

CALL TO ORDER

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

CLOSED SESSION

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to California Government Code Section 54957.

Title: Chief of Police.

- B. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code.

Agency Designated Representatives: Philip Vince, City Manager; Kay Winer, Personnel Manager; Tom Simonetti, Chief of Police.

Employee Organization: Martinez Police Officers Association.

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

Name of Case: Martinez Fair and Responsible Growth Coalition v. City of Martinez.

PUBLIC COMMENT (Limited to Closed Session Items)

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

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:12 p.m. He reported that closed session was held regarding Public Employee Performance--Chief of Police; Conference with Labor Negotiators--Martinez Police Officers Association; and that direction was given to legal counsel.

Mayor Schroder stated that they did not discuss the last item regarding the Existing Litigation--Martinez Fair and Responsible Growth Coalition v. City of Martinez and that the Council will adjourn to closed session after the meeting.

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. Senator Mark DeSaulnier Legislative Packet for 2010.

Mayor Schroder announced that Senator DeSaulnier would be in Sacramento today and tomorrow and requested to reschedule his presentation to a future meeting.

B. Presentation by Main Street Martinez to Shell Oil Products, US Martinez Refinery.

President John Curtis, Executive Director Leanne Peterson, and many board members and volunteers were present to express appreciation to Shell Oil and thank them for what they do for Main Street Martinez, the downtown businesses, property owners, and homeowners who share in the idea that the preservation and revitalization of the City's downtown business district is a local goal, which is a goal that Shell shares and supports financially. Executive Director Leanne Peterson also expressed her appreciation to Shell for their support especially for the many special events hosted by Main Street. A video was presented expressing the community's appreciation to Shell, their employees, and volunteers for all their generosity and support to the Martinez community.

Mayor Schroder requested Alicia Ivarraraz, Shell's General Manager, and Steve Leshner, Public Relations, to join the Council and presented a proclamation proclaiming April 21st as "Shell Martinez Refinery Day". Ms. Ivarraraz expressed her appreciation to everyone and stated that Shell is part of the community and that she believes that Shell does make a difference. She further stated that she is proud to be a resident of Martinez.

C. Presentation by Rachael Ford—Delta Estuary.

Mayor Schroder announced that Ms. Ford requested that her presentation be continued to May 5th.

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 gave an update to the Council on the homeless in Martinez. He thanked a Police Officer for assisting them with getting a homeless pregnant woman services, and stated that he was an exceptional Officer. He gave stats on the chronic homeless numbers that were taken on April 4th in Martinez: five at the Marina, four at AMTRAK, two at Virginia Hills, and three along the Alhambra corridor. Mr. Stewart stated that they are currently working with Commander Peterson on a program to reunite homeless persons with their families. Mayor Schroder thanked Mr. Stewart for all his work.

Gil Patton provided an update on the CERT program. He indicated that two team CERT classes were given last year, and there are about 180 citizens that have gone through the program, which is still way below standard. Mr. Patton expressed his appreciation to the Police Department for all their support. He indicated that they are also receiving support from the Martinez Amateur Radio Club to get hand radios to act as a mobile command post. He announced that on June 5, at Alhambra High School, there will be a disaster drill. Vice Mayor DeLaney offered any services

that the City could provide such as advertising. Mr. Patton urged that the City put their employees and their spouses through the CERT program.

Kristen Henderson stated that on Sunday, she attended Vincenza Scarpaci's presentation on Italians in America at Haute Stuff, which went very well. She also stated that the Public Records Act is being violated in reference to the Historic Resources Inventory. She further added that she felt that Main Street Martinez and the Martinez Historic Society are in violation of their non-profit laws and that Main Street Martinez is in violation of the National Trust of Historic Places Trademark.

An unidentified male speaker requested assistance with a parking ticket he received in the Wells Fargo Bank's parking lot. Mayor Schroder referred him to Police Chief Simonetti.

Robert Barker suggested that a task force be created before a redevelopment agency is formed so that the task force can work with the community on ways to increase viability and promote Martinez.

Mike Alford asked if the City receives revenue from the two docks used by Shell, which Mayor Schroder answered, stating that the City receives property tax but no sales tax. He also questioned the status on the Historic Resource Inventory and why it has not been published.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of Joint Meeting and Regular Meeting of March 17, 2010. [M.Cabral]
2. Motion accepting Check Reconciliation Register dated 04/08/10 and 04/15/10. [C.Spinella/02.01.01]
3. Motion accepting Cash and Investment Report ending March 31, 2010. [C.Spinella/02.01.01]
4. Resolution No. 039-10 allocating \$124,000 Childcare Reserve Funds for the replacement of play equipment at Morello Park. [T.Tucker/11.19.00]

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #1 through #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

CITY MANAGER

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

City Manager Philip Vince gave an update on the request from Council regarding the estimated cost of all subcommittee meetings, and the letter to Congressman Miller regarding possible funds to help with ADA compliance for the Veterans Building, and making sure that the PRMCC receive the Council's Marina Subcommittee notices.

CHIEF OF POLICE

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

No comments made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

7. Reappointing Mayor Schroder as Director and Councilmember Ross as Alternate to the Central Contra Costa Transit Authority's Board of Directors for a two-year term.[6.7.01]

On motion by Janet Kennedy, Councilmember, seconded by Michael Menesini, Councilmember, to approve reappointing Mayor Schroder as Director and Councilmember Ross as Alternate to the Central Contra Costa Transit Authority's Board of Directors for a two-year term. Motion unanimously passed 5 - 0.

8. Revisions to Ad hoc Committees and Standing Subcommittees. [R.Schroder/ 41.06.01& 41.07.00]

A. Revise Budget Ad Hoc to Budget 2010/11 Standing Subcommittee; Climate Change Ad Hoc to 2010/11 Climate Change Standing Subcommittee; Economic Development Ad Hoc to 2010/11 Economic Development Standing Subcommittee; and Marina Ad Hoc to Marina Standing Subcommittee.

Mayor Schroder opened the item for public comment.

Kathi McLaughlin stated that she appreciated the Council for moving to standing committees so that the meetings and the agendas would be more open.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, revise the Budget Ad Hoc to Budget 2010/11 Standing Subcommittee; Climate Change Ad Hoc to 2010/11 Climate Change Standing Subcommittee; Economic Development Ad Hoc to 2010/11 Economic Development Standing Subcommittee; and Marina Ad Hoc to Marina Standing Subcommittee. Motion unanimously passed 5 - 0.

B. Remove BMX Park, Intermodal, John Muir Festival Center, and Litigation Ad Hoc Committees; and remove Finance Standing Subcommittee (replaced by 2010/11 Budget Subcommittee).

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, remove BMX Park, Intermodal, John Muir Festival Center, and Litigation Ad Hoc Committees; and remove Finance Standing Subcommittee (replaced by 2010/11 Budget Subcommittee). Motion unanimously passed 5 - 0.

- C. Create North Pacheco Annexation Ad Hoc Committee and make appointments thereto. [41.02.00]

Mayor Schroder opened the item for public comment.

Mike Alford questioned why the Council was pursuing the annexation and the plans to make that area a "gateway" to the City. Mayor Schroder clarified the purpose, and Councilmember Menesini stated that it was impossible to discuss any specific plans yet.

Kathi McLaughlin encouraged the Council to keep the discussions of the Committee as open to the public as possible. Councilmember Menesini confirmed that he intended to keep all information available as much as possible.

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

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve creation of a North Pacheco Annexation Ad Hoc Committee. Motion unanimously passed 5 - 0.

On motion by Rob Schroder, Mayor, no second required appoint Vice Mayor DeLaney and Councilmember Menesini to the North Pacheco Annexation Ad Hoc Committee. Motion unanimously passed 5 - 0.

CITY COUNCIL

9. Consider request to authorize a letter to be sent to Assembly Member Mendoza in opposition to Municipal Bankruptcy AB 155, under Mayor Schroder's signature, as requested by League of California Cities. [M.Cabral/41.01.00]

City Manager Philip Vince presented the staff report. He stated the origin and purpose of the letter, to keep the authority to declare bankruptcy in the hands of the cities.

Vice Mayor DeLaney agreed that the bill represented an unnecessary intervention by the State and that the cities should be trusted to manage their own finances over the State.

Councilmember Menesini stated that he was inclined not to support the League's position, both because he did not know enough about the bill, and because he was concerned about ensuring that organizations fulfill their debts to former employees.

Mayor Schroder opened the item for public comment.

Kristin Henderson asked how much the borrowing for redevelopment contributed to the State's financial problems, and whether or not the Bill allowed redevelopment agencies to continue. Councilmember Kennedy clarified that the money for redevelopment was taken from tax increments specifically designated for that purpose, which could not legally be used for anything else.

Mike Alford stated that he opposed allowing the State to interfere in the cities' financial decisions, and Vice Mayor DeLaney clarified that the letter being voted on was in opposition to the State government's interference.

Donald Pallotta agreed with Councilmember Menesini's concerns and urged the Council to take no position on the matter.

Seeing no further speakers, Mayor Schroder closed public comment.

Mayor Schroder clarified that the benefits of government employees would be protected in bankruptcy situations, unless the Public Employees' Retirement System ran out of money.

Councilmember Menesini stated that if the cities stopped contributing revenue to PERS, it likely would run out of money. He stated that since the City was in good standing financially, the Council should not be concerned about the Bill, and reiterated that the government was obligated to protect the benefits of former employees.

Vice Mayor DeLaney clarified that as the law stands, cities are already allowed to declare bankruptcy, and that the Bill would require the cities to obtain the State's permission to do so. She stated her opinion that the power of local jurisdictions should be protected over against the authority of a State-run organization that was not familiar with the specific situations of individual cities.

The Council debated the implications of the Bill.

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, authorize a letter to be sent to Assembly Member Mendoza in opposition to Municipal Bankruptcy AB 155, under Mayor Schroder's signature, as requested by League of California Cities. Motion passed 4 - 1. Yes: Janet Kennedy, Councilmember Mark Ross, Councilmember Lara DeLaney, Vice Mayor, Rob Schroder, Mayor, No: Michael Menesini, Councilmember.

10. City Council Comments.

Councilmember Mark Ross commented that he agreed with part of Mr. Barker statements about the City using funds to help promote itself. He stated that the City has gone 50 or 60 years without using redevelopment, and perhaps it is time for the City to attempt a new method, and retain its tax dollars to use for itself. Councilmember Ross requested that a Redevelopment Subcommittee meeting be held on May 4th in the southern part of the City. Councilmember Ross also requested that a discussion on prioritizing redevelopment projects and whether or not an ordinance should be placed on the Council's May 5th agenda, which Mayor Schroder agreed.

Vice Mayor Lara DeLaney questioned the May 4th meeting and asked if May 3rd could be an option, to which Councilmember Ross replied that he would be out of town. Vice Mayor DeLaney hoped that a date could be worked out as soon as possible. She announced a Public Safety Subcommittee Meeting on Monday, April 26th at 5:00 p.m. in the Council Chambers; Joltin Joe Dinner Fundraiser tomorrow night, April 22nd, at the Shell Club House; Citizen of the Year Dinner, Saturday, April 24th at 6:00 p.m. at the Senior Center; and on Sunday, April 25th, Downtown Clean Up at 8:00 a.m.

Councilmember Janet Kennedy expressed her appreciation for the article that Sgt. Maloney and Commander Peterson wrote, "The Martinez Police Department's Challenge," an excellent article on preparing for change and transition that came out in the California Peace Officer Spring Edition.

Mayor Schroder requested clarification from Councilmember Ross on the redevelopment discussion. Councilmember Ross stated that first the prerequisite findings would have to be updated, but some information would need to be prepared in order to make decisions as to what direction is needed to give staff, and if an ordinance is needed, what it should look like based on public input, Council's input, and legal counsel's input.

ADJOURNMENT

Adjourned at 8:30 p.m. to a Closed Session regarding CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION Subdivision (a) of Section 54956.9.

Name of Case: Martinez Fair and Responsible Growth Coalition v. City of Martinez.

The Council reconvened at 9:00 p.m. with all members present.

Mayor Schroder reported out that with respect to Martinez Fair and Responsible Growth Coalition v. the City of Martinez & RCD, the City Attorney has received a demand from petitioner's counsel to disclose the administrative draft of the Downtown Historic Resource Inventory that has not been submitted to, considered by or approved by the City Council. Notwithstanding the fact that this document is an administrative draft and constitutes a work in progress, the Council, on a 5-0 vote, agreed to release to petitioner's counsel the administrative draft (a work in progress) of the Downtown Historic Resource Inventory.

The meeting adjourned to a Regular City Council Meeting on May 5, 2010 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 5/19/10