

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:30 p.m. in the Council Chambers with all members present except Vice Mayor DeLaney and Councilmember Menesini. Councilmember Menesini arrived shortly after roll call, and Vice Mayor DeLaney came later in the meeting.

PUBLIC COMMENT (Closed Session items only)

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

CLOSED SESSION (Adjourn to City Manager's Office)

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Cal. Government Code section 54956.9(d)(2): One potential case.

Initiation of litigation pursuant to Cal. Government Code section 54956.9(d)(4): One potential case.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Martinez Marina

Agency negotiator: Rob Schroder, Mayor; Michael Menesini, Councilmember; Phil Vince, City Manager; Alan Shear, Asst. City Manager; Mitch Austin, Contract Community Svcs. Manager; Jeffrey Walter, City Attorney.

Negotiating parties: City of Martinez and State Lands Commission.

Under negotiations: Price and terms of lease with State Lands Commission.

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Cal. Government Code section 54956.9(a).

Name of case: In re Petition in Bankruptcy filed by The Benefactors dba the Willows Theatre Company, N. District Cal. Case No. 12-48964.

Vice Mayor DeLaney arrived at 5:55 p.m.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Rob Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He reported that a closed session was held with respect to Conference with Legal Counsel--Anticipated Litigation and Initiation to Litigation, Conference with Real Property Negotiators regarding the Marina and Conference with Legal Counsel--Existing Litigation regarding Petition in Bankruptcy filed by Willows Theatre Company and stated that direction was given to City's legal counsel and property negotiators.

PRESENT: AnaMarie Avila Farias, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.
EXCUSED: None.
ABSENT: None.

PRESENTATION(S)

A. Presentation to resigning Planning Commissioner Harriett Burt.

Mayor Schroder presented Harriett Burt with a proclamation honoring her for public dedication and service on the Planning Commission from 1999-2013, as well as past service as a member of the City Council, and her involvement with the community.

Ms. Burt expressed her appreciation to the Council for their confidence in her, City staff for their tireless work even though their numbers are few, and the Community for understanding she did the best she could with what she had.

B. 2013-15 Budget Photo Contest Winners.

Mayor Schroder noted that the City received over 200 photo submissions from area photographers, and City staff and the Budget Subcommittee (Vice Mayor DeLaney and Councilmember Avila Farias) pared it down and selected the top 17 for submissions in the upcoming budget. Sr. Management Analyst Michael Chandler presented a slideshow of the contest-winning pictures.

The Council presented each contest winner a framed photograph signed by the City Council as follows: Judy Roberts, (not present) picture used for Budget Cover; Joe Dallmann, picture used for Introduction; Julie Lopez, picture used for Budget Guide; Lorraine Castillo, picture used for Summary Schedules; Mindee Adams, picture used for General Fund; Julie Nilsen, picture used for General Government; John N. Lee, picture used for Administrative Services Dept. and Public Works Dept.; Paul Nilsen, picture used for Police Dept. and Financial Policies; Sonja Nilsen, picture used for Enterprise Fund and Debt Service; Scott O'Neill, picture used for Special Revenue Funds; Norma Parker, picture used for Internal Service Funds; Sherrie Moore, picture used for Capital Improvement Program; and Aina Ferro, picture used for Appendices.

Mayor Schroder thanked all the contestants and mentioned that the winning photos will be posted on the City's website.

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

Greg Staffelback spoke on an article in the Contra Costa Times regarding the City's interest in creating a dog park, which he supports. However, the two sites being recommended, Golden Hills Park and drainage basin at Alhambra Avenue, Pleasant Road East and Truitt, are not suitable. Mr. Staffelback provided the Council with a list of suggested areas that are better suited. He also commented on a Martinez resident who received a ticket from the East Bay Park

Sheriff for having her dog off-leash at the horse arena, a cost she cannot afford. He challenged the Council to create a dog park by the end of summer, noting that many neighboring communities already have them. Mayor Schroder noted that the Parks Recreation Marina and Cultural Commission was pursuing the issue. Councilmember Menesini expressed support for a dog park.

Joan Cassidy said she is still in a quandary with the parking problems in her neighborhood due to the new swimming pool, even though permitted parking has been instituted. She indicated that people are reading the signs and everything is fine between 8 a.m. to 5:00 p.m., but the problem is after 5:00. City Engineer Tim Tucker indicated that the signs are new and the parking program is on trial basis for this season. He said staff will work out the problems and then go back and permanently establish a parking district.

Marie Knutson with Republic Services (former Allied Waste) announced the Second City-Wide Cleanup for Martinez residents from June 24 through June 28th. On the day that garbage is picked up, residents can leave wood, yard waste, batteries, and up to 14 32-gallon bags of refuse. She also announced a new drop off location for sharps located at the Martinez Police Department.

Vicki Gordon, representing Concern Citizens of our Schools, encouraged the Council and the general public to attend the upcoming School Board meeting on Monday at 6:30 p.m. on Susana Street to show support for the Vicente Briones Campus. Ms. Gordon stated that funds were approved last year by the former Board to build a new facility, and now the new Board is trying to rescind that decision.

Gary Freitas thanked the Council and staff for their hard work. He indicated that it was his project that Mr. Alford was speaking about at a past Council meeting, and he wanted to clarify the status on his project. He indicated that he supported future developments and encouraged growth in the City. He appreciated the Council adding more funding to complete the General Plan.

Theresa Nelson, representing her neighborhood, requested that Gilrix Drive be placed on the top of the paving list. City Engineer Tim Tucker stated that neighborhood would be repaved next summer. Councilmember Menesini suggested a temporary fix. Vice Mayor DeLaney requested that the Pavement Management System be more transparent. Councilmember Ross stated that the Pavement Management List should be posted on the City's website. City Engineer Tim Tucker agreed to repair the bad spots this summer and follow it up with the repaving next summer.

Mike Alford stated that he spoke on Mr. Freitas' project as an example during the Laurel Knolls hearing. He also commented on Council transparency and complimented Isidro Farias for the great job he is doing with the program "Envisions" and indicated that the School Board should support the program.

Seeing no further speakers, Mayor Schroder closed public comment.

CONSENT CALENDAR

1. Motion waiving reading of text of all Resolutions and Ordinances.

2. Motion approving the City Council Minutes of May 30, 2013. [M.Cabral]
3. Rejection of Claim against the City by Kemper Service Group for Jennifer Kling, #13-13V. [M.Cabral]
4. Motion accepting the January 1, 2013, Other Post Employment Benefits (OPEB) Actuarial Valuation Report. [A.Shear/C.Spinella/2.1.0]
5. Motion approving agreement with Mitch Austin (aka Michelle Wierschem) for consultant services on the Marina for the period of July 1, 2013 to December 31, 2013. (17.00.05)
6. Motion accepting "Statement of Progress" letter requesting an extension for submittal for a Growth Management Program Checklist to Contra Costa Transportation Authority. [D.Tasini/6.7.15&9.2.8]
7. Resolution No. 049-13 authorizing destruction of records pertaining to the Community Development and Administrative Services Department. [M.Cabral/40.10.01]
8. Resolution No. 050-13 authorizing the Chief of Police to execute a contract between the City of Martinez and the California Department of Alcoholic Beverage Control (ABC) for receipt of \$44,650 from the grant assistance program. [G.Peterson/4.8.0]

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

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Items #1 through #8 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

9. Public hearing to consider Landscaping and Lighting Assessment District 1979-3, Village Oaks Terrace and approve the following: [T.Tucker/10.02.34]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 051-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-14 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

City Engineer Tim Tucker presented the staff report for all the Landscaping and Lighting Assessment Districts and provided a PowerPoint presentation on the Districts which was requested last year by the Council.

Councilmember Ross suggested that a Landscaping and Lighting District be created for the Chilpancingo area. Vice Mayor DeLaney also noted that the Center Martinez District has a negative fund balance and would also require an election for an increase.

Mayor Schroder open and closed the public hearing for Items #9 through #16 with no one coming forward.

On motion by Lara DeLaney, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, adopt Resolution No. 051-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Village Oaks Terrace. Motion unanimously passed 5 - 0.

10. Public hearing to consider Landscaping and Lighting Assessment District 1981-3, Muir Station Park and approve the following: [T.Tucker/10.02.15]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 052-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-2014 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Mark Ross, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, adopt Resolution No. 052-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Muir Station Park. Motion unanimously passed 5 - 0.

11. Public hearing to consider Landscaping and Lighting Assessment District 1983-3, Vista Oaks and approve the following: [T.Tucker/10.02.22]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 053-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-2014 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, adopt Resolution No. 053-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Vista Oaks. Motion unanimously passed 5 - 0.

12. Public hearing to consider Landscaping and Lighting Assessment District 1988-1, the Center Martinez and approve the following: [T.Tucker/10.02.31]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 054-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-14 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Vice Mayor, seconded by Michael Menesini, Councilmember, adopt Resolution No. 054-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Center Martinez. Motion unanimously passed 5 - 0.

13. Public hearing to consider Landscaping and Lighting Assessment District 1994-1, Creekside and approve the following: [T.Tucker/10.02.36]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 055-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-2014 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, adopt Resolution No. 055-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Creekside. Motion unanimously passed 5 - 0.

14. Public hearing to consider Landscaping and Lighting Assessment District 1997-1, Brittany Hills and approve the following: [T.Tucker/10.02.37]
 - A. Motion approving changes in report and assessments.
 - B. Resolution No. 056-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-2014 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, adopt Resolution No. 056-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Creekside. Motion unanimously passed 5 - 0.

15. Public hearing to consider Landscaping and Lighting Assessment District 2000-2, Terra Vista and approve the following: [T.Tucker/10.02.40]
 - A. Public hearing ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 057-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-14 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by AnaMarie Avila Farias, Councilmember, seconded by Lara DeLaney, Vice Mayor, adopt Resolution No. 057-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Terra Vista. Motion unanimously passed 5 - 0.

16. Public hearing to consider Landscaping and Lighting Assessment District 2001-1 Alhambra Estates: [T.Tucker/10.02.41]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 058-13 approving the Engineer's Report, and confirming the district diagram and assessments for the 2013-14 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Vice Mayor, seconded by Michael Menesini, Councilmember, adopt Resolution No. 058-13 approving the Engineer's Report and motion ordering any changes; resolution overruling protests not required for LLAD, Alhambra Estates. Motion unanimously passed 5 - 0.

17. Public hearing to consider a resolution authorizing the Mayor to execute a non-exclusive utility easement to Pacific Gas and Electric across City owned parcel, Assessor Parcel Number 366-130-004 located at the intersection of Alhambra Avenue and Alhambra Valley Road. [T.Tucker/6.15.01&10.15.00]

City Engineer Tim Tucker presented the staff report, discussing new PG&E requirements enacted after the San Bruno pipeline explosion in 2010, including the re-inspection program.

Andrew Bianchi, PG&E Government Relations, introduced other PG&E staff: Sara Carol, Project Coordinator, and Tim Kelly, Managing Easement Development. He reviewed PG&E's Pipeline Safety Enhancement Plan (PSEP), including pipeline replacement, valve automation, inline inspections and strength testing and valve replacement. Sara Carol explained hydrostatic pressure testing.

Mr. Bianchi also reviewed the proposed easement description, process, location, customer outreach, and timeline.

Mayor Schroder asked for more information on the testing process and whether customers would be out of service during the work, which Mr. Bianchi discussed.

Councilmember Ross confirmed the easement would be a permanent one. He asked if they had considered a license agreement, and Mr. Kelly explained why the easement was preferred. Councilmember Ross asked about natural gas standards as well, which Ms. Carol discussed.

Councilmember Menesini asked for more information about the line's origin and terminus, as well as pressure levels and limits, which Ms. Carol and Mr. Bianchi described.

Councilmember Menesini asked about maps showing locations of all PG&E lines in Martinez, associated levels and age of the lines. Staff confirmed that maps were on file with the City, and also available online. Councilmember Menesini asked for information about the testing results on City lines, and Mr. Bianchi indicated that out of 200 tests, there were 4 failures. He confirmed that the proposed testing now is to locate and repair pinhole leaks. Councilmember Menesini expressed concern that the City Engineer and the Police Department should be informed when leaks are discovered, since it could be a public safety issue. Mr. Bianchi explained that the suspected leaks were not within the jurisdiction of Martinez. Councilmember Menesini asked about the age of pipelines going through Martinez, which Mr. Bianchi was unable to answer.

Councilmember Menesini asked about the safety plan for the City, which Ms. Carol described. He also asked from where the spill response teams will come, and Ms. Carol said teams will be placed at various places along the line during the whole time the testing will be ongoing. Councilmember Menesini asked the City Engineer if there was a copy of the safety plan at City Hall, and staff confirmed it would be on file before the permits for testing will be approved.

Councilmember Menesini asked when the City's franchise agreement will be up for renewal, which City Attorney Jeff Walter discussed. Councilmember Menesini said he thought all franchise agreements required safety plans to be on file.

Mayor Schroder commended PG&E for being proactive in arranging for the testing of the lines.

Vice Mayor DeLaney asked if the value of the easement land had been verified, since PG&E was the one who determined the value. Mr. Tucker stated yes, and the value was appraised three times more than what staff had estimated for raw land.

Councilmember Ross asked for details about the franchise agreements for the gas flowing through the lines, which Sr. Management Analyst Michael Chandler discussed. He indicated that in this case staff thought a new franchise agreement was not required.

Councilmember Menesini asked about new federal laws for regulatory requirements, and he asked staff to confirm that the requirements for pipelines in Martinez are being met. He discussed the need for immediate notification of Martinez police and fire departments in the event of an incident.

Vice Mayor DeLaney asked about public notification for this hearing and any responses received, which Mr. Tucker reviewed.

Mayor Schroder opened the public hearing.

Mike Alford asked if the City receives revenue from PG&E for allowing their pipelines through the City, and whether Shell pipelines have the same requirement. He expressed concern that the franchise agreements might need to be updated. He expressed appreciation to Councilmember Menesini for being concerned about public safety.

Seeing no further speakers, Mayor Schroder closed the public hearing.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 059-13 authorizing the Mayor to execute a non-exclusive utility easement to Pacific Gas and Electric across City owned parcel, Assessor Parcel Number 366-130-004 located at the intersection of Alhambra Avenue and Alhambra Valley Road. Motion unanimously passed 5 - 0.

18. Public hearing to consider a resolution amending the Schedule of Fees for City Services establishing Large Event fees and revise the Park Use Fee Waiver Policy to include large events. [M.Chandler/02.02.00]

Sr. Management Analyst Michael Chandler provided a PowerPoint presentation and a recap of the proposed revisions following the June 5th public hearing - fees are tiered based on numbers of attendees per day, who is holding the event, and fees for City staff handling the events. He also commented on the addition of post-event economic analysis that will be done in cooperation with Main Street Martinez and the Chamber of Commerce, definition of a large event, fee exemptions proposed by Councilmember Menesini and Mayor Schroder, and special consideration for local nonprofits as suggested by Councilmember Avila-Farias.

Councilmember Ross asked whether a political fundraiser in the park would still be required to pay fees, and Mr. Chandler said yes.

Vice Mayor DeLaney requested that "Large Event" be defined in the resolution as those with 1,000 persons or more.

Councilmember Menesini thanked Mr. Chandler for the changes made in response to Council wishes.

Mayor Schroder opened and closed the public hearing with no speakers coming forward.

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 060-13 amending the Schedule of Fees for City Services establishing Large Event fees and revise the Park Use Fee Waiver Policy to include large events; *and as amended to clarify the number of attendees for large events.* Motion unanimously passed 5 - 0.

CITY MANAGER

19. Motion to select a concert promoter to promote a fall concert at the City's Amphitheater and appoint an Ad Hoc Concert Subcommittee. [M.Austin&P.Vince/11.05.11&41.06.01]

Contract Recreation Manager Mitch Austin presented the staff report discussing City goals including more use of the amphitheater, information he had received about Prime Time Entertainment and Howard Geller, concert producers, and the proposal that was taken to the Parks, Recreation, Marina and Cultural Commission with their ultimate approval of the concept. Mr. Austin indicated that both producers were invited to make a presentation and answer questions. He noted that Jim Douglas of Prime Time Entertainment was present.

Jim Douglas, Prime Time Entertainment, reviewed other programs they have produced, other venues where they have worked, unique challenges to a concert in Martinez, and potential sponsorships. Mayor Schroder discussed past events at the amphitheater. He was excited about the possibilities.

Councilmember Ross expressed interest in serving on the subcommittee. He asked, and Mr. Douglas discussed potential drawbacks or shortcomings with the site. Councilmember Ross commented on the current underutilization of the site.

Vice Mayor DeLaney thanked Mr. Douglas for willingness to come and discuss possible events. She was concerned about the costs and indicated she would rather see free or subsidized concerts. Mr. Douglas indicated his company does a lot of research before beginning. She also was willing to serve on the subcommittee.

Councilmember Menesini thanked Mr. Austin and Mr. Douglas for bringing the option forward. Mr. Douglas expressed preference for paid concert rather than free, but could begin with one and see how things progress.

Mayor Schroder opened public comment on the item.

Mike Alford commented on past events (in the 1960s), and the draw that will come from known names, but free concerts would also have a different appeal. He thought the amphitheater is an ideal location, especially with the Marina.

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

On motion by Rob Schroder, Mayor, no second required, create an Ad Hoc Concert Subcommittee and appoint Vice Mayor DeLaney and Councilmember Ross thereto. Motion unanimously passed 5 - 0.

20. Resolution approving the Five Year Capital Improvement Program (CIP) for fiscal years 2013-14 to 2017-18. [T.Tucker/2.14.00]

City Engineer Tim Tucker presented the staff report, discussing the purpose of the CIP program, planning for projects, funding plans, Measure J requirements, public workshop on the CIP, and budget workshop, as well as the Planning Commission determination that it is consistent with the General Plan.

Mayor Schroder asked about \$50,000 allocated from the Texaco settlement for improvements to the Zocchi building. Mr. Vince explained it is primarily a placeholder for future potential landlord costs, but he confirmed the tenant will be responsible for most of the building improvements.

Vice Mayor DeLaney said if the City is successful with the "Paint What Matters" program, perhaps those funds could be spent on the building and some of the allocated monies could be used for additional paving projects.

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

On motion by Lara DeLaney, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 061-13 approving the Five Year Capital Improvement Program (CIP) for fiscal years 2013-14 to 2017-18. Motion unanimously passed 5 - 0.

21. Resolution adopting the Biennial Operating Budget for July 1, 2013 through June 30, 2015. [P.Vince&A.Shear&C.Spinella/2.10.00]

Assistant City Manager Alan Shear presented the staff report, reviewing the budget process thus far. He also stated that it is a balanced budget that complies with the City Council goals.

Mayor Schroder expressed appreciation for staff's work on the budget, especially Mr. Shear, Finance Manager Cathy Spinella; as well as the Council Budget Subcommittee. Councilmember Avila Farias echoed Mayor Schroder's comments.

Councilmember Ross acknowledged the efforts as well. He reiterated his concerns about setting aside funds for future pension obligations. Mayor Schroder indicated he had discussed the issue with Mr. Vince, Mr. Shear and Ms. Spinella, and it will be reflected in future budgets.

Vice Mayor DeLaney also thanked staff and the Subcommittee for their work. She agreed with Councilmember Ross' concerns, noting that it's not just pensions that are of concern - there is also the matter of post-retirement medical benefits, etc.

Vice Mayor DeLaney asked about the nonspendable fund balances and how that is reflected in the budget, which Ms. Spinella discussed.

In response to a further question from Councilmember Menesini, Ms. Spinella explained why the fund transfer is proposed under the next item related to the Marina Enterprise Fund.

Councilmember Ross asked for clarification on the requirement that PERS will eventually have to give the City an accurate accounting of how much the City currently owes for future pension obligations. Vice Mayor DeLaney commented on potential future impacts to the City's rates due to pension costs.

Councilmember Ross expressed optimism that the economy seems to be slowly improving.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 062-13 adopting the Biennial Operating Budget for July 1, 2013 through June 30, 2015. Motion unanimously passed 5 - 0.

22. Resolution authorizing the General Fund to transfer to the Marina Enterprise Fund \$473,849 to liquidate the remaining advances made between the two funds from 2004 and 2008. [A.Shear/2.10.00&14.01.00]

Mayor Schroder introduced the item, noting that no staff report was needed because the issues have been discussed in other contexts.

Mayor Schroder opened public comment on the item.

Mike Alford asked whether this is intended to prepare for the City taking over the Marina in the near future. Mayor Schroder explained it was more of a financial issue that needed to be resolved, and whether the City will be managing it or not remains to be seen.

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

Vice Mayor DeLaney expressed regret about the write-off and the current circumstances with the Marina.

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 063-13 authorizing the General Fund to transfer to the Marina Enterprise Fund \$473,849 to liquidate the remaining advances made between the two funds from 2004 and 2008. Motion unanimously passed 5 - 0.

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

City Manager Vince reported that he is working with David Twa, County Administrator, to set up a subcommittee on County Courts. He added that he also talked with Kiri Torre, Executive Officer Superior Courts, who noted that the attorneys are very interested in the concept of a parking lot or parking garage; and he will be preparing a report to go out to them on this concept. Vice Mayor DeLaney noted that the County had just announced Ms. Torre's retirement, with her husband Ken Torre to be her replacement.

City Councilmember Avila Farias asked the City Manager to provide an update on the Seeno Project. City Manager Philip Vince stated that staff has been working with the developers on the Laurel Knolls Project and they have been compliant in terms of responding to the Council's concerns. He also indicated that staff, Councilmember Avila Farias and Seeno representatives walked the site last week, and a community meeting has been scheduled on July 8th at 6:00 p.m. (the location will be announced once it is decided). The project will be before the Council on July 24th with new architectural drawings, which will be reviewed by Contract Planner Dina Tasini.

Councilmember Menesini asked about the revised plans, which Mr. Vince discussed.

Councilmember Avila Farias thanked City Engineer Tim Tucker for using his day off to participate in the site visit, as well as other staff who are working hard to resolve the issues still remaining.

CHIEF OF POLICE

24. Resolution authorizing a budget transfer from unassigned fund balance to the police special revenue fund in the amount of \$5,000 and (2) provide a cash donation in the amount of \$5,000 to the Contra Costa County District Attorney's Gun Buyback Program to help facilitate the removal of handguns and assault rifles off the streets of Contra Costa County. [G.Peterson/4.8.0]

Captain Eric Ghisletta presented the staff report noting that the Contra Costa County District Attorney's Office was sponsoring their first gun buy-back program on August 3rd. Captain Ghisletta explained the purpose of the gun buy-back program, including gift cards to be given to participants in return for the guns. He noted that the City has been asked by the County to participate and to donate \$5,000 toward the costs of the program.

Councilmember Menesini confirmed with Finance Department staff that there was sufficient funding in the account. He expressed appreciation and support for the program.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 064-13 authorizing a budget transfer from unassigned fund balance to the police special revenue fund in the amount of \$5,000 and (2) provide a cash donation in the amount of \$5,000 to the Contra Costa County District Attorney's Gun Buyback Program to help facilitate the removal of handguns and assault rifles off the streets of Contra Costa County. Motion unanimously passed 5 - 0.

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

Captain Ghisletta reported on plans for the fourth of July, and he noted that the department is currently conducting promotional exams for sergeant.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

26. Authorize the Mayor to send a letter to the State Resources Agency, Boating and Waterways Division, Parks and Recreation Department, Department of Finance and the Attorney General, requesting that they, along with the City, re-establish and re-convene the City-State Committee charged with monitoring and overseeing the Marina.
[J.Walter/14.01.00&41.01.00]

Councilmember Michael Menesini presented the staff report, discussing the partnership envisioned by the original loan agreement between the City and State Department of Boating and Waterways. He noted the Council Marina Subcommittee recommends approval of the letter.

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

Vice Mayor DeLaney said she thought this was a well-crafted letter and captures the history well. She expressed appreciation to staff and the City Attorney. Without reviving the earlier partnership committee, she did not see what else could be done with/about the Marina.

Councilmember Menesini said the letter was a good first step at least.

Councilmember Ross agreed it is a good letter, but he was optimistic that other solutions might yet be found.

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, authorize the Mayor to send a letter to the State Resources Agency, Boating and Waterways Division, Parks and Recreation Department, Department of Finance and the Attorney General, requesting that they, along with the City, re-establish and re-convene the City-State Committee charged with monitoring and overseeing the Marina. Motion unanimously passed 5 - 0.

27. Council Subcommittee Reports.

28. City Council Comments.

Vice Mayor Lara DeLaney announced that the "Sergeant Paul Starzyk Memorial Overcrossing" sign is being dedicated on Monday, July 1st at 10:00 a.m., meeting first at the Grace Episcopal Church at 9:30 a.m. Vice Mayor DeLaney reported out on her attendance at the League of California Cities Employee Relations Committee.

Councilmember Mark Ross noted that the State, with the help of Assemblyperson Skinner's efforts, has added 14 more refinery inspectors. He also stated that the Air District will be sponsoring a bill that will increase the strict liability laws for the refineries in California. He also requested an update for the 4th of July, and Captain Ghisletta stated that there will be a parade at 10:00 a.m., a bocce tournament, and the horseman area will have an event and other activities will take place with fireworks at night.

Councilmember AnaMarie Avila Farias requested that an Ad Hoc Committee be established to meet with the Historical Society regarding the historic train depot; Mayor Schroder requested that the item be placed on the next agenda. Councilmember Avila also mentioned that she was approached by MainStreet to work with representatives from the Family Fest and wanted consensus from the Council to continue to work with MainStreet in pursuing the possibility of bringing the event to Martinez, which they agreed.

Councilmember Michael Menesini thanked City Engineer Tim Tucker for agreeing to do some emergency repair work on Gilrix; and he requested that staff find out whether or not PG&E filed an Environmental Impact Report (EIR) with regard to their project in the City with the CPC.

Vice Mayor Lara DeLaney reminded the public to vote for the City of Martinez in the Benjamin Moore Paint What Matters contest, adding that you can vote every day until June 30th and the website is paintwhatmatters.com.

ADJOURNMENT

Adjourned at 10:15 p.m. to an Adjourned Regular Meeting on July 10, 2013 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 -7/24/13