

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 5:45 p.m. in the Council Chambers with all members present except Councilmembers Kennedy and Menesini who arrived after roll call.

Mayor Schroder stated that Item #C--Ostrosky v. City of Martinez will not be discussed.

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

## **CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code. Agency Designated Representatives: Philip Vince, City Manager; Veronica Nebb, Sr. City Attorney; Tim Sullivan, Special Advisor, Management Partners, Inc; Tom Simonetti, Chief of Police.

Employee Organization: Martinez Police Officers Association.

- B . CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8 of the Cal. Gov't Code.

Property: 630 Court Street.

Agency Negotiators: Philip Vince, City Manager, Karen Majors, Asst. City Manager, and Veronica Nebb, Sr. City Attorney.

Negotiating Parties: City and Goldberg & Associates, Inc.

Under Negotiation: Price, terms of payment and other conditions of sale or disposition.

- C. CONFERENCE WITH LEGAL COUNSEL--Existing Litigation pursuant to California Government Code section 54956.9(a). Name of Case: Ostrosky 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 7:00 p.m. with all members present as indicated.

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

EXCUSED: None.

ABSENT: None.

Mayor Schroder reported that closed sessions were held, and with respect to the Conference with Labor Negotiators regarding the Martinez Police Officers Association, direction was given to the City's negotiators. With respect to Conference with Real Property regarding 630 Court Street, direction was given to legal counsel. With respect to Conference with Legal Counsel regarding Ostrosky, the Council did not meet on that item.

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

A. Proclaiming May 2010 as "Older American Month."

The Council presented the proclamation to Lisa Finnie, Senior Outreach Worker, for CC Cafe. She thanked the Council for their support and remarked on the important role of older people in the City.

B. Proclaiming Affordable Housing Week: "Healthy Families, Sustainable Communities May 7 to May 16, 2010."

Sally Sweetser was presented the proclamation; she thanked the Council for their support and announced a Kickoff Celebration on May 7, at 5:30 p.m., at the Oakland Asian Cultural Center, and provided a calendar listing events taking place during Affordable Housing Week, May 7--16th.

C. Joltin Joe Update by Sons of Italy.

Ray Raineri provided an update on the Joltin Joe fundraising project. He indicated that the last event was held on April 22nd at the Shell Club House, at which the City was well represented. He mentioned plans for several future events. The restoration has begun under the mentorship of Don Curtis. The crew has extended an invitation to the public--anyone wishing to see the boat being restored can come down to the Kinney Building on Tarantino Drive on Saturday mornings.

Vice Mayor Lara DeLaney asked how much money was raised; Mr. Raineri replied that \$4,300 had been raised, increasing the total to \$38,300. Vice Mayor DeLaney suggested that if some of the wood cannot be salvaged from the boat that it be sold to the public. Mr. Raineri indicated that he would pursue the idea.

The Council thanked Mr. Raineri for all his efforts.

D. Clean Water Program - "Student Public Service Announcement."

City Engineer Tim Tucker presented Dr. Ronda Zollinger, who presented Professor Steven Cleveland from Cal State East Bay, who has been working with the Environmental Studies Academy (ESA) students to earn college credits learning to film programs. Students from the ESA presented a documentary on flood projects and creek restoration for a Public Service Announcement.

Mayor Schroder thanked the students for their presentation. He requested an outline of the presentation and the project for the purpose of presenting to the next meeting of the San Francisco Regional Water Quality Control Board, in order to help raise awareness of the project.

Councilmember Kennedy asked about the timeline of the project, and Mark Weisbacher, a senior at Cal State East Bay and co-producer for the projects, overviewed it briefly. She also asked for details regarding investing and fundraising, which Professor Cleveland discussed. Vice Mayor DeLaney asked about the ESA's work with Comcast.

Dr. Zollinger clarified some of the changes made in the structure and organization of the ESA, and its relationship with the Newleaf Collaborative.

The Council commended the students for their work.

Councilmember Ross requested that ESA announcement information be posted on the Website.

E. Quarterly Report from the Martinez Chamber of Commerce.

Mayor Schroder announced that the Chamber requested that their presentation be continued to June 2nd.

F. Presentation by Rachael Ford—Delta Estuary.

Rachael Ford provided her first update regarding the letter of intent. She expressed her appreciation to the Council for their support. She indicated that they changed their name to California Center for Delta Research and Education since the name Delta Research Institute was already being used. Ms. Ford announced that in the near future a board of directors will be selected as well as an Executive Director who she hoped would be Larry McCullen, and gave a brief description on his background and experience. She introduced Mr. McCullen who provided an overview of the project and their vision reviewing the public and educational aspect and research program including a conference facility.

Mayor Schroder asked for Mr. McCullen's thoughts on the new Delta Commission. Mr. McCullen stated that the project's goal was to provide a good perspective from their research so that the Commission's decisions would be based on science rather than politics.

Ms. Ford stated that there is a one-time grant for construction costs associated with Nature Education Facilities such as marine research, education programs, etc. to be accomplished by 2017. Ronda Zollinger of ESA described the grants and how ESA has partnered with CCER.

Dr. Zollinger stated that the recipient of the funds must agree to a 30-year contract on the maintenance of the building and other requirements. She further stated that she had hoped the School District could apply for this grant, but they cannot. It has to be a city, county, park district, or non-profit that can apply. Ms. Ford requested that the City be the grant writer, with the assistance of ESA and CCER.

Mayor Schroder thanked the presenters for their work. He agreed that the grant was a good opportunity and requested that staff spend some time putting together the application.

Vice Mayor DeLaney agreed with the high quality of the project and briefly updated the Council and the presenters on the County's work on the Delta.

Councilmember Kennedy agreed that the project was exceptional and innovative in bringing together so many different ideas and people. She asked if they were considering partnerships with other agencies. Ms. Ford stated that she was in conversation with many different people and that after CCER achieved official status, formal agreements with the different groups would be put in writing.

City Manager Philip Vince asked for the Council to formalize their direction to staff at the meeting on May 19th, and asked for clarification on whether the City or CCER would be applying. Ms. Ford asked staff to go over the application to determine that. Mr. Vince also asked if staff could hire outside help in order to meet the deadline. Assistant City Attorney Veronica Nebb agreed that the approval to proceed with the application would need to be obtained at the later meeting.

Councilmember Menesini agreed that the project had a great deal of potential and that the City should proceed with the grant application.

## **PUBLIC COMMENT**

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

Gary Hartzog spoke on the City's lack of advertisement on the issue of medical marijuana and requested that the Council make a good faith effort in noticing this issue so that citizens can voice their opinions. He also expressed concern with the proposal to locate a medical marijuana dispensary in his neighborhood.

Kathi McLaughlin spoke on the School District's fundraising efforts to save school programs, as well as the effects of the changes in the State's budget.

Rose Martin reported problems at the Marina and urged that the Council direct the repairs.

An individual (name inaudible) spoke in favor of a medical marijuana dispensary and stated the reasons he supported it. Mayor Schroder suggested he come and make a presentation for the Public Safety Committee. Vice Mayor DeLaney announced that the Committee was reviewing the City's ordinance and would be suggesting changes to the Council at the June 16th meeting. She requested that all interested citizens attend the meeting. Councilmember Menesini also requested that the speaker provide his contact information and a copy of his comments to the City Manager.

Tim Platt spoke in support of the redirection of redevelopment funds to the schools.

Kristin Henderson requested to know the status on the historic Sharkey building, which the Council could not provide as the issue had not been resolved yet.

Mike Alford spoke on the proposed medical marijuana dispensary and recommended that if there was a dispensary, it should be at the County Hospital or somewhere near Waters Storage, but stated that he would rather not see one at all.

## **CONSENT CALENDAR**

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

Mayor Schroder stated that Item #5, Commission Bylaws, had been continued. He requested that Item #1 be pulled since he had to recuse himself; and Vice Mayor DeLaney requested that Item #6 be pulled from the Consent Calendar.

1. Motion approving City Council Minutes April 7, 2010 as amended. [M.Cabral]
2. Motion rejecting Claims against the City by Timothy Rizzuti, Claim #10-06. [M.Cabral]
3. Motion accepting Check Reconciliation Register dated 04/22/10 and 04/29/10. [C.Spinella/02.01.01]
4. Resolution No. 040-10 accepting the lowest responsible bid for the 2010 Play Structure Renovation, Hidden Lakes Park Project, and awarding the construction contract to Cinray Construction, Inc. [T.Tucker/11.18.00]
5. Resolution approving the bylaws for the Park, Recreation, Marina, and Cultural Commission. Item continued.[M.Wierschem/16.10.00]
6. Resolution No. 041-10 authorizing the destruction of City records pertaining to the City Attorney's Office and Finance Division. [M.Cabral/40.10.01]

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #2, #3, and #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

Mayor Schroder amended Item #1 to note that he had been excused from the meeting.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Item #1, City Council Minutes of April 7, 2010 as amended. Motion passed 4 - 0. Yes: Janet Kennedy, Councilmember Michael Menesini, Councilmember Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, Recuse: Rob Schroder, Mayor.

Vice Mayor DeLaney requested to review City Attorney file Ciaramitaro, Phillip (People vs.) 1971 before destruction.

On motion by Lara DeLaney, Vice Mayor, seconded by Michael Menesini, Councilmember, approve Resolution No. 042-10 authorizing the destruction of City records pertaining to the City Attorney's Office and Finance Division. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

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

City Manager Phil Vince reported that he had a meeting with City employees regarding the City's budget which was well received. He mentioned that he did not have an update on the State's budget; however, Vice Mayor DeLaney reported that the State's revenues were much lower than anticipated.

## **CHIEF OF POLICE**

### **8. Chief of Police Comment(s)/Update(s)/Report(s).**

Chief Tom Simonetti reported that the Department will be conducting an Internet Child Safety Class at Hidden Valley Elementary on May 20th at 9:00 a.m. and at 7:00 p.m. there will be a meeting for the parents. He encouraged the public to attend.

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

## **CITY COUNCIL**

### **9. Consider resolution HR 4812 (Miller): Local Jobs for America Act as requested by Mayor Schroder. [41.00.05]**

Mayor Schroder explained the Act and asked the Council to support it.

Councilmember Kennedy asked about the distribution and use of the funds, which Mayor Schroder explained briefly. Vice Mayor DeLaney stated that she had seen the proposed allocation for Contra Costa County and could provide that information to the Council.

Mayor Schroder opened the item for public comment.

Kristin Henderson asked if any of the funds could go toward the repair of the Finance Building's foundation. Mayor Schroder clarified that the Act only provided money for jobs, and Ms. Henderson asked if the Council could keep her request in mind for future opportunities.

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, approve Resolution No. 042-10 HR 4812 (Miller): Local Jobs for America Act. Motion unanimously passed 5 - 0.

### **10. Community Guide to Redevelopment (Council Subcommittee Outreach meetings) and direct staff to prepare an ordinance formulating a Redevelopment Agency as defined under California Redevelopment Law. [P.Vince/23.00.00]**

City Manager Philip Vince presented the staff report. He reviewed the Redevelopment Subcommittee's discussions with the community, which addressed reasons for a Redevelopment Agency, the Agency's proposed functions, and projects which could be helped by the Agency. He reviewed the options before the Council.

Councilmember Ross commented on the good turnout of the meeting and on the discussion that took place on the proposed projects and on the need for a Redevelopment Agency. He noted that the majority of those present expressed their disapproval of a Redevelopment Agency under any circumstances. The Subcommittee answered several questions from the public. The goal of the meeting was to obtain public input as to how the City would use the Agency and what it would spend money on.

Vice Mayor DeLaney agreed with Councilmember Ross's assessment of the meeting, and noted that it was important to get public input because the program would need to be tailored to the needs and resources of the community and the requirements of how the City's money could be spent. She encouraged the community to take part in the process so that if the Agency was formed, the Council would know how best to spend the money. She mentioned that the City had tried other options for revitalization and had not been successful, so the Council wanted to try the option of a Redevelopment Agency. She stated that she thought the Council should make a more serious effort to reach the public, to get their input and keep them informed.

Mayor Schroder opened the item for public comment.

Bambi Barker thanked the Council for the public discussion and stated that she had learned a lot. She said that she was disappointed by the polarization, and suggested that the Council attempt to get information out in a nonpartisan way. The Subcommittee agreed that it was a good idea and suggested she contact them after the meeting.

Mike Alford commented on the number of people at the subcommittee meeting and noted that some people's questions had not been called on. He also mentioned that the majority of people at the meeting had stated that they were not in support of redevelopment. He also expressed frustration with the Subcommittee's attitude toward the public and insisted that the public was ready to bring a referendum against it.

Tim Platt commented that the suggested limitations on the redevelopment agency, such as limiting the power of eminent domain or the specific projects that could be worked on, would not be legally binding if the redevelopment agency were formed. He stated that according to Peter Dettweiler, such promises could only be put in place a year after the agency was formed, and could be changed later or with different projects. Assistant City Attorney Veronica Nebb explained that the action forming the agency could in fact limit the power of eminent domain, and added that the agency, once formed, would not have power or money to do anything unless it was given by the redevelopment plan. She added that the agency's projects would create more revenue, from which a preset percentage would return to government-funded services like education.

Councilmember Kennedy asked about the one-year period Mr. Platt had mentioned, and Ms. Nebb stated that during that time staff would be analyzing different projects and factors and creating the redevelopment plan, and the public would have opportunities to comment on these findings.

Donald Pallotta commented on an article in the Contra Costa Times about the State's plans and asked why the City would take the time to form the agency if the State was planning to hold back funds. He added that the City should feel lucky it had not had a redevelopment agency in the

past and that in the past projects had been successfully funded through bonds. Mayor Schroder pointed out that the State would be borrowing money from the redevelopment agencies. Vice Mayor DeLaney added that the State's decision was being appealed, and that the agency's money would be a benefit even if some of it was taken.

Garrett Hartzog stated that the problem with redevelopment are the areas surrounding the redevelopment area which become neglected.

Kathi McLaughlin provided figures of the funds that would go to different agencies from a bond of \$600,000 with and without the existence of a redevelopment agency, using formulas provided at the Subcommittee meeting. She showed that the funding without a redevelopment agency was higher. Assistant City Attorney Veronica Nebb responded that the problem would be who repaid the bond; without an agency, the citizens would have to pay it back through a parcel tax, but with a redevelopment agency, the increases in property taxes from the redevelopment areas would pay it back.

Gay Gerlack stated that she was not in support of a redevelopment agency because she wanted to be able to vote on the bonds for each individual project, especially since she could not trust who might be in control in the future.

Kristin Henderson stated that she wished the Council had explained more alternatives to the public. She added that Main Street Martinez was not a legislative body, so it should have no say in the decision. She also expressed frustration with the Council's attitude toward the public and to the State. She concluded that the City should not be encouraging redevelopment of retail because it encouraged consumption.

Jim Blair expressed support of redevelopment when used correctly and discussed several examples of successful redevelopment. He stated that the City needed redevelopment to encourage people to invest in areas that could otherwise be risky for investors and developers.

Richard Verrelli asked about the possibility of changing the redevelopment agency's Ordinance in the future, as San Pablo had recently attempted to do. Vice Mayor DeLaney stated that the RDA would have a twelve-year limit on its use of eminent domain, and added that the current City Council would vote against the use of eminent domain. Councilmember Kennedy added that eminent domain had been renewed in San Pablo before and that most of that city was in a redevelopment area.

Rose Martin commented on some of the improvements proposed at the Marina. The Council responded that the proposed list was not comprehensive and that all of the improvements would be part of the Marina Plan.

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

Vice Mayor DeLaney stated her understanding of the question under discussion; should the Council continue with outreach and discussion with the public or pursue an Ordinance and the formation of an RDA, or both?

Councilmember Menesini congratulated the Subcommittee for their work and a good start. He noted that the issue had been controversial for a long time, even though a previous election had approved the idea. He stated his conviction that the Council needed to move forward, but conceded that it was important to build consensus. He suggested that the City continue research to determine exactly how much revenue could be built with the RDA and to determine which projects should be given priority. He noted an important consideration of how to handle possible projects in areas that were not yet annexed. He also suggested that the Council needed to consider what the RDA would look like, including exactly what the agency would accomplish, which would require further research. He concluded that it was important that the City not move forward until it was ready, and recommended that further research be done.

Councilmember Kennedy stated that she agreed with Councilmember Menesini that more research needed to be done, but said that the agency needed to be in place before the research could take place. She stated that the City should get more information and inform the public before deciding to do a referendum and reject the idea. She also expressed frustration with Ms. McLaughlin's remarks that the Council was unsympathetic to education, when the Council had recently voted to give \$500,000 to the School District.

Vice Mayor DeLaney agreed that the Council needed more information and more outreach to the community for input. She added that the Council would need to have more discussion on the projects that could be done and on the limitations of the RDA, to ensure protection of the citizens' rights. She also stated that the agency would be useful because there were some projects that the public would not vote on a bond for, but that would need to be done.

Councilmember Ross stated that it was important to make the downtown self-sufficient so that taxes would not have to support it. He agreed that there were projects the public would not vote to fund, such as improving the sewer system, and suggested that people who are anti-redevelopment propose other ways of funding those projects. He stated that it was important for the City to make the most efficient use possible of the tax revenue that was already being created. He also explained that the State would not be able to take money from RDAs unless the redevelopment areas included a public school. In response to the comment that further Councils might abuse the power of redevelopment, he stated that he trusted the City's public to continue holding the Council responsible for its actions in the future. Regarding the question of what the redevelopment money would be spent on, he said that his list would be quite short, and he wanted to improve infrastructure, not private property. He commented on the amount of money being lost each day by the City that could be retained by an RDA. He proposed that the Council develop the Ordinance and begin working on the redevelopment plan, and allow the public to bring a referendum if they wanted.

Mayor Schroder stated that redevelopment, while not a panacea, was a tool that the City needed to improve areas like the downtown. He mentioned several different areas where the infrastructure needed to be repaired. He agreed that the process needed to be done correctly. He also stated that while some people would always be against redevelopment, it was important to continue outreach to the public. He noted that it was important to time the Ordinance correctly in case the public brought a referendum against it. He stated that he supported the possibility of eminent domain in commercial areas.

Councilmember Menesini agreed that the quality of the Ordinance was more important than doing it soon, and noted that areas not currently in the City could not be included in the Ordinance. He suggested a future Council Workshop in order to facilitate more discussion and research on the possible projects. He also stated that it was important to get more people involved and better communication. He suggested that the Subcommittee look more closely at what the agency would look like.

Councilmember Ross suggested that the Council obtain a copy of the prior Ordinance, and improve it with current knowledge and concerns.

Vice Mayor DeLaney expressed her opinion that there had not been enough outreach to the public to decide what projects the agency would focus on, since there had only been one meeting. She stated that there was not enough consensus to decide on the projects that would go into the redevelopment plan. She suggested that staff work on the Ordinance while the Council continued conversations with the public.

Councilmember Menesini suggested that the Subcommittee bring a report to the Council at a further meeting. Councilmember Ross suggested that the issue come back at the next meeting to suggest projects and discuss them with the community, so that these suggestions could be put into the Ordinance. Councilmember Menesini asserted that more outreach meetings would be needed before the Council could make those decisions. City Manager Philip Vince requested that the issue be delayed to a June meeting, so that staff had time to take care of all of the items on the agenda.

Mayor Schroder suggested that staff work on drafting a new Ordinance, while continuing community outreach. Ms. Nebb stated that there would need to be more research done regarding what could be included in the Ordinance. Councilmember Menesini reiterated that the Council should take care not to rush the development of the agency, especially since the public needs to take part in the conversation.

After further discussion, the Council requested that they receive a copy of the prior Ordinance, continue with the outreach meetings, and hold a future Council Workshop.

#### 11. City Council Comments.

Councilmember Janet Kenney announced the May 14th Martini Festival in front of City Hall Plaza; on the same night there will be a Poker Tournament at the new Events Center on Main Street; and Farmer's Market is now open on Sunday.

Vice Mayor Lara DeLaney announced that the Thursday Farmer's Market starts tomorrow; and a Car Show will be held on May 16th, sponsored by Les Schwab.

Mayor Rob Schroder announced that a new play will be opening up at the Willows Cabaret Campbell Theatre, "You're a Good Man Charlie Brown" on Friday, which will run through June 5<sup>th</sup>. They will be holding four free performances at the John Muir Amphitheater on May 15th and 16th. Over 2300 school children will be attending and free milk and cookies will be served during intermission. He encouraged the public to attend.

## **ADJOURNMENT**

Adjourned at 10:36 p.m. to a Regular Meeting on May 19, 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 – 6/2/10