

I. CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present except Councilmember Ross who arrived shortly after roll call and Vice Mayor Menesini who arrived at 6:30 p.m.

City Attorney Jeff Walter stated that the closed session is being called in order to discuss with the City's legal counsel threats of litigation concerning the use and effect of a historical survey.

II. OPEN COMMENT (Limited to Closed Session)

No comments made. The Council adjourned to closed session in the City Manager's Office.

III. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One potential case.

IV. RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:12 p.m. He reported that a closed session was held regarding significant exposure to litigation pursuant to subdivision b of section 54956.9-- one potential case; direction was given to counsel and there was nothing else to report out.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

A. Presentation to Sergeant Jon Sylvia from Veterans of Foreign Wars.

Thomas Zamaria, Michael Keppel, Carl Edwards, and Claude (did not state last name) of Veterans of Foreign Wars presented the "Officer of the Year" award to Sergeant Sylvia, and congratulated him for his service and dedication.

B. Presentation by County Librarian regarding facility maintenance.

County Librarian Anne Cain informed the Council of future plans to transfer the facility maintenance duties from the County to the individual cities. She discussed the need for a more uniform agreement among the cities, funding issues, quality of service and future concerns.

Mayor Schroder asked for clarification about facility-related costs, which Ms. Cain discussed.

Councilmember DeLaney asked about the extra hours and costs. Ms. Cain explained that the City has founded additional hours to bring the hours up to 35 per week. Ms. Cain stated, for the record, she could not guarantee the 35 hours per week would be maintained starting in 2010-11, even if the City agreed to pick up the facility maintenance costs. Councilmember DeLaney asked whether a new, bigger building would increase maintenance costs.

Mr. Scola noted that an elevator maintenance contract would be needed if the new building is two-story, as well as a new heating, ventilation, and air condition system. In response to a further question from Councilmember DeLaney, Mr. Scola confirmed that the City would be seeking the most energy efficient design and materials, which should help balance the costs somewhat.

Councilmember Kennedy asked whether the funding provided by the bond issue would be to the City's credit. Ms. Cain said she wasn't sure, however, she noted that the County will be investing quite a bit in new technology as well.

Vice Mayor Menesini commented on cities that have stand-alone libraries, and he clarified that cities like Martinez that have partnered with the County also contribute a portion of their property taxes to the funding of the library system. He asked how much Martinez currently contributes to the County library system. Ms. Cain responded that she didn't have that figure available, but she would be glad to provide it later, together with a breakdown of costs that the County has spent on the Martinez Library. She acknowledged that Martinez could become an independent library at any time, but she also discussed the economies of scale that result from the partnership of cities in the County. Vice Mayor Menesini said he would like a per capita breakdown included, and Ms. Cain agreed to provide a full financial report.

C. Contra Costa County Fire Protection District - Update.

Emily Hopkins, Community Relations Officer, gave a brief report on public education programs offered by the Fire District.

Henry Warren, Assistant Chief for Operations, discussed the work of the fire prevention unit, including weed and hazard abatement, fire investigations, plans/permits, and Code Enforcement.

Ron Dalton, Battalion Chief, reviewed basic response services provided to the City through the five stations in and near the City. Mayor Schroder asked the difference between false alarms and mistaken alarms; Mr. Dalton explained that false alarms are deliberate but mistaken alarms are accidentally set off.

Richard Carpenter, Fire Marshal, expressed satisfaction from the District for being able to serve the Martinez community, and he discussed the full range of services provided to the City through their partner agencies. He also reminded the public of the importance of smoke detectors and the necessity to keep the batteries fresh.

Mayor Schroder expressed appreciation for the services offered by the District, and especially for treatment he received in the past; as well as firefighting background in his family.

Councilmember Ross asked what Martinez can do to help the District. Mr. Carpenter acknowledged difficulties in upgrading infrastructure in existing developments, noting that the City and the District have worked well together with fire safety new developments. He also commented on difficulty with access in some areas, and Assistant Chief Warren discussed some updated equipment the District has available whenever the City is ready to upgrade some traffic signals. Councilmember Ross expressed hope that there might be some ways that the City can assist with the difficult access points as well. Mr. Warren discussed the necessity to inform the public about creating defensible space.

Vice Mayor Menesini mentioned the fire hazards created by vacant or abandoned homes. Mr. Warren said the District does keep watch over abandoned homes that they know about, and he discussed abatement procedures. He acknowledged, however, that sometimes the District is unaware of the dangers.

Vice Mayor Menesini mentioned that some of his family also served in the Martinez volunteer fire department. He asked about statistics on the dangers the vacant homes represent. Mr. Warren said he did not think there were any actual statistics, but he acknowledged that vacant homes are as much of a hazard as occupied homes. Vice Mayor Menesini suggested that Mr. Scola work with the Fire District to identify and abate the risks. Mr. Warren briefly discussed the legal issues involved that could slow down the process.

Councilmember DeLaney expressed appreciation for the presentation and for the valuable service the District provides to the City. She noted that her grandfather was a firefighter in the L.A. area.

Vice Mayor Menesini also expressed appreciation for the presentation. Councilmember Kennedy noted that Ms. Hopkins had made a presentation to the Council previously on fire safety. She suggested that there be information on the City's website about the Fire District and related issues.

Commander Peterson of the Martinez Police Department was also appreciative of the valuable services provided by the District and their working relationship.

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

City Treasurer Carolyn Robinson reported out on the second meeting of the Bond Subcommittee held on October 20 at 5:00 p.m. at City Hall, with all members present along with City staff from Finance, Public Works, and Engineering. She reported that the first order of business was the discussion of the bond account, which is \$15,009,199.93. She also stated that less than \$5,000 has been spent: for hazardous tree removal, hazardous materials testing, and reproduction costs. Treasurer Robinson reported that Barry & Volkmann had been selected to do the architectural drawings and design for the library.

Treasurer Robinson also mentioned neighborhood meetings and the upcoming Parks, Recreation, Marina and Cultural Commission meeting to be held on November 3rd, and indicated there will be a Measure H update at the Council meeting on November 18th. She noted that information was presented on the pool upgrade as well as landscape information for the waterfront area. She announced that the next meeting of the Citizens Bond Oversight Committee will be held on January 19, 2010. The Council commended her for an excellent report.

Mike Alford asked Vice Mayor Menesini if he ever found out how many Section 8 units are in Martinez. He indicated that he did his own investigation, and there seems to be about 2600 units. He stated that Section 8 brings blight to the community, and he expressed concern about increasing crime. Mr. Alford also stated that he did not agree with the need to update the housing element.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of September 23, 2009. [M.Cabral]
2. Motion approving Check Reconciliation Registers dated 10/05/09, 10/08/09, and 10/15/09. [C.Heater/02.01.01]
3. Motion accepting the Investment Summary for September 2009. [C.Heater/02.01.01]
5. Motion accepting the Financial Report for the First Quarter 2009 - 2010. [C.Heater/02.01.00]
6. Motion authorizing the Martinez Police Department to acquire surplus property through the auspices of the California State Agency for Surplus Property and Federal Surplus Property. [E.Ghisletta/04.08.00]
9. Resolution No. 106-09 authorizing destruction of City files pertaining to the Community Development Department and the Personnel Division. [M.Cabral/40.10.01]
10. Resolution No. 107-09 designating the Senior Management Analyst as Board Member and the City Manager as alternate Board Member to the Municipal Pooling Authority Board of Directors. [M.Chandler/2.06.01]
11. Resolution No. 108-09 accepting the public dedications and improvements for Subdivision No. 7297, Westaire; and authorizing the release of performance and labor and materials bonds. [T.Tucker/13.7297]

Items 4, 7 and 8 of the Consent Calendar were pulled by members of the Council for question or comment.

Mayor Schroder opened and closed public comment on Items #1-#3, #5 and #6 and #9-#11 of the Consent Calendar, with no members of the public coming forward.

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Items #1 - #3, #5 and #6, and #9 - #11 of the Consent Calendar. Motion unanimously passed 5 - 0.

4. Motion accepting the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2009. [C.Heater/02.01.00]

Councilmember Mark Ross noted that this Comprehensive Annual Financial Report was splendid, and he requested Tim Kirsch, Maze and Associates, to give a brief comment on his perspective on how the City compares to other cities.

Tim Kirsch, Maze and Associates, gave highlights of the City's financial status as compared to last year's audit, noting that Martinez is doing better than many jurisdictions during this difficult economic time. He also discussed the deficit experienced by the City's General Fund and steps taken to mitigate the impacts, the City's increased debt from general obligation bonds issued in the last year, and the good policies instituted by the Council previously that are being strictly followed by staff. He indicated that the overall audit shows the City is doing very well, considering the current challenges it faces.

Mayor Schroder expressed appreciation to the Finance Division staff for their quality work.

Mayor Schroder opened public comment.

Mike Alford said he thought the City's financial status is very good, but he expressed concern about considering redevelopment at all, given the City's current debt.

On motion by Mark Ross Councilmember, seconded by Lara DeLaney, Councilmember, accept the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2009. Motion unanimously passed 5 - 0.

7. Resolution No. 109-09 approving a Memorandum of Understanding between the City of Martinez and Central Contra Costa Sanitary District for a Pharmaceutical Collection Program.[E.Ghisletta/04.08.00]

Councilmember Lara DeLaney stated that this proposed Pharmaceutical Collection Program will provide a wonderful service to the citizens. She requested that it be added to the City's website. Police Commander Peterson credited Mike Chandler for bringing the idea forward.

Councilmember Kennedy also expressed appreciation for the service as opposed to other options for disposing of the medications, as did Mayor Schroder.

Vice Mayor Menesini noted that the Central Sanitary District has had the program for some time, and he commended them for being proactive to reduce the risks from discarded medicines.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, approve a Memorandum of Understanding between the City of Martinez and Central Contra Costa Sanitary District for a Pharmaceutical Collection Program. Motion unanimously passed 5 - 0.

8. Resolution No. 105-09 approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A Receivable from the State; and directing and authorizing certain other actions in connection therewith. [C.Heater/02.03.00]

Councilmember Janet Kennedy asked for clarification on the City's selling bonds as allowed by the State, but with no cost to the City. Finance Manager Cathy Spinella explained the voter approval of Proposition 1A that directed the State to stop taking money from the local jurisdictions except in extreme cases of fiscal hardship. The arrangement with California Cities allows the City to sell the State receivable, representing amounts borrowed by the State, with no lost revenue or cash flow impact to the City.

There was brief discussion among the Council, with Councilmember Kennedy expressing hesitation about possible financial risks to the City.

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

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 105-09 approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A Receivable from the State; and directing and authorizing certain other actions in connection therewith. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

CITY MANAGER

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

City Manager Philip Vince reported that Councilmember Ross and staff will be going to meet with DBAW and the State Lands Commission on October 27th to make a forceful presentation in hopes of coming back with something tangible.

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

Commander Gary Peterson reviewed a Press Release from the City of Brentwood regarding a rape suspect who escaped from the Sally Port area of the County Detention Facility (Martinez). He indicated that a search immediately took place with several officers from different law enforcement agencies assisting from about 8:30 p.m. to 10:30 p.m. He also reported that the City's Watch Commander appropriately utilized the TENS System—

the Telephone Emergency Notification System, which is used in an emergency to notify the surrounding neighborhood. Commander Peterson indicated that there was no malfunction with the Sally Port door but it was a procedural problem with the attending Officer, which will be addressed by that agency. He added that Chief Simonetti will be bringing this item to the next Chiefs' meeting to ensure that this doesn't happen again.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

14. City Council Comments.

Councilmember Mark Ross announced that his wife Dianne Dunlap was appointed by the Board of Supervisors to the Women's Commission. He thanked the Board of Supervisors for their wise choice.

Councilmember Lara DeLaney encouraged the public to attend a Community-Wide Celebration to honor the volunteers who serve Martinez, October 24th from 1:00 p.m. to 3:00 p.m. at the Shell Club House.

Councilmember Janet Kennedy thanked all those who supported and attended the Boys and Girls Club Pasta Feed last Saturday. She informed the Council that she will be attending ABAG's General Assembly tomorrow in San Francisco.

Mayor Rob Schroder commented on a political flier given to him by Jim Thelan regarding Proposition R--supporting Redevelopment in 1970. He reviewed the flier identifying those who endorsed redevelopment at that time. Mayor Schroder requested that the meeting adjourn in memory of retired employee Barrett (Barry) Wysling, who was Harbor Master from 1987 through 1994, who passed away on October 2, 2009.

ADJOURNMENT

Adjourned at 8:56 p.m. *in memory of Barry Wysling*, to a Regular Meeting on November 4, 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 - 11/04/09