

**CALL TO ORDER- PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder called the meeting to order at 7:00 p.m.

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

EXCUSED: None.

ABSENT: None.

**PRESENTATION(S)/PROCLAMATION(S)**

A. Proclaiming "2010 Census Partner Proclamation."

Mayor Schroder read the Proclamation and presented it to Dianne Audrick Smith. Ms. Smith commented on the process, and she indicated that there will be a local census office located in Concord.

B. Proclamation for "Support for the Wellness City Challenge."

The Proclamation was read and presented to Cindy Gershen. Mayor Schroder stated that he was challenged by Gary Skrel, Mayor of Walnut Creek, which he accepted, and he stated that he would like to challenge the Mayor of Concord, Laura Hoffmeister, to the Wellness City Challenge.

Ms. Gershen cautioned the public to be aware of processed foods, and she recommended three simple guidelines: less processed foods, less sugar, and more fiber, to promote health and wellness.

C. Presentation by the Contra Costa Grand Jury.

Mr. Mike Henson of the Grand Jury provided information on the purposes of the Grand Jury, and he reviewed requirements for service. Mayor Schroder commented on his upcoming presentation as part of the orientation/training of the new members. Mayor Schroder thanked Mr. Henson for his service.

Councilmember DeLaney expressed appreciation for the valuable information provided to the County from the Grand Jury. Mr. Henson also noted there were brochures available with additional information.

D. Presentation on the Downtown Martinez Community-Based Transportation Plan. [9.12.08]

Assistant City Manager Community and Economic Development Karen Majors introduced consultant Carol Levine of Wilbur Smith & Associates; and Anjana Mepani, City Planner. Ms. Levine gave a brief presentation on the plan, and she reviewed the study area, community outreach, evaluation of solutions, recommendations, implementation and next steps in the process.

Ms. Mepani introduced a few of the stakeholders, John Britzer, Contra Costa County; Doug Sibley, Martinez resident; Kathi Curry, Senior Center; and Frances Ferrante, Martinez resident. Ms. Curry and Ms. Ferrante spoke on their experience, benefits from participating in the process, and some recommendations.

**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, President of Pacheco Town Council, expressed his concerns about treatment of the homeless in Martinez. He requested that the City partner with the County; he urged all Contra Costa County cities to do their part.

Joseph Valencia spoke on the needs of the homeless, and as before, he requested that the City open a homeless shelter in Martinez. He asked for some commitment from the Council to find a solution.

Jerome Smith, who works with Fresh Start, commented on recent deaths among the homeless and civil rights violations. He stated that there is an opportunity for all to work together in providing a shelter.

Chief Simonetti stated that the police have been posting and distributing the required noticing before moving homeless camps. He also indicated that resource information and contact numbers have been given to the homeless, but sometimes they choose not to use them. He noted that action will be taken against illegal activity, such as drunkenness or fighting. He expressed willingness to work with Mr. Stewart if he desires.

Councilmember Kennedy clarified that the County Jail is owned and operated by the County, and the City has no jurisdiction over its use. She noted that she and the City Manager are meeting with the County tomorrow to discuss the issue further. She also noted that there is a family shelter in Martinez.

Gilford Patton, representing Martinez CERT, C-8, (Contra Costa County Cities Citizen Core CERT Committee) and the Department of Homeland Security. He explained the purpose of C-8, and he provided statistical information regarding Community Emergency Response Team training. In response to a question from Councilmember Kennedy, he announced future CERT Training courses open to the public. Councilmember DeLaney expressed appreciation for the report and thanked Mr. Patton for his service; she asked for more information on the number of attendees and time commitment for the course, which Mr. Patton provided. He also discussed refresher courses available.

Vice Mayor Menesini also expressed his gratitude. He asked why the Fire Department had withdrawn its support for CERT training. Mr. Patton said it was due to budget cuts. He responded to further questions from the Vice Mayor as to what classes they had been teaching and where. He confirmed they would still be taught, just not by Fire Department representatives.

Steve Leshner, Shell, suggested that the Council consider a project in conjunction with the City's Climate Action Plan to do an environmental or sustainability project at the Waterfront involving solar or enhanced vegetation (or something similar) which can be educational and could be funded by Shell's \$50,000 settlement agreement. He also suggested the use of Shell's Community Advisory Panel to work with the City's Climate Control Committee and staff to identify a project.

Rose Martin stated that the lights on D Dock are not working and one of the lights in the parking lot blinks on and off. Mayor Schroder directed staff to review the matter.

Clarence Murray stated that he is one of the homeless and a veteran. He requested that the City take care of the homeless and provide more shelter. He noted that the homeless situation needs to be resolved before the downtown can be revitalized.

Paul Wilson stated that the Council should establish a subcommittee to study the homeless issue and resolve it. He thought that the City's money could be better spent to fix the situation than to pay police to hassle the citizens.

Mike Alford addressed comments made by Gary Freitas at the last meeting. He also noted that when he speaks he knows his facts. He agreed on the necessity of finding a solution regarding the homeless situation, and he indicated he had suggested the jail building when he was running for Mayor. He commented on a potential boycott of the local Safeway because there are drug dealers selling to minors out in front of the store. He asked the Council to do something about the problem.

Bailey Stewart asked where the homeless can go until a place is found.

Robert Christy indicated that it was not just a homeless problem at the Amtrak station, and he urged a committee be established with all Contra Costa cities. He further indicated that Martinez should not be a dumping ground and that if a new homeless shelter is built; it should be in a centralized location within County.

Tom Lewis stated that this is a serious situation, but he was doubtful that serving soup or sandwiches to the homeless would compete with any food-service business. He also resented the idea of sending the homeless out of the City, because many are friends or relatives of residents here. As the County seat, Martinez has a responsibility to provide a place for people who use County services.

An unidentified person spoke on the conditions of the homeless, and the lack of options they have. She was concerned about sending homeless to a "central location" like a prison camp. She also noted that staying in a park was safer than some of the shelters available.

Seeing no further speakers, Mayor Schroder closed public comment. He indicated that he did not think a Council Subcommittee was necessary, especially since Councilmember Kennedy and the City Manager were meeting with the County tomorrow to discuss the issue. He noted that Councilmember Kennedy was on the County's homeless taskforce, as well as working with housing advocacy programs. He also commented on financial difficulties currently being faced by the City, the County, and the State, including proposed budget cuts on tonight's Consent Calendar.

## **CONSENT CALENDAR**

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

Councilmember DeLaney requested that Items 2, 5 and 6 be pulled for further discussion.

Mayor Schroder opened public comment on Items 1, 3 and 4.

1. Motion approving Check Reconciliation Registers dated 01/15/09, 01/22/09, 01/29/09, 02/05/09, and 02/11/09.[C.Heater/02.01.01]
3. Resolution No. 008-09 accepting the Mid-Year Financial Report for Fiscal Year 2008-09. [C.Heater/02.01.00]
4. Resolution No. 009-09 approving receipt of funds from the Supplemental Law Enforcement Services Fund Grant.[E.Ghisletta/04.08.00]

Regarding Item #1, Paul Wilson asked about money paid to Bellecci & Associates, as well as payments to Moffett Nichols, and the Cabaret Theatre. Assistant City Manager Karen Majors said Bellecci & Associates is an engineering firm working on the Marina Vista TLC project. Park & Recreation Director Joann Tool noted that Moffett Nichols was paid for work on the Marina.

Also regarding Item #1, Mike Alford also asked about Moffett Nichols and changes to traffic on Marina Vista. City Engineer Tim Tucker responded to his questions about the Marina Vista project and agreed to meet with Mr. Alford later.

Mayor Schroder indicated that Moffett Nichols is not on retainer, but they are under contract to provide specific services.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1, 3 and 4 of the Consent Calendar.

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Councilmember, to approve items #1, 3, and #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

2. Motion approving the allocation of \$13,060 to fund the annual 4th of July fireworks program and encourage staff to continue to pursue outside sponsorship/funding.  
[J.Tool/11.22.00]

Councilmember DeLaney commented on costs for staff time by the police and public works employees, which would make the total \$20,000. She asked that the City seek sponsorship for at least half of the cost.

Councilmember Ross agreed that some funding from the public would be helpful, although he noted that these types of activities are especially important during tough economic times. He was opposed to cancelling the event altogether.

Mayor Schroder suggested that the Council set a deadline to reconsider the options, after allowing time for outside support.

Vice Mayor Menesini expressed agreement with Councilmember Ross. He thought making it a more regional celebration would be helpful. Mayor Schroder noted that Main Street Martinez is planning more extensive activities.

Mayor Schroder opened public comment on the item.

Leeann Peterson reviewed early plans for the holiday celebration, including a preliminary budget of \$7,000 to offset the cost of the fireworks. City Manager Phillip Vince noted that the contract for the fireworks needs to be signed no later than March 4th. Ms. Majors indicated that staff has been aggressive in seeking outside sponsors, and she noted that the Fire Department needs to know well in advance of extra needed staffing for the event.

Councilmember Ross said he thought it should be possible to have an idea of the outside funding possibilities by March 4th.

Paul Wilson said he would hate to see Martinez be the first County seat in the State that did not have a fireworks celebration. He noted it was a community tradition, and he was concerned at the public reaction if 20,000 people come to the City and were unable to participate. He was also concerned about the economic impacts on City businesses if the fireworks are cancelled.

Mike Alford agreed the City needs to celebrate the heritage of our country, and the 4th of July celebration should continue.

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

Councilmember DeLaney expressed surprise and satisfaction at the thought that there will be some day-time activities on the 4th, since there were none last year. She also noted that other neighboring communities have fireworks displays, some of which can be seen from Martinez. Vice Mayor Menesini responded that some of the other displays are anemic when compared to Martinez.

The Council instructed staff to report back on the status of outside funding/contributions for the 4th of July event.

On motion by Michael Menesini, Vice Mayor, seconded by Mark Ross, Councilmember, to approve the allocation of \$13,060 to fund the annual 4th of July fireworks program and encourage staff to continue to pursue outside sponsorship/funding.

Motion unanimously passed 5 - 0.

5. Resolution No. 010-09 accepting the Downtown Martinez Community-Based Transportation Plan. [A.Mepani/T.Tucker/09.12.08]

Councilmember DeLaney asked about funding for the recommended solutions, and specifically whether some of the federal stimulus money can be applied towards them. Mr. Tucker discussed some grant funding that staff is pursuing. Councilmember DeLaney also disagreed with the designation of Alhambra, Pacheco and Berrellesa as "high-speed" arterials. Mr. Tucker agreed that it might not be high speed for vehicles; it was high speed when viewed from a pedestrian perspective.

Councilmember DeLaney asked if this is the final form of the plan or if there is still opportunity for revision. The consultant indicated the website is still available, but this is the final version.

Mayor Schroder opened public comment on the item.

Mike Alford asked about senior citizen concerns about needing transportation to Wal-Mart. He also commented on traffic speeds in pedestrian areas.

Doug Sibley expressed appreciation for the document being on the website even though the process is finished; because it gives the community needed information.

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

Mayor Schroder, as the City's representative to the Contra Costa County Transit Authority, commented on needed budget cuts being made. He indicated that it is unlikely that the additional services recommended by the Downtown Martinez Community-Based Transportation Plan will be implemented soon because of the cuts. He agreed that it would be good to seek stimulus funds for some of the projects. Councilmember Kennedy expressed appreciation for work done by staff and the consultants to produce the plan, especially since it justifies the need for more, better, and less expensive public transportation options. Councilmember Ross agreed, commenting on the tedious process. He thought there were good proposals in the plan and considerations for the economic stimulus funds.

Vice Mayor Menesini expressed appreciation for the information presented as well. He noted, however, that the needs of the schoolchildren are not represented, adding that the Lamorinda School District was able to get funding for student transportation. He agreed that a shuttle system could be something to consider in the future, both for students and seniors.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 010-09 accepting the Downtown Martinez Community-Based Transportation Plan. Motion unanimously passed 5 - 0.

6. Resolution No. 011-09 authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding and stating the assurance to complete the project. [T.Tucker/10.01.00]

Councilmember DeLaney commented on funds that the City could receive from the federal economic stimulus package. She asked for more information on why the City would invest the money as proposed by staff, and City Engineer Tim Tucker explained that although the City has made road improvements consistently, some of them were done up to 15 years ago and preventive maintenance is needed. He also discussed MTC recommendations and CEQA requirements.

Mayor Schroder opened public comment on the item.

Paul Wilson acknowledged the need for the infrastructure improvements, but he cautioned against relying on federal funding for future needs.

Mike Alford commented on side streets that could also use repairs. Mr. Tucker said the funding was specific to major arterials.

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

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 011-09 authorizing the filing of an application for federal American Recovery and Reinvestment Act of 2009 (ARRA) funding and stating the assurance to complete the project. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

7. Discuss current status and conditions of the Marina loan request to the State Department of Boating and Waterways (DBW); and adopt a resolution authorizing the creation of a special bank account from General Fund fund balance in the amount of \$350,000 to act as collateral for the debt service on new and outstanding DBW loans. [J.Tool/14.01.00]

Deputy Director of Parks, Recreation and Marina Joann Tool presented the staff report, discussing the history of the DBW loans and new requirements due to DBW budget cuts.

Mayor Schroder commented on the possibility of a merger between DBW & the State Parks Department and how that could affect the City's loans. He also asked how the lesser amount would affect the construction plans, etc. for the City's Marina. Ms. Tool discussed options for the City.

Councilmember Ross expressed appreciation for the City's planning for the repayment of the very old outstanding loans. He was confident that setting up a \$350,000 reserve account to serve as collateral was a reasonable one, noting that the State can access the bank accounts of any city at any time if they want to.

Councilmember DeLaney said she was disappointed with the change in terms for repayment of the older loans, but it was understandable given the State's budget difficulties. She was also concerned that the reserve account required could put the City's General Fund at risk. She was hopeful that the Marina improvements could still go forward as planned.

Vice Mayor Menesini expressed reservations about this proposal, especially since the Marina improvements will generate income that will allow the City to repay those past loans. To now require interest payments will be a dis-incentive to the State giving the City assistance. Councilmember Ross noted that the City has not shown itself to be a very good credit risk. Vice Mayor Menesini commented that the County Sheriff and State Police have benefited from using the Marina themselves. Mayor Schroder expressed agreement with Vice Mayor Menesini.

Councilmember Kennedy indicated she was very disappointed with the new terms, but she acknowledged that the City may have no choice but to go forward according to the new rules.

Vice Mayor Menesini noted that the Council should look carefully at the terms of the new contract to ensure that the General Fund is not endangered.

Mayor Schroder opened public comment on the item.

Paul Wilson commented on the history and the legal implications of the new terms. He questioned the reliability of the current Marina Operator, especially since the City continues to pay maintenance costs for the Marina. He expressed concern about rising costs while the Operator waits to start construction.

At the request of Mayor Schroder, Ms. Tool discussed the terms of the current contract with the Marina Operator, confirming that there is an enterprise fund that all profits go into to be used to pay the outstanding loans. She also confirmed that the Operator only gets 5% in payment for his services. Councilmember Ross commended staff for their timely payments to DBW on the old loans, noting that prior to the mid-1990s the City had not paid any of the money back, but since then they have been consistently paid. He also noted that staff has worked hard to ensure that the City's application stayed on DBW's list, resulting in the current terms. He acknowledged they may not be favorable, but at this point it is likely the best option the City has.

Mike Alford commented on past successes at the Marina, expressing concern about the current Operator's abilities. He questioned why the City continues to allow Mr. Hogan to run things with such low success. Mayor Schroder noted that once DBW approves the loan, and State Lands approves the lease, then the long-term contract will be signed with the Marina Operator.

David Piersall made comparisons with subprime borrowers who complain that the terms of their new loans are not the same as previous ones. He was concerned about the \$350,000 collateral, which will result in a significant drop in the City's reserves.

Rose Martin, long-time resident at the Marina, commented on the decline in boats, the refusal to accept any more live-aboard boats, and the lack of work being done at the Marina. She expressed doubt that the Operator has the City's interests at heart.

Seeing no further speakers, Mayor Schroder closed public comment on the item. He commended Ms. Tool for her work on behalf of the City on this issue. Councilmember Ross agreed.

Vice Mayor Menesini expressed appreciation for Ms. Tool as well.

On motion by Mark Ross, Councilmember, seconded by Micheal Menesini, Vice Mayor, to approve Resolution No. 012-09 authorizing the creation of a special bank account from General Fund fund balance in the amount of \$350,000 to act as collateral for the debt service on new and outstanding DBW loans. Motion unanimously passed 5 - 0.

Vice Mayor Menesini asked that the Council be able to review the final agreement before it is signed.

8. Comment(s)/Update(s)/Report(s).

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

9. Consider the establishment of a standing Council Public Safety Subcommittee and appointing two members of the Council. [T.Simonetti/41.02.00]

Vice Mayor Menesini explained the purpose of the proposed Subcommittee. Councilmember DeLaney added that the committee will help improve communication between the Council, the City Manager, and the Police Department. She expressed appreciation for Vice Mayor Menesini's initiative in bringing this item forward.

Mayor Schroder opened public comment on the item.

Paul Wilson said the Subcommittee could also address the homeless issue, since it is a matter of public safety.

Mike Alford asked how he could get on the Subcommittee, since he has broad contacts in and outside the City. Mayor Schroder noted that it would be a Council Standing Subcommittee with meetings noticed and opened to the public.

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

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve to establish a standing Council Public Safety Subcommittee. Motion unanimously passed 5 - 0.

On motion by Robert Schroder, Mayor, no second required to approve appointment of Vice Mayor Menesini and Councilmember DeLaney to the Public Safety Subcommittee. Motion unanimously passed 5 - 0.

Vice Mayor Menesini thanked the Council for their support. He also noted that he and Councilmember DeLaney had discussed the possibility of expanding the Subcommittee in the future to include members of the public.

## **CITY COUNCIL**

### **10. City Council Comments.**

Councilmember Janet Kennedy expressed her appreciation to the Public Works staff for their quick response in cleaning the debris from the last storm. She said she was glad to hear that there will be additional CERT Trainings made available to the public. She also expressed appreciation to Main Street for their Valentine's activities.

Councilmember Lara DeLaney announced the Climate Control Workshop on Wednesday, February 25th at 5:30 p.m. in the Council Chambers. She also stated she welcomed the rains but it does not bring us out of the drought conditions which will be discussed in a future meeting.

Councilmember Mark Ross remarked on the statement "there is no such thing as free money," with respect to the marina loans; he indicated it was time that the City takes responsibility for past actions and pay back earlier loans.

Vice Mayor Michael Menesini stated that the State is a partner with the City in making a viable marina, and should step up to the plate. He also indicated that the water situation is very serious, and there will be serious rationing as well as higher cost for water.

## **ADJOURNMENT**

Adjourned at 10:20 p.m. to a Regular City Council meeting on March 4, 2009, 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 -4/1/09