

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:18 p.m. with all members present except Councilmember Kennedy and Vice Mayor DeLaney who were excused.

CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.

Property: 610 and 630 Court Street, Martinez CA, 94553.
Agency Negotiators: Philip Vince, City Manager; Jeff Walter City Attorney.
Negotiating Parties: City and Goldenberg & Associates.
Under Negotiation: Price, terms of payment and other conditions of sale or disposition.

- B. 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 public comments, the Council adjourned to Closed Session in the City Manager's Office.

RECONVENE- PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:13 p.m. He reported that Closed Session was held, with respect to Conference with Real Property Negotiators regarding 610 and 630 Court Street direction was given to the City's property negotiators; with respect to Existing Litigation, Ostrosky v. City of Martinez, the Mayor stated that the item is on the agenda and will be voted on.

PRESENT: Michael Menesini, Councilmember, Mark Ross, Councilmember, and Rob Schroder, Mayor.

EXCUSED: Janet Kennedy, Councilmember, and Lara DeLaney, Vice Mayor.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

- A. Proclamation honoring Robert "Bud" Markwith, Retired Chief of Police, and John Moretz, Retired Sr. Instrument Technician.

Mayor Schroder presented a proclamation proclaiming September 15th as Retired Chief of Police Robert "Bud" Markwith Day to his family.

Mayor Schroder presented a proclamation proclaiming September 16th as Sr. Instrument Technician John Moretz Day to his spouse Judy Moretz.

The families expressed their appreciation to City employees and the Council.

B. Proclaiming "Fall Prevention Awareness Week" September 19 -- 25, 2010.

Mayor Schroder presented Jenny Lind a proclamation proclaiming Fall Prevention Awareness Week.

Ms. Lind announced that they will be having the First Walk for Falls Prevention September 25th at 500 Ellenwood in Pleasant Hill. For more information call (925) 937-8311.

Mayor Schroder presented Douglas Sibley with a proclamation proclaiming September 2010 as "National Alcohol and Drug Addiction Recovery Month."

Mr. Sibley thanked the City for its support in their common goal of helping one another.

Mayor Schroder mentioned the recent pipeline explosion in San Bruno and remarked that the City was in the process of investigating its own pipelines and ensuring that proper safety precautions were being taken. He also noted that the City's emergency procedures were up-to-date. Chief Simonetti briefly reviewed some of the procedures that the City was involved with.

C. Presentation: East Bay Regional Communications System Authority (EBRSCA) Project - Executive Director -Bill McCammon, Chief Tom Simonetti, and Commander Gary Peterson.

Chief Simonetti gave a brief history of the EBRCSA project. Commander Peterson provided highlights of the project, asking the Council to approve the operating agreement, expend \$128,235 to buy out the debt service, and transfer \$450,000 from undesignated fund balance.

Councilmember Menesini clarified with Commander Peterson that the \$450,000 would not be spent until 2012 or 2013.

Bill McCammon, Executive Director of EBRCSA, provided further information and why the cities of Alameda County and Contra Costa County created a Joint Powers Authority to develop and operate a radio communications system that would provide regional interoperability and meet the FCC narrow band requirements.

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

Cathy Ivers announced the Shell/MEF Run for Education on October 2nd. She indicated that the Kiwanis and Rotary will be doing the Pasta Feed before the Run on Friday. She displayed a quilt made by Noralea Gipner that will be raffled off. Councilmember Ross commented on the high participation of the run, and Mayor Schroder noted that he would be in attendance.

Barbara Kapsalis announced the Chalk Festival on September 25th and 26th.

Doug Stewart expressed his appreciation to Mayor Schroder and City Manager Philip Vince for helping him to continue to assist the homeless. He announced that there were no homeless camps in the Alhambra corridor. Mr. Stewart provided homeless statistics for the month.

Steve Winingham requested that streets between Pacheco and Alhambra be repaved and requested that the manhole covers be readjusted.

Kathi McLaughlin expressed her concern regarding the vegetation at the creek where the beavers are located and safety for the kits from the public. Ms. McLaughlin also expressed difficulties in being provided information which she requested regarding the General Plan Task Force members, including affiliation, residency and contact information. City Attorney Jeff Walter mentioned that there was some concern about privacy and the legality of disclosing contact information without consent. Councilmember Menesini stated that some contact information should be made available for people serving on a public committee.

Rose Martin stated she was a liveaboard at the Marina and that she was without water for three days. She requested that a plumber be hired to help out at the Marina. She requested that the walkway be cleaned from bird dropping and the rugs removed. She expressed her concerns with the street construction project at Marina Vista and Ferry.

Mike Alford requested to know who authorized the water pipeline to go into the Alhambra Valley. He stated that his signs are being torn down and that he could play those games too. Mr. Alford indicated where he stood on certain City issues and urged the candidates to play fair.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes July 19, 2010. [M.Cabral]
2. Motion rejecting Claim against City by Roland Williams, #09-35; and Pamela Pearson, #10-10. [M.Cabral]
3. Motion accepting Check Reconciliation Registers dated 09/02/10 and 09/09/10. [C.Spinella/2.1.1]
4. Motion adopting Ordinance No. 1356 C.S. amending the Martinez Municipal Code by repealing in its entirety, and replacing chapter 22.42 Planned Unit Development. [C.Simon/9.4.4.29]

6. Resolution No. 092-10 authorizing the Mayor to execute a Sublease Agreement with the Martinez Historical Society for use of the property located at 1005 Escobar Street as the Martinez Museum, and Consent to Sublease with the Contra Costa Community College District and Martinez Historical Society authorizing same. [M.Chandler/5.21.00]
7. Resolution No. 093-10 amending the City's Schedule of Fees for City Services to include the Economic Stimulus Package. [M.Chandler/9.1.00/02.02.01]

Councilmember Ross requested that Item #5 be pulled from the Consent Calendar for further discussion.

Mayor Schroder opened public comment on Items #1 through #4 and Items #6 and #7.

Jean (did not state last name) asked for an explanation of the Ordinance in Item #4. Mayor Schroder explained that the goal was to remove outdated language in the zoning code. City Manager Philip Vince arranged for her to meet with Senior Planner Corey Simon to better explain the Ordinance. Mayor Schroder and Councilmember Menesini clarified that numbers and sizes were not being changed, only the language.

Mike Alford asked for more clarification on Item #4, which Councilmember Menesini provided. Mr. Alford also asked about the money paid to Golden Gate Petroleum with reference to Item #3, and Mayor Schroder explained the company's tax-sharing agreement with the City.

Kathi McLaughlin asked about the Economic Development Subcommittee's recommendation to the Council regarding Item #7. She stated that she had not been notified about the meeting and asked for the report or other documentation that had been presented to the Subcommittee. She asked several detailed questions about the items in the Resolution and stated that having the Item on the Consent Calendar did not seem to promote transparency. Councilmembers Ross and Menesini explained some of the rationale behind the Resolution and the discussion that had led up to it.

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

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Items #1 through #4 and Items #6 and #7 of the Consent Calendar. Motion unanimously passed 3 - 0.

5. Resolution No. 091-10 approving a Project Operating Agreement with the East Bay Regional Communications Systems Authority and authorizing the execution and implementation of same. [G.Peterson/4.11.4]

Councilmember Ross expressed support of the Resolution and noted that his questions had been resolved by a further reading and better understanding of the Resolution.

Councilmember Menesini expressed his support of the proposal and thanked the Police Department for their proactive work.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 091-10 approving a Project Operating Agreement with the East Bay Regional Communications Systems Authority and authorizing the execution and implementation of same. Motion unanimously passed 3 - 0.

PUBLIC HEARING(S)

8. Public hearing to consider a resolution setting aside its December 19, 2007, decision denying the lot-line adjustment application submitted by Ostrosky Enterprises pertaining to the real property located at 370 Lindsey Drive (Resolution 099-97). Said action on the part of the Council is mandated by the Contra Costa Superior Court in its August 16, 2010, Judgment Quieting Title and Granting Peremptory Writ of Mandate entered in the case entitled Ostrosky Enterprises, Inc. v. City of Martinez, et al., bearing Civil Case No. N08-0408. [J.Walter/09.05.01.29]

City Attorney Jeff Walter presented the staff report. He explained the decision made by the Court, and noted that the Council was not required to set aside the decision immediately, until the Court had issued its Writ. Mr. Walter noted and corrected some typographical errors. Councilmember Ross asked about the consequences of refusing to comply, which Mr. Walter provided.

Stacy Wright, representative of Ostrosky Enterprises, briefly discussed the history of the lot-line adjustment application and requested that the Council decide when it would be able to review the application again. Mayor Schroder noted that the Council had discussed this in closed session and stated that the City's legal counsel would contact Ostrosky Enterprises with regard to future action.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution 094-10 setting aside its December 19, 2007, decision denying the lot-line adjustment application submitted by Ostrosky Enterprises pertaining to the real property located at 370 Lindsey Drive (Resolution 099-97) and rescinding Resolution No. 099-97 pursuant to Court Order. Motion unanimously passed 3 - 0.

CITY MANAGER

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

City Manager Philip Vince announced that a new Assistant City Manager has been selected and his name is Alan Shear. City Manager Vince noted that Mr. Shear will be introduced to the Council on October 6, introduced to staff on October 4, and will be arranging something for the community.

CHIEF OF POLICE

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

Chief of Police Tom Simonetti announced that on Saturday, September 18th the Police Department will have an open house from 1:00 p.m. to 3:00 p.m. There will be guided tours, emergency vehicles on display, K-9 unit, and other activities for the whole family.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

11. City Council Comments.

Councilmember Mark Ross announced that the Air District passed the Clean Air Plan which needs to be completed every 3 to 5 years. This plan should reduce health issues and health care costs. He stated that he will not be in attendance at the October 6th meeting.

Mayor Rob Schroder announced the third of three neighborhood meetings that will be held on Wednesday, September 22nd at John Swett Elementary at 7:00 p.m. in the Multi-Use Room. He announced that Supervisor Gayle Uilkema recently had surgery for Ovarian Cancer and expressed his best wishes for a full recovery.

ADJOURNMENT

Adjourned at 8:33 p.m. to a Neighborhood Meeting on September 22, 2010 at 7:00 p.m. at John Swett Elementary, 4955 Alhambra Valley Road, in the Multi-Purpose Room; then to a Joint Council/Planning Commission Meeting on October 6, 2010, at 6:00 p.m. in the Council Chambers, reconvening to a Regular Council Meeting at 7:00 p.m.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk 10/20/10