

CALLED TO ORDER

I. / II. Introductions and Purpose of the Meeting – Mayor

Mayor Schroder called the meeting to order in the Council Chambers at 5:47 p.m. He welcomed the Commission and the public in attendance. The Council and Parks, Recreation, Marina and Cultural Commission (PRMCC) introduced themselves.

CITY COUNCIL

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

EXCUSED: None.

ABSENT: None.

PARKS, RECREATION, MARINA AND CULTURAL COMMISSION

PRESENT: Karen Bell-Patten, Brian Eychner, John Fuller, Gay Gerlack, Ingemar Olsson, Donald Pallotta, Richard Patchin, Dylan Radke, and Marta Van Loan.

EXCUSED: John Fuller.

ABSENT: Kathernie Hern.

CITY STAFF: Philip Vince, City Manager; Karen Majors, Assistant City Manager Community/Economic Development; Michelle Wierschem, Recreation Manager; and Jeff Walter, City Attorney.

III. City Council and Parks, Recreation, Marina and Cultural Commission (PRMCC) Roles – Mayor and City Council

Mayor Schroder discussed the PRMCC duties, of which their highest responsibility is the planning and implementation of Measure H. He also discussed the recent formation of the Commission and their advisory recommendations. Council requested that the Commissioners provide input and recommendations regarding the Commission's structure and their ability to function.

IV. Legal Parameters – Municipal Ordinance, Conflict of Interest, and Brown Act – City Attorney, Jeff Walter

City Attorney Jeff Walter discussed the duties the PRMCC is charged to perform as an advisory body to City Council.

**Councilmember Ross arrived at 5:55 p.m.*

City Attorney Walter provided a booklet entitled “Brown Act and Conflict of Interest.” He reviewed the purpose of the Brown Act and the types of meetings of City Council, Commissions, Committees and Boards which are and are not subject to the requirements of the Brown Act. He further discussed the permissibility of meeting with staff, the requirements to avoid serial meetings, and the consequences for violating Brown Act provisions. Mr. Walter discussed the difference between Ad Hoc Committees (limited scope and time) which are not subject to the Brown Act and Standing Subcommittees (are ongoing) and are subject to the Brown Act.

City Attorney Walter reviewed the regulations for the Conflict of Interest, Political Reform Act of 1974, and touched on some of the recent amendments. He discussed the types of economic interests which trigger possible conflict issues (i.e., business, income, position, real property, gifts, and personal expense). Mr. Walter spoke about the process to determine if an individual has a conflict of interest. Mr. Walter was of the opinion that the PRMCC is not currently subject to the Political Reform Act of 1974, but that ethical and best practice standards would militate in favor of the PRMCC following the Act’s requirements.

**Councilmember Menesini arrived at 6:10 p.m.*

In response to an inquiry from Mayor Schroder, City Attorney Walter discussed the possible Brown Act and due process implications when the members of one body (such as the City Council or PRMCC) attend and/or speak at the meetings of the other body. He noted that the question of attendance by members of one body at the meetings of the other is ultimately a question of policy for the Council’s consideration. Without noticing it as a meeting of the PRMCC, members (even a majority) of the PRMCC can attend properly noticed meetings of another body, such as the Council, but the PRMCC members cannot discuss among themselves, other than as part of the Council’s scheduled meeting, business of a specific nature that is within the purview of the PRMCC.

V. City Goals and Priorities – Mayor and Council

Council discussed several priorities. Mayor Schroder commented on the implementation of Measure H, moving forward with the Marina, downtown revitalization, and implementation of the Downtown Specific Plan. He noted the City is tempered by its resources and needs to be efficient in order to be solvent. Mayor Schroder stressed the importance of Measure H funds and its service to the City.

Mayor Schroder informed the public that Council had directed staff to begin working on a Redevelopment Ordinance and had appointed Vice Mayor DeLaney and Councilmember Ross to the Subcommittee which will conduct open meetings. Mayor Schroder noted that the City will continue with upgrades of roads and highways and the revitalization of downtown.

Vice Mayor DeLaney commented that establishing a redevelopment ordinance should be a priority, as well as the purchase of 610 Court Street, North Pacheco and Alhambra Valley annexations, and incentives for housing projects.

Councilmember Ross agreed with constraints on resources, but stated that we need to manage those resources appropriately.

Councilmember Menesini addressed the fact that the City has an ambitious agenda and that Measure H is the number one priority. He indicated that the money needs to be spent wisely in order to fulfill the expectations of the citizens. Councilmember Menesini emphasized the need to use their imaginations and take advantage of interesting opportunities. He expressed his appreciation to the PRMCC's efforts.

Commissioner Pallotta urged the City to be open-minded and listen to the community as they bring forward ideas to Council and the PRMCC for consideration.

Commission Olsson stated that the proposed sports center should be a high priority and noted that many parents would appreciate having such a facility in Martinez.

Chair Radke inquired about using recreation as a draw to the City. Vice Mayor DeLaney replied that the Economic Development Subcommittee has given its approval to use the Zocchi property for recreational purposes, but noted the process for attracting proposals for the site must be fair and transparent and ensure the CCTA requirements to provide parking. Councilmember Menesini echoed that it was a fantastic idea, which could possibly stimulate economic activity downtown. Mayor Schroder agreed, but expressed concern about funding which would have to come from private investments.

Commissioner Bell-Patten mentioned the need for a specific cultural plan and expressed excitement over the opportunity to develop one within the general plan process.

VI. Staffing Resources and Constraints – City Manager Phil Vince

City Manager Phil Vince reviewed the number of City projects versus available staff and the amount of time spent on each project. He indicated that there are staffing and budget constraints that need attention, but that they will look at the resources they have to meet Council's and PRMCC's goals.

Mr. Vince explained that with private investment, the City will have the ability to hire people to maintain the parks, new housing, and bring in new industry which would create jobs.

VII. Presentation/Discussion of PRMCC By-Laws - Mayor and City Council

Mayor Schroder asked that the PRMCC provide comments and input about the proposed by-laws to the City Manager or Council so that they may incorporate their comments into the bylaws before City Council takes action.

In reference to the previous agenda item, Councilmember Ross asked that staff determine the cost associated with conducting subcommittee meetings as a means to be more conscious of and efficient with resources.

Chair Radke stated he was aware of the budget constraints and allocation of funds, but asked that Measure H be staffed appropriately to ensure the projects meet taxpayer expectations.

VIII. / IX. General Plan Update Process – Role of PRMCC in Process, Assistant City Manager, Karen Majors

Assistant City Manager Karen Majors discussed the PRMCC's role in the General Plan update process. She explained that the plan process will include the following mandatory elements: circulation, housing, conservation, open space, noise, safety, and land use, including optional elements that will address fiscal/economic development, parks, recreation, arts, and culture. Ms. Majors explained that the recently adopted Parks and Recreation Master Plan is essentially the implementation strategy and Measure H is the funding for the Parks and Recreation element. Assistant City Manager Majors mentioned that updating the General Plan will be a community wide effort and that a task force will be formed with the Mayor making appointments some time in April. She recommended that two Commissioners from the PRMCC be members of the task force.

X. Discussion and Questions – All

In response to Mayor Schroder's concerns regarding the size of the Commission and its ability to function with so many members, Commissioner Bell-Patten stated that the Commission is productive because of the large number of members.

Commissioner Pallotta added that the Commission's heavy use of subcommittees is greatly needed in order to conduct the extensive Measure H projects. Mayor Schroder said the focal point of all efforts should be Measure H and assured Commissioner Pallotta that they will receive whatever staff time needed.

Commissioner Olsson expressed his enthusiasm and hope for the future of the Marina now that a lease has been secured.

Vice Mayor DeLaney suggested that the PRMCC's Marina Subcommittee attend the Council's Marina Subcommittee meetings and requested that the City Clerk copy or send meeting notices to the Commission.

Councilmember Kennedy echoed the sentiments of the other Councilmembers regarding the Parks Master Plan. She noted that the programs they have to offer the community are due to the hard work of staff, the PRMCC, and the community support.

Chair Radke indicated that the merging of the former Commissions has produced a much stronger Commission because of the added input and insight.

Phillip Ciaramitaro voiced his appreciation of the PRMCC's attentiveness and encouraged them to continue to stand up for the City's best interests.

Councilmember Ross told the PRMCC that he values and appreciates all their time and effort.

Mayor Schroder echoed Councilmember Ross' sentiments and thanked the Commission for their service.

XI. Adjournment

Adjourned at 7:11 p.m. to a Regular City Council Meeting.

Regular Meeting
March 17, 2010
Martinez, CA

CALL TO ORDER- PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:24 p.m. He reported that a Joint meeting with the Parks, Recreation, Marina and Cultural Commission was held prior to the Regular Council meeting which ran a bit over.

Boy Scouts Troop 188 of Martinez led in the Pledge of Allegiance.

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. Proclaiming March 2010 as "American Red Cross Month."

Ruth Rosenberg, Chair of the Contra Costa Red Cross Leadership Council, and Lorie Campbell, Red Cross Partner Liaison for Martinez, were presented the proclamation proclaiming March as "American Red Cross Month."

Ms. Rosenberg and Ms. Campbell thanked the Council and expressed hope that the City would continue to improve in disaster-preparedness. They noted the Red Cross's current efforts in Haiti and Chile.

B. Board of Directors Veterans Memorial Building—Martinez.

Thomas Zamaria, Veterans Commissioner and Veteran of Foreign Wars Post 1351, presented a report on the Veterans Building. He introduced his colleague Dave Jackson, American Legion. Mr. Zamaria gave an update on repairs and maintenance on the Veterans Building (hall). Many of the projects will be done by volunteers. Mr. Zamaria indicated that Shell had been ready to paint the building when it was found that the paint on the building was lead-based. He indicated that they spoke to the County, and the County agreed to remove the paint. Once that is completed, Shell will paint the building. Mr. Zamaria stated that there was much more work that needed to be done, and they are currently working on gathering donations from labor unions and other organizations as well as funding from the County. Mr. Zamaria requested assistance from the City for funding, parking, and publicity. He indicated that one of the biggest problems is the ADA accessibility. He described the Commission's goals for the Veterans Building, including being a great place for our soldiers to meet and offer services, as well as becoming a part of the community and more user-friendly.

Mayor Schroder and Vice Mayor DeLaney each commended the Veterans Commission on their progress. Vice Mayor DeLaney directed the City to put in an appropriations request to Congressman Miller. She also recommended using the building for one of the Veterans Ceremonies. Councilmember Menesini stated that the Veterans Commission should review grants and recommend appropriation requests to the Council. In response to a question from Councilmember Ross, Mr. Zamaria discussed the landscaping plan.

C. WIFI Presentation.

Mike Chandler, Sr. Management Analyst, presented the project and introduced Jerry Richardson of AirCloud Communications. Mr. Richardson provided information about AirCloud, reviewed the WiFi deployment with access point locations at Main and Court Street, Las Juntas, Ferry, 635 Main, Castro, AmTrak Station, and City Hall. Mr. Richardson also discussed installation, equipment, demographics, and advertisements on the WiFi browser.

PUBLIC COMMENT

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

Lisa Finnie, Senior Outreach Worker, for C.C. Cafes announced that in Martinez and throughout Contra Costa County, they will be celebrating "Older America" at all C.C. Cafes on May 20th. Ms. Finnie noted that the Cafes and the County sponsor "Meals on Wheels." Ms. Finnie gave a phone number for information: (925) 937-8311, Ext. 108. Ms. Finnie provided pamphlets for the public on the back table.

Doug Stewart provided an update on the homeless in Martinez. He indicated that they are providing more rides to individuals that are being released from jail and end up passing the time drinking until the bus arrives. Mr. Stewart stated that they are working closely with Officer Ryan Baille. Mr. Stewart stated that a report was just released stating that there are 176 homeless in Martinez of which 41 are new; he disagreed with the report, stating that a more realistic number would be 20. Mayor Schroder suggested that contact be made with the Sheriff regarding release of prisoners. Chief of Police Tom Simonetti commented that the Department does have bus passes; however, the bus schedule routes have been cut. Vice Mayor DeLaney recommended diverting some of the money used for bus passes to pay for taxi fares.

Mike Alford apologized to Councilmember Kennedy for statements he made at the last meeting. He requested to know if the City were losing Karen Majors, which Mayor Schroder indicated was a personnel issue. Mr. Alford also wanted to know if Fairview was a part of the City at one time. Councilmember Menesini stated, years ago, it was once a small village and part of the City.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving Joint and Regular City Council Minutes of February 17, 2010. [M.Cabral]
2. Motion rejecting Claims against the City by Muir Lodge Hotel, Claim #10-05 and Linda Mitchell, Claim #10-04. [M.Cabral]
3. Motion approving Check Reconciliation Registers dated 03/04/10 and 03/11/10. [C.Spinella/02.01.01]
4. Resolutions directing the City Engineer to prepare the Engineer Reports and Assessment Diagrams for the following Landscaping and Lighting Assessment Districts for Fiscal Year 2010-11: [T.Tucker]
 - a. Resolution No. 022-10 directing 1979-3 (LL-2) (Village Oaks Terrace). [10.02.34]
 - b. Resolution No. 023-10 directing 1981-3 (Muir Station Park). [10.02.15]
 - c. Resolution No. 024-10 directing 1983-3 (Vista Oaks). [10.02.22]
 - d. Resolution No. 025-10 directing 1988-1 (Center Martinez). [10.02.31]
 - e. Resolution No. 026-10 directing 1994-1 (Creekside). [10.02.36]
 - f. Resolution No. 027-10 directing 1997-1 (Brittany Hills). [10.02.37]
 - g. Resolution No. 028-10 directing 2000-2 (Terra Vista). [10.02.40]
 - h. Resolution No. 029-10 directing 2001-1 (Alhambra Estates). [10.02.41]
5. Resolution No. 030-10 accepting bids for the Tree Replacement Project at Highland and Nancy Boyd parks and awarding the construction contract to LaBat's Tree Care and allocating \$15,000 of Gas Tax funds to Account No. C5013. [T.Tucker/11.06.00&11.21.00]
6. Resolution No. 031-10 authorizing the Mayor to execute a Grazing License Agreement with Patricia Hornung for 49.09 acres in the Roanoke Open Space. [M.Chandler/19.04.00]
9. Resolution No. 034-10 authorizing destruction of files specifically pertaining to the Community Development Department. [M.Cabral/40.10.01]

Councilmember Janet Kennedy requested that Item #8 be pulled and Mayor Schroder requested Item #7 be pulled from the Consent Calendar.

There being no one wishing to speak on the items, public discussion was closed.

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #1 through #6 and Item #9 of the Consent Calendar. Motion unanimously passed 5 - 0.

7. Resolution No. 032-10 promoting Voluntary Water Conservation and Rescinding Mandatory Water Conservation Resolutions No. 044-09 and No. 010-10. [T.Tucker/15.02.01]

City Engineer Tim Tucker presented the staff report on Item #7. He described the goal of the water rationing program and noted that the City's residents had reduced their water consumption by almost 20 percent. He described the steps the City was taking in making water conservation voluntary.

There being no one wishing to speak on the item, public discussion was closed.

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 032-10 promoting Voluntary Water Conservation and Rescinding Mandatory Water Conservation Resolutions No. 044-09 and No. 010-10. Motion unanimously passed 5 - 0.

8. Resolution No. 033-10 allocating up to \$35,000 of the Shell settlement funding for paving and electrical upgrades at the Martinez Marina as amended.
[M.Chandler/07.04.01&14.05.00]

Councilmember Kennedy asked about the allowable uses of the funding as required by the court order, indicating her understanding that it had been only for environmental purposes. Mr. Chandler read from the order that the only stipulation was that it be used for the Marina or Waterfront. She also asked about the possibilities for the rest of the money. Mr. Chandler noted that the Marina Subcommittee of the Parks, Recreation, Marina and Cultural Commission would evaluate different possibilities. Councilmember Kennedy asked whether the Delta Research Center Institute was being considered. Councilmember Menesini noted that it would set a precedent of using that money for a private proposal instead of capital improvements and suggested that other proposals, such as a gazebo, would be more tangible and more used by the community. Vice Mayor DeLaney pointed out that money given to the Institute could still be used for capital improvements.

Vice Mayor DeLaney asked why the money allocated was higher than the cost estimate. Mr. Chandler noted that the \$35,000 was intended to set a comfortable limit for the project. Vice Mayor DeLaney also asked about the high cost of the repaving, which Mr. Chandler explained.

Mayor Schroder asked about the comments and discussion by the Shell Community Advisory Panel, which City Manager Phil Vince provided.

Mayor Schroder opened public comment on the item.

Phillip Ciaramitaro asked for clarification as to why the electrical labor work was being funded separately. Public Works Director Dave Scola noted that the funding for the labor would be provided by the Electrical Workers Union Local 302 and the National Electrical Contractors Association. Mr. Scola also clarified the division of the \$35,000 to be used.

Mike Alford asked for a clarification of the acronym PRMCC. He also expressed his support for the Delta Research Center Institute and the benefits it could bring to the City.

Rachael Ford requested that the Council not move forward on allocating all of the money until other possibilities had been considered and discussed, with the Institute given an opportunity to update the Council on their situation. Mayor Schroder agreed that the Council wanted to hear a report from the Institute. Vice Mayor DeLaney suggested that the Council move forward with the proposed use of \$5,000, since NECU and NICA were offering \$10,000. Ms. Ford noted that she had intended to provide a quarterly report at the beginning of April. Councilmember Menesini stated that he supported the Institute but reiterated his opinion that the Shell money should not go to soft costs. He asked if the repaving was connected to the electrical project. He noted that the repaving was important but agreed with Vice Mayor DeLaney that the Council should move forward and approve the use of the \$5,000.

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

City Manager Philip Vince requested that in the report on the Delta Research Institute, the amount requested and the proposed use be included.

On motion by Lara DeLaney, Vice Mayor, seconded by Michael Menesini, Councilmember, to amend and approve Resolution No. 033-10 allocating up to \$5,000 of the Shell settlement funding for electrical upgrades at the Martinez Marina, and return in April for a report on the Delta Research Institute, and then make a decision on the remaining balance of \$30,000. Motion unanimously passed 5 – 0.

PUBLIC HEARING(S)

CITY MANAGER

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

City Manager Philip Vince stated that staff is looking at the short term and 5-year perspective on the City's fiscal liability. Mr. Vince indicated that the sales tax report was somewhat hopeful, and staff will be looking more closely at the property tax. He stated that staff is currently entering negotiations with MPOA, and at the end of the year with Local 324.

CHIEF OF POLICE

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

Chief of Police Tom Simonetti reported that a new fence will be built soon around the Police parking lot. It will be more attractive, have the ability to lock, and will be lit.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

12. City Council Comments.

Councilmember Kennedy indicated she will be attending the League of California Cities Planner's Institute and will be making a presentation with Housing Element Consultant Jeff Baird and an attorney from Goldfarb & Lipton on Housing Development Process.

Vice Mayor Lara DeLaney announced that on April 9, she will be attending the League of California Cities Policy Committee meetings in Ontario. She also noted she is working with Councilmember Ross to try to find a date for the "Kick Off" meeting for the Redevelopment Subcommittee and is working with Councilmember Menesini on a date for the next Public Safety Subcommittee meeting. Vice Mayor DeLaney also announced that a stakeholders meeting regarding medical marijuana facilities would be held by the Martinez Collective Wellness group, at the Martinez Event Center on Main Street at 5:30 p.m., March 18th.

Mayor Rob Schroder announced that the City is recruiting members for the General Plan Task Force; the commitment is for one meeting a month for two years, and the deadline is March 30th. Interested residents can email rschroder@cityofmartinez.org. Mayor Schroder stated that he will not be present at the April 7th meeting. He noted that it was important for the Council to work closely together on difficult issues such as redevelopment during the coming months.

ADJOURNMENT

Adjourned at 9:00 p.m. to the City Manager's Office for a Closed Session per Government Code Section 54957.6, CONFERENCE WITH LABOR NEGOTIATORS (Martinez Police Officers Association); then to a Regular Council Meeting on April 7, 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 – 4/21/10