

## **CALL TO ORDER**

Mayor Schroder called a Special Meeting adding a Closed Session to order at 6:05 p.m. in the Council Chambers with all members present except Councilmembers Kennedy and Menesini.

*\*Councilmember Kennedy arrived shortly after roll call.*

- A. Conference with Legal Counsel--Initiation of Litigation pursuant to California Government Code subdivision (c) of Section 54956.9; one potential case.

Mayor Schroder opened the Regular Meeting.

## **CLOSED SESSION**

- A. PUBLIC EMPLOYEE APPOINTMENT pursuant to California Government Code Section 54957: Title: Chief of Police.
- B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to California Government Code subdivision (b) of Section 54956.9. One potential case. *Item removed from agenda.*
- C. 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; Alan Shear, Asst. City Manager; Veronica Nebb, Asst. City Attorney.

Negotiating Parties: City of Martinez and CGT Associates.

Under Negotiation: Proposed property acquisition.

Mayor Schroder noted that Item B--Anticipated Litigation was removed from the agenda.

## **PUBLIC COMMENT (Limited to closed session items)**

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

*\*Councilmember Menesini arrived at 6:40 p.m.*

## **RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder reconvened the meeting at 7:05 p.m. in the Council Chambers. He reported that in regards to Special Meeting Item, Conference with Legal Counsel--Initiation to litigation, direction was given to legal counsel; Conference with Legal Counsel--Anticipated Litigation was

removed; Public Employee Appointment, Chief of Police, action will be taken under the Consent Calendar; and Conference with Real Property Negotiators regarding 865 Howe Road, direction was given to property negotiators.

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

EXCUSED: None.

ABSENT: None.

Item # 7 of the Consent Calendar, *Resolution accepting proposals for furnishing decorative LED light fixtures and awarding the contract to the most qualified supplier* was removed from the agenda because no bids were received for this project; staff will readvertise and bring it back to a future meeting.

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

#### **A. Swearing In of Reserve Police Officer Matthew Smith.**

Chief of Police Simonetti described Officer Smith's background and experience. The swearing in was performed by Deputy City Clerk Mercy Cabral.

The Council welcomed Officer Smith; he thanked his family and fellow Officers for attending, and thanked Chief Simonetti and the Council for the opportunity.

#### **B. Proclamation to the Alhambra High School -- Varsity Men's Water Polo Team.**

The Council presented a Certificate of Recognition to the Men's 2010 Alhambra Water Polo Team in recognition of their outstanding performance in the 2010 North Coast Section Playoffs. Certificates were presented to Head Coach Ben Baldwin and Assistant Coaches Mike Agostino, Alex Acha, and Chris Cline; team members included Christian Bumala, Michael Bull, Troy Alexander, Dominic Dorito, Michael Felice, Graham Lewis, Wyatt Licht, Dominic Lucido, Vincent Farley, Shean McGrath, Sam Randall, Andrew Schwartz, Brandon Simons, Dakota Smythe, Tony Wanket, and Evan Weiss.

#### **C. Joltin Joe Update.**

The presentation was made by Ray Raineri, Sons of Italy. He thanked Michael Chandler, Sr. Management Analyst, for preparing the PowerPoint presentation. He stated that a display case of memorabilia was being built by Jim Mazamoto to be located in Home Depot, and mentioned that they had taken a field trip of fourth and fifth graders from St. Catherine of Sienna School to see the boat. Mr. Raineri reviewed the progress on the restoration of the Joltin Joe, displaying images of the newly installed wood and other details, such as the newly installed bow stem. He reported \$25,000 has been raised so far.

The Council expressed their appreciation to Mr. Raineri and everyone involved for all their efforts. Mr. Raineri stated that the next fundraiser would be held in the Spring.

Councilmember DeLaney suggested that a Facebook Page should be created for the Joltin Joe restoration effort.

D. Martinez Chamber of Commerce and Main Street Martinez Presentation.

Marie Knutson, Chair of Martinez Chamber of Commerce, and John Curtis, President of Main Street Martinez, provided an overview of their working relations and projects. They presented and discussed a draft of "Business Recruitment and Retention Plan for Downtown Martinez" to the Council, and explained various plans for promoting the City. Mr. Curtis discussed the Marketing and Recruitment Packet and explained that their goal was to put this information online on a new website.

The Council expressed their appreciation to both groups and was glad to see them working together. Ms. Knutson explained that comments on the draft could be submitted to the Chamber of Commerce's website. Vice Mayor Kennedy expressed her appreciation for the work that was being done, especially in this economy, and thanked Reba for stepping up to the plate in absence of the Chamber Director Cynthia Murdough. Councilmember Ross suggested that it was important to think about the vision of Martinez's identity and what kind of businesses they wanted to attract.

**PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

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

Mike Alford wanted to know why there are no Christmas lights or decorations downtown which would bring spirits up; he wished all a Merry Christmas.

Scott Alstad shared his dinner experience at the California Magic Dinner Theater and urged the public to support a great place.

**CONSENT CALENDAR**

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

1. Motion accepting Check Reconciliation Register dated 12/02/10, 12/07/10, and 12/09/10.
2. Motion authorizing the Mayor to sign a letter to Congress on behalf of the City in support of extending the bond financing provisions of the American Recovery and Reinvestment Act.
3. Motion adopting Ordinance No. 1358 C.S. amending the Martinez Municipal Code, Title 15, Building and Construction, by repealing and reenacting Chapters 15.04, 15.16, 15.20, 15.24, 15.28 and adopting Chapters 15.07 And 15.05, adopting by reference The Uniform Building Code, The Uniform Mechanical Code, The Uniform Plumbing Code, The Uniform Electrical Code, The Uniform Fire Code, The Uniform Green Building Standards Code, The Uniform Residential Code, and repealing Chapters 15.08 and 15.12.

6. Motion approving Employment Agreement for Gary Peterson to serve as the City's Chief of Police, effective December 18, 2010.
7. Resolution accepting proposals for furnishing decorative LED light fixtures and awarding the contract to the most qualified supplier.

Item pulled and continued to future meeting.

8. Resolution No. 119-10 establishing a Recycle Special Revenue Fund.
9. Resolution No. 120-10 accepting the Alhambra Avenue Improvement Project per contract documents and instructing the City Clerk to file a Notice of Completion.

Councilmember DeLaney requested that Item #4 and #5 be pulled off the Consent Calendar for discussion.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Vice Mayor, Motion approving the Consent Calendar, Items #1, #2, #3, and #6, #8 and #9. Motion unanimously passed 5 - 0.

Vice Mayor Kennedy congratulated newly appointed Chief of Police Gary Peterson.

4. Motion adopting Ordinance No. 1359 C.S. amending the Martinez Municipal Code Chapter 22.04, Definitions, and adding Chapter 22.29, Alhambra Valley Districts, relating to the adoption of new Zoning Regulations for the Alhambra Valley Annexation area.
5. Motion adopting Ordinance No. 1360 C.S. Rezoning 155 parcels covering approximately 400 acres in the Alhambra Valley Annexation area to a combination of AV/R-20 (Alhambra Valley Single-Family Residential: 20,000 square feet per dwelling unit); AV/R-40 (Alhambra Valley Single-Family Residential: 40,000 square feet per dwelling unit); AV/A-5 (Alhambra Valley Agricultural: 5 acres per dwelling unit); and AV/PD (Alhambra Valley Planned Development).

Councilmember Lara DeLaney stated that if the Council proceeded with the application to LAFCO for the annexation, she would like to propose that the residents who are brought in be exempt from paying into the Measure H bond funds. She noted that she had spoken to LAFCO Executive Director Lou Ann Texiera, who had confirmed that this is possible. She stated that she would prefer this because the residents of Alhambra Valley did not vote on Measure H, and so requiring them to pay for it would be too much like taxation without representation.

Councilmember Menesini stated that he would be opposed to that, because everyone in the City's community would benefit from the parks created by Measure H, and he suggested it would set a bad precedent.

Mayor Schroder asked what the process would be for making this change, if the Council agreed to it. City Attorney Veronica Nebb stated that according to the statute, LAFCO would have the authority to give such an exemption, and the City would have to make a suggestion to LAFCO.

She suggested that the Council put a resolution on a later agenda, which if approved would be submitted to LAFCO along with the application.

Vice Mayor Kennedy agreed that it bothered her to require the Alhambra Valley residents to pay into to the fund. Councilmember Menesini reiterated that it would be problematic to exempt them. Councilmember Ross agreed that both sides had good points and suggested that if possible, the newly annexed area be allowed to vote on whether to contribute.

The Council agreed to discuss the issue at a future meeting.

Mayor Schroder opened the items for public comment.

John Ricca expressed frustration with Councilmember DeLaney's stating at the previous meeting that the residents of Alhambra Valley were trying to break legally binding contracts, and noted that the residents objecting to the annexation had not signed those contracts. He also stated that the selection of which parcels to annex did not make sense and would cause confusion over jurisdiction.

Mike Alford stated that the deferred annexation agreements had been signed in protest, and that the builder and previous owner of the water line did not have the right to sign agreements on behalf of the City or require annexation. He stated that the whole process of the annexation was unnecessarily convoluted, and asked about the missing signatures on the agreements.

Councilmember Menesini stated that the water line project, like the recent sewer line project, was supported by the City because it brought improvement to the area, and that the deferred annexation agreements were required by the City's policy and by LAFCO's policy.

Councilmember DeLaney asked for a clarification from staff regarding the missing signatures, and City Engineer Tim Tucker stated that staff had checked and all the signatures were on file. Ms. Nebb noted that some of the residents of the Valley may not have signed the agreements because the developer or previous owner of the parcels had signed them, and the agreements were recorded in the title and came with the property.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Item #4 and #5 of the Consent Calendar. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

10. Public hearing to consider a resolution amending the City's Schedule of Fees for City Services to include a Technology Fee which will go into effect February 15, 2011.

Michael Chandler, Senior Management Analyst, presented the staff report. He described the upgrades to the City's permit-tracking software, which had created the need for the fee; the estimated yearly cost to the City for utilizing the improvements; and the suggested fee that would accompany certain permit applications, to help cover the costs. He listed the types of permits that would require the fee.

Councilmember DeLaney asked if the City was considering adding a fee to cover the costs of the General Plan update, and Mr. Chandler agreed that that had been suggested as a possibility for 2011.

On motion by Janet Kennedy, Vice Mayor, seconded by Rob Schroder, Mayor, to approve Resolution No. 121-10 amending the City's Schedule of Fees for City Services to include a Technology Fee which will go into effect February 15, 2011. Motion unanimously passed 5 - 0.

## **CITY MANAGER**

11. Resolution approving Measure H Priority Project list, Phase 2, and allocating Measure H funds for their design.

City Engineer Tim Tucker provided the staff report and presented a PowerPoint on completed and ongoing projects: the Hidden Lakes Park improvements, the removal of hazardous Eucalyptus trees at Highland and Nancy Boyd Parks, the Library renovations, the Rankin Aquatic Center, and new amenities at Rankin Park and Holiday Highland Parks. Mr. Tucker reviewed the recommended projects on the Priority List for Phase II: Hidden Valley, Cappy Ricks, Hidden Lakes, Nancy Boyd Parks and tennis and basket ball courts as a specialty list.

The Council commended staff and the PRMCC for their successful work at all the different parks.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution 122-10 approving Measure H Priority Project list, Phase 2, and allocating Measure H funds for their design. Motion unanimously passed 5 - 0.

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

City Manager Phil Vince commented that the Maintenance Division will be placing holiday decorations on Main Street. The Department recently obtained holiday decorations and they will be going up this weekend and that kudos go out to Dave Scola, Public Works Director.

## **CHIEF OF POLICE**

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

Mayor Schroder stated that tonight was the Chief's last Council meeting and that he was retiring.

Chief of Police Tom Simonetti stated that the Council should have received a report regarding the Police Department, past accomplishments, and future goals. He thanked all his supervisors in his department and expressed appreciation to the Council for the support and opportunity given him; he stated that he enjoyed working with City Manager Phil Vince and all the Department heads and that he enjoyed his tenure of 27 years at the City.

Mayor Schroder expressed congratulations on his successes and on his retirement and commented that he was one of the best Chiefs to work with. Councilmember DeLaney agreed that Chief Simonetti had done a lot of good work for the City. Councilmember Menesini thanked the Chief for his hard work and his contributions to the City. Councilmember Ross stated that the falling crime rate showed Chief Simonetti's dedication, skills and experience. Vice Mayor Kennedy expressed congratulations and asked for his autograph.

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

14. Consider appointments to City Committee, Commissions, and Outside Agency.

A. Motion approving appointment of Paul Kelly (current Alternate) to the Planning Commission for a four year term.

Mayor Schroder stated that the Council had interviewed many qualified and impressive candidates; he was sorry they could not choose them all but the other qualified candidates would be kept on file for future openings.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Paul Kelly (current Alternate) to the Planning Commission for a four year term. Motion unanimously passed 5 - 0.

B. Motion approving appointment of Sigrid Waggener to the Planning Commission for a four year term.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Sigrid Waggener to the Planning Commission for a four year term. Motion unanimously passed 5 - 0.

C. Motion approving appointment of Kimberly Glover to the Planning Commission as Alternate.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Kimberly Glover to the Planning Commission as Alternate. Motion unanimously passed 5 - 0.

D. Motion approving appointment of Scott Alstad as Veterans Commissioner for a four year term.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Scott Alstad as Veterans Commissioner for a four year term. Motion unanimously passed 5 - 0.

E. Motion approving Scott Watkins to the Design Review Committee for a two year term.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Scott Watkins to the Design Review Committee for a two year term. Motion unanimously passed 5 - 0.

F. Motion reappointing Daniel Pellegrini to the Contra Costa Mosquito and Vector Control District for an additional term.

On motion by Rob Schroder, Mayor, no second required to approve reappointment of Daniel Pellegrini to the Contra Costa Mosquito and Vector Control District for an additional term. Motion unanimously passed 5 - 0.

Councilmember DeLaney noted that Commissioner Avila-Farias had expressed interest in staying on the Commission, but the Council thought her talents made her a good candidate to chair the Redevelopment Task Force. She commended Commissioner Avila-Farias for her service on the Commission. Mayor Schroder stated that he had discussed the Task Force with Commissioner Avila-Farias, and she was excited about the opportunities it would give. He added that next year they would discuss other people who might be able to serve on the Task Force.

Vice Mayor Kennedy commended Mr. Alstad and Mr. Watkins for their expertise and the enthusiasm they had expressed for the City. She agreed that Commissioner Avila-Farias should be recognized for her work. Councilmember Menesini echoed the comments of his fellow Councilmembers and noted how much Commissioner Avila-Farias and her husband believed in the potential of downtown Martinez. Councilmember Ross stated that he appreciated the energy and commitment of those joining the City's staff, and noted that the interview session had been one of the most productive he had ever experienced.

## **CITY COUNCIL**

### **15. City Council Comments.**

Vice Mayor Janet Kennedy described the event in Florida where an armed person entered into a schoolboard meeting and started firing; this made her pause and think about the dangers of public office. She wished all happy holidays, Merry Christmas, happy Hanukkah and Kwanzaa, and a Happy New Year to all. She urged everyone to donate and help those less fortunate.

Councilmember Lara DeLaney thanked City staff for the decorations in City Hall, and thanked everyone for making the Snow Park a successful event.

Councilmember Mark Ross noted that he had been on jury duty recently and recommended that staff look at the County's jury rooms for ways of promoting the City.

Councilmember Menesini agreed with Councilmember Ross' comments, suggesting that perhaps the Chamber and Main Street should be involved as well. He added that jurors make a personal sacrifice and do valuable work for the community. He requested that the City do something for the local family who lost their daughter, perhaps a message of support.

Mayor Rob Schroder also wished all happy holidays.

## **ADJOURNMENT**

Adjourned at 9:28 p.m. to the next Regular Council Meeting on January 19, 2011 at 7:00 p.m. in the Council Chambers at 525 Henrietta Street, Martinez, CA. He noted that the meeting of January 5, 2011 is canceled.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 1/19/11