

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers with all members present except Councilmembers Kennedy and Menesini.

*\*Councilmember Kennedy arrived shortly after roll call.*

## **CLOSED SESSION**

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.

Property: 630 Court Street.

Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director;  
Alan Shear, Asst. City Manager; Veronica Nebb, Asst. City Attorney.

Negotiating Parties: City of Martinez and Southport Land Development.

Under Negotiation: Price, terms of payment and other conditions of sale.

- B. PUBLIC COMMENT (On closed session items only)

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

*\*Councilmember Menesini arrived at 6:15 p.m.*

## **RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He reported that closed session was held with respect to Conference with Real Property Negotiators regarding 630 Court Street, and direction was given to the City's property negotiators; there was nothing else to report.

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. Proclamation commemorating March 7-8, 2012 as Arbor Day.

The Council presented the Proclamation to Public Works Director Dave Scola.

B. 2012 Water Treatment Plant Master Plan.

City Engineer Tim Tucker provided a PowerPoint presentation and introduced Alan Pellegrini, Water Superintendent. City Engineer Tucker reviewed the project prioritization summary including water treatment process, project status, and a condition assessment of electrical equipment, obsolete instruments, structural and seismic bracing, mechanical equipment, repair and replacement needs. Mr. Tucker thanked the Council Water Subcommittee consisting of Councilmembers DeLaney and Menesini.

Councilmember DeLaney asked what portion of the \$7 million was available for these projects and what part was reserved for contingencies. Mr. Tucker said that there was about \$3 million reserved for emergencies and the rest was for the projects.

Councilmember Kennedy asked about the schedule and bid process. Mr. Tucker said that the timeline was more fluid and that it would be more appropriate to set different priority levels than to assign projects to specific years. Councilmember Kennedy asked when the bidding for the highest priority projects would take place. Mr. Tucker stated that the design process could begin immediately because the City has on-call contracts.

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

Doug Stewart provided a homeless update for the month of January in the Martinez area. He noted that the RV issue is much improved.

Andrew Steffen, Battalion Chief for Contra Costa Fire, introduced himself as the new appointed liaison to the City. Chief Steffen stated that he will be communicating with the Council, will keep them apprised, and he will make himself available for any concerns.

Rich Verrilli urged the Council to look at banning firewood. He added that it is a time when we have to consider health; and he read an article from the Chronicle recognizing the benefits of banning wood smoke.

Mike Alford commented on a discussion he had had with members of DBAW about the Council's statements regarding the Marina loan. He also expressed concern that the truth was not being heard. Mr. Alford reiterated his past remarks regarding Patch and the Gazette of not allowing the truth to be printed.

**CONSENT CALENDAR**

**MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.**

1. Motion accepting Check Register(s) dated 12/22/11 and 02/09/12. [C.Spinella/2.1.1]
2. Motion approving the 2012 Water Treatment Plant Master Plan. [T.Tucker/15.01.06]
3. Resolution No. 007-12 authorizing the City Manager to execute a Memorandum of

Understanding (MOU) between the City of Martinez and the Martinez Police Officers Association (MPOA) for the contract period of July 1, 2011 through June 30, 2015.  
[A.Shear/4.5.6]

4. Resolution No. 008-12 authorizing the Chief of Police or his designee to sign a standard grant agreement with the State of California, Department of Alcoholic Beverage Control and any related documents for the Minor Decoy Operation; and (2) authorize an adjustment to the 2011/2012 budget so the City can receive grant funding as revenue from the State of California, Department of Alcoholic Beverage Control not to exceed \$4000.  
[G.Peterson/04.08.00]

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Items #1 through Item #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

5. Resolution approving the mid-year adjustments to the adopted biennial budget for the 2011-2012 fiscal year. [A.Shear&C.Spinella/2.10.00]

Assistant City Manager Alan Shear presented Cathy Spinella, Finance Manager who presented the staff report. She explained the changes to revenue and expenses in the Police Department so that the City would maintain a balanced budget, and noted increases for certain projects which would come from the fund balances. Vice Mayor Ross noted that while property tax transfers were up, total revenue was down—it's something to be aware of.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 009-12 approving the mid-year adjustments to the adopted biennial budget for the 2011-2012 fiscal year. Motion unanimously passed 5 - 0.

6. Resolution authorizing the issuance and sale of its General Obligation Bonds, authorizing and directing the execution of a Paying Agent Agreement and certain other related documents; and authorizing actions related thereto.  
[A.Shear&C.Spinella/2.12.00&15.07.02]

Assistant City Manager Alan Shear presented the staff report. He explained the issuance of the first series of bonds and listed the projects that would be completed with this series. He also described the other documents to be executed and actions to be taken.

On motion by Janet Kennedy, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 010-12 authorizing the issuance and sale of its General Obligation Bonds, authorizing and directing the execution of a Paying Agent Agreement and certain other related documents; and authorizing actions related thereto. Motion unanimously passed 5 - 0.

7. Resolution extending the "Economic Stimulus Package" Schedule of Fees for City Services from March 15, 2012 through September 15, 2013 (an 18 month period).

City Manager Philip Vince presented staff report. He described the successes that had been seen since the fee schedule was first instituted, but noted that other expected project activity had not occurred. Staff hoped that additional economic benefit would result with an 18-month extension.

Mayor Schroder asked for more details on the projects that had been started, which Mr. Vince provided. Mayor Schroder commented that he saw the value in extending the fee schedule.

Councilmember DeLaney asked what type of projects had been taking place, which staff described. She noted how important it was that developers and residents know about the program, and requested that a letter be sent to property owners who still need to do seismic upgrades.

Mayor Schroder opened the Item for public comment.

Mike Alford asked who the project was targeting, and suggested that it be used as an incentive to bring in businesses that are leaving other cities.

Rich Verrilli asked what types of fees were included in the schedule. Mayor Schroder stated that it was mainly permitting and developer impact fees.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 011-12 extending the "Economic Stimulus Package" Schedule of Fees for City Services from March 15, 2012 through September 15, 2013 (an 18 month period). Motion unanimously passed 5 - 0.

8. Resolution authorizing expenditure appropriations in the amount of \$275,000 of Shell Donation funds and \$511,000 of Measure WW funds for 2012 Marina Improvements as shown in Exhibit 1(Plan A). [M.Austin/14.01.00]

Contract Recreation Manager Mitch Austin gave a PowerPoint presentation on the Marina Improvement Strategy. He described the overall strategy for the issues with the Marina and listed the planned improvements, including the expected revenue increases. He presented two possible plans for improvements in 2012 for the Council's approval: Plan A includes entrance and dock dredging and new C docks, and Plan B includes dredging only for the entrance and A dock. He noted that there would be additional costs if they had to use an in-bay disposal method for the sediment. He explained the actions the Council would need to take at this meeting, and the research staff would be working on.

Councilmember DeLaney clarified with Mr. Austin the allocation of the Shell donation funds.

Mayor Schroder stated that the Marina Subcommittee's recommendation was Plan A, in order to maximize cash flow. Vice Mayor Ross agreed and noted that the goal of these improvements was to show the State that the City had a viable business plan for the Marina.

Councilmember DeLaney asked about the partnership with Martinez Marina Limited Partners (MMLP) and questioned why they were not contributing significantly to the improvements. She also noted that the Army Corps was contributing to the siltation problem. Vice Mayor Ross noted that MMLP had not committed to paying for dredging, but to improvements that the City and State could not currently afford to do. Councilmember DeLaney expressed her opinion that the City's partners should make a good-faith effort to help with the current phase of improvements. Vice Mayor Ross stated that it was the City's responsibility to prove first that the Marina is viable.

Councilmember Menesini confirmed with Mr. Vince that the original terms of the agreement with the State require that the funds be paid back out of the Marina's profits, and noted that the State's recent offers to help reconstruct the Marina had been withdrawn. He expressed frustration that the State was changing the terms of the agreement and requiring too much of the City, and worried that the City would not be able to save the Marina alone. Mr. Vince noted that MMLP had only agreed to help fund the Marina after the basic improvements had been completed. He added that they were pursuing renegotiations with the State, but it seemed that the City was on its own, which was why staff was recommending trying to make the Marina self-sufficient, so they would have more leverage when renegotiating later. Councilmember Menesini stated strongly that he would not favor any renegotiation that put the General Fund or other non-Marina money at risk. He added that if the State was not willing to help, the Marina would never get a positive cash flow, and the State would not get their money back.

Mayor Schroder stated that he did not feel the City should walk away from its obligations unless it was absolutely necessary. Councilmember Menesini noted that he did not want the City to walk away from its obligations, but he was reluctant to take on new ones.

Mayor Schroder confirmed with Mr. Austin how much of the Measure WW funds would be allocated tonight.

Councilmember Kennedy requested more details about the reconstruction of and access to Dock C, which Mr. Austin provided.

Mayor Schroder opened the Item for public comment.

Phillip Ciaramitaro stated that he thought it would be possible for the City to get its own dredger in the next couple of months and that it would save money over the next few years, as well as making it possible for other cities to rent it.

Marta Van Loan stated that she also was frustrated by the City's partners not sharing the responsibility. She suggested that the City spend a little extra money making D Dock available or dredging the guest dock, and that the City focus on the entrance with MMLP and the remaining WW funds. Councilmember Menesini suggested that the City might want to look at downsizing the Marina and only saving part of it, such as the guest dock and the fishing areas. Vice Mayor Ross asked if any more revenue would come from the guest dock being utilized. Mr. Vince stated that it was not shown in the figures, but it would be valuable for attracting people to the Marina.

Mike Alford expressed frustration that the City was continuing to throw money at the Marina, while its partners were not following through with their part. He added that other factors contributing to the siltation problem should be addressed.

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

Vice Mayor Ross noted that it might be helpful in the future if the City acquired a dredger of its own, although it would not be possible at this time. He thought that the current plan was a good solution to the problem.

On motion by Mark Ross, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 012-12 authorizing expenditure appropriations in the amount of \$275,000 of Shell Donation funds and \$511,000 of Measure WW funds for 2012 Marina Improvements as shown in Exhibit 1(Plan A). Motion passed 4 - 1. NO: Michael Menesini, Councilmember; REST, Ayes.

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

#### **CHIEF OF POLICE**

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

Chief Gary Peterson thanked the public and the Council for their support of the February 4th Crab Feed Fundraiser sponsored by the Martinez Police Officers Association which was well attended; he noted that the Crab Feed supported the California Peace Officers Memorial Foundation, The Peace Unity Tour, and the Tarantino Starzyk Memorial Scholarship Fund.

#### **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

#### **CITY COUNCIL**

11. Consider a resolution in support of the Government Performance and Accountability Act, November 23, 2011, an initiative being proposed by California Forward. (Councilmember Lara DeLaney). [41.00.05/&1.01.01]

Councilmember Lara DeLaney provided the staff report. She noted that the initiative was championed by a non-partisan, non-profit organization, and the goal was to increase legislative transparency and oversight, good budgeting practices, and community problem-solving.

Mayor Schroder opened the Item for public comment.

Rich Verrilli noted that there had been a suggestion made in the past for the Council to disclose information such as salary, benefits, and personal expenses, and asked if the Council intended to follow through with that. Mayor Schroder noted that the Contra Costa Times had made a public records request for that information, which had been sent to them. Mr. Verrilli requested that the information be made available on the City's website.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 013-12 in support of the Government Performance and Accountability Act, November 23, 2011, an initiative being proposed by California Forward. Motion unanimously passed 5 - 0.

12. Resolution supporting the Water, Ecosystem Health and Other Issues related to the San Francisco Bay and the Sacramento - San Joaquin River Delta. (Mayor Rob Schroder). [41.00.05/&1.01.01]

Mayor Schroder provided background information. The Resolution was initiated by a presentation by Supervisor Mary Piepho and Deputy Director Mitch Avalon of the Contra Costa County Public Works Department.

Councilmember DeLaney expressed appreciation to Mayor Schroder for bringing the Item forward.

Mayor Schroder opened the Item for public comment.

Rich Verrilli noted that there had been opposition at the Board of Supervisors Meeting, and suggested that there should be more discussion and consideration of the fiscal impact before approving it. Councilmember DeLaney stated that there was no fiscal impact to the City from supporting this Resolution, and that the Board had approved it unanimously. Mr. Verrilli clarified that he was talking about the Storm Water Charge, and Mayor Schroder confirmed that was unrelated.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 014-12 supporting the Water, Ecosystem Health and Other Issues related to the San Francisco Bay and the Sacramento - San Joaquin River Delta. Motion unanimously passed 5 - 0.

13. Council Subcommittee Reports.

14. City Council Comments.

Vice Mayor Mark Ross congratulated the MPOA on a successful Crab Feed and thanked the Police Department for their service to the City. He requested that the Open Space Subcommittee meet in the near future.

Councilmember Lara DeLaney agreed to meet with the Open Space Committee and directed staff to place the meeting on the calendar. Councilmember DeLaney announced that she will not be able to attend the next Council meeting.

Councilmember Janet Kennedy announced that as Chair to the Contra Costa County Commission on Homelessness, she has been appointed to a new steering committee for the integration of three divisions of Behavioral Health Services. The divisions for homelessness, alcohol and drug problems, and mental health have been combined to provide united delivery of services. She requested the public to contact her at [jkennedy@cityofmartinez.org](mailto:jkennedy@cityofmartinez.org) if they see any problems in the new delivery system, so she can report them to the Committee.

Mayor Schroder stated that he enjoyed the Crab Feed and was looking forward to next year.

## **ADJOURNMENT**

The meeting adjourned at 9:00 p.m. to a Regular Meeting on March 7, 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 3/7/12