

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 6:05 p.m. in the Council Chambers with all members present except Councilmember Mark Ross and Vice Mayor Michael Menesini who arrived shortly after roll call.

There was no public comment. The Council adjourned to the City Manager's Office.

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL--Existing Litigation pursuant to 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 7:10 p.m., with all members present. Mayor Schroder reported that a closed session was held with respect to existing litigation pursuant to Government Code Section 54956.9(a), Ostrosky v. City of Martinez, and direction was given to legal counsel.

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

EXCUSED: None.

ABSENT: None.

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

- A. Certificates of Recognition to former Commissioners.

The Council presented Certificates recognizing the following former Commissioners for their service to the City: Dorrie Langley, Arts & Library Commission; Robert Barker, Marina Commissioner; Fred Korbmacher, Planning Commission; and Lillian Golino, Veterans Commission. Mayor Schroder also announced upcoming openings on the City Commissions.

- B. Presentation to "Budget Photo Contest Winners."

Mayor Schroder discussed the Budget Photo Contest that was held to find pictures that showcase the beauty, character, and charm of Martinez, noting the pictures were used in the budget documents.

The following individuals were recognized for their winning photos: Warren Rose, Kristin Henderson, Paul Feia, Tiffany French, Lorena Castillo, and Dennis Shea.

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

Mayor Schroder opened public comment.

John Curtis, Martinez Historical Society, announced the Annual Conference of the California Historical Societies in Martinez, beginning on Friday, June 26, for four days beginning at the Masonic Hall on Friday, June 26th with a social hour at 6:00 P.M.

Seeing no further speakers, Mayor Schroder closed public comment.

*Item #20 taken out of order.*

**CITY COUNCIL**

20. Martinez Unified School District request for financial support. [P.Vince/6.10.01]

Mayor Schroder introduced the item. City Manager Phil Vince presented the staff report, noting that City staff and District representatives have not been able to reach agreement on the specific form of the City's assistance.

At the request of Mayor Schroder, City Attorney Jeff Walter confirmed that it is legal for the City to loan money to the District, as long as the funds are used in a way that serves the purposes of the citizens of Martinez or the City. He also reviewed legal case precedence.

Mayor Schroder asked Police Chief Tom Simonetti to comment on whether the City's application for funding of two police officer positions with stimulus money would be jeopardized if the City loans or grants the District money. Chief Simonetti noted it could potentially affect the City's participation because the loan to the District might be seen as resources that could have funded the positions without stimulus money. Mr. Vince explained why he did not agree with Chief Simonetti's concerns, based on his research.

Councilmember DeLaney said the City's budget documents seem to indicate that the City could fund the positions if the stimulus application is not approved. Mr. Vince said he thought otherwise because he did not believe the City could fund the two positions with its economic uncertainty reserve, since there would only be enough to pay for one year, not subsequent years.

Rami Muth, Martinez Unified School District Superintendent, reviewed the District's request, concerns, and educational needs for their students; expressing hope that an agreement could be reached.

Councilmember Ross asked, and Ms. Muth noted that they were able to find additional "in-kind" revenue that could be applied towards some of the District's deficit. Councilmember Ross clarified that the requested amount was for \$500,000, in the form of a loan. He commented on some ways that the City and the District can work together to achieve mutual financial efficiencies. He also asked about District plans to increase income for next years. Ms. Muth discussed fundraising plans, attendance goals, and income from the new parcel tax.

Councilmember DeLaney asked, and Ms. Muth confirmed that this loan will only ensure 20:1 teacher:student ratio for only one year. Ms. Muth discussed other efforts being made to achieve future security.

Mayor Schroder opened public comment on the item.

Blake Johnson, student, commented on the importance of the City's assistance. He thanked the Council for considering the District's request, and he asked for their approval.

Richard Verrilli stated there is no greater charge the Council has than to provide for the next generation. He commented on the funding that the City provided to protect the beaver family, and he noted this is an even more important investment in improving public relations. He suggested postponing the removal of the quonset huts at a cost of \$350,000, and give the money to the District, with no conditions.

Mike Alford said public education is the foundation of our country. He urged the Council to give the District the money it needs, especially since the City has the ability to do it. He agreed with Mr. Verrilli's suggestion about the quonset huts.

Bob Hollsinger, Vice President of the Martinez Education Association, expressed support for the proposal made by the District. He expressed confidence in the legality of the proposal, as well as confidence that the resources can be found to continue the 20:1 class size in the future. He commented on the sacrifices made by the teachers, including no recent raises and none for the foreseeable future.

Katherine Hern commented on the importance of this funding to the schools, acknowledging these are difficult times. She also noted that the voters overwhelmingly supported measures on behalf of the parks and the schools.

David Mathers, Martinez Police Officers Association, expressed concern about possible implications on the police officer grant, as well as the need to keep the City's reserve fund healthy. He commended the Council for their work in making the tough decisions.

Tony Ghisletta expressed his respect for the Martinez Unified School District, even though he does not live within its boundaries. He was concerned whether making a grant or loan to the District would be outside the purview of the City or the Council, especially since some of those who will benefit are outside City limits.

Mayor Schroder noted that Gary Eberhart, president of the Mount Diablo School District, had indicated that they would not request any funds from the City as long as the crossing guards at Hidden Valley Elementary School (in the Mount Diablo District) continue to be paid for by the City.

Kathi McLaughlin commented that the cost of the crossing guards at Hidden Valley for 20 years totals approximately \$200,000, adding that only 1/4 of the City's residents live in the Mount Diablo District. She also commented on the grant-writing team, and the \$170,000 grant is an ongoing grant. She asked for the City's assistance to give the District time to find other grant opportunities.

David Elliazer, high school teacher, observed that even if the Council grants or loans the District \$500,000 and the State takes funding away from the City, the City's reserve will still be very healthy at 18% of its budget.

An unidentified speaker commented on her experience working for the City's Recreation Department, and as a teacher. She expressed appreciation for the family-friendly community, and she urged the Council to do its best for the future citizens.

George Griffin, Labors Local 324 representing City workers, urged the Council to be sure that any assistance to the City is in the form of a loan, not a gift. He cautioned the Council that tougher economic times may still be ahead. He encouraged the Council to find a fiscally-responsible, creative plan to meet the needs of the School District and the City.

Bill Dillard, representing City employees, acknowledged the importance of education for the future. He suggested the District use volunteers to assist if larger class sizes become necessary because of layoffs. He expressed concern at the City depleting its reserve to help the District, which is unwilling to use its own reserve. He noted there have already been budget cuts on all the City departments, and the employees are concerned about further cuts.

Denise Elskin, President of Martinez Unified School District Board, indicated that the District is not happy at having to ask the City for help. She also noted that the District has had extensive budget cuts and is already using parent volunteers. She discussed required services that the District must provide, and she expressed willingness to work with the City in any way the District can.

An unidentified speaker commented on the strong support the District has from parent volunteers.

Another unidentified speaker noted that her family recently moved from the Los Angeles area because of the quality School District. She also commented on negative impacts on the community if class sizes are increased.

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

Mayor Schroder expressed strong support for keeping the District K-3 class sizes at 20:1 ratio. He discussed visits he made to classes recently, and the importance of the smaller class size. He was supportive of one-time assistance to the District because of the investment in the community. He suggested a combination grant/loan with the repayment being tied to a joint capital improvement project.

Vice Mayor Menesini agreed with Mayor Schroder on the importance of the schools to the future of the City. He commented on past assistance that the City has provided to both districts. He acknowledged, however, that there are issues that must be addressed: the COPS grant, infrastructure needs, and legal concerns. He suggested that the loan portion be tied to the formation of a joint corporation yard.

Councilmember Ross commented on his past support for education issues, noting the importance of the early years of school. He agreed a combination grant/loan, tied to a joint project of some kind. He was confident in the legality of the allocation, and in the strength of the City's reserve.

Councilmember DeLaney commented on negative impacts to the City's budget from State budget decisions (diversion of the gas tax and delay of Proposition 42 funds). She was concerned about the City's infrastructure needs and the COPS grant. She expressed support for education and its importance, but she noted that the City's first priority and fiduciary responsibility is to the citizens of the City and their public safety, not to the School District. She was also concerned about future budget deficits due to falling property taxes and sales taxes. She also stated she did not think a 20:1 class size was the only way to have quality education, as witnessed by the previous generation. She did not think a grant was a good idea, and she indicated she could support a loan (\$200,000 maximum) with very strict conditions.

Councilmember Kennedy acknowledged the seriousness of the issue, and she thanked everyone for their input on the matter. She noted that costs for the removal of the quonset huts was from another source, not the City's general fund, so it could not be used in any other way. She also commented on the benefits to the District from the recently-passed parcel tax, and she expressed confidence that making a decision in support of the District will not negatively impact City employees. She acknowledged the benefits of smaller class sizes, as well as the importance of taking care of the next generation. She asked the District to make the "Every 15 Minutes" program a part of the curriculum again. She confirmed with Mr. Vince that any action by the Council will need to have the details worked out between staff and the District. She commented on the City's needs related to the pool and the corporation yard, and she expressed support for at least part of the funding to be in the form of a loan.

Councilmember Ross questioned how the amount of the City reserve will affect the COPS grant application, whether or not the City helps the District. Staff said the amount of the reserve should not affect the COPS grant.

In defense of Councilmember DeLaney, Vice Mayor Menesini acknowledged there could be the perception that the City is redirecting money that could be used to fund the additional police positions. However, he was confident that the City's position could be upheld, particularly if the funding is made in the form of a loan.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, approve, in principle, the Martinez Unified School District request for financial support in the form of a loan, not a giveaway, and ask the MUSD and staff to work together, to identify joint purposes and a joint Corp Yard at the Water District Treatment Plant, for \$500,000.

Motion passed 4 - 1. Yes: Mark Ross, Councilmember, Rob Schroder, Mayor, Michael Menesini, Councilmember, and Janet Kennedy, Vice Mayor, No: and Lara DeLaney, Councilmember .

The Council recessed for 10 minutes and reconvened with all members present.

## CONSENT CALENDAR

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

1. Motion approving City Council Minutes of May 20, June 6, and June 10, 2009. [M.Cabral]
2. Motion rejecting claim against the City by Roz Tashman, Claim #09-05. [M.Cabral]
3. Motion approving Check Reconciliation Registers dated 06/04/2009 and 06/11/2009. [C.Heater/2.01.01]
4. Resolution No. 050-09 adopting the Biennial Budget for July 1, 2009 through June 30, 2011. [L.Marshall/2.10.00]
5. Resolution No. 051-09 authorizing the purchase of an Emergency Response Vehicle. [T.Simonetti/04.08.00]
6. Resolution No. 052-09 approving the Summary Vacation of a portion of the former Muir Road right-of-way and authorizing the City Manager to execute a Quit Claim Deed. [T.Tucker/12.23.27]
8. Resolution No. 054-09 authorizing the submittal of applications to the California Integrated Waste Management Board (CIWMB) for all available grants and authorizing the Assistant City Manager - Administrative Services to execute all applicable documents. [M.Chandler/30.14.02]
9. Landscape and Lighting Assessment District 1979-3 (Village Oaks Terrace) for fiscal year 2009-2010. [T.Tucker/10.02.34]
  - a. Adopt Resolution No. 055-09 describing improvements and changes.
  - b. Adopt Resolution No. 056-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.
10. Landscape and Lighting Assessment District 1981-3 (Muir Station Park) for fiscal year 2009-2010.[T.Tucker/10.02.15]
  - a. Adopt Resolution No. 057-09 describing improvements and changes.
  - b. Adopt Resolution 058-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.

11. Landscape and Lighting Assessment District 1983-3 (Vista Oaks) for fiscal year 2009-2010. [T.Tucker/10.02.21]
  - a. Adopt Resolution No. 059-09 describing improvements and changes.
  - b. Adopt Resolution No. 060-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.
12. Landscape and Lighting Assessment District 1988-1 (The Center Martinez) for fiscal year 2009-2010. [T.Tucker/10.02.31]
  - a. Adopt Resolution No. 061-09 describing improvements and changes.
  - b. Adopt Resolution No. 062-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.
13. Landscape and Lighting Assessment District 1994-1 (Creekside) for fiscal year 2009-2010. [T.Tucker/10.02.36]
  - a. Adopt Resolution No. 063-09 describing improvements and changes.
  - b. Adopt Resolution No. 064-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.
14. Landscape and Lighting Assessment District 1997-1 (Brittany Hills) for fiscal year 2009-2010. [T.Tucker/10.02.37]
  - a. Adopt Resolution No. 065-09 describing improvements and changes.
  - b. Adopt Resolution No. 066-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.
15. Landscape and Lighting Assessment District 2000-2 (Terra Vista) for fiscal year 2009-2010. [T.Tucker/10.02.40]
  - a. Adopt Resolution No. 067-09 describing improvements and changes.
  - b. Adopt Resolution No. 068-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.

16. Landscape and Lighting Assessment District 2001-1 Alhambra Estates for fiscal year 2009-2010. [T.Tucker/10.02.41.]
  - a. Adopt Resolution No. 069-09 describing improvements and changes.
  - b. Adopt Resolution No. 070-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
  - c. By motion, approve Engineer's Report.

Councilmember Lara DeLaney requested Item #7 be removed from the Consent Calendar.

Mayor Schroder opened public comment on Items 1-6 and 8-16 of the Consent Calendar.

Regarding Item #4, Jon Prato expressed concern about the City's current and future financial situation, in view of economic issues at the state and federal levels.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1-6 and 8-16 of the Consent Calendar.

On motion by Michael Menesini, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #1 through #6 and #8 through #16 of the Consent Calendar.

Motion unanimously passed 5 - 0. Yes: Mark Ross, Councilmember, Rob Schroder, Mayor, Lara DeLaney, Councilmember, Michael Menesini, Vice Mayor, and Janet Kennedy, Councilmember.

7. Resolution No. 053-09 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State government of the City's street maintenance funds; and authorize the Mayor to sign a letter to the State Assembly opposing local Gas Tax fund diversion. [T.Tucker/2.10.00/41.00.05]

Councilmember DeLaney asked for a full fiscal analysis of the impact on the City's infrastructure and employee positions/benefits, from the loss of the gas tax funds and Proposition 42 funds. She requested that staff send letters to Governor Schwarzenegger and legislative representatives as well as the Budget Conference Committee.

Vice Mayor Menesini agreed with the Resolution and the letter to the elected officials. He questioned whether it was premature to spend too much staff time analyzing possible impacts, since at this point it is unknown how much or if the money will be redirected. Councilmember DeLaney noted that the County has already sent out layoff notices.

Mayor Schroder opened public comment on the item.

Mike Alford commented that the State budget difficulties are well known. He questioned why an alternative plan hadn't already been developed by the City.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 053-09 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State government of the City's street maintenance funds; and authorize the Mayor to sign a letter to the State Assembly opposing local Gas Tax fund diversion.

Motion unanimously passed 5 - 0. Yes: Mark Ross, Councilmember, Rob Schroder, Mayor, Lara DeLaney, Councilmember, Michael Menesini, Councilmember, and Janet Kennedy, Vice Mayor.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

17. Approve the request for a third six month extension to the Marina Sub-Lease until December 31, 2009 with Martinez Marina LP. [K.Majors/14.01.00]

City Manager Phil Vince briefly commented on the item. Tom Hogan, Martinez Marina LP, presented the status report.

Councilmember DeLaney asked if the City would be unable to spend the current DBAW loan of \$338,000, if the sublease has not been finalized yet. Mr. Hogan confirmed that was true. She expressed concern about further delays to the process if the sublease is not finalized soon.

Mr. Hogan indicated he was confident that the process will move forward in a timely manner. He noted that the new head of DBAW had commented on her sense of fiscal responsibility, implying that there would not be excessive delays in the disbursement of previously approved DBAW loans.

Councilmember Ross asked if there was anything the City should be doing to facilitate the process. Mr. Hogan said not at this time. Mr. Hogan also acknowledged it is difficult to predict what the end result will be with staffing and funding at DBAW, due to the State budget problems.

Councilmember Ross asked about changes to material and labor costs from the initial projections. Mr. Hogan said they have come down some, but not much. He noted, however, that they could go up again before construction begins.

Mayor Schroder opened public comment on the item.

Paul Wilson commented on negative changes to the marina as compared to ten years ago. He expressed concern about the entitlements that should have been completed within a two year time span, and the City has already expended some money towards the entitlements. He questioned whether the contract was even valid. He also noted that he has never received a response to his comments regarding the EIR.

Mike Alford asked why the City doesn't show more ingenuity in providing for the marina. He noted that there had been a businessman interested in opening a restaurant at the marina, but no one encouraged the idea even though it would have brought tax revenue to the City. He urged the Council to find a way to make progress before it is too late.

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve request for a third six month extension to the Marina Sub-Lease until December 31, 2009 with Martinez Marina LP.

Motion unanimously passed 5 - 0. Yes: Mark Ross, Councilmember, Rob Schroder, Mayor, Lara DeLaney, Councilmember, Michael Menesini, Councilmember, and Janet Kennedy, Vice Mayor.

18. City Manager Comment(s)/Update(s)/Report(s).

Mr. Vince expressed appreciation for the finalized, approved budget.

19. Chief of Police Comment(s)/Update(s)/Report(s).

Chief Simonetti announced that today was the Torch Run for the Special Olympics, and about a dozen police department employees participated, running from Virginia Hills to the marina.

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

21. City Council Comments.

Councilmember Janet Kennedy stated that she attended a presentation by Assemblywoman Buchanan at the East Bay League dinner, and she will be attending a League meeting tomorrow in Sacramento. After reviewing potential bills, she will give an update to the Council. She also expressed kudos to Tim Tucker and the Public Works Department, who will soon be installing lighted crosswalks by the High School and the hospital. She congratulated everyone that was involved in the "King of the County Barbecue" which was an awesome event.

Councilmember Lara DeLaney announced that she will be attending the League of California Cities Environmental Quality Policies Committee meeting on Friday. She also expressed appreciation for the "King of the County Barbecue," although she was unable to participate. She urged all to attend the 4th of July celebration.

Councilmember Mark Ross requested that staff look into having a memorial ceremony for September 11th and recognizing Sergeant Paul Starzyk.

Vice Mayor Michael Menesini congratulated Mayor Schroder, his daughter Sarah, and the Class of 2009.

Mayor Rob Schroder stated that he was a judge at the "King of the County Barbecue," and expressed his congratulations to the Martinez Chamber of Commerce for a successful event.

## **ADJOURNMENT**

The meeting was adjourned at 10:02 p.m. to a regular meeting on July 1, 2009 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA 94553.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 7/15/09