

## **CALL TO ORDER**

Vice Mayor Lara DeLaney called the Special and Regular Meeting to order at 6:15 p.m. with all members present except Mayor Schroder who was excused.

## **CLOSED SESSION**

### **ADDED FROM SPECIAL MEETING AGENDA:**

- A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION Subdivision (a) of Section 54956.9.

Name of Case: Ostrosky v. City of Martinez.

- B. *CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION Subdivision (a) of Section 54956.9*

Name of Case: Captain Blyther's Inc. v. City of Martinez.

## **PUBLIC COMMENT (limited to closed session items)**

There being no comments made, the Council adjourned to a Closed Session in the City Manager's Office.

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

The meeting reconvened at 7:00 p.m., with all members present at indicated. Vice Mayor DeLaney reported that a Closed Session was held regarding existing litigation with Blythers's Inc. and Ostrosky v. City of Martinez. Direction was given to legal counsel, with nothing else to report.

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

**EXCUSED:** Rob Schroder, Mayor.

**ABSENT:** None.

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

Vice Mayor DeLaney noted that one of the honorees for Item A had not yet arrived, so Item B would be taken first.

- B. Park and Recreation Division presentation featuring Recreation Programs.

Patti Lorick, Recreation Supervisor, presented the staff report, including a PowerPoint presentation with an overview of recreational activities from the last 6 months: after school programs, mini camps, the Holiday Frolic, Mini Motorland and an Easter Egg Hunt. She introduced some of the staff who was present. The Council thanked staff for all their hard work and for the presentation.

A. Proclaiming April 7th as "Bulldog Fire Day" in Memory of John Nunes.

Councilmember Mark Ross commented on the number of Alhambra High School graduates who become firefighters. He presented the Proclamation to Larry and Frank Nunes (brothers of John Nunes). Larry Nunes explained that a scholarship fund was being created for students from Alhambra High who wanted to attend the firefighter academy, and he explained some of the criteria. He also announced that a barbecue fundraiser would be held on September 17th at Alhambra High School. Frank Nunes described John Nunes' passion for helping at-risk teens and promoting the Fire Department.

## **PUBLIC COMMENT**

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

Megan Joseph, Center for Human Development, announced a community forum on Underage Drinking. Ms. Joseph informed the public that the forum will take an interactive look at the problem of underage drinking in Contra Costa County. The forum will be held on Thursday, April 29, 2010 at 6:00 p.m. at the John F. Kennedy University at 100 Ellinwood Way, Pleasant Hill. Flyers were left for the public.

Phillip Ciaramitaro stated his dissatisfaction with Council's action for not funding the Marina improvements with the funds from the Shell settlement; he further stated that the Parks, Recreation, Marina, and Cultural Commission was irritated by the Council's action. He read into the record parts of the American with Disabilities Act Regulation for Title 2, Summary, which prohibits discrimination on the basis of disability by public entities. He had hope this item will be dealt with in the near future.

Mike Alford urged the Council to start the Redevelopment Agency so that it can be referended. He spoke against redevelopment and commented on the Council's decision not to allow restaurants at the Marina.

## **CONSENT CALENDAR**

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

1. Motion approving City Council Minutes of March 30, 2010. [M.Cabral]
2. Motion approving Check Reconciliation Register dated 03/18/10, 03/25/10, and 4/1/10. [C.Spinella/02.01.01]

3. Resolution No. 035-10 establishing the rate per Equivalent Runoff Unit for the Fiscal Year 2010-2011 and request the Contra Costa County Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for the National Pollutant Discharge Elimination System (NPDES) Program. [T.Tucker/10.06.06]
4. Resolution No. 036-10 accepting the 2009 Sidewalk Replacement Project per contract documents and instruct the City Clerk to File a Notice of Completion. [D.Salts/12.02.01]

Vice Mayor DeLaney opened the Consent Calendar for public comment.

Mike Alford asked about the reason for the Check Reconciliation notation of a \$2,000 check paid to Scott Busby. Vice Mayor DeLaney stated that staff would research that information.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #1 through #4 of the Consent Calendar. Motion unanimously passed 4 - 0.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

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

No comments made.

### **CHIEF OF POLICE**

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

No comments made.

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

### **CITY COUNCIL**

7. Consider resolution "Support for Get Connected!" as introduced by Vice Mayor DeLaney. [41.00.05]

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution 037-10 "Support for Get Connected." Motion unanimously passed 4 - 0.

8. Consider resolution supporting "No Texting While Driving" as introduced by Vice Mayor DeLaney. [41.00.05]

Will Rigney, Area Director of External Affairs of AT&T, explained the need for the educational program, referring to several different studies about the prevalence of texting while driving and the dangers caused. He explained the purposes of the program to raise awareness of the danger and the other organizations that supported it. He asked the Council to adopt the resolution supporting the program.

Vice Mayor DeLaney thanked Mr. Rigney for his presentation and agreed that the program was needed.

Councilmember Ross stated that he would vote in support of the Resolution but asked why dialing was allowed but not texting, especially with the tendency for drivers to use their phones in many different distracting ways. He suggested that in the future any use of phones might be prohibited while driving, and Mr. Rigney agreed that that could be an option in the future.

Councilmember Kennedy thanked Mr. Rigney for his work and stated the need for drivers to avoid all use of their phones and focus on the road.

Councilmember Menesini stated that he wished there was no need for laws to be created in regard to things that were common sense. He noted that there are many different categories of distractions that are not against the law, such as reading the newspaper and putting on make-up, but texting is unique because it requires so much attention. He stated that he supported the program.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 038-10 supporting "No Texting While Driving." Motion unanimously passed 4 - 0.

#### 9. City Council Comments.

Councilmember Janet Kennedy stated that she and Councilmember Ross attended the most recent ABAG Regional Planning Committee meeting on "Retrofitting and Becoming Earthquake Safe". She reported that the presentation was geared toward retrofitting not only commercial buildings, but residential properties as well. She expressed the hope that the concept can be discussed by the Council at a future meeting. She also announced that on Friday, April 9th, she will be in Ontario attending the League of California Cities Housing Community and Economic Development Committee Meeting. Councilmember Kennedy congratulated College Park High School for holding "Every 15 minutes" and commented that she hoped someday the Martinez Unified School District will offer this to their students as well.

Councilmember Ross thanked staff for their hard work on the Marina improvements that are still in process, and the latest presentation at the State Lands Commission meeting yesterday. He noted that the Commission approved the 14 live-aboard provision that staff fought hard to obtain.

Vice Mayor Lara DeLaney stated that she too will be in Ontario on Friday attending the League's Policy Committee Employee Relations. She also announced that on Saturday, April 17th, there will be Earth Day activities at the John Muir Historical Home; and that a Public Safety Subcommittee Meeting was scheduled for April 19th at 5:30 p.m.

## **ADJOURNMENT**

The meeting was adjourned at 7:55 p.m. to a Regular Meeting of April 21, 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 - 5/5/10