

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:05 p.m. in the Council Chambers.

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. Swearing in of Police Officers Matthew Allendorph and Rodney Brinser II.

Chief of Police Gary Peterson introduced Officers Allendorph and Brinser II and indicated that these two appointments will bring the City to a full staff of 37 Police Officers. Chief Peterson described their backgrounds. Swearing in was performed by Deputy City Clerk Cabral.

Officer Allendorph was pinned by his father, retired Walnut Creek Police Officer Jeff Allendorph; Officer Brinser was pinned by his father-in-law, retired Pittsburg Police Officer Jack Harris. The Council offered their congratulations.

Chief Peterson invited everyone to a reception in honor of the new officers.

Mayor Schroder announced some changes to the agenda, under Public Hearings.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

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

Marie Knutson, Chair of the Martinez Chamber of Commerce, introduced the new Executive Officer for the Chamber of Commerce Mary Peinado, who came from the City of Rio Vista Chamber of Commerce. Ms. Peinado thanked the Chamber staff and community for their welcome. Mayor Schroder welcomed Ms. Peinado.

Mike Alford expressed his frustration with the Berrellesa Palms Project and the problems it will bring as did the Riverhouse. He also expressed his frustration with Almar Marinas, who is the City's partner in developing the Marina but has not contributed much. He questioned again why the City is receiving no money when fuel ships are filled in the harbor.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of April 18, 2012. [M.Cabral]
2. Motion approving Check Reconciliation Registers dated 05/03/12. [C.Spinella/2.1.1]

Mayor Schroder opened and closed public comment on Items #1 and #2 of the Consent Calendar, with no speakers coming forward.

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

3. Motion authorizing the Mayor and interested parties to sign a Letter of Intent to negotiate a ground lease and other items for the intent to develop and operate a restaurant at a site to be determined at the Marina. [P.Vince/14.01.00]

Councilmember DeLaney stated that she was pleased with the well-written Letter of Intent, and she was excited and encouraged to move forward with having a restaurant at the Marina.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve authorizing the Mayor and interested parties to sign a Letter of Intent to negotiate a ground lease and other items for the intent to develop and operate a restaurant at a site to be determined at the Marina. Motion unanimously passed 5 - 0.

CONVENE TO THE BOARD OF DIRECTORS - PLEASANT HILL MARTINEZ JOINT FACILITIES AGENCY

4. Resolution of intention to approve an amendment to the contract between the California Public Employees' Retirement System (CalPERS) and the Pleasant Hill-Martinez Joint Facilities Agency to provide the retirement formula of 2% @60 Full formula, PERS Section 21353, and Three-Year Final Compensation, PERS Section 20037, applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this contract amendment. [A.Shear/4.5.13]

Assistant City Manager Alan Shear presented the staff report and explained the results of the recent labor negotiations.

Councilmember DeLaney expressed that she was pleased that the City was working on pension reform at the local level, since it is such an issue everywhere.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 047-12 of intention to approve an amendment to the contract between the California Public Employees' Retirement System (CalPERS) and the Pleasant Hill-Martinez Joint Facilities Agency to provide the retirement formula of 2% @60 Full formula, PERS Section 21353, and Three-Year Final Compensation, PERS Section 20037, applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this contract amendment. Motion unanimously passed 5 - 0.

5. Resolution authorizing the paying and reporting of the value of the Employer Paid Member Contributions for (JFA) Miscellaneous employees. [A.Shear/4.5.13]

Assistant City Manager Alan Shear presented the staff report, including information about the requirement for employee contributions.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 048-12 authorizing the paying and reporting of the value of the Employer Paid Member Contributions for (JFA) Miscellaneous employees. Motion unanimously passed 5 - 0.

6. Motion approving the attached retainer letter agreement with Jeffrey A. Walter and his firm for Agency representation in the Barbara Neustadter vs. CalPERS litigation and authorizing Philip Vince to execute same on behalf of the Agency. [J.Walter/17.00.02]

Assistant City Manager Alan Shear presented the staff report and briefly explained the retainer agreement.

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

On motion by Mark Ross, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve the attached retainer letter agreement with Jeffrey A. Walter and his firm for Agency representation in the Barbara Neustadter vs. CalPERS litigation and authorizing Philip Vince to execute same on behalf of the Agency. Motion unanimously passed 5 - 0.

RECONVENE AS REGULAR CITY COUNCIL

PUBLIC HEARING(S)

Item Taken Out of Order

9. Public hearing to consider amending Franchise Rates for Allied Waste Systems: [M.Chandler/31.02.00]
 - A. Resolution authorizing the City Manager to execute amendments 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 approving an amendment to the Allied Waste Systems, Inc. d.b.a. Pleasant Hill Bayshore Disposal, franchise agreements for Solid Waste and Recycling Services to increase commercial and industrial refuse collection rates as required to fund implementation of the City's mandatory commercial recycling program, and as set forth in Exhibit C to the franchise agreements.

Senior Management Analyst Michael Chandler presented the staff report, explaining the need for the amendment due to new requirements for mandatory commercial recycling programs. He also described further steps the City was taking to implement the changes.

Eric Nylund, NewPoint, gave a PowerPoint presentation explaining the findings and recommendations of the rate review, noting that these rates were only for commercial recycling and would combine the rates for refuse and recycling disposal. He listed the possible scenarios and described some of the changes that would be seen, which customers would be affected, and the predicted total added costs to the City.

Vice Mayor Ross asked about comparisons with other jurisdictions. Mr. Nylund noted that subsidies, historical factors, and differing efficiencies, among other things, would have an effect.

Councilmember DeLaney stated that she was pleased to see how low Martinez's rates were compared to other cities, and the changes would be good for businesses in the City. She thanked Mr. Nylund for the analysis.

Mayor Schroder opened the Item for public comment.

Marie Knutson, Martinez Chamber of Commerce, offered a letter of support for the expansion of the commercial recycling program. Mary Peinada, CEO of the Martinez Chamber, read the letter.

An unidentified male speaker asked why the changes were being made at this time when the economy is already so rough on businesses.

Ann Mobley stated that she did not support mandatory recycling and added costs for taxpayers. She stated that keeping the rates separate was better because it made it possible for people to opt out.

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

Councilmember Kennedy thanked Mr. Chandler for the excellent presentation he made to the Chamber, and she thanked Ms. Knutson for the Chamber's support.

Councilmember Menesini commended staff and Allied Waste Systems for their hard work. He noted that these requirements were mandated by the State and addressed important concerns about recycling, waste and preserving the planet. He added that the program recommended by staff was a good program and he would support it.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 050-12 authorizing the City Manager to execute amendments 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. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 051-12 approving an amendment to the Allied Waste Systems, Inc. d.b.a. Pleasant Hill Bayshore Disposal, franchise agreements for Solid Waste and Recycling Services to increase commercial and industrial refuse collection rates as required to fund

implementation of the City's mandatory commercial recycling program, and as set forth in Exhibit C to the franchise agreements. Motion unanimously passed 5 - 0.

Item Taken Out of Order

12. Flex Space Outdoor Dining Policy and Downtown Circulation: [D.Scola&T.Tucker/9.12.00&12.01.00/Traffic Circulation: 8.4.0/12.19.00]
 - A. Resolution approving an Outdoor Dining Policy and Flex-Space Program and allocating \$75,000 of ~~Traffic Impact Fee funds~~ Hazard Mitigation Fund of 630 Court Street funds for the Program.

City Manager Philip Vince, Public Works Director Dave Scola, and Senior Planner Corey Simon gave a PowerPoint presentation. Mr. Vince explained some minor amendments to the resolutions.

Mr. Simon described the history of the program and some of the goals that came out of the Downtown Matters workshops. He also discussed how other cities had implemented outdoor dining programs, and he reviewed the issues that would need to be addressed for Martinez to implement expansion of the program.

Mr. Scola described how the test outdoor dining project had worked so far on the 500 block of Main Street. He stated that the pockets had been very successful, and now the concerns were how to allow all the businesses to have the possibility of outdoor dining while addressing drainage and circulation issues. He described the initial proposal and design of the platforms, and he discussed how the design would change if the platforms were up year-round, as many of the Main Street business owners had proposed. He also displayed some different options of what the platforms would look like and how they could be customized.

Mr. Simon discussed the proposed sizes, uses, layouts, materials, and fees, and listed the businesses that would be allowed to have them. He noted that it would be the business owner, not the landlord that would make the application, although it would need the landlord's approval. He added that the number of platforms that could be built would have to be limited in order to maximize parking. He also discussed planning issues and requirements.

Mayor Schroder asked Mr. Scola to go over the pricing again. Mayor Schroder commented that this was the same company that had done the platforms in San Francisco, and he discussed some of the different things the businesses had done to personalize the platforms there. Mr. Scola stated that personalization of the designs and layout would be encouraged. Mayor Schroder asked if that personalization would be at the owner's expense, and Mr. Scola confirmed that it would.

Mayor Schroder noted that the City should be named as an additional insured in the liability insurance requirements. Senior City Attorney Veronica Nebb confirmed that that was included in the standard encroachment agreement. Mayor Schroder also asked if there would be a higher liability insurance requirement for restaurants that were licensed for serving alcohol outdoors, and Ms. Nebb stated that Risk Management could advise on that before the final document was created.

Councilmember Menesini thanked staff for the excellent report. He stated that he appreciated that the resolution was written broadly, so that staff would have some discretion in working with business owners to come up with personalized designs. He added that he would like staff to encourage planter boxes and vegetation where possible. He also suggested that some kinds of outside food preparation should be allowed as approved by staff and the County, instead of prohibited completely.

Vice Mayor Ross thanked staff for the report. He stated that he thought the wooden platforms would be best. He added that because of the hardship to the business owners from having to remove the platforms that were already there, he did not think that they should be charged for the use of the parking spaces, especially since the City had not been getting revenue from them for several years.

Councilmember DeLaney thanked the public for attending workshops and giving their feedback, and she thanked staff for taking the feedback into account in this revised proposal. She asked if staff had any information on the manufacturing of the platforms. Mr. Scola stated they were built in Colorado where the company was located. Councilmember DeLaney asked about seating capacity, and Mr. Scola showed some different design examples, noting that it would be up to the merchant.

City Engineer Tim Tucker expressed appreciation to Frank Kluber for the renderings of the platforms.

Councilmember DeLaney asked what the implications for the General Fund and the Parking Fund would be if the City paid for the entire cost of the platforms, including installation and lost parking. Mr. Vince stated that using the General Fund would be precarious, and the impact on the Parking Fund would be significant; he also noted that most of the Parking Fund was used to pay for labor. Mr. Tucker noted that since the program would be encompassing all of Main Street, not just one block, the impact on parking revenue would be much greater.

Vice Mayor Ross asked if the estimates included new revenue from the 500 block, and Mr. Tucker indicated that they did. Vice Mayor Ross asked how many parking spaces that currently had meters would be used up. Mr. Scola stated that most business owners did not know if they were going to apply until the cost was determined. Based on the number of food establishments, there were 15 potential applicants, on Main Street and some of the side streets.

Councilmember Menesini suggested that the program be made more flexible and that a hardship provision be added, so that the platforms would be affordable and everyone would be treated equally. He added that the City wanted to see this happen, so it would be good to invest in helping owners acquire them. Vice Mayor Ross noted that the less successful restaurants would already be less likely to apply because they would need to purchase furniture and have the staffing to cover the extra space. Mr. Vince suggested that if there was a hardship provision, that the City help with the one-time cost of the furniture instead of waiving the ongoing labor costs.

Councilmember Kennedy expressed agreement with Councilmember DeLaney and thanked the community for attending the workshops. She asked if the use of the parking spaces by a private property would constitute a gift of public funds, and Ms. Nebb said that because there was a public purpose to the use, it was more like an encroachment permit; the City would still own the right-of-way and the improvements on it.

Mayor Schroder opened the Item for public comment.

Marty Ochoa stated that he used the same variety of wood, an import from Brazil, in the deck on his house, and he noted that although expensive, it was durable and dense and looked good. He stated that he planned to open a pizzeria and that he believed the platforms would be very beneficial to the City.

Jim Blair, Creek Monkey Tap House, expressed strong support for the platforms because they would benefit downtown and indirectly the rest of the City. He expressed concern that a vocal minority could delay the process. He urged the Council to move forward quickly.

Rachael Ford stated that she had spent a lot of time talking to business owners and customers of downtown, and that she had sent a letter to the Council that had many signatures showing how much support the proposal had. Ms. Ford urged the Council to listen to everyone who spent time in downtown, and not just the people who owned businesses there. She commended staff for their efforts on this.

Dave Huitt, Smokey D's, agreed that it was a great product that would revitalize downtown, and that the monthly fee was doable. He added that there was a great potential for more revenue for the City if parking was enforced better.

Rachael Zavala, Compass Star, stated that business owners in downtown needed to support each other's ability to be successful, and to allow the outdoor dining to expand and benefit all of downtown.

Noralea Gipner suggested that parking revenue wouldn't be an issue, because few people parked in downtown anyway except for the courthouse. She commented on the costs faced by the tenant business rather than the owner, and she suggested placing the new platforms first in the opposite side of downtown from the 500 block and working their way across.

Bob Schwab commended the City and staff for their hard work, and he expressed support for the program.

Mitch Avalon stated that he thought some outdoor food preparation would be appropriate, such as the barbecue at Luigi's.

Carolyn Boone stated that it was a credit to the City that the outdoor dining had been successful so far that other business owners were so interested in expanding it. She suggested not tearing out the platforms in the 500 block too soon, since they were working so well.

Ann Mobley was supportive of the concept, but she stated that it would not be fair to charge businesses for lost parking revenue, because of the sales tax they bring to the City, and because the downtown parking did not bring a lot of revenue anyway. She added that charging for parking discouraged customers from coming to downtown. She also suggested that the 500 block be left as it is.

Bill Mobley stated that this would be a good program for the City. He expressed concern about safety issues and suggested that planters be used to protect the platforms from careless drivers.

Mr. Mobley also suggested that street plates be used to give the platforms a different look. At the request of Councilmember Kennedy, Mr. Mobley explained what street plates are and how they work.

Al Turnbaugh commended the Council and staff for their hard work in improving quality and bringing costs down. He agreed with Councilmember Menesini that the program needs to be flexible. He suggested the Council move forward quickly with this because it was a good program, and he added that it was a good idea to charge for the platforms. He also suggested that a parking structure be added in the downtown to improve downtown parking.

Mike McGowan, Pacifica Pizza, stated that this would be especially helpful to restaurants without indoor seating. He added that the upfront cost could be difficult because of the other necessary investments in labor and furniture that would have to be made, and that it would be especially unfair to the 500 block to replace their platforms and charge them for new ones.

Richard Stahlberg stated that this was a good opportunity for the City to improve downtown and benefit everyone, and added that business owners were already heavily invested in the success of downtown because of the economy. He thanked staff for their hard work on this proposal.

Ernie Pershing stated that he purchased a lot of meals in downtown, and he looked forward to enjoying the outdoor dining.

Jerry Griffin, California Magic Dinner Theater, stated that the outdoor dining would help advertise other businesses. He also stated that being on Main Street with the platforms had been very good for his business.

Pat English, Haute Stuff, expressed appreciation for the product that the City staff had created, and she stated that she was excited to see the outdoor dining expand to the rest of Main Street and bring more success to downtown.

David Fischer agreed with many of the comments before him, and he emphasized that the program was good because it would give everyone a chance to participate.

Danny White, Good Stuff Guitar Shop, stated that the downtown had gotten much more successful in the past 6 years, and that the platforms had created a lot of good traffic.

Dick Duncan congratulated City staff and the community on their efforts to come up with a good proposal and agreements. He noted that the same kind of wood was available from Industrial Lumber Company, a Martinez business, and he suggested that staff look into that. He discussed possible dimensions for the platforms, and he commented on the time needed to build a business to the point that it can afford the platforms.

Ernie Guerrero, La Tapatia, stated that business owners put in a lot of effort and money to market their restaurants and bring people into the City. He expressed appreciation to the City and other business owners for helping to make his business successful. He suggested that there should not be extra liability coverage required, and that it was unfair to charge the upfront cost to the businesses on the 500 block. He also noted that the Contra Costa Health Department had extensive regulations on outdoor food preparation, and that the City should not need to add to them. He expressed frustration about continuing new costs facing the businesses.

Roxann (last name not stated) thanked City staff for their hard work. She stated that the upfront cost was unreasonable since the platforms would benefit the entire City, and the business owners were already investing so much.

Char West, Char's Flowers, thanked staff for their work. She stated that she and the other businesses on the 500 block did not want to be exclusive or set themselves apart as better than the rest of downtown, and they wanted everyone to have the opportunity to be successful.

Carol, Main Street Sweets, suggested that stores like hers should not be considered at the same level as a restaurant, and that there should be flexibility in the fees.

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

Mayor Schroder stated that he had always believed in the potential of outdoor dining to improve businesses, but had always thought it would be too expensive for Martinez. He had been impressed by the use of flex space in Livermore and parklets in San Francisco. He expressed concern about the costs, but he thought that at the least the parking fund needed to be replenished. Mayor Schroder also agreed that it would be unfortunate to remove the platforms on the 500 block that were already successful, but he noted that there were other restaurants on the 500 block that did not yet have outdoor dining and wanted it, which has led to this proposed expansion.

Vice Mayor Ross asked where the \$72/month figure had come from, and Mr. Tucker stated that it was a percentage of the total possible revenue from the parking space. Vice Mayor Ross asked if the parking meters would be replaced, and Mr. Tucker stated that they would soon install new meters that could accept both credit card and coins. Staff had considered using kiosks, but Mr. Tucker noted that Walnut Creek was moving away from those because of some of the problems that they had. Vice Mayor Ross stated that he agreed with the idea of charging something to offset the lost parking revenue, but that a nominal fee would be better, especially because of the cost of maintaining the spaces. He stated that the City should be able to subsidize the platforms to help the businesses succeed.

Councilmember DeLaney stated that she supported giving as much help to the downtown businesses as possible, but wanted to know exactly how much it would hurt the General Fund to do that. She noted that she did not want to put too much money into downtown at the expense of the rest of the City, and that the Parking Fund should be protected as much as possible in case the opportunity to build a parking structure came up. She also stated that she would support purchasing the materials locally, and asked about the suggestion to make the structures 8'x16' instead of 7'x16'. Mr. Scola stated that because of the curve of the street, 7' worked everywhere, but 8' did not always fit. Councilmember DeLaney suggested that the structures be 8' where it was possible, and Mr. Scola agreed that variation was possible.

Councilmember DeLaney expressed agreement with the suggestion to phase in the new platforms, starting at the opposite end of town from the 500 block. She also stated that she was pleased with the number of positive comments she had heard and with the dialogue staff had had with the public.

Councilmember Kennedy stated that it was good to hear how much agreement there was with the idea of the pockets. She acknowledged that this was an expensive proposition for everyone involved, and that the City wants to do this for the businesses in downtown, but the businesses would have to put in some funding as well. It would be nice if the City could pay for everything, but the Council would have to consider the effect it would have on the City's reserves, which were not as substantial as they used to be.

Councilmember Menesini stated that Martinez was on the forefront of taking advantage of this concept in the area, and added that the City would benefit by having as many platforms as possible, rather than less. He stated that he would like to see this program implemented throughout downtown and that everyone be treated equally, especially in terms of cost. Councilmember Menesini noted that there was a provision for hardship waivers, but he suggested that the issue of cost should be brought back to the Council so that they could see the impact on the General Fund and determine the best way to divide up the cost.

Councilmember Kennedy suggested that some businesses could also have tables outside on the sidewalk, for a cheaper alternative.

Mayor Schroder confirmed with Ms. Nebb that the City had not so far granted any easement permits or prescriptive rights to public property with the businesses on the 500 block, and that the encroachment permits that had been granted were revocable at any time. He reiterated the suggestion that the fees not be decided upon at this time. Mayor Schroder noted that the staff recommendation was to leave the 500 block alone for now, but stated his preference would be to do it all at once. Councilmember Menesini agreed that it should be done all once and apply equally to every business on Main Street, although staff could have some discretion as to when implementation took place. Councilmember DeLaney asked if doing it all at once would be practical. Mr. Scola stated that the other blocks could be started right away because they had already been repaved, but the 500 block would have to be ground down and repaved. Mr. Tucker estimated that it would take about two weeks, but it probably could not be started until October. Councilmember DeLaney suggested that they start with the blocks that were ready to go, so that other businesses would not have to wait for the 500 block to be ready, and Mayor Schroder agreed that construction could begin on the other end of downtown.

Vice Mayor Ross confirmed with Mr. Vince that the current one-time expenditure was not coming out of the Parking Fund but out of the Hazard Mitigation Fund of 630 Court Street. He asked what the upfront cost would be for, since the City would still own the structure, and again suggested that the City cover the cost to subsidize the outdoor dining. Mr. Vince suggested that it would be better to make a decision on fees tonight instead of postponing it, and suggested that the \$2400 upfront fee could be reduced, and noted that extended payment schedules were also included in the hardship provision. He recommended that the monthly fee be kept at \$72. Vice Mayor Ross suggested that the impact on the General Fund would not be great because it was coming out of the Hazard Mitigation Fund, which would not be used for its original purpose.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 052-12 approving an Outdoor Dining Policy and Flex-Space Program and allocating \$75,000 of Hazard Mitigation Fund of 630 Court Street funds for the Program and bring back associated costs and fees of \$1,200 for installation and \$60 a month for rental to be paid over a three year period *as revised*.

Vice Mayor Ross suggested that the fee decision be continued so a Budget Subcommittee could discuss and see if the funds to cover the cost could be found elsewhere.

Councilmember DeLaney stated that she did not want to make a decision without knowing the impact on the budget. Mr. Vince stated that any funds that were not recovered would have to be made up somewhere else. He did not think the Budget Subcommittee would find anything different, and he strongly recommended that the monthly fee not go below \$60. Councilmember DeLaney suggested that they delay making a decision on the one-time fee to see how far the Hazard Mitigation Fund would go. Councilmember Menesini stated that the Hazard Mitigation Fund was limited and once it was gone, they could not use it for anything else, but this program would be ongoing and the fees may have to change in the future anyway.

Vice Mayor Ross stated that he did not have a good sense of how much the project was going to cost and would like to take the time to look at the fees more.

Councilmember Menesini suggested that the Budget Subcommittee could look for another solution, but he wanted to include the reduced fees as part of the resolution, which could be amended later.

Mayor Schroder called for a vote on the existing motion.

Motion unanimously passed 5 - 0.

The Council recessed briefly and reconvened with all members present as indicated.

Item Taken Out of Order

15. North Pacheco Annexation. [D.Tasini&M.Chandler/40.20.10]

- A. Resolution calling and giving notice of the holding of a Special All Mailed Ballot Municipal Election to be held Tuesday, August 28, 2012, and requesting election services from the Contra Costa County Elections Division.
- B. Resolution ordering the Submission to the Voters of the affected territory in the proposed North Pacheco Annexation a measure at an All Mailed Ballot Special Municipal Election to be held on Tuesday, August 28, 2012.
- C. Resolution setting priorities for filing written arguments regarding a City Measure and acknowledging that the Local Area Formation Commission (Lafco) Executive Director will prepare the Impartial Analysis.
- D. Resolution providing for the filing of Rebuttal Arguments for City Measures submitted at Municipal Elections.

Consultant Dina Tasini and Senior Management Analyst Michael Chandler presented the staff report. Ms. Tasini explained why the election had to be held and the action that was before the Council tonight. Councilmember Kennedy asked when the election would take place, and Ms. Tasini stated it would be a mail-in ballot election in August.

Councilmember DeLaney asked if there were other options beside mail-in ballot. Ms. Tasini stated that according to her understanding, the mail-in ballot was the only option, and Assistant City Attorney Veronica Nebb agreed, based on the date of the election.

Councilmember DeLaney asked if it could be combined with the in-person election in November. Ms. Nebb stated that if the election was delayed, it could affect the timing of the entire annexation and that it would be more expensive to add it to the in-person ballot for the general election, because they would have to print special ballots only for the people in that area. Deputy City Clerk Mercy Cabral discussed the process and cost involved with the annexation balloting.

Councilmember Menesini suggested that since the election had to be called tonight, they should go with the original date in August. Councilmember DeLaney stated that there would be more participation if it was combined with the November general election. Councilmember Menesini stated that it should not be hard to get a good turn-out at that level, since August is a summer month. Vice Mayor Ross stated that the residents were already informed and interested in the issue, so the Council should just go with the original date since it would be convenient for everyone and cheaper for the taxpayers, which Councilmember Menesini agreed.

Councilmember DeLaney asked if the Council had discretion as to whether or not to go forward with this, given that a significant percentage of residents had already registered their protest, and it could be difficult to win enough of them over. Councilmember Menesini stated that if the City did not call the election, LAFCO would have to do it, and Mayor Schroder noted that there was no possibility of withdrawing the annexation application.

Mayor Schroder opened the Item for public comment.

Ann Mobley stated that she was not in favor of the annexation because the police forces were stretched thin enough as it was.

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

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 053-12, Calling and giving notice of a Special All Mailed Ballot Municipal Election to be held August 28, 2012 and requesting election services from the Contra Costa County Elections Division. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Resolution No. 054-12 ordering the Submission to the Voters of the affected territory in the proposed North Pacheco Annexation a measure at an All Mailed Ballot Special Municipal Election to be held on Tuesday, August 28, 2012 *as revised*. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Resolution No. 055-12 setting priorities for filing written arguments regarding a City Measure and acknowledging that the Local Area Formation Commission (Lafco) Executive Director will prepare the Impartial Analysis *as revised*. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 56-12 providing for the filing of Rebuttal Arguments for City Measures submitted at Municipal Elections *as revised*. Motion unanimously passed 5 - 0. Mayor Schroder asked the Council to consider ending the meeting and finishing the agenda at a later date, because it was late in the evening. In accordance with the City Council's policy, it was agreed by consensus to continue the City Council meeting.

Item Taken Out of Order

12.B. Resolution restoring two-way traffic on portions of Castro Street, Escobar Street, Estudillo Street, and Main Street.

City Engineer Tim Tucker gave a PowerPoint presentation. He explained that the issue was being brought up now because it related to the outdoor dining program. He discussed the history of parking issues in downtown and the problems that had been created by making the streets one-way, as well as the changes that had occurred to increase those problems. He reviewed staff's recommendation to return most of the streets to the original two-way design, and discussed the benefits of two-way streets.

Councilmember DeLaney stated that in her own research, she had found just as many studies indicating the benefits of one-way streets, so there did not seem to be a consensus among traffic engineers. She asked why this type of change would be exempt from a CEQA analysis, and asked what analysis staff had done that they could be sure the change would have no impact on the environment. She also stated that she had concerns about pedestrian safety as well. Senior Planner Corey Simon stated that since the streets were returning back to the way they were, the reconfiguration would fall under a maintenance exemption. He added that CEQA had a high standard for what was a significant environmental issue when it came to traffic, and the two main criteria were level of service and emergency access, which would actually be improved.

Mayor Schroder opened the Item for public comment.

Ann Mobley stated that keeping the one-way street would ensure pedestrian safety and better exposure for businesses, while preserving Martinez's small-town character and access to parking. She requested better research and a workshop to discuss the issue in more detail.

Bill Mobley stated that the outdoor dining would not work as well if the street was returned to two-way, and the parking would be very limited. He said that he appreciated the feel of the one-way streets.

Mike McGowan asked if the two-way traffic would provide a wider street, and agreed that parking on a two-way street would be problematic with the platforms there. He asked if the spaces would be diagonal or parallel, and who would be liable for damage to the platforms if the parking was parallel. Mayor Schroder stated that in San Francisco, they had parallel parking and used parking bumpers to keep cars from hitting the platforms, and Public Works Director Scola agreed that Martinez staff would do it the same way. He stated that diagonal parking would be impossible because the streets in downtown were too narrow, and Councilmember Menesini added that diagonal parking was dangerous in its own way.

Mitch Avalon requested that there be a public input process and a comprehensive analysis of downtown circulation before the Council made their decision, since revitalization of downtown was so important. He stated that he supported one-way streets because of safety and atmosphere.

Pat English stated that the 500 block had been struggling until it switched to one-way traffic with the outdoor dining pockets, and she worried that a change would end up taking away what made it successful. She requested more thought and public input in the process.

Harlan Strickland stated that he agreed with Mr. Avalon's comments. He noted that the right level of traffic volume to make a street successful was difficult to achieve, and it was not possible to pin down exactly what made the 500 block so successful. He suggested making the rest of Main Street like the 500 block instead of the other way around.

David Fischer stated that there were many people who would not park in a parallel space given the choice, and changing from diagonal to parking spaces would hurt some businesses. He suggested keeping the diagonal parking on the side streets, and keeping parking only on one side of the street. He also suggested keeping Main Street consistent all the way down.

Dick Duncan agreed with Mr. Avalon's comments and noted that Contra Costa County Fire Protection District had reviewed the current state of the 500 block and approved of it. He urged the Council to consider holding a workshop so that staff and residents could work together to address these problems. He stated that the parking surplus meant that downtown businesses needed more customers, and changing the direction of the street would hurt the success they'd already had.

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

Mayor Schroder stated that he had made the decision to have the item on the agenda tonight, and noted that he thought there had been good discussion. He stated that the Council was not intending to ignore anyone or represent anyone's interests above anyone else's. He stated that he supported returning the 500 block to two-way, but acknowledged that the research was conflicting. He noted that from his research, returning a street from one-way to two-way tended to improve it, and suggested that it would be better for all of Main Street to be uniform and for the pockets to be replaced, since they were getting old.

Councilmember Menesini stated that in his experience, two-way streets add to intimacy, and one-way streets are damaging because they turn into freeways. He added that making Main Street two-way would make more room for the pockets and make navigation easier. He also noted that emergency access was more difficult with one-way streets, and Chief Peterson agreed. He stated that diagonal parking and parallel parking are equally problematic for different reasons, but noted that two-way traffic is more environmentally friendly. Councilmember Menesini stated that he supported returning the streets to two-way and believed that the businesses of downtown would benefit.

Vice Mayor Ross stated that he would like the chance to have more discussion with residents, but respected Mayor Schroder's desire to have the item resolved. He stated that he believed the main issue of contention was Main Street, and that most people were not against restoring two-way traffic to the side streets. He suggested that restoring two-way traffic to the 500-block would not significantly increase access to downtown because it would make leaving downtown easier.

Vice Mayor Ross expressed concern that the Council was not listening to the public on this issue, when staff had successfully cooperated with business owners on the outdoor dining issue, and he also expressed concern about possible damage to the 500 block businesses.

Councilmember Kennedy noted that the success of the outdoor dining would not be seen right away. She also stated that she would rather discuss this issue with the public in a Subcommittee workshop, and that she thought personal attacks were devaluing the conversation. She noted that she did not have a preference about the direction of Main Street, although she had thought it was odd that one block was one-way. Councilmember Kennedy agreed that parallel parking was difficult for some people, but noted that it would be impossible to have diagonal parking all down Main Street. She stated that her number one priority was public safety and the narrowness of the street was a concern. She noted that many other cities had successful dining areas on two-way streets with parallel parking, and stated that both had their advantages and disadvantages.

Councilmember DeLaney stated that she thought it was unfair to the public to have the discussion late at night when they had promised to hold a workshop and discuss the issue thoroughly. She noted that the outdoor dining platforms had been improved by discussion with the public, and she thought that more discussion would help here as well so that there could be more research and more possibilities could be considered. She also expressed concern about pedestrian safety. Councilmember DeLaney stated that she was in favor of some elements of the conversion, but would not support it as it was tonight.

On motion by Michael Menesini, Councilmember, seconded by Rob Schroder, Mayor, to approve a resolution restoring two-way traffic on portions of Castro Street, Escobar Street, Estudillo Street, and Main Street. Motion failed 2 - 3. Yes: Michael Menesini, Councilmember; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember; Janet Kennedy, Councilmember; Mark Ross, Vice Mayor.

Councilmember DeLaney suggested that the Subcommittee discuss the item in a public forum as promised. Councilmember Menesini suggested to continue the meeting so that the entire Council could be present and discuss the item. Vice Mayor Ross suggested that a workshop with the full Council be scheduled at 5:00 p.m. before the regular meeting on June 6th which was agreed to by the consensus of all.

7. Public hearing pursuant to Chapter 12.40 of the Martinez Municipal Code to consider Resolution approving Final Disposition of Property Located at 610 and 630 Court Street, authorization to execute Purchase and Sale Agreement with Southport Land Corporation, Declaration of Use Restrictions, Declaration of Airspace Plan and CC&Rs, and Declaration of Architectural Covenants and Conditions. [P.Vince/5.15.00&15.15.01]

City Manager Philip Vince presented the staff report. He stated that this was the culmination of the process of disposition of the Court Street properties, and he explained the action that was before the Council.

Councilmember Kennedy asked if new unanticipated uses could be restricted at the property, as the recent issue with lice removal salons. Senior City Attorney Veronica Nebb explained that the intent of the Declaration of Use Restrictions was to add restrictions in addition to those already included in the Zoning Code, and to address shortcomings in the Code. She noted that the Declaration of Use was not a static document and the owner would probably be open to making

amendments if additional undesirable uses came up later. She also added that the Council had the power to make other restrictions by amending the Zoning Code.

Councilmember DeLaney corrected the amount to be reimbursed to the City from \$533,000 to \$553,000. Mr. Vince agreed it was a math error.

Mayor Schroder opened the Item for public comment.

David Fischer noted that the original intent was to put in a first-class restaurant, but the bids and rent analysis had been unfavorable. He stated that they still intended to put in an eating establishment, but he noted that the sale agreement did not require that.

Mayor Schroder stated for the record that an email with comments was received from Kristin Henderson and would be included as part of the public record.

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

Ms. Nebb asked the Council for permission to make non-substantive amendments to the Resolution so that some minor engineering issues could be addressed, and Mayor Schroder agreed.

Councilmember DeLaney reiterated that the Council had fought for a long time for a certain class of restaurant at the location, but she approved of the agreement that had resulted. She expressed confidence that the buyer would be a good partner with the City in the revitalization of the downtown.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 049-12 approving Final Disposition of Property Located at 610 and 630 Court Street, authorization to execute Purchase and Sale Agreement with Southport Land Corporation, Declaration of Use Restrictions, Declaration of Airspace Plan and CC&Rs, and Declaration of Architectural Covenants and Conditions; and including permitting the City Attorney and City Manager to approve non-substantive amendments to be made to the agreement. Motion unanimously passed 5 - 0.

8. Public hearing to consider Resolution amending the Schedule of Fees for City Services to increase facility reservation fees at Rankin Park and playfield rental fees at Tavan Field. [P.Lorick/02.02.03]

Continued to the June 6th meeting.

CITY MANAGER

10. Motion adopting Ordinance 1365 C.S. authorizing an amendment to the Contract between the City Council of the City of Martinez and the Board of Administration of the California Public Employees' Retirement System. [A.Shear/4.5.13]

Assistant City Manager Alan Shear presented the staff report and explained the purpose of the amendment.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, adopt Ordinance 1365 C.S. authorizing an amendment to the Contract between the City Council of the City of Martinez and the Board of Administration of the California Public Employees' Retirement System. Motion unanimously passed 5 - 0.

11. Public Employees' Retirement System (CalPERS) Resolutions for the following:
[A.Shear/4.5.13]
 - A. Resolution for paying and reporting the value of Employer Paid Member Contributions, Miscellaneous; and
 - B. Resolution for paying and reporting the value of Employer Paid Member Contributions, Sworn.

Assistant City Manager Alan Shear presented staff report and explained the purpose of the Resolutions.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 057-12 for paying and reporting the value of Employer Paid Member Contributions, Miscellaneous; and Resolution No. 058-12 for paying and reporting the value of Employer Paid Member Contributions, Sworn. Motion unanimously passed 5 - 0.

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

City Manager Vince noted that it looked like the cities are not being targeted by the State budget at this time, but the discussions are not over.

CHIEF OF POLICE

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

16. Council Subcommittee Reports.
17. City Council Comments.

Councilmember Lara DeLaney acknowledged that children from Christ the King School volunteered to help with cleaning up trash at the Martinez Shoreline Park on Sunday, April 29, as part of their Biology Earth Services Project; she expressed her appreciation to Danielle Dodd, George Driscoll, George Waidelich, and Zachary Wallace.

ADJOURNMENT

Adjourned at 12:05 a.m. to a Regular Meeting on June 6, 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 6-27-12