

I. CALL TO ORDER

Mayor Schroder called the meeting to order at 6:30 p.m. with all members present.

II. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the California Government Code: two potential cases.

B. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code. Agency Designated Representatives: Philip Vince, City Manager; Alan Shear, Asst. City Manager, and Fran Buchanan, IEDA. Employee Organization: Laborers International Union of No. American, Local #324; Martinez Police Non-Sworn Employees Association; and Martinez Police Officers Association.

III. PUBLIC COMMENT (Comments are limited to Items under Closed Session)

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

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

The meeting reconvened at 7:10 p.m. Mayor Schroder reported that a closed session was held regarding anticipated litigation, pursuant to Subdivision (c) of Section 54956.9 of the California Government Code and stated that direction was given to legal counsel; per the item regarding labor negotiations pursuant to Section 54957.6 of the California Government Code, he stated that direction was given to City's negotiators.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION (S)

A. Proclaiming May 7th as "National Train Day" in the City of Martinez.

The proclamation was presented to David Kutrosky, Managing Director of the Capitol Corridor, GPA. Mr. Kutrosky expressed his appreciation and reported that since the Martinez station opened, ridership has gone up 200%, which is remarkable; he invited the public to attend Train Day on May 7th which will be a momentous occasion.

- B. Presentation of Certificate of Recognition to Katherine Hern former Parks, Recreation, Marina and Cultural Commissioner; and Anamarie Avila Farias former Planning Commissioner.

Mayor Schroder, on behalf of the Council, presented Ms. Avila Farias a Certificate of Recognition for serving on the Planning Commission. Ms. Avila Farias thanked the Council for allowing her to serve her community for so many years and wished the City and Council well. Mayor Schroder, on behalf of the Council, presented Katherine Hern a Certificate of Recognition for serving on the PRMCC. Ms. Hern thanked the Council for the opportunity to serve on the Commission and to work with staff, fellow members, and the community.

- C. Presentation from the Alhambra Watershed Council.

Mitch Avalon, Chair of the Alhambra Watershed provided information about the Watershed Council; he reviewed their goals and focuses, partnerships, and recently completed projects; he discussed current Watershed opportunities related to the City's General Plan Update: a water element (recommended by the State), a floodplain overlay concept, planning for sea level and climate instability, and the Alhambra Watershed Management Plan. Mr. Avalon reviewed the Watershed Council's goals, accomplishments, outreach and education, and their vision for a creek and native plant trail.

Mayor Schroder asked if these ideas had been brought up in the General Plan update meetings, and Mr. Avalon stated that the Task Force had not been discussing details yet, although the Watershed Council had given input on these ideas to the Task Force. Mayor Schroder also confirmed with Mr. Avalon that Franklin Creek is included in the watershed.

Councilmember Lara DeLaney thanked Mr. Avalon for the presentation, and requested that the suggestion to add a water element to the general plan be implemented, as well as, a floodplain overlay zoning ordinance, and outline conditions specific to FEMA's community rating system program, which can provide lower insurance premiums. Councilmember Mark Ross agreed that it would be helpful to have lower insurance premiums. He also suggested that new avenues be pursued to limit downtown flooding. Councilmember Michael Menesini agreed that the floodplain issue needs to be updated as it has a significant impact on the City's residents, and that the water element should be included.

Vice Mayor Janet Kennedy commented on the number of partnerships and emphasized the importance of the work with students and schools.

Councilmember DeLaney expressed appreciation of the suggestion to conserve by using well-water to water the City's properties and requested that staff find out if it could be pursued.

Mayor Schroder confirmed that there was consensus on the Council to add the water element and floodplain overlay concept to the General Plan, and see what could be done about updating the irrigation systems. City Manager Phil Vince confirmed that staff would look into these issues.

D. Energy Upgrade Contra Costa.

Keith and Scott O'Hara, ECO Performance Builders, presented the Home Energy, Comfort, Health, Safety and Durability program and described the home performance method in finding efficiencies and insufficiencies in homes. They explained the Energy Upgrade California Program, participation, the rebate program, and the benefits of an upgrade.

Councilmember DeLaney thanked them for the presentation and the program. She asked staff about the permit fees associated with these kinds of improvements and if the City could put some kind of local incentive program in place for added encouragement.

Vice Mayor Kennedy asked who an interested resident would contact first, and Mr. Keith O'Hara stated that residents should contact them for further information and to see if they were eligible.

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 asked if the North Pacheco annexation application had been submitted. Mayor Schroder responded that it had not. Mr. Alford added that he had been in contact with shop owners in the Broadway Shopping Center and Sun Valley about the possibility of satellite stores in Martinez.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of April 6, 2011. [M.Cabral]
2. Motion rejecting claim against the City by Stephanie Olsson, #11-08. [M.Cabral]
3. Motion accepting Check Reconciliation Register dated 04/21/11 and 04/28/11. [C.Spinella/2.1.1]
5. Resolution No. 038-11 authorizing the merger of the City Surplus Parcel identified as Assessor Parcel Numbers 373-183-008 with the 611 Escobar Street parcel; and authorizing the Mayor to sign a grant deed transferring the surplus parcel to the adjoining property owner.[T.Tucker/5.10.02]
6. Resolution No. 039-11 authorizing the City Manager to enter into an agreement with the State Franchise Tax Board to exchange tax data specific to business license information for tax administration purposes. [K.Sosa/02.01.00&03.01.00]

Councilmember DeLaney requested that Item #7, Proposition 84 grants, be removed from the Consent Calendar; and Councilmember Ross requested that Item 4, 2010-11 paving project be removed.

Mayor Schroder clarified and explained Item #5, surplus property regarding Escobar parcel, noting that it was the finalization of an agreement the City had previously made.

On motion by Janet Kennedy, Vice Mayor, seconded by Michael Menesini, Councilmember, to approve approving Items #1 through #3 and Items #5 and #6 of the Consent Calendar. Motion unanimously passed 5 - 0.

4. Resolution No. 037-11 accepting bids for the 2010-11 Paving Project and awarding the construction contract to Bay Cities Paving and Grading Inc. in an amount of \$555,537.00. [T.Tucker/12.04.00]

Councilmember Ross asked if only major arterials would be paved or if residential streets would be included. City Engineer Tim Tucker responded that it would include both.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 037-11 accepting bids for the 2010-11 Paving Project and awarding the construction contract to Bay Cities Paving and Grading Inc. in an amount of \$555,537.00. Motion unanimously passed 5 - 0.

7. Proposition 84 Grant: [M.Austin/11.01.00]

- A. Resolution No, 040-11 approving an application for the Statewide Park Program Grant Funds for expansion of Waterfront Park; and
- B. Resolution No. 041-11 approving an application for Statewide Park Program Grant Funds for a New Park at Center Avenue.

Councilmember DeLaney encouraged residents interested in a BMX park to attend the upcoming meetings on this subject.

Vice Mayor Kennedy asked for more information on the size of the Center Avenue site, which Recreation Manager Mitch Austin provided.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No, 040-11 approving an application for the Statewide Park Program Grant Funds for expansion of Waterfront Park; and Resolution No. 041-11 approving an application for Statewide Park Program Grant Funds for a New Park at Center Avenue. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

8. Conduct public hearing to consider resolutions regarding Allied Waste Systems (d.b.a. Pleasant Hill Bayshore Disposal): [M.Chander/31.02.00]
 - A. Resolution authorizing the City Manager to execute ten-year extensions to the franchise agreements between the City of Martinez and Allied Waste Systems, Inc., d.b.a. Pleasant Hill Bayshore Disposal, for Solid Waste and Residential Recycling Services; and
 - B. Resolution adopting a resolution approve the March 2011 Rate Setting Process and Methodology Manual for Solid Waste Charges.

Michael Chandler, Senior Management Analyst, presented the staff report, explaining the benefits and process of franchise extension enhancements and improvements that had been negotiated in the agreement. He also summarized the Rate Manual Update.

Mayor Schroder thanked Mr. Chandler for the presentation and commended staff on the successful negotiation. He commented on the good relationship the City has with Allied Waste. Councilmember Ross thanked Allied Waste for their generosity and staff for their work. He also asked about the planned purchase of new vehicles, which Tim Argenti, General Manager of Allied Waste, discussed.

Councilmember DeLaney suggested a change to some of the rates to create an incentive for people to use smaller refuse containers. Eric Nylund, NewPoint Group, stated that they would look into it at the next rate update in 2013.

Vice Mayor Kennedy thanked Allied Waste and noted that they are one of the partners of the Watershed Council.

Councilmember Menesini asked Mr. Chandler what the Community Impact Payment of \$500,000 going into the Special Recycling Fund would be used for, and Mr. Chandler summarized its uses were specifically for maintenance and repair of differential impacts, primarily on streets and storm drains, caused by the hauler's vehicles and collection operations. Councilmember Menesini also asked what Public Works would do with the extra funds; Public Works Director Dave Scola mentioned some repair and clean-up needs. Mr. Argenti stated that they were planning to contract with Commercial Support Services to periodically help with litter control throughout the city.

Mayor Schroder opened the Item for public comment.

Mike Alford congratulated staff for their work and negotiation, and stated that the program was very good and well-executed.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 042-11 authorizing the City Manager to execute ten-year extensions to the franchise agreements between the City of Martinez and Allied Waste Systems, Inc., d.b.a. Pleasant Hill Bayshore Disposal, for Solid Waste and Residential Recycling Services; and Resolution No. 043-11 adopting a resolution approve the March 2011 Rate Setting Process and Methodology Manual for Solid Waste Charges. Motion unanimously passed 5 - 0.

CITY MANAGER

9. Resolution authorizing staff to receive cash donations from Friends of the Library to hire and pay for an attendant to supervise use of the renovated downstairs library for two years, in an amount not to exceed \$15,000 per year. [M.Austin/5.18.02]

Mitch Austin, Recreation Manager, presented the staff report. He summarized some of the expected uses of the downstairs portion of the library were mainly programs for youth and children. Mr. Austin explained the need for an attendant was due to the unsupervised use of the downstairs which presented a risk to the facility and the public.

Mayor Schroder thanked Mr. Austin and stated that he was glad a solution had been found.

Vice Mayor Kennedy confirmed with Mr. Austin that the children's books would stay upstairs. Mr. Austin added that the space downstairs could be converted later if the funds became available. Vice Mayor Kennedy also noted that there would be a fundraising Spaghetti Feed on Saturday, May 14, hosted by Friends of the Library.

Councilmember DeLaney confirmed with Mr. Austin that the donations for the position were already in-hand.

Councilmember Ross agreed that this was a good opportunity.

Mayor Schroder opened and closed public comment on the item, with no one coming forward.

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 045-11 authorizing staff to receive cash donations from Friends of the Library to hire and pay for an attendant to supervise use of the renovated downstairs library for two years, in an amount not to exceed \$15,000 per year. Motion unanimously passed 5 - 0.

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

City Manager Philip Vince reported that a new redevelopment bill Senate Bill 286 is being proposed and may be a promising compromise; he also reported that Assembly Bill 184 was passed, encouraging residents who want to seismically retrofit their homes. Residents will be able to use their property tax, twice a year, to pay back the loan.

Councilmember DeLaney asked for a status report on the Paul Starzyk Bill and SB 551 Marina Land Trust that Senator DeSaulnier is sponsoring. Chief of Police Gary Peterson stated that the Paul Starzyk Overcross had to be amended; it has gone back to the Committee and should be approved shortly. Recreation Manager Mitch Austin stated that SB 551 is going through the committee process, and staff is working with the State Lands Commission to revise it.

CHIEF OF POLICE

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

Chief of Police Peterson recognized members of the Police Department who attended the California Peace Officers Memorial services on May 2nd and 3rd to memorialize eleven police officers who were lost in the line of duty in 2010. Chief Peterson gave special recognition to Officer Dodd, who escorted Shannon Starzyk (spouse of Sgt. Paul Starzyk) to the ceremony. Chief Peterson indicated that he is very proud of his officers who have continued to stand by the Starzyk family.

Vice Mayor Kennedy asked about information about the bike ride. Chief Peterson announced that next week is National Police Officer Memorial Week and several members of the Police Department, including himself, will be traveling to Washington D.C. Shannon Starzyk and Detective Fred Ferrer will ride in the Police Unity Tour starting in New Jersey and ending in Washington D.C. where other members of the Department will be waiting for them.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

12. Council Subcommittee Quarterly Reports.

Councilmember Lara DeLaney reported that she and Vice Mayor Kennedy attended the the Economic Development Subcommittee meeting held today, May 4, regarding the status of 630 Court Street. She noted that since the City is no longer going forward with the proposal from Goldberg and Associates, the City is considering a prior proposal from David Fisher, who has come forward with a company that is committed to putting money towards the project and will be doing a complete restoration of the building. Councilmember DeLaney invited the public to attend the next Economic Development Subcommittee meeting, on May 11th at noon in the City Manager's Office, to discuss this new opportunity.

Vice Mayor Janet Kennedy stated that a member from the Arts Association was concerned with the Gallery's relocation, should the project become a reality. Vice Mayor Kennedy noted that there needs to be some options for the Gallery, since the City doesn't want to lose it.

Councilmember Lara DeLaney further reported that she and Councilmember Mark Ross attended a Budget Subcommittee meeting on Tuesday, May 3.

Councilmember Ross indicated that they discussed the budget presentation, pictures for the budget document, and worked on a list to award grants from the Community Budget.

13. Authorizing the Mayor and/or the City Manager to enter into Letters of Intent with both Universal Sports Academy and California Court Side for use of the Zocchi property. [M.Austin/5.23.00]

City Manager Philip Vince presented the staff report. He explained why the letters of intent were being written after other steps in the negotiations had been completed. Staff recommended creation of a Zocchi Ad Hoc Committee specifically for the agreement; Mayor Schroder appointed Vice Mayor Kennedy and Councilmember Lara DeLaney.

Lara DeLaney requested that the letters of intent be amended with correct addresses and a statement that it is *a building owned by the City*.

Councilmember Mark Ross requested that under 4F, a letter from CCTA be included clarifying parcel usage and parking. Staff confirmed it was being worked on.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, authorize the Mayor and/or the City Manager to enter into Letters of Intent with both Universal Sports Academy and California Court Side for use of the Zocchi property *as amended*. Motion unanimously passed 5 - 0.

14. Consider a resolution recognizing the 35 years of the Yuba City Union High School Choir. (Councilmember Ross) [M.Cabral/11.05.06]

Mayor Schroder explained that the resolution was requested by Councilmember Ross to recognize the accident that had occurred on May 21, 1976. Councilmember Ross proposed a few minor changes to the text of the resolution, and volunteered to deliver it to Yuba City.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, Resolution No. 044-11 recognizing the 35 years of the Yuba City Union High School Choir *as modified by Councilmember Ross*. Motion unanimously passed 5 - 0.

15. City Council Comments.

Councilmember Mark Ross remarked on the comments made by Dr. Robert Lustic regarding sugar and healthy eating, and he said he was proud of Martinez' efforts in being involved in the Mayor's Challenge for our children.

Councilmember Lara DeLaney announced that the Board of Supervisors will be conducting workshops on the 2011 redistricting for the supervisorial boundaries for Contra Costa County and encouraged the Council and the public to get involved. Councilmember DeLaney noted the website: ccredistricting.org. Councilmember Ross stated that the changes to Martinez were unnecessary and would not be beneficial to the City. Councilmember Menesini disagreed, noting that there were benefits to having more than one district in the City. Councilmember DeLaney noted that the boundaries being discussed were only preliminary.

Mayor Janet Kennedy congratulated the Chamber on the Citizens of the Year Dinner which was a great event; and she congratulated the winners. She also noted that if the redistricting divided Martinez using Highway 4 as a boundary, it would intensify divisions that were already felt between parts of the City. She agreed that it is important to get involved by listening and engaging.

Mayor Rob Schroder announced the Mayor's Wellness City Challenge on May 7th at the Mt. Diablo High School Gymnasium, which is being hosted by the International Hospitality Tourist Academy. He will be on a panel along with Rami Ruth, Martinez Unified School District Superintendent, and others, and will be discussing the Martinez Project, which is a pilot program that is being sponsored by the MUSD. The program has been and will continue to study and change all the food served on campus, such as replacing high fructose items with healthy items, i.e., flavored waters instead of sodas. He noted that it would take time for the changes to be made and for them to begin to change the culture.

ADJOURNMENT

Adjourned at 9:15 p.m. to a Budget Workshop at 5:30 p.m. on May 18, 2011, reconvening to a Regular Meeting 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 – 6/1/11