

## CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers with all members present. Council adjourned to Closed Session in the City Manager's Office.

## CLOSED SESSION (adjourn to City Manager's Office)

- A. *CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Cal. Gov't Code Subdivision (a) of Section 54956.9:*

*Name of Case: Ostrosky Enterprises, Inc. v. City of Martinez; Case Number NO8-0408.*

- B. *CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.*

*Property: APN 373-030-019-5, Ferry Street, Martinez.*

*Agency Negotiators: Don Blubaugh, City Manager; Jeff Walter, City Attorney; Wendy Roberts, Asst. City Attorney; Karen Majors, Assistant City Manager, Community & Economic Development.*

*Negotiating Parties: City of Martinez and Carlo Zocchi, Alhambra Industrial Park; Ethan Friedman, Miller Starr & Regalia.*

*Under Negotiation: Purchase Price, and terms of payment.*

*Property: 630 Court Street*

*Agency Negotiators: Don Blubaugh, City Manager; Karen Majors, Asst. City Manager, and Jeff Walter City Attorney.*

*Negotiating Parties: City and Goldenberg & Associates.*

*Under Negotiation: Price, terms of payment and other conditions of sale or disposition.*

## RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He reported that Council met in Closed Session, and he noted that the Conference with Real Property Negotiators regarding the Zocchi property was canceled. He also reported that the Council gave direction to Counsel to negotiate regarding 630 Court Street.

Assistant City Attorney Veronica Nebb noted that the City did authorize her office to defend the city with regard to the Ostrosky litigation.

Nothing else was reported.

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

### *A. Swearing in of Police Officer Tyrone Wah.*

Police Chief Tom Simonetti introduced Officer Wah describing his background. The swearing in was performed by Deputy City Clerk Mercy Cabral. Officer Wah was pinned by former Interim Police Chief Ed Duncan. The City Council congratulated Officer Wah.

### *B. Presentation on Bond Survey results by representatives from Fairbank, Maslin, Maullin & Associates and Sagau & DeRollo.*

Dustin DeRollo of Sagau and DeRollo introduced Curtis Below of Fairbank, Maslin, Maullin & Associates, who presented the summary results of the survey conducted on March 3-5, 2008.

In response to a question from Mayor Schroder, Mr. DeRollo discussed why the November ballot was the best one for the measure, in terms of voter turnout. He also gave further clarification on the effects of cost estimates on voter response.

Mr. Below outlined the survey methodology, key findings, perceptions of the community, attitude toward a \$35 million bond measure, demographics, top reasons for support or opposition, votes, reactions to bond measure, impacts of a redevelopment agency ballot measure, arguments in favor and against, and conclusion and recommendations.

Mr. DeRollo recommended that the Council move as quickly as possible to reach out to voters for support of the measure.

Councilmember DeLaney commented on the comparison of this voter poll with the previous measure, and she asked what would make this measure more likely to pass. Mr. Below discussed the need for a strong campaign on behalf of the bond.

Councilmember Menesini asked what effect a bond measure by East Bay Regional Parks might have. Mayor Schroder confirmed that the school district is considering a bond measure of their own as well. Mr. Below said additional bonds were considered in the survey process.

Vice Mayor Ross asked, and Mr. DeRollo discussed the hours of the day that the survey was done and how many homes, etc. were included. In response to a further question from Vice Mayor Ross, Mr. Below discussed issues that might deter community support for the measure.

Vice Mayor Ross also commented on the need that supporters of redevelopment should know that their opportunity will come later.

Mayor Schroder noted that maintenance of the new facilities should be a priority as well. Councilmember Menesini acknowledged that was a widespread concern.

Councilmember Kennedy said the process has shown the City what work needs to be done. She expressed appreciation for the efforts made that far.

Mayor Schroder reviewed a tentative campaign timeline, including opportunity for public input.

## **PUBLIC COMMENT**

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

Rich Verrilli questioned if the Brown Act requires public comment regarding the presentation. Assistant City Attorney Veronica Nebb stated that there is no specific rule to conduct public comment under presentation items specifically.

Mayor Schroder opened public comment for the bond presentation.

Mr. Verrilli recollected that the last bond measure failed because of all the items added to the measure, and perhaps this time the measure will pass because the bond seems to be more focused.

Julian Frazer reviewed past bonds and urged the Council to get their people to support this bond and get rid of any negative friends.

Katherine Hern thanked the Council for not including the redevelopment measure on this ballot and for their comments supporting the bond.

Dylan Radke, Park Commissioner, thanked the Council for the polling. He clarified a statement made in the Martinez News Gazette about the projected cost for the bond. Mr. Radke also discussed the failure of the last measure and stressed support for funding to help with public education and outreach.

Mike Alford complimented the Council for listening to the wants of the community. Mr. Alford wanted to know when and how the survey was conducted which Mr. Below provided. In response to a question from the Council, Mr. Below also discussed efforts made to reach younger voters.

Eric (last name inaudible) representing the Martinez Swim Team, indicated that they will be supporting the bond measure and will be helping in any way possible.

David Piersall stated that he voted against Measure O, but this measure looks like one he can and will support. He was concerned that the economy may have a negative effect on the measure.

Paul Wilson stated that he supports the bond measure and agreed the projects need to have adequate provision for future maintenance.

Mayor Schroder reopened public comment.

Phil Ciaramentaro urged the Council to do everything they can to help with saving the environment. He commented on all that he does to reduce contaminants in the air. He asked the Council to see if there is more that can be done.

Kristin Henderson thanked Phil Ciaramentaro and Maria Billingsley for having "Swan Day" in the opera house. She reported that she received a grant from the Tile Heritage Foundation, and the documentation she hopes to accomplish. Ms. Henderson also stated that a forester inspected the trees at Susana Street Park last year and the one on the corner has a pest; she asked the Council to see if they can have someone look at that. She indicated that she was working on the Post Office building to place it on the National Register, and it will probably be the last building she will work on.

Mike Alford was concerned with the lack of publicity for the Martinez Opera and the lack of public support, noting that there was little or no coverage in the newspaper. He also said he thought there should be a street named after John Sparacino.

Julian Frazer provided copies of information related to the Beaver Report and thanked the Council for appointing him to the subcommittee. He indicated that not all members were agreeable to work with and some of the meetings were difficult, especially because some were criticized for spreading education about the opinions of beaver experts. He reviewed information in his report about misperceptions and the historic role of wildlife in the City.

An unidentified speaker thanked the Council and concerned citizens for their dedication and genuine care for the City. He urged people congratulate instead of hating.

Seeing no further speakers, Mayor Schroder closed public comment.

## **CONSENT CALENDAR**

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

1. Motion approving Check Reconciliation Registers dated 03/13/08 and 03/17/08. [C.Heater/02.01.01]
2. Motion authorizing the Mayor to send a Letter to the Contra Costa County Board of Supervisors protesting the Determination of Property Tax Administrative Cost Recovery for 2007-08. [L.Marshall/06.01.01]
3. Resolution No. 020-08 establishing the rate per Equivalent Runoff Unit for the fiscal year 2008-2009.[T.Tucker/10.06.06]

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #1-#3 of the Consent Calendar. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

4. Public hearing to consider resolution adding 630 Court Street to the City of Martinez Inventory of Real Property and authorizing staff to proceed with the disposition of 630 Court Street.

Assistant City Manager Community and Economic Development Karen Majors presented the staff report.

Mayor Schroder opened the public hearing.

Phil Ciaramentaro, representing the Martinez Opera and Martinez Arts Association, discussed the recent "Swan Day" event, hosted and organized by the Opera and Arts Association. He also presented a proposed rent for 908 Ferry Street and asked the City to subsidize the rent for a short period. Mayor Schroder asked about other financial needs, and Mr. Ciaramentaro indicated he had support from other sources.

Councilmember Kennedy asked, and Mr. Ciaramentaro discussed the current rent situation for the property.

Kristin Henderson noted that the sale of the building and the addition to the surplus property inventory were two different discretionary items. She also discussed exceptions to CEQA exemptions related to historic resources and surplus properties, and she expressed concern about the need to see the actual plans for the building. She urged the Council to keep its promise and ensure that the building keeps its historic integrity.

Paul Wilson noted this is the fourth proposal for development of the building and expressed concern about the design of the upper story. He also commented on proposed discounts for the necessary remediation costs.

Mike Alford noted that he had brought a proposal from Mandalay Realty for purchase of the building in 2005. He was concerned about closed session negotiations, and the lack of public confidence that results.

Mayor Schroder noted that the Brown Act has certain rules that require closed session meetings. Ms. Nebb agreed, stating that the other parties to the negotiation are allowed to meet privately, and the Brown Act recognizes the disadvantage to the City if they were unable to do the same. She also added that the final decision is not made until an open session is held with public input.

Seeing no further speakers, Mayor Schroder closed the public hearing.

Vice Mayor Ross clarified that the sale of the building was publicly noticed, and anyone could put in a bid on it. Councilmember Kennedy added that the City put out an RFP with very specific elements in it.

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 021-08 adding 630 Court Street to the City of Martinez Inventory of Real Property and authorizing staff to proceed with the disposition of 630 Court Street. Motion unanimously passed 5 - 0.

## **ORDINANCE(S)**

## **CITY MANAGER**

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

No comments made.

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

### **CITY COUNCIL**

6. City Council Comments.

Councilmember Kennedy announced that on Saturday, Martinez will be hosting "Martinez Celebrates Cycling" with a lot of free activities. She also congratulated College Park High School for completing their "Every 15 Minutes" event. She noted that College Park has made a commitment to their students to provide "Every 15 Minutes" every two years--a program that stresses that in every 15 minutes someone dies in an alcohol related death. Councilmember Kennedy stressed her disappointment with the Martinez Unified School District for not considering doing this. She reported out on her attendance at ABAG regarding Disaster Recovery, urging the Council to do what it can to ensure the safety of Martinez residents in case of earthquake or other disaster; she also stated that she would be attending a League of California Cities meeting in Ontario for the Economic Development Committee regarding housing. She wished Mayor Schroder a happy birthday, which he will be celebrating next week. Vice Mayor Ross asked, and Councilmember Kennedy also discussed the importance of completing a historic inventory and developing an emergency plan. Vice Mayor Ross agreed and asked the Mayor to begin the process. Mayor Schroder said he has asked staff to take steps in response to comments at an earlier Council meeting.

Vice Mayor Ross stated that on April 7th the Air District will be offering \$600 rebates to those who change woodburning fireplaces to gas burning devices.

Michael Menesini also wished Mayor Schroder a happy birthday. He indicated that San Francisco held "Earth Hour" between the hours of 8:00 p.m. to 9:00 p.m. this past weekend, and the city turned off its lights which was quite dramatic. He indicated that it is an idea that Martinez could try as well.

## **ADJOURNMENT**

Adjourned at 9:28 p.m. to a Special Meeting for a Closed Session on April 8, 2008 at 6:00 p.m. in the City Manager's Office, then to a Regular meeting on April 16, 2008 at 7:00 p.m. in the Council Chambers.

Approved by the City Council

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 5/21/08

City Council Meeting

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