

CALL TO ORDER

Mayor Schroder called the meeting at 6:30 p.m. in the Council Chambers with all members present except Vice Mayor Ross who arrived shortly after roll call.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Cal. Government Code section 54956.9(b):
Two potential cases.

Initiation of litigation pursuant to Cal. Government Code section 94956.9(c): One potential case.

There being no public comments, the Council adjourned to closed session.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:10 p.m. with all members present. He reported that a closed session was held regarding Conference with Legal Counsel--Anticipated Litigation with significant exposure, two cases; and Initiation of Litigation, one case; no action was taken.

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 Jason Quan and Eric Troutt.

Chief of Police Gary Peterson introduced Officers Eric Troutt and Jason Quan, reviewed their backgrounds and introduced their families. The swearing-in was performed by Deputy City Clerk Mercy Cabral. Officer Quan was pinned by his wife Leigh; Officer Troutt was pinned by his wife Heather.

The Officers expressed their appreciation to the City, Chief Peterson, and their families for their support. The Council offered their congratulations.

- B. Proclaiming August 11th as "National 811 Day."

A proclamation regarding pipeline infrastructure and safe and careful digging was presented to Steve Leshner and Cathy Ivers of Shell Oil, Martinez. Mr. Leshner expressed pride in Shell's safety record and urged residents to call 811 before digging around their homes.

C. Presentation of Certificates of Completion for CERT.

Chief Gary Peterson announced that the City is recognizing those who have completed the course requirements for the Community Emergency Response Team (CERT). CERT training prepares individuals so that in a disaster they can take care of themselves, their family, and neighbors. He recognized Gill Patton for his commitment and hard work as Director; under his direction the Department trained over 200 Martinez residents. He also recognized the new Director, Brian Limbloom. Chief Peterson urged the public to volunteer, and to contact him or view the City's website for more information.

Chief Peterson, Brian Limbloom, and Mayor Schroder presented certificates to the CERT volunteers.

Mayor Schroder recognized in the audience Boy Scout Troops #188 and #440 from Martinez and Pleasant Hill, who were working on their merit badges for Citizenship.

D. Presentation by Martinez Chamber of Commerce.

Marie Knutson, President; Marie Peinado, Executive Director; and Reba Bower, Sales and Membership Director, provided a third quarter update. Ms. Knutson reviewed duties performed over the last quarter and stated that their primary goals with the visitors' center are to provide information, convey the richness and diversity of Martinez, and encourage return visits. Ms. Knutson reviewed past and future events and various communication projects, including publications, advertising, and the Chamber's website, Facebook page, and other networks. The Chamber has produced a video for the public channel which will soon be aired and placed on the website. Besides promoting Martinez, the Chamber assists the local community groups and businesses with ribbon cuttings, mixers, educational series, and referrals. She recognized the Chamber's new CEO, thanked the Council for their continuous support, and recognized members of the Board that were in the audience.

Mayor Schroder expressed appreciation for the Chamber for the strides that it has made in recent years and for many successful and quality events. He also thanked the Chamber and Main Street Martinez for working well together. The Council thanked the Board members for their hard work and the time they put into the community.

E. Presentation by Main Street Martinez.

John Curtis, President of Main Street Martinez, recognized Leanne Peterson, Executive Director and Boardmembers that were in the audience. Mr. Curtis provided an update on their activities and indicated that they have moved the office on Main Street. Mr. Curtis stated with the help of over 300 volunteers they have been able to produce and distribute new downtown directories, maintain an outdoor kiosk, juror packets, farmers' market and many other initiatives, and maintain communications, i.e. weekly email blasts, the Main Street Facebook page, the new website, and many others. He stated Main Street has seen a lot of progress in the visibility and popularity of downtown. He reviewed past and future events and expressed his appreciation to the Council, staff, and all the volunteers for all their support.

Mayor Schroder stated he is pleased and impressed with the variety of successful events that Main Street puts on. Councilmember Kennedy announced the upcoming Peddler's Faire on August 4 from 8 am to 4 pm. The Council expressed appreciation for Main Street's work.

Mr. Curtis introduced Robin Parker, producer of "Martinez Special," a documentary about the origins of the Martini and the battle between the cities of Martinez and San Francisco over the right to claim its birthplace. Ms. Parker presented the documentary. Leanne Peterson stated that the documentary would also be aired on the City's public channel.

Vice Mayor Ross requested that an Urgency item be added regarding changes in the Brown Act requirement that have been enacted by the State. He requested that a resolution be adopted to continually comply with the Brown Act; and provided a copy of a resolution adopted by the City of Rancho Cucamonga.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve adding an urgency item to the agenda under City Council Items to adopt a policy to continually comply with the requirements of the Brown Act. Motion unanimously passed 5 - 0.

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

Mayor Schroder announced that for the record, a communication was received from Kristin Henderson regarding the Alhambra Valley Annexation.

Joan Cassidy stated that she was at the last Council meeting regarding the ongoing problems with parking in Rankin Park neighborhood especially on Talbert and Buckley. She also stated that the park has been targeted by graffiti, and there has been no stop sign placed at the end of Buckley or signs indicating additional parking. She suggested a gate be constructed to close the park at night. Mayor Schroder stated the Council was exploring the use of cameras in the parks. Councilmember Menesini expressed concern with the isolation of the park. He stated that he did not like limiting public access, but it might be a good idea to set a curfew in the park and put a chain across the entrance. Chief Peterson urged residents to call the police department for noise violations.

Luigi DiTillio complained about garbage cans being kept in front of homes to reserve parking spaces, which is unattractive.

Mike Alford commended the Council for taking leadership in making improvements downtown and suggested motion lights be installed at the park to keep graffiti and undesirables out of the parks at night.

Gary Freitas spoke on dredging procedures and expressed concern that the Marina dredging be done correctly.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of June 27, 2012. [M.Cabral]
2. Motion approving Check Reconciliation Registers dated 07/11/12 and 07/19/12. [C.Spinella/2,.1.1]
3. Motion accepting Cash and Investment Report ending June 30, 2012. [C.Spinella/2.1.1]
4. Motion adopting Fair Political Practice Commission Form 806 to be posted on the City's website, listing the paid appointment of a Councilmember(s) to boards, agencies, authorities and to update the Form 806 upon any change in compensation or a new appointment. [S.Chapek/40.06.00]
5. Resolution No. 097-12 authorizing the City Manager to execute a Side Letter clarifying the Assignment Pay Benefit in the Memorandum of Understanding between the City of Martinez and the Police Officers Association. [A.Shear/4.5.6]
6. Resolution No. 098-12 approving the Eagle Marine Lease extension and authorizing the Mayor to execute same. [M.Chandler/5.11.00]
7. Resolution No. 099-12 approving the General Obligation Bond Tax Rate for the 2012/13 property tax roll and directing submittal to Contra Costa County. [C.Spinella/2.09.00]

On motion by Janet Kennedy, Councilmember, seconded by Michael Menesini, Councilmember, to approve Items #1 through #7 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

8. Verizon Wireless Application: Continue the public hearing to the meeting of September 19, 2012, to consider adoption of a resolution and conditions of approval denying an appeal and approving requested Use Permit and Design Review application, Permit #12PLN-0002, for installation of a new co-located wireless telecommunications facility by Verizon Wireless on an existing PG&E tower located on a private residential lot at 814 Carter Acres Lane. [A.Mepani/09.06.01.42]

Public hearing continued to the meeting of September 19, 2012.

CITY MANAGER

9. Marina Loan -- consider and take action on the following: [A.Shear/14.01.00]
 - A. Approve resolution for the General Fund to loan the Marina Fund \$80,000 from the remaining Texaco settlement in assigned fund balance to pay the August 1, 2012 loan payment to the State Department of Boating and Waterways.
 - B. Do not approve payment to DBAW and concomitant General Fund loan to the Marina Fund.

Assistant City Manager Alan Shear presented the staff report. He explained why the Marina Fund was unable to make the payment, and reviewed the Council's options. The Council had received additional information during the closed session.

Mayor Schroder opened the Item for public comment.

Mike Alford asked if Martinez Marinas LLP was still being paid for their management, and Mayor Schroder confirmed that the City still had a contract with the firm.

Mr. Verrilli asked if the public could have more information about the background of the payment and the discussion that had taken place in closed session.

City Attorney Jeff Walter explained that because there was a potential for litigation in this situation, the discussion the Council had would have to remain private.

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

Councilmember DeLaney stated the General Fund could not afford to provide any more money to the Marina Fund, and the City needed to come to an agreement with DBAW to find a new way to finance the Marina.

Councilmember Menesini agreed and suggested that the Council direct staff to audit the City's contributions to the Marina. He stated he would support loaning the Marina Fund the \$33,000 in the Enterprise Fund, but no more.

Vice Mayor Ross stated that he thought this was an appropriate use of the Texaco settlement money. He expressed his opinion that paying DBAW only a partial amount in an attempt to get its attention was a flawed strategy. He stated that DBAW would not be willing to help finance the Marina more when the City already had a poor record from paying it back. Vice Mayor Ross suggested holding the \$80,000 from the Texaco settlement money in escrow as a guarantee to the state that it would either go to paying the loan or to making further improvements on the Marina with DBAW's cooperation.

Councilmember DeLaney stated that paying \$33,000 from the Enterprise Fund would show DBAW that the City was committed to meeting its obligations, but that the Enterprise Fund and the General Fund could not sustain any payments of this size.

Vice Mayor Ross expressed frustration with the lack of agreement with the State, but stated the City would have to continue spending money on the Marina anyway. He stated he wanted to pursue negotiations with the State with the City's new revised plan for the Marina.

Councilmember Menesini stated this was not about giving up on the Marina, but about defining the City's relationship with and obligations to DBAW.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve the monies in the Enterprise Fund of \$33,000 to pay the August 1, 2012, loan payment to the State Department of Boating and Waterways, and not approve additional payment to DBAW through a concomitant General Fund loan to the Marina Fund.

Motion passed 4 - 1. Yes: Lara DeLaney, Councilmember; Janet Kennedy, Councilmember; Michael Menesini, Councilmember; Rob Schroder, Mayor. No: Mark Ross, Vice Mayor.

Mayor Schroder indicated that the document provided by the City Attorney in closed session regarding a history of the Martinez Marina marked as Exhibit A be made available to the public. Councilmember DeLaney requested that Exhibit B be made public as well. City Attorney Walter concurred.

10. Provide direction to staff regarding the potential granting of a non-exclusive private access easement over a portion of the City's Lafayette Street surplus property. [T.Tucker/5.10.02]

Vice Mayor Ross recused himself indicating he had a conflict of interest due to the proximity of the property to his home and left the dais.

City Engineer Tim Tucker presented the staff report and provided a PowerPoint presentation about the parcel of surplus property and the issues involved with the granting of the easement. The easement would improve accessibility for development of the nearby land. He explained the options before the Council.

Councilmember Kennedy confirmed that there was currently no proposed development on the neighboring properties. She suggested that it would be more appropriate to consider the easement as part of a development proposal so that the Council could more fully investigate the issues involved. Councilmember DeLaney stated this was a preliminary action to give direction to staff to investigate the possibility. Mr. Tucker stated this was the first step in the surplus property process, and staff would come back with more information if directed.

Councilmember Menesini stated this was not necessary because there were other options for access, and Lafayette Street would not be able to support the extra traffic. Councilmember Kennedy stated that it would depend on the kind of development that was done. Councilmember Menesini stated that he did not want to give false hopes by suggesting that access was possible. Councilmember DeLaney asked if staff could address the possibility of providing access through Dineen Street. Mr. Tucker noted that development would still be possible through Escobar Street, although it would not be as convenient. He stated that access through Lang and Miller was a possibility.

Mayor Schroder agreed that he was for appropriate development, but he thought exploring the possibility of an easement was premature at this point.

Mayor Schroder opened the Item for public comment.

Harlan Strickland stated he agreed with Council's comments and that Lang would be a more appropriate connecting street. He asked why the City had not provide public notice on this Item. Mr. Tucker stated that public notice would be given if there was a next step. Councilmember Menesini expressed his opinion that the lack of proper notice was a reason to not move ahead on this, and requested that staff provide notice on items like this in the future.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to drop the item from calendar and take no action nor provide direction to staff. Motion unanimously passed 5 - 0.

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

CHIEF OF POLICE

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

Chief Peterson noted that last Friday a community blood drive was held in honor of Sgt. Brian Carter. Enough blood was given to help 166 patients. He thanked Cathy Ivers and Shell Oil, who provided the venue, and the community who supported the blood drive.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

Urgency Item Added:

13. A. Resolution adopting a policy to continually comply with all the requirements of the Brown Act during the State of California's three year suspension of State mandates as contained in AB 1464 and SB 1006.

Vice Mayor Mark Ross stated that he did not expect the City would have any issues continuing to abide by the Brown Act, but the City could set an example as a leader by publicly reiterating its compliance.

Mayor Schroder stated that Vice Mayor Ross had brought this up in time for it to be on the agenda, but it had not gone to staff in time. He agreed this was an important action for the Council to take, to reiterate what the City's practices and policies are.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 100-12 adopting a policy to continually comply with all the requirements of the Brown Act during the State of California's three year suspension of State mandates as contained in AB 1464 and SB 1006. Motion unanimously passed 5 - 0.

13. B. Council Subcommittee Reports.

14. City Council Comments.

Councilmember Janet Kennedy announced that Shelter Inc. is currently offering to help Veterans and families who are homeless or at risk of homelessness with first month's rent, security deposit, and utility assistance. For more information call Shelter Inc. at (925) 957-7579. She also requested that the information be placed on the City's website. Councilmember Kennedy announced the Martinez Relay for Life, the 24-hour fundraiser for the American Cancer Society, to be held on Saturday, July 28, at Las Juntas Elementary School.

Councilmember Lara DeLaney announced that she will be holding an Olympic Fun Day for "Let's Move", an organization established by Michelle Obama to help reduce child obesity by encouraging physical activity, on Saturday, June 28th; Councilmember DeLaney will host a tennis clinic at Nancy Boyd Tennis Courts at 11:00 a.m. She also announced a Community Workshop at 6:00 p.m. on Wednesday, August 1, in the Council Chambers to discuss alternative access to the Martinez Waterfront.

Vice Mayor Mark Ross congratulated the Police Department on the successful blood drive.

Councilmember Michael Menesini stated that he was impressed with Councilmember DeLaney's initiative in hosting the tennis workshop.

Mayor Rob Schroder announced that the Wellness City Challenge is hosting the fourth annual Mayors' Healthy Cook Off in Concord at Todos Los Santos Plaza on August 23rd at 5:00 p.m. His chef this year will be Sal Riccabono.

ADJOURNMENT

Adjourned at 9:14 p.m. to a Summer Recess during the month of August 2012, then to a Regular Meeting on September 5, 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 – 9/5/12