

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:45 p.m. with all members present.

Motion made and seconded to not retire into closed session and to release the report to the public.

Vice Mayor Ross requested clarification of the Brown Act which Senior City Attorney Veronica Nebb clarified stating that it would be the discretion of the Council to give up the confidentiality of the attorney client privilege.

Councilmember Kennedy was concerned about not being able to discuss or ask questions of the confidential information in closed session.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to not retire into closed session and relinquish the "attorney client privilege information," and release the report to the public. Motion to approved 4 – 0 by the following vote:

Abstain: Janet Kennedy, Councilmember; Rest: Ayes.

CLOSED SESSION

- A. PUBLIC COMMENT (On closed session items only)
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of section 54956.9 of the California Government Code: One potential case.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:00 p.m. He reported the meeting was called to order at 5:45 p.m. with the intent of going into closed session; however, a discussion of the Council ensued whether or not to go into the session and it was decided on a 4-1 vote that the Council not go into closed session; and to release the report, prepared by staff and the City Attorney, to the public with respect to the Resources for Community Development, the development known as Berrellesa Palms.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

- A. Certificate of Recognition to Contra Costa Commission for Women's Hall of Fame Honoree, Victoria Acquistapace.

Ms. Acquistapace, science teacher at De La Salle High School, was recognized by the Council for her success in the category of "Women Innovating in Science and Technology" by the Contra Costa Commission for Women's Hall of Fame. Ms. Acquistapace expressed her appreciation to the Mayor and City Council and said she enjoyed being a teacher and is proud to serve the country in this way.

B. Presentation by Shell Oil Martinez Refinery: donation to City.

Paul Gabbard, General Manager, and Steve Leshner, Manager of Public Affairs of Shell Oil Martinez, presented the City of Martinez a check for \$500,000 towards reconstruction of the Marina. Mayor Schroder expressed appreciation on behalf of the Council and stressed their importance in the community.

The City Council presented Mr. Gabbard and Mr. Leshner with a *Certificate of Recognition* for their efforts, commitment, and generosity to the City of Martinez and its residents.

**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 commented on the Economic Development Subcommittee meeting regarding the temporary pockets (platforms) which was well done and very informative; he recommended that the platforms be used all year round. Mr. Alford also commented on the Planning Commission meeting regarding the lice shop and his continued dissatisfaction with Patch and the Gazette.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of March 21, 2012. [M.Cabral]
2. Motion rejecting Claim against the City by Caroline Hiner, Claim #12-01. [M.Cabral]
3. Motion accepting Check Reconciliation Register(s) dated 03/22/12. [C.Spinella/2.1.1]
4. Resolution No. 031-12 to authorize the Building Official to issue building permits on lots 73 and 74 of Tract 2226, St. Mary's Street, once all approvals and reviews have been successfully completed. [T.Tucker/]
5. Resolution No. 032-12 authorizing the City Manager to execute an Agreement for Consultant Services with PSOMAS for Water System Geographic Information System (GIS) Development and allocating \$170,000 of water bond funds to Account No. C7030. [T.Tucker/15.01.00]

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Items #1 through #5 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

6. Conduct a public hearing to consider a resolution (a) rescinding Resolution No. 044-04, and approving a new Facility Use Policy for Ignacio Plaza and Susana Park; and (b) amending the Schedule of Fees for City Services User Fees for Ignacio Plaza and Susana Park. [P.Lorick/2.02.03]

Recreation Supervisor Patty Lorick presented the staff report, explaining the history of the policy, the location of the parks, the goals of the new policy, and some of the changes.

Councilmember DeLaney asked about the process for fee waivers, and Ms. Lorick explained that it was decided on a case-by-case basis. Councilmembers DeLaney and Menesini suggested that the process be stated in the policy so that everyone would have access to the information. Ms. Lorick stated that staff explained the process to everyone who asked for a waiver, and Councilmember Kennedy clarified that the final decision on fee waivers was made by the PRMCC. Ms. Lorick added that the use application stated that fee waivers were available.

Councilmember DeLaney noted that some members of the community were concerned about expansion of the use policy, and Ms. Lorick clarified that the new policy was more restrictive and actually allowed fewer events. Mayor Schroder asked about the current rate of usage of the plaza, and Ms. Lorick listed a couple of common uses.

Vice Mayor Ross asked if the Commissioner who lived in the park's neighborhood had recused himself from discussion, and Ms. Lorick said that he had not. Vice Mayor Ross asked if that had created a conflict of interest, and City Attorney Veronica Nebb stated that that was a possibility, although the decision had not hinged on a single vote, and the Commission's decision was a recommendation and not a final decision.

Councilmember Kennedy noted that there was a note in the policy about waivers and exceptions.

Mayor Schroder stated, for the record, that emails were received from Heidi Perryman and Jon Ridler, who were concerned about the usage of Ignacio Plaza.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 033-12 rescinding Resolution No. 044-04, and approving a new Facility Use Policy for Ignacio Plaza and Susana Park; and amending the Schedule of Fees for City Services User Fees for Ignacio Plaza and Susana Park. Motion unanimously passed 5 - 0.

7. Conduct a public hearing to consider a resolution amending the Schedule of Fees for City services to increase the daily family pass at the Rankin Aquatic Center and establish new user fees for pool party facility reservations. [P.Lorick/2.02.03]

Recreation Supervisor Patty Lorick presented the staff report, explaining the reasoning for the pricing changes and the party reservation policy. Mayor Schroder asked if there had been a party policy beforehand, and Ms. Lorick stated that there had not. She also clarified some of the process.

Vice Mayor Ross confirmed that the primary problem was with overcrowding or with payment, and asked if the fee for reservations was in addition to the per-person fee or in place of it. Ms. Lorick confirmed that the reservation fee is all-inclusive.

Councilmember Kennedy asked about the possibility of people bringing pop-up structures, and Ms. Lorick stated that that would probably be the next issue. She noted that it is still a new facility and they were currently primarily concerned with space management.

Mayor Schroder asked about possible scheduling conflict with the swim meets, and Ms. Lorick said that that was mostly worked out already.

Councilmember Kennedy asked if people would be notified ahead of time if the entire pool was reserved for a party or swim meets, and Ms. Lorick stated that the program would be posted ahead of time.

Mayor Schroder noted that his daughter had designed the graphics for the program.

On motion by Janet Kennedy, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 034-12 amending the Schedule of Fees for City services to increase the daily family pass at the Rankin Aquatic Center and establish new user fees for pool party facility reservations. Motion unanimously passed 5 - 0.

CITY MANAGER

8. Consider the City Manager Report regarding the disposition of Real Property located at 610 and 630 Court Street; and adoption of a Resolution providing determination and direction to the City Manager regarding same pursuant to Martinez Municipal Code Section 12.40.040D, and authorization to dispose of said property by negotiated sale. [P.Vince/5.15.01/5.15.00]

City Manager Philip Vince presented the staff report, explaining this stage of the disposition process. He noted that this was a key part of the downtown revitalization process.

Mayor Schroder opened the Item for public comment.

Mike Alford commented that the firm purchasing the property had a good history and stated that this would be a smart move for the City. He also confirmed with the Council that the property would go back on the tax rolls once it was privately owned.

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

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 035-12 providing determination and direction to the City Manager regarding same pursuant to Martinez Municipal Code Section 12.40.040D, and authorization to dispose of said property by negotiated sale. Motion unanimously passed 5 - 0.

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

City Manager Philip Vince indicated that he had forwarded the Council information about various legislation which is being considered in Sacramento. He also urged the City's ABAG delegate to attend the April 19th meeting.

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

Chief of Police Gary Peterson stated that April is "Distracted Drivers Awareness Month." The Department is working on a campaign in collaboration with the Highway Patrol offering zero tolerance to those texting or operating handheld cell phones. Chief Peterson provided an update on the East Bay Radio Project reporting that at the last meeting, the Council allocated funds and staff has ordered the radios at a discounted price saving about \$44,000.

In addition, staff is working on a design for an employees' fitness area in the Police Department which will allow City employees to exercise, stretch, and work on the three planes of movement based on injury reports; a staff report will be forwarded in the near future.

Chief Peterson provided a staffing update indicating that one of the two vacant Dispatch positions has been filled; and two of the Police Officer openings are in the final stages.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

11. Council Subcommittee Reports.

Councilmembers Kennedy and DeLaney reported out on the Economic Development Subcommittee meeting held last week with two sessions, one held at 2:00 p.m. and the other at 6:00 p.m., regarding downtown flex space dining. A lot of good ideas were expressed and there seemed to be a lot of interest. There was no discussion about the streets or traffic circulation, just the flex space dining concept. Councilmember DeLaney stated there will be one more meeting by the Subcommittee before bringing the issue to the Council, due to the feedback received and the work needed to refine the policies, proposal, costs, etc. Both Councilmembers expressed their appreciation to staff, especially Don Salts, Deputy Public Works Director. Councilmember Kennedy noted that some residents had asked for examples of where other cities were doing this; Councilmember Menesini stated that Redwood City's Valencia Street was very successful.

Staff was requested to schedule the next Subcommittee meeting and a circulation (street traffic) meeting. Mayor Schroder noted that timing was very important for implementing this before the summer. City Manager Vince stated that the proposal could come before the Council on May 16, since staff had already come up with options to address the Subcommittee's questions. Councilmember Menesini asked that the traffic circulation question be brought to the Council sooner rather than later. Mr. Vince stated that they could get public feedback and have the issue before the Council in late May or before summer. He added that staff could also have a prototype available at the May 16th meeting.

Vice Mayor Ross asked about the reasoning for the outdoor dining spaces not being year-round. Public Works Director Dave Scola stated that the original proposal had been to remove them during the rainy season because of the risk of flooding, but that because of public input staff was now considering allowing individual restaurant owners to decide whether or not to remove them during the rainy season. Councilmember DeLaney added that there was also a concern about parking revenue, which would contribute toward the possibility of building a parking structure. Vice Mayor Ross stated that the parking revenue would be so small anyway that it would make sense to leave them there and not have to pay to remove them. Councilmember Menesini noted that the intersection of Castro and Main was the most vulnerable to flooding. Vice Mayor Ross asked how long it would take to take down the platforms and put them up. Mr. Scola stated that the platforms were not designed yet, but according to the preliminary design, they could be constructed in about fifteen minutes.

Councilmember Menesini and Mayor Schroder reported out on the April 29 School Liaison Subcommittee meeting with the Martinez Unified School District. There was a suggestion by the School District that the City could use the School District's solar panels at the Water Treatment Plant because of the excessive use of the electric pumps. Councilmember Menesini suggested this item be discussed by the Water Subcommittee. He also suggested that the PRMCC review the idea of partnering with the School District to stabilize the upper track at the High School, which is slipping. This track is frequently used by the City at large since it is so well constructed, so it may be considered as a Joint facility project.

Mayor Schroder stated he discussed the matter with Cathy Spinella, Finance Manager, who is checking with bond counsel about the possibility of using excess Measure H funds after all the projects are done, and whether a joint venture would qualify.

12. City Council Comments.

Councilmember Janet Kennedy reported out on her attendance in Ontario at the League of California Cities Policy Committee meeting on Housing, Community and Economic Development. She noted that the news on the state budget and the post-redevelopment update was very depressing, and there were no solutions yet. They also received an update on the work of the Economic Development Task Force, federal legislation regarding cuts to housing and development, licensing of group homes, and a survey about mortgages and foreclosures and cities having an Abandoned Property Ordinance. She also reported that she and Vice Mayor Ross attended the ABAG Regional Planning Committee meeting where they received and discussed a draft plan on the jobs-housing connection, and the jobs and housing forecast in the Bay Area to 2040. The plan is listed on ABAG's website and she encouraged the public to read and make comments.

Councilmember Lara DeLaney also reported out on her attendance at the League's Policy Committee meeting on Employee Relations and the Governor's pension reform proposal. The League's response to the proposal is uncertain because they are waiting on a report from a conference committee. They also discussed proposed legislation banning questions about criminal convictions on employment applications; the Committee voted not to support the bill, although Councilmember DeLaney had been in favor of it.

Vice Mayor Mark Ross commented on his last couple of visits to Oakland, indicating that the city seems to be working very hard in stepping up its image. He mentioned that when he went to the Paramount to see *Napoleon*, he had a discussion with the San Francisco Silent Film Festival, and suggested a venue in Martinez.

Mayor Rob Schroder stated that he heard from Sue Hammond, teacher at Alhambra High School, that they are having trouble lining up host families for Scottish students; if interested, please call her at 229-4544.

ADJOURNMENT

The meeting adjourned at 8:13 p.m. to a Regular Meeting on April 18, 2012 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 – 05/02/12