

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:15 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/Location: 865 Howe Road, Martinez.
Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director.
Negotiating Parties: City of Martinez and CGT Associates.
Under Negotiation: Proposed property acquisition.

PUBLIC COMMENT (Limited to Closed Session Items)

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

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:10 p.m. in the Council Chambers. He reported that the Council met in closed session with respect to Conference with Real Property Negotiators, 865 Howe Road, and direction was given to the City's property negotiators.

- 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. City Treasurer Carolyn Robinson, Bond Oversight Committee Update.

Moved after public comment.

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

Dianne M^cNally, Contra Costa Certified Farmers Market (CCCFM), discussed the Sunday Farmers Market and reviewed their experience over the past 9 years in Martinez. She further discussed the contract reassignment to Main Street Martinez and their uncooperative relationship. Ms. M^cNally proposed that the CCCFM sign contracts with the City Manager directly as they do with other East Bay cities. Lastly, if the City should decline to sign a contract

with CCCFM for 2011, she requested that standard operating procedures be followed when issuing an RFP and all market operators around the Bay Area be included and none favored. Mayor Schroder clarified that currently their contract is with Main Street Martinez.

Mayor Schroder apologized to Carolyn Robinson, City Treasurer, for jumping over her presentation, but first wanted to finish the Public Comment portion of the meeting.

Jessie Neu, Staci Deshasier, Pat English, and Effie Eliahu of CCCFM echoed Ms. McNalley's comments, expressing their belief that change is not necessary and the community is best served by keeping the CCCFM.

Assistant City Attorney Veronica Nebb suggested that staff investigate how the market is permitted and how it is working. Councilmember Menesini stated that the City is responsible for the Farmers Market contract and no one else. He requested a staff report on the situation.

Dick Archer, farmer, also supported the CCCFM as a local organization and urged the Council to support it as well.

Marta Van Loan questioned the procedure for commenting on the consent calendar, which Mayor Schroder clarified.

Scott Alstad expressed his appreciation to the CCCFM for the job they do. Mr. Alstad stated that he ran for Council and shared his experience as a candidate; he also expressed his appreciation to the Council for their support.

Judy Yearman, owner of the Bow Rack, expressed support for the CCCFM; she indicated that it was a wonderful market and it has been a family affair.

Linda Meza reminded the public of the Hospice Tree Lighting on Saturday, November 20th. She requested the Mayor to issue a Proclamation for November 27th proclaiming "Small Business Saturday" in Martinez. Mayor Schroder requested that she email him the information.

Mike Alford spoke on the North Pacheco Annexation and requested that Talbart Howard be contacted to bring his business to Martinez and locate it in North Pacheco area, which would create jobs. Councilmember Menesini suggested that the City Manager follow up with that request. Mr. Vince agreed that it was a possibility but stated that he wanted to make sure it was feasible and cost-effective before bringing anyone in for a presentation.

Rose Martin expressed her frustration with Marina Vista and Ferry and the length of time it has taken to repair the streets. Public Works Director Dave Scola said that the paving was being held up for the replacement of the gas line. He stated that it should be finished in the next two weeks.

Ms. Neu presented the Council with CCCFM packets.

Councilmember Ross noted that the controversy with the Farmers Market was news to the Council and stated that he had enjoyed the Market's growth, adding other suggestions for further growth.

A. City Treasurer Carolyn Robinson, Bond Oversight Committee Update.

City Treasurer Carolyn Robinson gave a report on the last meeting of the Bond Oversight Committee held on October 20th. She provided a financial update indicating that the balance as of September 30, 2010, was \$14,314,710.34. She also gave an update on several projects, including their respective timelines and expenditures to date: the pool renovation, library lower floor renovation, tree removals at Highland and Nancy Boyd Park, Hidden Lakes play equipment, Tavan Field renovation, Holiday Highland Park, Hidden Lakes Park, and Waterfront Park bocce area.

The Council expressed their appreciation to Treasurer Robinson for her thorough update.

CITY MANAGER ITEM #16 TAKEN OUT OF ORDER.

CITY MANAGER

16. Discuss and consider a resolution authorizing the City Manager to expend up to \$9,500 to secure resources to complete the Proposition 84, Statewide Park Program Grant to propose a park and amenities at the Center Avenue property that is zoned for park use and owned by the City.[M.Austin/11.01.00]

Recreation Manager Mitch Austin presented the staff report. He summarized the discussion regarding the grant, including the need for a park on the south side of Highway 4. He described the different kinds of amenities that could be involved, and explained why they had searched for a property already owned by the City so more grant money could be spent on amenities, and the grant application would be more competitive. He also stated that it would be helpful to bring in a grant writer to improve the chances of the application. Mayor Schroder asked, and Mr. Austin confirmed that the Parks, Recreation, Marina and Cultural Commission (PRMCC) supported the staff recommendation.

Councilmember Menesini asked about the different possibilities for the development of the site, and Mr. Austin described the excellent views of the surrounding countryside, and noted that the elevation would be advantageous for a community center. He stated that the site had many different possibilities, and added that it was important to have outreach meetings and allow the people to say what was needed. Councilmember Ross agreed that it sounded like a good use of existing property and resources.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 109-10 authorizing the City Manager to expend up to \$9,500 to secure resources to complete the Proposition 84, Statewide Park Program Grant to propose a park and amenities at the Center Avenue property that is zoned for park use and owned by the City. Motion unanimously passed 3 - 0.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving Joint City Council/Planning Commission Minutes of October 6, 2010. [M.Cabral]
2. Motion rejecting claim(s) against the City by Peter Gillis, Claim #10-10. [M.Cabral]
3. Motion accepting Check Reconciliation Register dated 11/04/10 and 11/10/10. [C.Spinella/2.1.1]
5. Motion accepting the Financial Report for the First Quarter 2010 - 2011. [C.Spinella/2.1.0]
6. Resolution authorizing the City Manager to execute a contract with Maze & Associates for audit services for fiscal years ending June 30, 2011, June 30, 2012, and June 30, 2013. [C.Spinella/17.02.02]
8. Resolution No. 101-10 accepting the 2009 Water Line Replacement Project per contract documents and instructing the City Clerk to file a Notice of Completion. [D.Salts/15.07.00]
9. Resolution No. 102-10 accepting the 2010 Play Structure Renovation Hidden Lakes Park Project per contract documents and instructing the City Clerk to file a Notice of Completion. [D.Salts/11.18.00]
10. Resolution No. 103-10 authorizing the Mayor to execute a document accepting the Deed of Open Space Easement for Minor Subdivision M.S. 551-09.[T.Tucker/13.M551-09]
11. Resolution No. 104-10 authorizing the City Manager to execute the Library Lease and Service Agreement between Contra Costa County and the City of Martinez. [M.Chandler/5.18.00]
12. Resolution No. 105-10 establishing a new job classification and salary range for Information Technology Administrator. [A.Shear/4.5.1]
13. Resolution No. 106-10 approving the Amended Parking Bail Schedule 2010. [E.Ghisletta/04.18.04]

Councilmember Menesini requested that Item #7 be pulled and Councilmember Ross requested that Item #4 be pulled from the Consent Calendar.

Mayor Schroder opened Items #1, #2, #3, #5, #6, and Items #8 through #13 for public comment.

David Issacson, an engineer for M.S. 511-09, spoke on Item #10, asking if the parcel map, the subdivision agreement, and the bond were included as part of the resolution. Ms. Nebb stated that those documents had not been received by the City when the agenda was created, although they had been drafted. She added that they would not necessarily have to be approved by the Council, but if they did need to be they should be on the agenda for the next meeting.

Mike Alford spoke on Item #10, asking about the location and the developer of the site. Mayor Schroder clarified that it was the Cascara Canyon property.

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

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Items #1, #2, #3, #5, #6, and Items #8 through #13 of the Consent Calendar. Motion unanimously passed 3 - 0.

4. Motion accepting the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2010. [C.Spinella/2.1.0]

Councilmember Ross indicated that he pulled Item #4, CAFR, to accommodate a member of the public.

Mayor Schroder opened the Item for public comment.

Marta Van Loan asked about the status of retirement benefits, since they were such a problem in other cities. Finance Manager Cathy Spinella stated that the funding was up to date because much of it had been paid in advance. Mayor Schroder briefly discussed the City's management of internal resources.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Motion accepting the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2010. Motion unanimously passed 3 - 0.

7. Resolution approving the proposed City of Martinez Parks, Recreation Area, and Facilities Naming Policy. [M.Austin/11.01.03]

Councilmember Menesini requested that this item be continued, noting he had some questions about the policy. He said he would like the Council to reconsider the proposed process.

Item 7 continued to a future meeting.

PUBLIC HEARING(S)

14. Public hearing to consider a resolution amending the Pleasant Hill Bayshore Disposal (now known as Allied Waste Services) franchise agreement for a 3.11 percent rate increase for residential and commercial collection as recommended by the Report; and accept the 2011 Interim Year Rate Review Report. [M.Chandler/31.02.00]

Michael Chandler, Senior Management Analyst, presented the staff report. He described the purpose of the report and the proposed changes to the franchise rates. He noted the importance of rate stability, the comparatively small rate increases, and the increase in services and infrastructure improvements in recent years. Councilmember Ross mentioned that the rate increase was due in part to extra costs on the haulers, such as road work at the Keller Canyon Landfill.

Erik Nylund, NewPoint Group, explained that the formula for the rate was based about 90% on operating expenses and was a complex calculation, though they were looking into ways to simplify it.

Mayor Schroder opened the Item for public comment.

Mike Alford asked how the methodology for the rate balanced in such an unstable economy. He also asked how much of operating costs were defrayed by the collecting of recyclables. Mayor Schroder noted that there was not always a good market for the recyclables, and Councilmember Menesini stated that it was City policy to encourage recycling. Councilmember Menesini also agreed that the rate increase was greatly affected by the cost of fuel, as well as the necessary infrastructure improvements.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 107-10 amending the Pleasant Hill Bayshore Disposal franchise agreement for a 3.11 percent rate increase for residential and commercial collection; and accept the 2011 Interim Year Rate Review Report. Motion unanimously passed 3 - 0.

Councilmember Menesini clarified that the rate formula was calculated based on the investment, the percentage of return, and the operating costs, and it was very tightly regulated. He agreed that the costs had mostly stayed down. Councilmember Ross noted that the formula was developed by Mayor Schroder and former Councilmember Woodburn. Mayor Schroder added that the service had received very few complaints.

15. Public hearing to introduce an ordinance amending the Martinez Municipal Code Title 5, Business Taxes and Regulations, Section 5.28.060, to reflect contractors; and Section 5.28.070 to reflect subcontractors, within the City shall be assessed an annual license tax and allow general contractors whose business is outside the City the option to purchase a 3 month license. [C.Spinella/2.3.1]

Councilmember Ross asked whether he should recuse himself because of a potential conflict of interest. After further discussion, it was decided that he did not.

Cathy Spinella, Finance Manager, presented the staff report. She discussed the history of the license tax, and described the proposed changes. Councilmember Menesini asked if the changes would disadvantage local contractors, and Ms. Spinella replied that it would not; the changes would only simplify the process and lower costs.

Mayor Schroder opened the Item for public comment.

Mike Alford asked if the contractors and subcontractors at Shell Avenue would have to apply, and Mayor Schroder stated that they would when they were working inside city limits. Mr. Alford also asked if the Council could look into the revenue for the bunker fuel that goes into every ship that goes out.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve introduction of an ordinance amending the Martinez Municipal Code Title 5, Business Taxes and Regulations, Section 5.28.060, to reflect contractors; and Section 5.28.070 to reflect subcontractors, within the City shall be assessed an annual license tax and allow general contractors whose business is outside the City the option to purchase a 3 month license. Motion unanimously passed 3 - 0.

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

None.

CHIEF OF POLICE

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

None.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

19. Willow Theatre Company: [M.Chandler/9.12.07]

- A. Willows Theatre Company Presentation.
- B. Discuss and consider alternatives to address the Willows Theatre Company loan agreements due December 1, 2010 and provide direction to staff.

David Faustina, Managing Director of the Willows Theatre Company, introduced the new Artistic Director, Eric Inman, the Office Manager, Sara Rozett, and Dennis Woodard, President of the Board. He discussed the cultural benefits of live theatre for the players themselves and for the audience, plans for the upcoming season, impacts on the Willows from the current economic downturn, and ways that the City's partnership with the Willows has contributed to the community through the performances, theatre classes for youth, partnerships with local businesses, community cleanup, and outreach. He also reviewed the Theatre's current financial situation, and leasehold improvements to the Kenney-Conco facility donated to satisfy the construction loan from the City. He asked the Council to continue its financial support for the Willows.

Dennis Woodard, President of the Willows, thanked the City Council, staff, and the public for supporting the Willows Theatre, as well as the volunteers who have given of their time and materials.

Barry Silberman, Willows Boardmember, expressed appreciation for the support as well, especially the volunteers.

Eric Inman, Artistic Director, discussed the numbers of patrons that have passed through the doors of the Willows Theatre, bringing business to the downtown. He asked for continued support from the City.

Patrick Campbell, President of the Diablo Symphony Orchestra and supporter of the arts, commented on past history of the Willows in the City of Concord, and efforts to make the arts affordable again. He encouraged the Council to consider the global effects of their support. He also noted that he and wife have contributed more than \$200,000 as private citizens, asking that the City consider turning the loans into grants.

Jim Neu expressed appreciation for the City's past support of the Willows Theatre. He asked whether the Kenney-Conco building has a sewer system hooked up yet. Mayor Schroder said not at this time, but hopefully soon. Mr. Neu asked who pays for the pump-out, and members of the audience said the Willows does. He asked if the City ever issued an occupancy permit. Public Works Director Dave Scola said not formally, but they have been given permission to occupy the building. Mr. Neu asked if the Theatre has met its obligation to provide the City with financial statements, and Mayor Schroder said yes. Mr. Neu also noted that the lighting system had been offered to the City previously as payment for an earlier loan. He asked if the City had ever polled attendees at the Campbell Theatre as to what Martinez businesses they frequented before or after an event. Mayor Schroder said no. Mr. Neu asked if the City will continue to pay the Bisios \$4,000 a month for use of the property through 2014. Mayor Schroder said yes.

Sheila Grilli, patron, expressed appreciation for the events produced by the Willows and for the contributions to the downtown. She encouraged the Council's continued support.

Mike Alford commented on the cultural and economic benefits of the Theatre and agreed it should be supported.

Dick Duncan discussed the total contribution the City has made to the Willows, in excess of \$1 million, and the lack of a strategy to implement. He suggested that the name "Martinez" be added to the Willows (as it used to be the Concord Willows Theatre), in recognition of all that the City has done. He suggested that Main Street Martinez do a full analysis of the financial impacts on local businesses, so that a strategy can be developed that contributes to the revitalization of the downtown as much as to the benefit of the Willows. He also suggested that the Theatre hold an open house at the Kenney-Conco building for the citizens of Martinez so they can see what their tax dollars are supporting.

Sara Rozett, actor, discussed the sense of community within the Willows Theatre company. She encouraged the public to come see what the Theatre does.

Mayor Schroder closed public comment on the item.

Councilmember Ross commented on the City and community support for theatre, arts and recreation, which is unusual for a city this size. He expressed appreciation for the financial cuts that the Willows have already made, and although he would like to see the \$40,000 loan repaid to the City, he acknowledged that there may be higher priorities at this time. He was confident that downtown restaurants have benefitted from theatre-goers, and he suggested some highlighting of the nearby plaza to recognize a theatre district in the downtown.

Mayor Schroder noted that his original intention was to suggest an alternative, but since hearing the presentation and supporters, he was now in agreement with the staff and Mr. Ross.

Councilmember Menesini agreed with Alternative #1 as suggested by staff, but he asked staff to see if the rental agreement could be revised to tie the rental amount to the profitability of the company. Ms. Nebb said that it has already been included.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Alternative #1 accepting the Willows' in-kind contributions for the Kenney-Conco Building and John Muir Amphitheater to satisfy the \$62,900 Construction Loan of March 3, 2008; forgive the \$40,000 Loan from December 17, 2008, based on additional in-kind contributions as demonstrated by the Willows; and direct staff to prepare a resolution for the December 1, 2010 Council meeting. Motion unanimously passed 3 - 0.

Councilmember Ross reiterated his earlier comments regarding exit polling of theatre attendees.

20. City Council Comments.

Mayor Rob Schroder announced the Warren W. Yukel Teacher Trust 2010 Award Dinner on Thursday, November 18th at the Diablo Country Club, noting that three teachers from Contra Costa County will be honored as Teachers of the Year, one of them being Renee Travis from Morello Park Elementary, whom he congratulated. He also stated that he received a letter from the County Clerk advising him that Governor Schwarzenegger signed a bill giving directly elected Mayors the power of marrying individuals in a civil ceremony.

Mayor Schroder also announced the Martinez General Plan Community Workshops to be held from 6:30 p.m. to 8:30 p.m. on Tuesday, November 30, 2010 at Martinez Junior High, Thursday, December 2, at John Swett Elementary, Tuesday, December 7, at Morello Park Elementary, and Wednesday, December 8, at Hidden Valley Elementary.

ADJOURNMENT

Adjourned at 9:43 p.m. to a Regular Meeting on December 1, 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 – 12/01/10