

CALL TO ORDER

Mayor Rob Schroder called the meeting to order at 6:05 p.m. with all members present except Councilmember Menesini who arrived shortly after roll call.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION pursuant to California Government Code Subdivision (a) of Section 54956.9 Name of Case: Gloria Vaughn, et al. v. City of Antioch, et al.; Contra Costa County Superior Court Case No. C07-00045
- B. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION (Cal. Gov't Code section 54956.9(a)) Name of case: Ostrosky v. City of Martinez

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

The meeting reconvened at 7:15 p.m. Mayor Schroder reported that a closed session was held and direction was given to the legal counsel for both items listed under closed session.

PRESENT: Lara DeLaney, Councilmember, Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Mark Ross, Vice Mayor, and Robert Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

- A. Police Ceremony:
 - * Swearing in of Police Officer Michael Colon
 - * Presentation of the Medal of Valor - Officer Ian Leong and Sergeant Glenn Walkup

Chief of Police Tom Simonetti introduced Michael Colon and described his background. Swearing in performed by City Clerk Richard Hernandez. Officer Colon was pinned by his wife Jennifer Colon.

Chief Simonetti presented Officer Ian Leon with a *Medal of Valor* and described his courageous actions on September 6th. Chief Simonetti called Mrs. Shannon Starzyk forward. Mrs. Starzyk honorably pinned Officer Leon.

Commander Gary Peterson presented Sergeant Glen Walkup with a *Medal of Valor* and described his courageous actions of September 6th. Commander Peterson called Mrs. Shannon Starzyk forward. Mrs. Starzyk honorably pinned Sgt. Walkup.

Commander Eric Ghisletta presented Dispatcher Katrina Crayton with a *Distinguished Service Award* for her extraordinary actions on September 6th.

The City Council welcomed Officer Colon and expressed their appreciation to all.

B. WETA/Ferry Presentation Update.

Michael Bernick, City's consultant, gave a PowerPoint presentation updating the WETA System Funding (Federal and State funding) in obtaining support for ferry transportation in Martinez. He and staff responded to questions/comments from the Council.

Councilmember Menesini discussed meetings with Ted Radke regarding possible landing sites, as well as other possibilities if a ferry terminal is sited in Martinez. He also commented on ridership potential, as well as the benefits Martinez would bring in being pedestrian-friendly.

Councilmember DeLaney asked about the EIR process and necessary public meetings, ridership estimates, and the City's standing as compared with other cities being considered which Mr Bernick answered.

Mayor Schroder noted that the change from WTA to WETA makes a difference in terms of funding, and the critical importance Martinez has as the County seat.

C. Climate Action Plan Presentation.

Dan Sicular of Environmental Science Associates gave an overview of existing findings and laws regarding Climate Change. He also reviewed climate change vulnerabilities and opportunities faced by the City, as well as the initial Greenhouse Gas inventory which showed half of the emissions produced are from transportation.

Mr. Sicular reviewed increased motor vehicle efficiency strategies, potential City programs and incentives, and the City's current recycling and composting programs, water conservation strategies; he also encouraged citizens to create a personal climate action plan.

Steve Coil, of Town Green, reviewed elements of a Climate Action Plan for the City, including phasing. He reviewed the public outreach program, including a citywide workshop to be held in 2009. He referred the public to the website: www.greenmartinez.org for further information.

Mayor Schroder noted that some of the goals mentioned were already incorporated in the City's Downtown Specific Plan, he mentioned a new LEEDS certified housing project in the City, and he discussed the work of Acme Fill in capturing methane gas and selling to the Central Sanitary District.

Vice Mayor Ross commended them for a very comprehensive program, and discussed the necessity of devising manageable steps for the Council to take to enact the recommended measures. He also commented on BAAQMD's climate foundation that will be providing grants for development of climate action plans.

Councilmember DeLaney expressed appreciation for the presentation, especially the website that will provide necessary information to the public. She was hopeful that the City can be a leader in "going green", even encouraging green businesses to locate in the City.

Councilmember Kennedy acknowledged Mr. Coil and Mr. Sicular, and the work of the Subcommittee, in providing the information to the Council. She also said Measure C funding may be available for linking schools and homes.

Councilmember Menesini discussed the level of emissions from automobile traffic, noting that alternative types of transportation like the ferry, can help to lessen those emissions. He also commented on State regulations that have negatively impacted the use and development of electric vehicles.

PUBLIC COMMENT

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

Marie Knutson, representing the Martinez Chamber of Commerce, announced a political forum at the Martinez Adult Center, 600 F Street, at 7:30 a.m. on Tuesday, October 21. Representing County Connection, she announced that their budget was drastically reduced which means 20% of the services provided will be cut. She noted that the agency will be holding a series of public workshops regarding streamlining the routes, and the workshop for Martinez will be Monday, November 3rd from 4:00 p.m. to 7:00 p.m. at City Hall in the Council Chambers.

Kristin Henderson spoke on a documentary that she viewed called "The End of Suburbia;" she recommended that the City try to change the downtown with good urban planning. She urged the public to review AB 375 regarding eliminating CEQA review for future projects. Ms. Henderson also commented that the Martinez Mural was in the S.F. Chronicle due to her efforts. She noted that there are certain individuals in the Martinez Historical Society who are in violation of tax laws regarding nonprofits. She expressed her concerns on the Historic Resource Inventory, and she urged the Council to do things honestly and to adopt a Historic Resource Inventory.

An unidentified speaker asked the status of the business license for fortune telling in the City. City Manager Philip Vince stated that it was being reviewed by staff and will come back to the Council at a future meeting.

Mike Alford expressed his concerns regarding the Air Quality District not giving the citizens of Martinez, who are the victims, the money from penalties from three different refineries. He indicated that the City has spent too much on consultants and that it's time to make decisions without the use of consultants. He also spoke about the increase of crime in the City, redevelopment, lack of debate opportunities, and his campaign signs being torn down.

Paul Wilson requested that more officers be on patrol on Friday nights between 8:00 p.m. and 2:00 a.m.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of September 22, 2008.[M.Cabral]
2. Motion approving Check Reconciliation Registers dated 09/25/08, 10/02/08, and 10/09/08.[C.Heater/02.01.01]

Items 3, 4 and 5 were pulled for discussion/clarification.

Mayor Schroder opened public comment on Items 1 and 2.

Paul Wilson spoke on Item 2, commenting on the amounts to be paid for the Corporation Yard and the Campbell Theater.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1 and 2.

Motion to approve Consent Calendar Items #1 and #2.

Moved by Mark Ross, Vice Mayor, seconded by Lara DeLaney, Councilmember. The Council voted to approve unanimously.

3. Resolution No. 087-08 accepting bids and awarding the construction contract for the Martinez Marina 2008 Dredging Project, to California Dredging Company.
[T.Tucker/14.05.05]

In response to questions from Vice Mayor Ross, City Engineer Tim Tucker gave a brief report on the bid process and bid amounts, as well as the project timeline.

Councilmember DeLaney asked for a description of the project, which Mr. Tucker provided. Councilmember DeLaney also asked job descriptions to be included in reports for future projects.

Mayor Schroder opened public comment on Item #3.

Paul Wilson commented on the extreme difference in the amounts of the bids. He also asked the basis of the bid amounts and the projected dredge volume. He questioned whether the marina operator should have been responsible for paying the dredging costs. Mr. Tucker noted this was a maintenance dredge, not a full dredge. Mayor Schroder added that under the agreement with the marina operator, the City is responsible for dredging costs.

Mike Alford asked whether this was the same company that did an earlier dredge, and whether the City had received \$500,000 from Caltrans to pull out the old ferry pier.

Seeing no further speakers, Mayor Schroder closed public comment on Item #3.

Motion to approve Resolution No. 087-08 accepting bids and awarding the construction contract for the Martinez Marina 2008 Dredging Project, to California Dredging Company.

Moved by Mark Ross, Vice Mayor, seconded by Janet Kennedy, Councilmember. The Council voted to approve unanimously.

4. Resolution No. 088-08 approving an agreement between the City of Martinez and Main Street Martinez.[K.Majors/9.12.04]

Assistant City Manager Community and Economic Development Karen Majors presented the staff report noting the revisions made after Council packets were distributed.

John Curtis, president of Main Street, expressed satisfaction with the agreement as revised and offered to answer questions from the Council. Councilmember DeLaney asked how many downtown business owners there are; Mr. Curtis said about 225. She was appreciative of the outreach efforts made.

Vice Mayor Ross commented on the increase in membership and efficiencies in combining efforts between Main Street and the Chamber.

Councilmember DeLaney asked that the required quarterly reports be provided to the Council on the Consent Calendar.

Mayor Schroder opened public comment on the item:

Kristin Henderson expressed appreciation for Leanne Peterson's work, but she discussed members in violation of Main Street's bylaws and nonprofit laws. She also briefly commented on Councilmembers who sneer at her remarks.

Mike Alford asked if there was a way to get a list of the Main Street membership. He also asked about the snow play, scheduled for the Shell Clubhouse, and the projected costs. He also asked why more efforts aren't being made to bring new businesses into the City.

Paul Wilson commented on business styles and on-street marketing strategies.

An unidentified speaker expressed appreciation for the comfortable, safe environment in downtown Martinez.

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

Councilmember DeLaney indicated that Exhibit A was not included in the report and requested a copy.

In response to a question from Councilmember Kennedy, Leanne Peterson reviewed plans for the snow park this year.

Motion to approve Resolution No. 088-08 approving an agreement between the City of Martinez and Main Street Martinez and placing the quarterly report on the Consent Calendar.

Moved by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember. The Council voted to approve unanimously.

5. Resolution No. 089-08 approving an agreement between the City of Martinez and Martinez Chamber of Commerce.[K.Majors/07.02.01]

Assistant City Manager Community and Economic Development Karen Majors presented the staff report, noting the revisions made to improve the agreement.

Marie Knutsun, Vice President of Government Affairs, introduced Cynthia Murdough the new Executive Director of the Martinez Chamber of Commerce, who expressed her excitement to be working for the Chamber.

Councilmember DeLaney requested that the quarterly report be placed on the Consent Calendar and requested a copy of the budget as soon as it is developed.

Vice Mayor Ross noted that more coordination with some businesses on the side streets would be helpful.

Councilmember Kennedy commented on the many qualified applicants that applied for the job, and how pleased the board had been to be able to hire Ms. Murdough, although Councilmember Kennedy herself was not part of the selection team.

Mayor Schroder opened public comment on the item.

Mike Alford said he thought the Council should work with Main Street and the Chamber to decrease the number of drunks out in public. He reiterated his concern about bringing in more businesses to the City, noting that people are less stressed when things are going well. He asked for the opportunity to debate the Councilmembers running for re-election, to discuss these issues. Mayor Schroder noted there is a Chamber debate scheduled for Tuesday, October 21st at 7:30 a.m. at the Adult School.

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

Motion to approve Resolution No. 089-08 approving an agreement between the City of Martinez and Martinez Chamber of Commerce and placing the quarterly reports on the Consent Calendar. Moved by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember. The Council voted to approve unanimously.

PUBLIC HEARING(S)

CITY MANAGER

Mayor Schroder stated that he received his report by the FPPC regarding the beaver situation, but until the process is completed, he will be recusing himself from Item #6.

Mayor Schroder turned the meeting over to Vice Mayor Ross and left the dais.

6. Report #1 Update on Emergency Work to Stabilize Alhambra Creek Bank [J.Enke&T.Tucker&K.Majors/10.07.00]:

City Manager Phil Vince presented the staff report, and Public Works Director Dave Scola gave a progress report on the project.

Skip Lisle commented on the progress of the work and the precautions taken by staff to protect the beavers. Mr. Lisle also noted that they did find additional burrows and other cavities up the creek. Mr. Scola added that food has been placed around and near the project so the beavers are not negatively impacted by the work. He noted that Worth A Dam has also been involved.

Councilmember DeLaney expressed appreciation for Mr. Lisle's efficient work and the continued reports on the project. She asked about impacts on the lodge structure from the construction, the impact of public interaction at the site, and how long Mr. Lisle will be staying in the area which Mr. Lisle responded too.

Councilmembers Kennedy and Menesini echoed Councilmember DeLaney's appreciation.

- A. Adopt resolution continuing the declaration of emergency, pursuant to Section 22050 of the State Public Contract Code that necessitated the Emergency Alhambra Creek East Bank Stabilization Project from Escobar to Marina Vista; and
- B. Accept the status report on the Emergency Creek Stabilization Repair Project.

Vice Mayor Ross opened public comment on the item:

Mike Alford asked whether the City had hit any footing during the work today. He also noted that the minutes should specify that vibration techniques are being used, rather than pile driving. He questioned whether the train vibrations have prepared the beavers for the work that is now being done, allowing them to be more tolerant of this work. He asked about the locations of the burrows and tunnels, and how many more days the work will be going on. He expressed appreciation for the work of Mr. Lisle.

David Piersall asked whether the current project will be the end of the beaver mitigations, or whether more work will be needed in the future if the beaver population expands.

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

Mr. Lisle discussed with the Council beaver habitat effects and whether the impacts will increase, as well as mitigation measures that can be taken, and noise impacts.

Councilmember DeLaney commented that some issues have been raised tonight that will need to be addressed in the future, but she indicated her support for approval of the resolutions. Vice Mayor Ross agreed the City needs to consider the recommendations in the report and monitor the situation closely.

Motion to approve Resolution No. 090-08 continuing the declaration of emergency, pursuant to Section 22050 of the State Public Contract Code that necessitated the Emergency Alhambra Creek East Bank Stabilization Project from Escobar to Marina Vista; and accept the status report on the Emergency Creek Stabilization Repair Project.

Moved by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember. The Council voted to approve unanimously.

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

Nothing reported.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

8. City Council Comments.

Councilmember Menesini announced the Environmental Alliance will be having a seminar at the Community Center at the John Muir National Park on October 20th at noon regarding water issues, and he encouraged the public to attend. He also commented on a letter from the United Methodist Church indicating the need for street repairs. He asked where it was on the list of projects, and he noted the urgency for this street to be repaired as it is heavily used for access to Nancy Boyd Park. Councilmember Menesini requested the Chief to look into walking beats on Friday nights; and he suggested that Main Street and the Chamber work with the City to consider volunteer efforts to place benches at bus stops.

Councilmember DeLaney requested staff to review an ordinance regarding secondhand smoke in apartments. She announced that she will be representing the City at the League's East Bay Division tomorrow night regarding PG&E's energy programs, services, and future alternatives, as well as climate change strategies.

Councilmember Kennedy congratulated the City's Recreation Department on the Restaurant Tour, and the Historic Society on the Home Tour. She suggested that the City look into Proposition 1B monies for disaster preparedness as an opportunity for funding, so that the City can be financially ready in the event of a disaster.

Vice Mayor Ross reminded the public to vote.

ADJOURNMENT

Adjourned at 10:50 p.m. to a Regular Meeting on November 5, 2008 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 11/19/08