

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Rob Schroder called the meeting to order at 7:08 p.m. in the Council Chambers. He reported that a Joint City Council and Planning Commission meeting was held at 6:00 p.m. for a General Plan Task Force Update on the process that will be taken to update the City's General Plan.

A. Pledge of Allegiance led by the Briones 4-H Club of Martinez.

After leading the Pledge of Allegiance, the group also recited their 4-H pledge (not audible):

*I pledge my **Head** to clear thinking, my **heart** to greater loyalty, my **hands** to larger service, and my **health** to better living, for my club, my community, my country, and my world.*

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

EXCUSED: Michael Menesini, Councilmember.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

A. Proclaiming October 2010 as "National 4-H Month."

The Mayor presented the Proclamation to the Briones 4-H Club, and City lapels were given to each member.

City Manager Phil Vince introduced the new Assistant City Manager Alan Shear. Mr. Vince provided a brief background on his professional experience, as well as his job responsibilities with the City. Mr. Shear thanked Mr. Vince for hiring him and commented on the quality staff. He also said he looks forward to working with staff and the community.

The Council congratulated and welcomed Mr. Shear.

Mayor Schroder announced that the Closed Session that was scheduled at the end of the meeting, and as indicated on the agenda, the item regarding 865 Howe Road was continued to October 20th so that the entire Council could be present.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Reserved only for those requesting to speak on items not listed on the Agenda.

Mayor Schroder called Jean (last name not stated) but she indicated that what she wanted to say could wait until the entire Council was present.

Carolyn Duncan encouraged the public to attend the Martinez Historic Society's Home Tour on Saturday between 10:00 a.m. and 4:00 p.m. which also includes free admission to the John Muir House, and the Adobe where the DeAnza Exhibit is on display. The funds raised will go to the restoration of the Old Train Depot. She noted that they still need volunteers. Ms. Duncan encouraged everyone to participate in the Home Tour, the Cemetery clean-up and the Restaurant Tour.

Ann Cochran expressed concern with the new pavers being placed on Marina Vista, noting that can be dangerous as evidenced by her trip and fall, and she would rather see sidewalks made out of cement. Ms. Cochran stated that if North Pacheco is annexed she would like to see an "In and Out" burger located there and a strip mall. Mayor Schroder noted that the place where she tripped was a paver that had been dislodged because of tree roots; he indicated the City is going through that area to assess maintenance issues there.

Marshall Cochran addressed his concern to the Closed Session item on the agenda and requested more information; however, Mayor Schroder indicated that he could not divulge that information, but at some point after the Council deliberates it will become public.

Mike Alford asked why the City is purchasing so many properties, and if the City was starting their own real estate business. Mr. Alford also questioned the timeline for the construction of the Marina and indicated that he spoke to the head of the Department of Boating and Waterway, and she indicated there was no way it could be done in the anticipated time. Mr. Alford clarified his passion for the City, as evidenced by his regular attendance at City meetings.

Vice Mayor DeLaney clarified that the City has not entered into negotiations for purchasing the property at 865 Howe Road.

Scott Alstad announced that he was a candidate for City Council and took the opportunity to introduce himself. He expressed satisfaction with working, living, and playing in Martinez, noting he has lived in Martinez since 2002. He shared his office information and expressed willingness to talk with anyone who wants more information.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of September 1, 2010. [M.Cabral]
2. Motion accepting Check Reconciliation Register dated 9/16/10, 9/23/10, and 09/30/10. [C.Spinella/2.1.1]
3. Motion approving settlement agreement and authorize the Mayor to execute same in the matter of Griffin v Tyson. [V.Nebb/19.05.02]
4. Motion approving the license agreement with Safeway Inc. in order to proceed with the Public Safety Camera System installation. [E.Ghisletta/04.08.13]

Councilmember Kennedy noted that she would have to recuse herself from voting on Item 1 since she was not in attendance at the meeting.

Assistant City Attorney Veronica Nebb said the Minutes would then need to be continued to the next meeting, due to lack of a quorum of those present.

Mayor Schroder asked Ms. Nebb for clarification as to whether he should recuse himself from Item 5 regarding the Clean Water Program Agreement, because he is a member of the Regional Water Quality Control Board. Ms. Nebb said she did not think there were financial considerations, and believed he would not have to recuse himself for that reason alone. However, she acknowledged she should review the agreement once more to be sure there weren't other reasons that he should.

Mayor Schroder suggested going ahead with the rest of the Consent Items while Ms. Nebb reviews the agreement.

Mayor Schroder opened public comment on Items 2-4 of the Consent Calendar.

Regarding Item 4, Marshall Cochran said he completely supports the process and questioned whether it could be accelerated since there has been a long process, and it is time for action.

Mayor Schroder deferred to Police Chief Simonetti, who discussed the proposed agreement with Safeway and issues that first needed to be addressed.

Vice Mayor DeLaney reviewed the status of the other cameras that are proposed, including the consultant's process and public outreach in the near future.

Mike Alford expressed appreciation for the culmination of the process, noting it is long overdue and will increase public safety overall. He asked if there is an anticipated installation date yet. Chief Simonetti said not yet. Mr. Alford suggested putting a camera at the Virginia Hills Bank of America so an armed guard is not necessary. Mayor Schroder noted that even in Walnut Creek where he works, there is an armed guard at the Bank of America.

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

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #2, #3 and #4 of the Consent Calendar. Motion unanimously passed 3 – 0; Yes: Janet Kennedy, Councilmember Lara DeLaney, Vice Mayor, Rob Schroder, Mayor; Absent: Michael Menesini, Councilmember, Mark Ross, Councilmember.

5. Resolution No. 095-10 approving the Contra Costa Clean Water Program Agreement (2010). [T.Tucker/10.06.06]

Assistant City Attorney Nebb said that based on her review of the agreement, Mayor Schroder was able to vote on the item.

Mayor Schroder opened and closed public comment with no speakers coming forward.

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 095-10 approving the Contra Costa Clean Water Program Agreement (2010). Motion unanimously passed 3 – 0; Yes: Janet Kennedy, Councilmember, Lara DeLaney, Vice Mayor, Rob Schroder, Mayor; Absent: Michael Menesini, Councilmember, Mark Ross, Councilmember.

PUBLIC HEARING(S)

6. Public hearing to consider a resolution to adopt a General Plan Land Use Map that memorializes the changes made to the existing Land Use Maps from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010 and adoption of a General Plan text amendment replacing each and every instance of the reference to the existing General Plan Land Use Maps with "Land Use Map 1 (LU - 1)." [T.Blount/9.2.15]

Planning Manager Terry Blount presented the staff report.

Vice Mayor DeLaney questioned why this is considered a General Plan change, when it's actually just an update to make the map match the General Plan Amendments that have been approved over the years.

Assistant City Attorney Veronica Nebb explained that it is not technically a General Plan Amendment, but there was no other way to describe it. She noted that staff's goal with the action is to make it clear that this will now be the General Plan Map. She added that if the other map had been updated each time an amendment was approved (as it should have been), there would be no need for the Council to take an action like this.

For those not in attendance at the earlier joint meeting with the Planning Commission, Mayor Schroder reviewed information from the General Plan Task Force on the process thus far, noting the update is long overdue since the last one was done in 1973.

Councilmember Kennedy commended staff for their work in putting together the updated map, given the many amendments that had been approved through the years.

Vice Mayor DeLaney commented on issues faced by the Council with recent applications, since some past actions had not been properly recorded or established. She questioned whether approval of the updated map will establish authority over unintended changes resulting from errors on this map. Ms. Nebb clarified that the updated map is not intended to make changes not already approved through General Plan Amendments. She explained that if there are additions or omissions from what is intended, the corrections will need to be brought back to the Council for approval. She added that when the General Plan update is adopted a new General Plan map will be adopted as well, and there will be no going back to earlier General Plan maps at that point.

**Councilmember Mark Ross arrived at 7:44 p.m. and was seated at the dais.*

Mayor Schroder opened public comment on the item.

Mike Alford observed that whenever things are changed for "clarification purposes", it usually results in new rules - such as increased density, etc. He cautioned that the people need to know what the "nominal" changes include.

Marshall Cochran confirmed with the Council that no zoning changes are being proposed with this map, but only to bring the map into conformity with past approved changes to the General Plan. Mayor Schroder said yes, there are no zoning changes proposed.

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

Councilmember Ross apologized for his late arrival, but he noted that he has reviewed the item and is comfortable with the needed updates to the map.

Vice Mayor DeLaney expressed appreciation for the Planning Commission's review and recommended approval of the map.

For the benefit of the public in attendance and watching the televised meeting, Mr. Blount reminded them that the City is updating the General Plan, and the City website has information on the Task Force, documents and the process itself. He also indicated willingness to provide further information if anyone is interested.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 096-10 adopting a General Plan Land Use Map that memorializes the changes made to the existing Land Use Maps from June 20, 1973 (adoption of the existing General Plan) to January 20, 2010 and adoption of a General Plan text amendment replacing each and every instance of the reference to the existing General Plan Land Use Maps with "Land Use Map 1 (LU - 1)." Motion unanimously passed 4 – 0; Absent: Michael Menesini, Councilmember.

Assistant City Attorney Veronica Nebb noted that with the arrival of Councilmember Ross, the Council could now take action on the Minutes of September 1, 2010.

Mayor Schroder opened and closed public comment on the Minutes with no speakers coming forward.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Item #1, City Council Minutes of September 1, 2010 of the Consent Calendar. Motion passed 3 - 0. Yes: Mark Ross, Councilmember Lara DeLaney, Vice Mayor, Rob Schroder, Mayor; Recuse: Janet Kennedy, Councilmember; Absent: Michael Menesini, Councilmember.

CITY MANAGER

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

City Manager Phil Vince reported that the State is deliberating on the budget deficit and that Platinum Advisors provided the City with a breakdown, which has been given to the Council.

Vice Mayor DeLaney stated that on the city level, the good news is that there are no impacts to local governments at this point.

CHIEF OF POLICE

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

Chief of Police Tom Simonetti announced that on Tuesday, October 12th there will be a Cyber Bullying and Social Networking Class at Alhambra High School from 6:00 p.m. to 8:30 p.m. with free admission. The class is mainly geared for parents but children are welcome too.

Councilmember Kennedy thanked the Martinez Police Department for working with the school district to educate parents and the public on such an important issue.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

9. Motion approving reappointment and appointments to the following Commissions: [M.Cabral/16.00.04/16.01.01/16.02.01/16.07.01]

Mayor Schroder commented on information he received from staff regarding needed replacements for the various Commissions. He noted that he was postponing additions to the Planning Commission and the Parks, Recreation, Marina & Cultural Commission until they can be advertised and applications received and reviewed.

A. Approving reappointment of Carter Wilson to the Cemetery Commission.

On motion by Rob Schroder, Mayor, no second required to approve reappointment of Carter Wilson to the Cemetery Commission. Motion unanimously passed 4 - 0. Yes: Janet Kennedy, Councilmember Mark Ross, Councilmember Lara DeLaney, Vice Mayor, Rob Schroder, Mayor.

B. Appointment of Carolyn Duncan and Peter Carpenter to the Cemetery Commission.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Carolyn Duncan and Peter Carpenter to the Cemetery Commission. Motion unanimously passed 4 - 0. Yes: Janet Kennedy, Councilmember Mark Ross, Councilmember Lara DeLaney, Vice Mayor, Rob Schroder, Mayor.

C. Appointment of Denise Sanchez Cannon to the Civil Service Commission.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Denise Sanchez Cannon to the Civil Service Commission. Motion unanimously passed 4 - 0. Yes: Janet Kennedy, Councilmember Mark Ross, Councilmember Lara DeLaney, Vice Mayor, Rob Schroder, Mayor.

D. Appointment of Shane Bower to the Veterans Commission.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Shane Bower to the Veterans Commission. Motion unanimously passed 4 - 0. Yes: Janet Kennedy, Councilmember Mark Ross, Councilmember Lara DeLaney, Vice Mayor, Rob Schroder, Mayor; Absent: Michael Menesini, Councilmember.

CITY COUNCIL

10. City Council Comments.

Councilmember Janet Kennedy reported on her attendance at the League of California Cities Conference, along with Vice Mayor DeLaney. She reviewed the discussion among the Statewide Housing and Economic Committee (on which she serves) about repealing SB375. She noted that the Conference mainly focused on budget cuts, State take-aways, and how cities are dealing with their financial situation, including a presentation by the City of Vallejo regarding their bankruptcy. She also repeated the earlier announcement about the Home Tour and the Restaurant Tour this Saturday, which will benefit the preschool program.

Vice Mayor Lara DeLaney repeated the earlier announcement about the Cemetery Clean Up on Saturday morning; and she announced the American Legion Post 29 hosting of the Boys and Girls State Program Dinner Saturday at 6:00 p.m., recognizing 5 students who will be attending Boys and Girls State; the Annual Power Lunch of the Boys & Girls Club on Wednesday, October 13th, and the Homecoming Parade (and associated activities) scheduled for Friday, October 15th.

Mayor Rob Schroder stated he attended a meeting of the Executive Board for the Associated Bay Area of Governments on September 16th, where he received a certificate honoring the City of Martinez and City Hall for outstanding accomplishments and exemplary leadership in achieving "Green Business Certification" and successful efforts to meet the Green Business Program requirements.

ADJOURNMENT

Adjourned at 8:04 p.m. to a Regular Council meeting on October 20, 2010 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

III. **CLOSED SESSION**--*Item continued to October 20, 2010.*

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

Property/Location: 865 Howe Road, Martinez.

Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director;
Jeff Walter, City Attorney.

Negotiating Parties: City of Martinez and CGT Associates

Under Negotiation: Property Acquisition

Approved by the City Council,

Rob Schroder, Mayor

Mercy Cabral, Deputy City Clerk – 11/3/10