

## **CALL TO ORDER**

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

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

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two cases.

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

The meeting reconvened at 7:23 p.m. Mayor Schroder reported that a closed session was held regarding two cases with respect to Government Code Section 54956.9, Subdivision (b) significant exposure to litigation and direction was given to legal counsel.

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. Certificate of Recognition to Frank Kluber, former Planning Commissioner.

Mayor Schroder recognized Frank Kluber for his service on the Design Review Committee from May 2000 through June 2004 and Planning Commission from June 2004 through February 2010. Mr. Kluber expressed his appreciation to the Council for the opportunity and his wife for all her support.

## **PUBLIC COMMENT**

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

Don McCormack expressed his concerns regarding the surveillance cameras that the City is planning to install, especially regarding privacy and the locations of the cameras. He requested the Council to hold a public discussion on the need for the surveillance cameras before they are installed. Vice Mayor DeLaney stated that the item will be addressed at the Public Safety Subcommittee meeting on March 8, at 6:00 p.m. in the Council Chambers.

Phillip Ciaramitaro commented on the Parks, Recreation, Marina, & Cultural Commission meeting whereby discussion was held regarding a \$50,000 settlement received from Shell from the oil spill. He requested that Council designate monies from that source and from the General Fund (later to be reimbursed from Measure WW monies) to complete the Ferry Point improvement project, which he brought forward to the Council last July. Mr. Ciaramitaro urged the Council to place this item on a future agenda for approval. At the request of Mayor Schroder, City Manager Phil Vince stated that the Commission made some recommendations for the \$50,000--\$28,000 for paving a path at the Marina, which Mr. Ciaramitaro had recommended; and \$10,000 to augment some volunteer work. Mayor Schroder stated that at the last meeting, Council moved monies from the reserves to balance the budget, and hesitates to take more money for capital improvements. Mayor Schroder further stated that with respect to WW Measure monies or Proposition 84 monies, he would like those monies to be used on items the City already has, i.e., the historic train station or the Ampitheater.

Skip Ray and Tommy Sparacino, Universal Sports Academy (a privately funded group) introduced themselves and their plans for the Zocchi building as an indoor sports complex. They stated they have met with management and the Parks, Recreation, Marina, and Cultural Commission regarding their proposal and are ready to move forward, and hope to make a formal presentation to the Council in the near future. Mayor Schroder asked about the response from the Commission, and they stated that it was very positive. Councilmember Menesini stated that it sounded like a very beneficial project for the City. Vice Mayor DeLaney agreed with Councilmember Menesini but reminded Mr. Ray and Mr. Sparacino that the project had to follow the process in order to fulfill the City's obligations to the public.

Mike Alford wanted to know what was holding up the projects such as the surveillance cameras, the status of the Delta Estuary, and repaving Main Street. Mr. Alford informed the public that an information center will be opened downtown to provide information on redevelopment. Mayor Schroder noted that the City had applied for stimulus funds in order to pave Main Street, and noted that the Delta Estuary improvements were moving forward.

Paul Wilson thanked the Council for not building the parking lot to expand the Intermodal Station. He questioned the status of 630 Court Street and all the delays. At the request of Mayor Schroder, Public Works Director Dave Scola reported that 45 additional parking spaces have been installed on the northeast end of the building with signage and lighting, and there are plans for additional parking spaces.

## **CONSENT CALENDAR**

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

1. Motion approving City Council Minutes of February 3, 2010. [M.Cabral]
2. Motion rejecting Claims against the City by Haute Stuff Restaurant, Claim #10-03.[M.Cabral]
3. Motion approving Check Reconciliation Register dated 02/11/10 and 2/25/10.[C.Spinella/02.01.01]

4. Resolution No. 018-10 authorizing the Association of Bay Area Governments to accept funding from the California Energy Commission for regional residential energy retrofit program - Retrofit Bay Area - and recognizing Contra Costa County as the local implementer of the program.[M.Chandler/30.09.00]
5. Resolution No. 019-10 authorizing the City Manager to begin the process of extending the Franchise Agreements between the City and Pleasant Hill Bayshore Disposal (now known as Allied Waste Services) for Solid Waste and Residential Recycling services. [M.Chandler/30.07.00]

Councilmember Kennedy stated that she would have to abstain from voting on Item #1, the City Council Minutes of February, 3, 2010.

Mayor Schroder noted that no one in the public wished to comment on Item #1.

On motion by Lara DeLaney, Vice Mayor, seconded by Michael Menesini, Councilmember, to approve Item #1, City Council Minutes of February 3, 2010, of the Consent Calendar. Motion unanimously passed 3 - 0. Yes: Michael Menesini, Councilmember Lara DeLaney, Vice Mayor , Rob Schroder, Mayor, Abstain: Janet Kennedy, Councilmember.

Mayor Schroder opened Items #2 through #5 for public comment.

Philip Ciaramitaro asked for clarification regarding Item #4, asking why the City was not the local implementer. Mayor Schroder stated that it was a State-mandate process.

Mike Alford asked if the City had the ability to opt out of accepting the funds from the California Energy Commission, and if the City could apply for money on its own. He expressed concern for the Commission's financial state. Mayor Schroder asked for information from Michael Chandler, Senior Management Analyst. Mr. Chandler clarified that participation with the Association of Bay Area Governments and the Commission was the only way the City would have access to the funds.

Ray Sloan asked for further details on Item #5 and a timeline for the Franchise Agreements. Mayor Schroder again asked for clarification from Mr. Chandler. Mr. Chandler stated that they expected the process to be completed by the end of the year, adding that a report would be provided to Council at that time. He stated that the report would include several sections such as a Comparative Franchise Survey, a Comparative Rates Survey, a report on area jurisdictions, a Limited Customer Satisfaction Survey, recommendations for community benefits, and a recommendation concerning whether or not an extension of the Agreement was in the City's best interest. He noted that no RFP is required to extend a franchise.

Vice Mayor DeLaney asked about public input options. Mr. Chandler noted there is the possibility of conducting a public workshop or public hearing, along with the Customer Satisfaction Survey.

Seeing no further speakers, Mayor Schroder closed public comment on Items #2 through #5.

In regards to Item #4, Councilmember Menesini expressed frustration with the State's grant process and noted that the City had to conform to all requirements, including the use of the funds, in order to receive any of the money. He stated that the City was not responsible for the requirements of the State.

Councilmember Kennedy added that the County has a very good home energy efficiency and weatherization program, which would provide additional funds for the process. Vice Mayor DeLaney added that there would also be funds from the federal stimulus money.

Councilmember Mark Ross arrived at 7:55 p.m.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #2 through #5 of the Consent Calendar. Motion unanimously passed 5 - 0.

### **PUBLIC HEARING(S)**

6. Public hearing to consider a resolution approving receipt of \$100,000 in grant funding from the State of California's Supplemental Law Enforcement Services Fund.  
[G.Peterson/04.08.00]

Commander Gary Peterson presented the staff report. He described the different things the grant funding was to be used for, including the partial salary for a Community Resource Officer, and upgraded communication equipment for dispatch personnel.

Vice Mayor DeLaney asked about the chances of the proposed funds being reduced due to the condition of the State's finances. Commander Peterson stated that he had been informed the money would stay in the budget.

Mayor Schroder opened the item for public comment.

Ray Sloan asked for a description of the position of Community Resource Officer. Commander Peterson stated that the Officer's duties would include coordinating the Neighborhood Watch program, and conducting a volunteer program. The position had been eliminated in the past but is now being reestablished.

Philip Ciaramitaro asked if the City would be implementing the Volunteers in Police Service program, if the funding would be used for that, and when it would start. Commander Peterson confirmed that the City would be implementing the program and that the funding was already in place. He stated that the program was expected to start in the summer.

Mike Alford asked if the force was fully staffed or if more officers were needed. He asked why the department had paid so much in overtime if the force was fully staffed. He also asked why violent crimes were often not reported or stopped. Commander Peterson clarified that the force had not been fully staffed, but was filled recently. He added that the most vacancies were in dispatch positions. He also stated that the City had actually seen a decrease in the amount of violent crime.

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

Councilmember Menesini praised the Police Department for their work. He expressed his relief at the decrease in violent crime and his hope that all the funding would come through. He added that in some cases overtime was cheaper than adding additional personnel, and that hopefully the Council would soon address the issue of dispatch shortages.

Vice Mayor DeLaney noted that people interested in these issues could come to the bimonthly meetings of the Public Safety Subcommittee. She stated that the next meeting would be held on Monday, March 8 at 6:00 pm.

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, Resolution No. 020-10 approving receipt of \$100,000 in grant funding from the State of California's Supplemental Law Enforcement Services Fund. Motion unanimously passed 5 - 0.

### **CITY MANAGER**

7. Resolution approving the new 46 year Lease with the State Lands Commission for water and land side property that encompasses the Marina. [M.Wierschem/14.01.00]

Assistant City Manager Karen Majors presented the staff report. She described the history and terms of the original Lease. She stated that the original Lease would expire in 2013, and explained the reasons why the City was not waiting until then to renew the Lease. She also explained the most important terms of the new Lease, and the major issues facing the Marina after the approval of the new Lease.

Mayor Schroder asked about the possible Amendment addressing the live-aboards at the Marina. Ms. Majors stated that the Application was currently being processed.

Councilmember Ross thanked staff for their hard and extensive work on the Lease. He expressed his happiness that the State Lands Commission was beginning to work successfully with the City. He stated that ideally the City would soon be granted ownership of the land.

Vice Mayor DeLaney also expressed her appreciation for staff's diligence on the project. She expressed her frustration that the City would continue paying rent, but stated that the City's staff had done well in keeping the rent as low as possible. She also asked how far the Commission's approval for improvements would go. Ms. Majors responded that the Lease secured approval for all the improvements that were currently anticipated for the Marina.

Councilmember Kennedy expressed her agreement with Councilmember Ross and Vice Mayor DeLaney and echoed their comments.

Councilmember Menesini agreed and added that the City had been able to freely make improvements in the past, but that now there were many agencies whose approval was necessary. He also noted that the negotiations with the State seemed difficult and counter-productive, but that the City's staff had done an extraordinary job with the new Lease.

Mayor Schroder opened the item for public comment.

Paul Wilson expressed frustration with the length of the process and the lack of improvements. He expressed doubt that Martinez Marina Limited Partners (MMLP) would cooperate with their agreement and provide the money for the improvements. He encouraged the Council to make sure the MMLP fulfilled their obligations.

Mike Alford suggested that the State was uncooperative because the Marina had been wasteful with the money provided for improvements.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 021-10 approving the new 46 year Lease with the State Lands Commission for water and land side property that encompasses the Marina. Motion unanimously passed 5 - 0.

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

No additional comments made.

**CHIEF OF POLICE**

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

Commander Gary Peterson reported that as part of their disaster plan, staff conducted a tabletop exercise in disaster preparedness. A 2 1/2 hour exercise was held in the emergency operations center, all the department heads and key staff were present, and roles and responsibilities were identified.

Councilmember Ross asked about the tree planting event in Pleasant Hill that he missed. Commander Peterson stated that on February 24th there was a tree dedication in Pleasant Hill at the park on Gregory Lane, which was sponsored by the Park and Recreation Department of Pleasant Hill where they honored the four Police Officers that were killed in the line of duty in Oakland and the Officer lost by the City, Sgt. Paul Starzyk. Four trees were planted with a plaque placed at the base of the trees. He commented that it was a beautiful ceremony and was well attended by law enforcement, and he felt truly honored.

Vice Mayor Lara DeLaney congratulated the Police Department for their work in apprehending the alleged skimmers at the gas pumps. Commander Peterson noted that the Detective Bureau has been hard at work with arrests made on the skimmer case, the burglary case, and an adult soliciting a juvenile for sex.

**APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

10. A. Appoint Rachael Ford (current Alternate) as Commissioner; and appoint Paul Kelly as the new Alternate to the Planning Commission. [M.Cabral/16.06.01]

On motion by Rob Schroder, Mayor, no second required appoint Rachael Ford (current Alternate) as Commissioner; and appoint Paul Kelly as the new Alternate to the Planning Commission.

Vice Mayor DeLaney asked about the selection process for the Alternate and expressed her surprise to see only one application. Mayor Schroder stated that the vacancies had been announced in December through an advertisement in the paper. He added that there were no new applications for the Planning Commission and that the applications were from the previous pool. Vice Mayor DeLaney requested that in the future the Council should hold interviews in order to meet and hear from all the applicants.

Councilmember Kennedy noted that she was acquainted with Mr. Kelly and that it was good to have a younger Commissioner who had not served on the Commission before. Vice Mayor DeLaney expressed her desire that the residences of the Commissioners should display a broader geographical diversity.

Councilmember Menesini noted that Mr. Kelly's family was well-established in the City and lived throughout it. He stated that Vice Mayor DeLaney's point was well-taken but that he thought Mr. Kelly would be an excellent addition to the Commission.

Vice Mayor DeLaney agreed and emphasized that a more open process would be better.

Councilmember Ross noted that he lived near to Mr. Kelly and approved of his appointment.

Motion unanimously passed 5 - 0.

B. Appoint Maria Dona as Commissioner to the Veterans Commission. [M.Cabral/16.07.01]

On motion by Rob Schroder, Mayor, no second required appoint Maria Dona as Commissioner to the Veterans Commission. Motion unanimously passed 5 - 0.

## **CITY COUNCIL**

11. Discuss and provide direction to staff regarding next steps related to the formation of the Martinez Redevelopment Agency. [P.Vince/23.00.00]

City Manager Philip Vince presented the staff report. He stated that staff was requesting direction in three areas: the formation of the ordinance to form the Redevelopment Agency, appointments to the Redevelopment Standing Subcommittee, and the possible appointment of a Citizens' Advisory Committee.

Mayor Schroder suggested that the new Subcommittee consist of Vice Mayor DeLaney and Councilmember Ross and requested that they work out the details of the City's vision for redevelopment.

Councilmember Ross expressed his willingness to serve on the Subcommittee. He noted the controversial nature of the issue of redevelopment and the long debate over it, similar to the issue of health care. He stated that what is needed is clear priorities for redevelopment, detailed

guidelines as to how the redevelopment money would be spent, and a list of projects to address. Councilmember Ross indicated the importance of not losing the redevelopment money to other communities, and of keeping the public informed of how the money was being spent. He expressed his optimism about the process, while acknowledging that it would be long and difficult.

Councilmember Kennedy noted a quote in the report that summarized what was needed and stated that it is important to carefully consider all the facts, possibilities and research in order to find the best course of action, instead of holding back the process by arguing about mistakes from the past.

Councilmember Menesini agreed that the information should be assessed objectively in order to determine what projects were needed. He added that he did not support eminent domain and understood the public's concern over that issue. He also suggested that the ordinance, if adopted, should be subjected to a City-wide election. He suggested that the Subcommittee address the issue of sunset provisions. He added that he did not think the issue should be a top priority.

Vice Mayor DeLaney stated that the main question at hand was whether or not the research and studies could be done without forming the agency first. She suggested that the City could either pay for things like fiscal analyses and blight studies from the General Fund, and create a plan development which would ultimately be subject to a ballot, or form the Redevelopment Agency to which the research could be charged without affecting the General Fund. She stated that if the Council chose to form the Agency, the ordinance would need to address its limitations and issues like eminent domain and the establishment of a Citizens' Advisory Committee. She stated her opinion that it would be better to form the Agency first so that General Fund money was not wasted.

Mayor Schroder agreed with Vice Mayor DeLaney, but noted that the details could be worked out by the Subcommittee.

Councilmember Kennedy stated that the process should go forward so that all the facts could be carefully researched before being stopped prematurely by a referendum.

Vice Mayor DeLaney agreed and suggested that the ordinance process be as open and transparent as possible, and encouraged concerned members of the public to come to the meetings to give input and help create the best ordinance possible.

Councilmember Ross suggested that a "wish list" of the most urgent needs be created to determine what the Agency would be working on, before the Agency was formed.

Mayor Schroder opened the item for public comment.

Russ Holt stated that the word "blight" was too vaguely defined for him to support the Redevelopment Agency as it was being proposed. Vice Mayor DeLaney noted that it was defined in State code with strict economic and physical criteria. She suggested it could be discussed further at the meetings of the Subcommittee.

Tom Lewis asked what people would comprise the Citizens' Advisory Committee and who would have input. Mayor Schroder stated that was yet to be determined but that people outside the City limits likely would not be able to participate. Mr. Lewis requested that since there were discussions to annex some of the City's unincorporated areas that residents of those areas be allowed to participate. Mayor Schroder noted that annexation and redevelopment were two separate issues.

Paul Wilson criticized the process of the previous feasibility study and the dangers of eminent domain. He asked if the City would have to define the area of study before the Agency was created, and Vice Mayor DeLaney noted that the research would be focused on specific projects. He asked why the City would want to annex areas that already needed redevelopment. He expressed his fear that the Agency would not go away and that too much of the City would be considered redevelopment areas.

Mike Alford warned of the dangers of eminent domain and stated that redevelopment in the past had not worked and wasted too much time and money.

Harlan Strickland suggested that if the ordinance for the Agency included a five-year time limit, that a provision be made for the debt incurred by the Agency during that time. Assistant City Attorney Veronica Nebb clarified that the initial costs would be paid by the General Fund, so that the Agency, if established, would then owe a debt to the General Fund, and if the Agency failed, there would be no money to pay back.

Phillip Ciaramitaro asked about the money designated for redevelopment and economic development, and if some of the money could be spent to bring in people involved in researching redevelopment and opposed to it in order to inform the public of all the advantages and disadvantages. Councilmember Kennedy noted that the City had followed that process the last time. Vice Mayor DeLaney agreed that every point of view would be welcomed and listened to at the Subcommittee meetings.

Mr. Holt noted some of his concerns with the definitions of blight as listed in the State code.

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

Mayor Schroder called attention to the perilous state of the economy and the struggles that businesses are experiencing. He noted the importance of using the tools available to improve the state of the City, and stated that redevelopment was one of those tools.

Mayor Schroder reinstated the Council's Redevelopment Standing Subcommittee and appointed Vice Mayor Lara DeLaney and Councilmember Mark Ross to the Subcommittee.

Vice Mayor DeLaney agreed that the process needed to be started and expressed her optimism for the future of the City's downtown. She again encouraged any concerned citizens to come to the Subcommittee meetings to share ideas and information. She stated that the City needed to take control of its resources and invest in improvements.

Councilmember Kennedy agreed and reiterated that the process should remain open and respectful. She added that attention should also be paid to other parts of the City than just the downtown.

Councilmember Menesini pointed out the need for jobs, housing and economic revitalization. He stated that the City's policies should be in the best interest of all of its citizens. He added that some people would be opposed to any improvement.

Councilmember Ross stated that it was important that the downtown be made self-sufficient, so that it could be supported by its own property taxes and not by those all over the City. He said that the Council would take input from the public and other sources of information to make decisions in the best interests of the City.

The Council directed staff to start the redevelopment agency formation process.

## 12. City Council Comments.

Councilmember Janet Kennedy again commended the Martinez Police Department on their exceptional work on the skimmers case.

Vice Mayor Lara DeLaney announced the Public Safety Subcommittee Meeting on Monday, March 8th at 6:00 p.m. in the Council Chambers.

Mayor Rob Schroder announced the Task Force is being assembled for the update of the City's General Plan; anyone wishing to be considered as a member of the Task Force should contact him at [rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org), or contact the City Clerk's Office or any member of the Council.

## **ADJOURNMENT**

Adjourned at 9:15 p.m. to a Joint City Council and Parks, Recreation, Marina, & Cultural Commission Meeting at 5:30 p.m. on March 17, 2010, then reconvene to a Regular City Council Meeting 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 – 4/7/10