

## **CALL TO ORDER**

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

## **PUBLIC COMMENT (Limited to Closed Session Items)**

There being no comments made, the Council adjourned to closed session in the City Manager's Office.

## **CLOSED SESSION**

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8.

Property: Martinez Marina, 7 North Court Street.  
Agency Negotiator: Phil Vince, City Manager; Jeff Walter, City Attorney; Karen Majors, Asst. City Manager; & Michelle Wierschem, Recreation Manager.  
Negotiating Parties: City of Martinez and State Lands Commission.  
Under Negotiation: Price, terms of payment and other conditions for lease renewal.

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

The meeting reconvened at 7:00 p.m. Mayor Schroder reported that a closed session was held regarding the Martinez Marina, Conference with Real Property Negotiators, pursuant to Government Code 54956.8; discussion was held with direction given to the City's property negotiators; and nothing else was reported.

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

EXCUSED: None.

ABSENT: None.

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

- A. 2010 Census Bureau Update; and Proclamation "Offering Support and Partnership with the 2010 Census."

Mayor Schroder presented the proclamation to Diane Carlyle of the U.S. Census Bureau. Ms. Carlyle thanked the Council.

B. Martinez Women in Business Month Proclamation.

Mayor Schroder presented the Proclamation to Dorothy Buffington, President of Soroptimist International, Martinez Chapter, and members Kathy Oliver, and Christine DeBaradino. Ms. Buffington expressed her appreciation for the proclamation, noted the existence of other women's organizations in the area who were also deserving of the proclamation.

C. Certificates of Recognition to Martinez National Wood Carving Champions.

Mayor Schroder presented certificates of recognition to Dominic Pruett, who won first place for his age group with his carving of a Red-Band Rainbow Trout; Nico Marieiro, who won best show for his age group with his carving of a Vermilion Rock fish; and Charlie Barberini, who won third place for his age group with his carving of a Bluegill. Jim Marieiro, President of the International Fish-Carvers Guild, California Chapter, described the work and goals of the Guild.

D. Presentation: Repair California Initiative for a State Constitutional Convention.

Alonso Gonzalez, Bay Area Council, spoke on "Repair California," which is a coalition sponsored by the Bay Area Council, campaigning on behalf of two propositions to revise the California Constitution, which will be on the ballot this November. He reviewed the propositions and indicated that additional background information can be found at [ww.RepairCalifornia.org](http://ww.RepairCalifornia.org). Mr. Gonzalez requested Council consideration in support.

Mayor Schroder stated that there was widespread support for the initiative among mayors.

Vice Mayor DeLaney discussed with Mr. Gonzalez the number and selection of the delegates, the process and timeline of approving the delegates' recommendations, and the cost and funding of the process. She expressed her disapproval of the proposal.

Councilmember Ross agreed that there were problems in the Constitution and expressed his support of the proposal.

Mayor Schroder stated that the Council would vote on supporting the proposal later in the meeting, and that there would be an opportunity for public comment.

Councilmember Menesini agreed with Vice Mayor DeLaney that the selection of the delegates was problematic but expressed his support of the proposal.

## **PUBLIC COMMENT**

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

Doug Stewart, Pacheco Homeless Outreach Team, updated the Council on the homeless situation in Martinez. During the month of January, 16 persons were taken to the adult shelter, two persons were taken to the youth shelter, and four individuals were submitted into mental health from Martinez. Mr. Stewart commended the Martinez Police Department for working

successfully with the Outreach Team. He recommended that there be a full-time liaison in Martinez to work with the homeless and coordinate with businesses, Police, and the Outreach Team. Mayor Schroder expressed appreciation of the Team's success. Councilmember Menesini requested that the City Manager, Police Chief, and staff look for ways to institutionalize this type of service.

Kristin Henderson spoke on the Sharkey Building, the request for proposals, and the apparent lack of interest in preserving the building, and suggested establishing an Italian restaurant in the site.

Mike Alford questioned the status of unreinforced masonry buildings and the City's liability. He also raised concern with the future use of the large concrete buildings downtown and whether or not a parking lot would be built, which Mayor Schroder answered.

Seeing no further speakers, Mayor Schroder closed public comment.

## **CONSENT CALENDAR**

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

1. Motion approving City Council Minutes of December 16, 2009. [M.Cabral]
2. Motion rejecting claim against the City by Jennifer Matta Fitzgerald, #09-34. [M.Cabral]
3. Motion approving Check Reconciliation Registers dated 01/07/10 and 01/14/10. [C.Spinella/02.01.01]
4. Motion accepting the Cash and Investment Report ending December 31, 2009. [C.Spinella/02.01.01]
5. Resolution No. 004-10 supporting Repair California's Dual Ballot Measures Convening a Limited State Constitutional Convention. [M.Cabral/41.00.05]
6. Resolution No. 005-10 authorizing destruction of City records pertaining to the Police Department. [M.Cabral/40.10.01]
7. Resolution No. 006-10 authorizing the application to the Metropolitan Transportation Commission (MTC) for the Transportation Development Act (TDA) grant funding for the Pedestrian/Bicycle Project funding (FY 2010-2011). [T.Tucker/12.08.00]
8. Resolution No. 007-10 approving Second Amendment to Stormwater Utility Area Agreement between the Contra Costa County Flood Control and Water Conservation District and the City of Martinez for Commercial and Industrial Stormwater Inspection Services.[T.Tucker/10.06.06]

9. Resolution No. 008-10 authorizing the City Manager to execute Landscape Architectural Consultant Services agreements with the firms of Borrecco-Kilian & Associates; Kluber & Associates; and Thomas Baak and Associates for on-call landscape architect services for the City's Measure H Projects not to exceed \$300,000 per firm. [T.Tucker/10.05.03]
10. Water Conservation: [T.Tucker/15.02.01]
  - A. Resolution No. 009-10 allocating \$45,000 for continuation of the Drought Management Program from the unrestricted Water Fund surplus; and
  - B. Resolution No. 010-10 amending Section 8 of Resolution No. 044-09 exempting penalties applied for water use less than or equal to 300 gallons per day per single family or multi-family residential account; and
  - C. Resolution No. 011-10 allocating \$26,750 for the installation of well at Hidden Valley Park for irrigation purposes from the Park In-Lieu account.

Item #5 was pulled from the Consent Calendar for further discussion.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #1 through #4 and Items #6 through #10 of the Consent Calendar. Motion unanimously passed 5 - 0.

Phillip Ciaramitaro requested Council to correct the spelling of his last name as indicated in the December 16th Minutes. Mayor Schroder directed the Clerk to correct the spelling of the last name.

Mayor Schroder opened public comment on Item #5, resolution supporting Repair California's Dual Ballot Measures Convening a Limited State Constitutional Convention.

Kristin Henderson discussed research she had done on the supporters and goals of the Repair California initiative and the Bay Area Council. She noted that the initiative could not avoid affecting public policy.

Mike Alford agreed with Ms. Henderson and suggested that the number of delegates would make agreeing difficult and no progress would be made. He also suggested that the current members of the State government should be removed if the public was not satisfied with their work.

Rich Verrilli suggested that something so important should not be on the Consent Calendar, but on the Agenda for further discussion and consideration, and expressed his concern with the appointing and power of the delegates.

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

Mayor Schroder noted that the Council was not voting to pass the Initiative or not, and that the Initiative would still have to be placed on the ballot and approved by the people. The Council was only voting whether or not to support the Initiative.

Councilmember Ross stated that regardless of the people behind the Initiative, the idea should be presented to the public and the attempt made to fix the State.

Councilmember Menesini agreed that the specific policy positions of the Bay Area Council were largely irrelevant, and there was no doubt that the government needs restructuring.

Vice Mayor DeLaney pointed out that other groups were proposing reforms and that the State legislature itself could propose reform of the Constitution. She reiterated her disapproval of the process.

Councilmember Menesini agreed that since there were competing ideas, the Council should spend more time studying the Initiative. He also noted that the Initiative did not need the Council's resolution in order to move forward.

Councilmember Kennedy agreed that the State government needed reforming and stated that the public should be allowed to consider the available options. She expressed her support for the resolution.

Mr. Gonzalez agreed that there were competing ideas, but suggested that more than one could be supported. He stressed that this Initiative would have the most potential to affect the government.

On motion by Janet Kennedy, Councilmember, seconded by Mark Ross, Councilmember, to approve Item #5, Resolution No. 004-10 supporting Repair California's Dual Ballot Measures Convening a Limited State Constitutional Convention. Motion passed 4 - 1. Lara DeLaney, Vice Mayor, No; Rest: Ayes.

## **PUBLIC HEARING(S)**

11. Continued Public hearing Cascara Canyon: [C.Simon/T.Blount/9.02.01]
  - A. Resolution No. 012-10 adopting a Mitigated Negative Declaration and a Mitigation and Monitoring and Reporting Program for a development project consisting of a General Plan Amendment, Rezoning, Subdivision Map, exceptions to Development Standards and Design Review for 42 multi-family units and one custom home, to be built on 5.6 acre site located at Shell Avenue ("Cascara Canyon").
  - B. Resolution No. 013-10 amending the General Plan, (Central Martinez Specific Area Plan) designation from "Group 2 Residential" - up to 12 units per acre to a combination of: "Group 4 Residential" - up to 29 units/acre, " Group 1 Residential" - up to 6 units/acre and "Open Space" to allow development of 42 multi-family units and one custom home on 5.6 acre site located at Shell Avenue ("Cascara Canyon"), GPA #09-01.
  - C. Introduce an ordinance rezoning a 5.6 acre property located on Shell Avenue from R-3.5 (family residential, 3,500 square feet site area/unit) to a combination of R-1.5 (multi-family residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size), R-100 (one family residential: 100,000 square feet minimum lot size) and OS (Open Space) to allow development of 42 multi-family units and one custom home ("Cascara Canyon"), RZ #09-01.

Assistant City Manager Karen Majors presented the staff report. She stated that the resolution presented by staff was based on the direction given by the Council at the previous meeting.

Mayor Schroder opened the item for public comment.

Norman McDonald stated that voting to approve the resolution would allow the developer to disregard the wishes of the Planning Commission. He suggested a plan with fewer units would be better and that the City should not settle for an inferior plan.

Barbara Kapsalis stated her disapproval and that of her neighborhood of the proposed plan. She suggested that not enough attention was given to traffic and safety, and 42 units were too many.

Phillip Ciaramitaro asked for an explanation of the term "mitigated negative declaration." He also asked about the process the plan would go through after this meeting. Ms. Majors explained that the zoning and the General Plan Amendment were a different issue than the design review for the plan for the specific site, and that the design review would be considered later by the Commission. City Attorney John Abaci noted that there would have to be a separate vote for each item of the resolution. Mr. Ciaramitaro stated that the wishes of the neighborhood deserved as much consideration as possible.

Mike Alford reminded the Council that the Commission had voted not to approve the plan, and suggested that the traffic and air quality should be studied more. He also stated that family housing was needed instead of smaller units.

Mayor Schroder confirmed with Ms. Majors that the effects of construction on air quality had been studied as part of the environmental review. Ms. Majors also said that the project was not large enough for further study of the air quality to be necessary. Councilmember Ross noted that the quote of his from the San Jose Mercury News that Mr. Alford had referenced was in regard to a large downtown urban project, which was very different from this one.

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

Councilmember Menesini noted that some of the requirements for the Mitigated Negative Declaration were very subjective, and that the Declaration, General Plan Amendment, and rezoning would give the Planning Commission an opportunity to examine the whole project extensively and require changes if necessary. He also pointed out the great need for smaller housing units in the community. He said that initially the project seemed to be high-quality, and if the final project did not solve the issues of traffic and safety, he would not vote for it. He expressed his support for the recommendations given by staff.

Vice Mayor DeLaney stated that the Council had not had time to read the Mitigated Negative Declaration before the previous meeting. She also stated that the traffic study had been done by a trustworthy firm, and that the road's capacity was large enough for more cars, although the configuration was problematic, and that the City's engineers could work on that. She said the community needed more housing, and that projects creating higher-density housing were always opposed by the current residents, but it was still a superior use of resources to build in previously existing communities. She expressed her trust in the benefits of the project and in the Planning Commission's ability to refine the project.

Councilmember Kennedy agreed with Councilmember Menesini and Vice Mayor DeLaney and affirmed that the Planning Commission would have an opportunity to review the particulars of the project. She also noted that the project reserved some open space on the property.

Councilmember Ross stated that he agreed with some of the aspects of the project, but that he was concerned about parking and expected improvements in that area. He suggested that because there was no public transit near the project, a shuttle route be added at a later date, adding that the City was attempting to improve its public transportation. He noted the potential of public transit to ease the parking and traffic issues at the site. He concluded that the current lack of services and public transit at the site was a problem that would need to be addressed.

Mayor Schroder noted that it would be useful to look into the location of the nearest bus stop but stated that adding a full-size bus on Shell Avenue would be problematic. He affirmed that the Transit Authority was working on improvements to the transportation system, including hybrid buses. He added that the City would continue to work on resolving the traffic and parking issues on Shell Avenue.

Councilmember Menesini noted that the Mitigated Negative Declaration would require the Planning Commission to examine all of the issues raised by Mayor Schroder and Councilmember Ross.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 012-10 adopting a Mitigated Negative Declaration and a Mitigation and Monitoring and Reporting Program for a development project consisting of a General Plan Amendment, Rezoning, Subdivision Map, exceptions to Development Standards and Design Review for 42 multi-family units and one custom home, to be built on 5.6 acre site located at Shell Avenue ("Cascara Canyon").

Vice Mayor DeLaney noted two typographical mistakes in the resolution and suggested an amendment to correct them.

Motion unanimously passed 5 – 0 *as amended*.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 013-10 amending the General Plan, (Central Martinez Specific Area Plan) designation from "Group 2 Residential" - up to 12 units per acre to a combination of: "Group 4 Residential" - up to 29 units/acre, " Group 1 Residential" - up to 6 units/acre and "Open Space" to allow development of 42 multi-family units and one custom home on 5.6 acre site located at Shell Avenue ("Cascara Canyon"), GPA #09-01. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to introduce an ordinance rezoning a 5.6 acre property located on Shell Avenue from R-3.5 (family residential, 3,500 square feet site area/unit) to a combination of R-1.5 (multi-family residential: 1,500 square feet per dwelling unit/10,000 square feet minimum lot size), R-100 (one family residential: 100,000 square feet minimum lot size) and OS (Open Space) to allow development of 42 multi-family units and one custom home ("Cascara Canyon"), RZ #09-01. Motion unanimously passed 5 - 0.

## **CITY MANAGER**

12. Resolution No. 114-10 confirming Specific Terms and Conditions of the Fourth Amendment to the Sublease Agreement (Bisio Building) between the City and the Willows Theatre Company for an additional Five-Year Period, and authorizing the City Manager to execute same; confirming Extension of the Bisio Lease for an additional Five-Year Period; and terminating the Construction Loan Agreement between the City and the Willows Dated December 1, 2006. [M.Chandler/9.12.07]

City Manager Philip Vince presented the staff report. He described the negotiations with the Willows Theatre Company and the changes that had been made to the Sublease Agreement.

Chuck Lewis, President Willows Board of Directors, stated his confidence that the new agreement met the concerns of the Council, noting that it required more accountability and a closer working relationship between the staff of the Company and the staff of the City, both of which he looked forward to.

Mayor Schroder opened the item for public comment.

Jim Neu asked, and staff answered, if the loans mentioned in the Second Amendment to the Sublease had been paid back. He also asked about the reporting requirements of the original Agreement and the possibility of the property being sold.

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

Councilmember Ross noted the City's heritage in the arts and described the benefits provided by the investment in the theatre district.

Vice Mayor DeLaney thanked the City staff for the changes provided in the Fourth Amendment and expressed her hope that the Agreement would be effective. She also noted the benefits of investing in the arts and added that there would be other opportunities if the Theatre Company failed. She expressed her approval of the new Agreement.

Councilmember Menesini also expressed his support of the new Agreement and affirmed the benefits to the City provided by the Theatre Company. He also noted the City's history in theatre and the arts.

Councilmember Kennedy expressed her appreciation of City staff and of the Willows Board of Directors, and also of the restaurants in the area, for their cooperation. She added that she looked forward to a successful season and continued relationship between the City and the Theatre Company.

Mayor Schroder also expressed his appreciation of the Willows Board of Directors for the difficult decisions they had made and their decision to work exclusively in the City. He also affirmed the economic benefits that the Theatre Company had brought to the area, describing its recent success. He added that just as the government needed to subsidize public transit, the arts also needed to be subsidized. He expressed his confidence that the arts would continue to have success in the area.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 114-10 confirming Specific Terms and Conditions of the Fourth Amendment to the Sublease Agreement (Bisio Building) between the City and the Willows Theatre Company for an additional Five-Year Period, and authorizing the City Manager to execute same; confirming Extension of the Bisio Lease for an additional Five-Year Period; and terminating the Construction Loan Agreement between the City and the Willows Dated December 1, 2006. Motion unanimously passed 5 - 0.

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

City Manager Philip Vince stated that he and Public Works Director Dave Scola have been monitoring the weather and water levels throughout the City. Staff has been diligent in keeping watch and keeping him posted.

Councilmember Kennedy confirmed that the sandbag stations were open and operational. Councilmember Ross requested that the public be informed of the flood history and formula used for anticipating flooding. City Manager Vince indicated that it would be placed on the website. Councilmember Menesini noted how helpful the recent improvements in flood control had been.

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

Chief Tom Simonetti updated Council on the current Police Dispatch situation, stating that one position is still vacant. He indicated that a number of dispatchers failed the training program primarily due to lack of dispatching experience. Chief Simonetti noted that the City Manager has agreed to do a Lateral Dispatch Test for the first time in several years. As the cities of Vallejo and Sacramento have laid off some of their Police dispatch employees, contact has been made with those individuals and some have agreed to come to Martinez for testing.

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

### **CITY COUNCIL**

15. City Council Comments.

Councilmember Janet Kennedy announced that on Thursday she would be attending the East Bay League of Cities meeting in Orinda; and that on Friday she would be attending the League of California Cities Housing and Community Development Policy Committee meeting in Sacramento. Councilmember Kennedy urged cell users to stop using their cell phones while driving, and she urged the public to donate to Haiti victims.

Vice Mayor Lara DeLaney stated that on Friday she would also be attending the League of California Cities Employee Relations Policy meeting in Sacramento. She requested an update on the results of the Second Hand Smoke Ordinance workshop.

Councilmember Mark Ross was astounded with the abundance of parking in the downtown due to a day-long court furlough. He suggested that some point in time that the City and County take a new look at building a parking structure. Vice Mayor DeLaney commented that the Department of Conservation and Development, formerly Community Development and Building Inspection, would be moving from the downtown to Muir Road, into a building which had been occupied by Social Services, which has now moved to Pleasant Hill.

Councilmember Michael Menesini confirmed that it was a court furlough day and noted how important the courts were for downtown businesses. He expressed his gratitude to staff for starting the babysitting class, scheduled for Saturday.

Mayor Rob Schroder requested, based on conversations with the City Manger, that at some point in the future the Council would meet to set priorities. He announced that Rich Elliott was honored with a Shelly for "Best Director." Mayor Schroder requested that the meeting be adjourned in memory of retired City employee Howard Sell.

Councilmember Menesini also requested that the meeting be adjourned in memory of Gene Atkinson.

#### **ADJOURNMENT**

Adjourned at 9:30 p.m. *in memory of Howard Sell, Retired City Employee, and Gene Atkinson;* then to a Regular City Council Meeting on February 3, 2010, 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—2/17/10