhood was an unsafe place to live. He also thanked the Police Department for their immediate response and apprehension of those responsible.

Mike Alford questioned why other shooting incidents were never reported in the paper. He blamed diversity, the homeless, and high density for Martinez' problems. He also questioned whether the Mayor, Council, and City Manager were doing all that could be done to reduce the negative impacts on the citizenry.

Police Chief Dave Cutaia reported on some arrests that had been made, noting that open cases could not be discussed publicly. Mayor Schroder expressed disagreement with Mr. Alford's comments, indicating that Martinez is a very safe place to live.

Councilmember Menesini commended the Police Department for their prompt response to the shooting on June 16th. Chief Cutaia confirmed that one of those arrested was a Martinez resident, and the other was not.

Mayor Schroder suggested anyone questioning why something was not reported in the newspaper should contact the newspaper directly.

Jim Simmons of Rhodia Chemical Plant reported that volunteers were being sought to serve on the Rhodia Community Advisory Panel.

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

#### *Presentation by Friends of the Martinez Library--Needs Assessment Survey.*

Presentation was made by Martha Van Loan, Friends of the Martinez Library. A PowerPoint presentation reviewed details of the public questionnaire conducted last year by Friends of the Library and Godbe Research who surveyed the voters. She thanked Ms. Tool for her advice to include the library users in the survey as well.

Councilmember DeLaney asked for clarification on responses in support of renovation of the existing library and/or building a new library, which Ms. Van Loan provided. Ms. Van Loan also gave more information on the voter survey questions and responses, and their implications. Mayor Schroder asked the next steps in the process. Ms. Van Loan indicated that the Friends of the Library would be discussing the issue at their next meeting.

Councilmember Ross thanked the Friends for their time and effort on behalf of the library and the community. He agreed more outreach might be beneficial.

Councilmember DeLaney asked whether the Friends had met with other library Friends groups. Ms. Van Loan said not directly but through the County Friends board.

Vice Mayor Kennedy mentioned other communities facing similar problems. She expressed appreciation for the work done by the Friends. Councilmember Menesini mentioned other groups that might be interested in partnering with the City in developing educational resources.

Ms. Van Loan thanked the Council for their past support and requested that the Council endorse a \$10 parcel tax to extend library hours.

Councilmember Menesini acknowledged the importance of the issue, indicating his support for increasing library resources.

Mayor Schroder briefly explained the process for placing a tax measure on the ballot, suggesting November 2008 as a possible target date. He recommended Ms. Van Loan and the Friends of the Library work with the City's Arts & Library Commission.

Councilmember DeLaney commented on the lead-time necessary for developing a bond measure for the 2008 November elections, noting it is not too early to start even now. Councilmember Menesini agreed.

## **CONSENT CALENDAR**

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

Vice Mayor Kennedy requested that Item #1 be pulled. Councilmember DeLaney requested that Item #4 be pulled.

Mayor Schroder opened public comments on Items #2, #3, and #5 through #15 with no one wishing to speak.

2. Motion approving Check Reconciliation Register(s) dated 05/31/07, 06/06/07, and 06/07/07. [C.Heater/2.01.01]
3. Motion authorizing the application for and acceptance of the Justice Assistance Grant for the purpose of outfitting a surveillance van for the Martinez Police Department. [M.Smith/04.08.00]
5. Resolution No. 041-07 approving a two-year extension to the agreement for consultant services with Dodson/Psomas Engineering (formerly Dodson Engineering, Inc.) to provide on-call engineering services for the City's Water System. [T.Tucker/17.04.28]
6. Landscape and Lighting Assessment District 1979-3, Village Oaks Terrace[T.Tucker/10.02.34]:
  - a. Adopt Resolution No. 042-07 describing improvements and changes.
  - b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 043-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.
7. Landscape and Lighting Assessment District 1981-3, Muir Station [T.Tucker/10.02.15] :
  - a. Adopt Resolution No. 044-07 describing improvements and changes.

- b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 045-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.
8. Landscape and Lighting Assessment District 1983-3, Vista Oaks [T.Tucker/10.02.22]:
- a. Adopt Resolution No. 046-07 describing improvements and changes.
  - b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 047-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.
9. Landscape and Lighting Assessment District 1988-1, The Center Martinez [T.Tucker/10.02.31]:
- a. Adopt Resolution No. 048-07 describing improvements and changes.
  - b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 049-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.
10. Landscape and Lighting Assessment District 1994-1, Creekside [T.Tucker/10.02.36]:
- a. Adopt Resolution No. 050-07 describing improvements and changes.
  - b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 051-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.

11. Landscape and Lighting Assessment District 1997-1, Brittany Hills [T.Tucker/10.02.37]:
  - a. Adopt Resolution No. 052-07 describing improvements and changes.
  - b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 053-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.
12. Landscape and Lighting Assessment District 2000-2, Terra Vista [T.Tucker/10.02.40]:
  - a. Adopt Resolution No. 054-07 describing improvements and changes.
  - b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 055-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.
13. Landscape and Lighting Assessment District 2001-1, Alhambra Estates [T.Tucker/10.02.41]:
  - a. Adopt Resolution No. 056-07 describing improvements and changes.
  - b. By motion, approve Engineer's Report.
  - c. Adopt Resolution No. 057-07 of intention of levy and collect assessments.
  - d. Set date for public hearing on July 18, 2007 and Direct City Clerk to give and publish all required notices.
14. Resolution No. 058-07 accepting bids for the 2006-07 Water Line Replacement Project and awarding the construction contract to D.R. Lemings Construction Company. [T.Tucker/15.07.01]
15. Resolution No. 059-07 approving Joint Powers agreement for the East Bay Regional Communication Systems Authority and initial funding for "Emergency Communication Interoperability." [D.Cutaia/04.11.04]

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Items #2, #3, and #5 through #15 of the Consent Calendar. Motion unanimously passed 5 - 0.

1. [Motion approving City Council Minutes of June 6, 2007. \[M.Cabral\]](#)

Mayor Schroder opened and closed public comment on Item #1, with none coming forward.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve Item #1, City Council Minutes of June 6, 2007. Motion unanimously passed 4 - 0. Abstain: Janet Kennedy, Vice Mayor.

4. a. Resolution No. 040-07 of intent to approve an amendment to the contract between the Board of Administration of PERS and the City to provide 3% at 50 for local police members; and
- b. Introduce an ordinance authorizing an amendment to the PERS contract and set a public hearing for July 18, 2007. [M.Chandler/4.5.13]

Councilmember DeLaney explained why she would be opposing the amendment.

Councilmember Menesini noted that the City had made a contract commitment to enact this provision. Councilmember Ross noted that most other jurisdictions in the County have already approved similar provisions.

There was no public comment on the item.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Item #4, Resolution No. 040-07 of intent to approve an amendment to the contract between the Board of Administration of PERS and the City to provide 3% at 50 for local police members; and introduce an ordinance authorizing an amendment to the PERS contract and set a public hearing for July 18, 2007. Motion passed 4 - 1. No: Lara DeLaney, Councilmember.

## **PUBLIC HEARING(S)**

## **ORDINANCE(S)**

## **CITY MANAGER**

16. [Resolution No. 060-07 authorizing submittal of application for FOCUS program designating the Downtown Martinez Intermodal Station Area as a Priority Development Area. \[A.Lopez/09.19.00\]](#)

Assistant City Manager for Community & Economic Development Karen Majors presented the staff report. She expressed appreciation to Albert Lopez, Deputy Director of Community & Economic Development, for his work on the application.

Mayor Schroder asked whether approval of this application will change the Downtown Specific Plan. Ms. Majors said no, in fact, it might help with infrastructure needs related to implementation of the Plan.

Councilmember DeLaney suggested that the application should include a request for assistance in implementing a railroad quiet zone, which will enhance the area for residential uses. Vice Mayor Kennedy suggested some provision for PG&E upgrades. Ms. Majors indicated there were several possibilities that could be added under "other uses."

Councilmember Menesini expressed appreciation for the consideration of future needs, and he thanked Ms. Majors and her staff.

Mayor Schroder noted that Councilmember Ross had recused himself. Mayor Schroder opened public comment on the item.

Paul Wilson discussed his intention to file suit on this action and reviewed the reasons why. Mr. Wilson also said that Mayor Schroder should recuse himself, due to the fact that he owns property within the plan area. He noted that none of the contributing staff (specifically, Mr. Blubaugh, Ms. Majors, and Mr. Lopez) had been employed at the time of the community meetings regarding the Downtown Specific Plan. He further stated that the approved Specific Plan did not reflect the ideas and goals of the downtown residents, but rather those of the consultant.

Assistant City Attorney Veronica Nebb confirmed that both Councilmember Ross and Mayor Schroder had a conflict of interest. Mayor Schroder recused himself from the discussion and left the dais.

Noralee Gipner discussed difficulties faced by downtown businesses, and the need for something to be done in the area soon. She did not think anything should be done on the other side of the railroad tracks because of access problems.

Councilmember Menesini clarified the area involved and the purpose of the fund application - to help provide for infrastructure improvements. Ms. Gipner said something should be done to improve the look of the area immediately visible when coming from the train station, noting it is not very attractive or inviting currently.

Mike Alford asked who the sponsoring agencies were for the application. He also questioned the advisability of adding high-density residential development to the downtown when parking is already such a problem there. He expressed concern about an eventual ghetto resulting, and whether the train noise could really be stopped.

Vice Mayor Kennedy indicated that the measure was supported by the Association of Bay Area Governments, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the State of California Business Transportation and Housing Agency. Councilmember DeLaney mentioned the Bay Conservation Development Commission as well.

Vice Mayor Kennedy clarified that the Downtown Specific Plan had been approved unanimously by the Council, and that this application does not change anything in the plan, but is a possible way for the City to have assistance with funding and other needs in implementing the Downtown Specific Plan.

Councilmembers Menesini and DeLaney expressed appreciation to staff for bringing forth the application for state funds from Proposition 1c to use for infrastructure improvements.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 060-07 authorizing submittal of application for FOCUS program designating the Downtown Martinez Intermodal Station Area as a Priority Development Area. Motion unanimously passed 3 - 0; Abstain: Mark Ross, Councilmember; Rob Schroder, Mayor.

The Council recessed briefly.

17. [Comment\(s\)/Update\(s\)/Report\(s\)](#).

No comments made.

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

### **CITY COUNCIL**

18. City Council Comments.

Councilmember Menesini commented on Rich Verrilli's suggestion at a previous meeting regarding plastic bags. He indicated that there is a new bill in the State legislature regarding plastic bags that may preempt local city action. He thanked Mr. Verrilli for the suggestion, and said he would be following up on the matter.

Councilmember Ross announced the beginning of the "Spare the Air" season and noted that on the first four days the Air District will be providing free rides on all buses, trains, ferries, etc., in the Bay Area. He also requested that the meeting be adjourned in memory of Mary Delahanty.

Councilmember DeLaney requested a presentation from the City's "green person" (Bart Carr) be placed on a future agenda to discuss green initiatives and programs for the upcoming year. Councilmember Ross also requested a presentation on how cities are moving toward "green" practices.

Councilmember DeLaney also requested that consideration of a future bond measure for November 2008 be placed on a future agenda, and she requested that the rolling Council meetings be continued. She also requested that Mr. Shoemaker be formally recognized at future meeting for putting on the "Rock for Relief" Concert for the Wounded Warrior Project.

Vice Mayor Kennedy requested a presentation and a copy of an emergency list where people would go in case of emergencies/evacuation. Chief Cutaita noted that the site list was included as part of the City's Emergency Plan, which is currently being updated.

Vice Mayor Kennedy also congratulated all the graduating classes of 2007. She indicated that she will be attending two League of California Cities meetings in San Jose, one for Community Services and one for Housing and Economic Development; and she announced the first "King of the County Barbecue" on Saturday and Sunday at the Waterfront.

Mayor Schroder commented that the most important thing that the citizens need to know is where to go in an emergency and how to get necessary information. He also congratulated the graduates of 2007, noting that attending and speaking at graduations is one of the most satisfying roles as mayor of the City. He noted that the high school students/graduates *are* Martinez.

Councilmember Menesini echoed the Mayor's comments, and he expressed confidence that the students will do great things for the City in the future. Councilmember Menesini commented on Alhambra Avenue street improvements and noted that the landscaping needs to be carefully replaced.

Councilmember Ross spoke briefly about the contributions of the Delahanty family to the City.

### **ADJOURNMENT**

Adjourned at 8:35 p.m. in memory of Mary Delahanty, then to a Regular City Council Meeting on July 18, 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 – 7/18/07