

## **SPECIAL MEETING**

Closed Session: Conference with Legal Counsel--Existing Litigation pursuant to California Government Code section 54956.9(a).

Name of Case: Ostrosky v. City of Martinez

Mayor Schroder called the meeting to order with all members present except Councilmember DeLaney who was excused; Councilmember Ross arrived after roll.

There were no public comments. Council adjourned to the City Manager's Office.

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

Mayor Schroder called the meeting to order at 7:08 p.m. in the Council Chambers. He reported that a Special Closed Session was held regarding the Ostrosky case, and direction was given to the City's legal Counsel.

**PRESENT:** Janet Kennedy, Councilmember, Mark Ross Councilmember, Michael Menesini, Vice Mayor, and Rob Schroder, Mayor.  
**EXCUSED:** Lara DeLaney, Councilmember.  
**ABSENT:** None.

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

A. Proclamation proclaiming May 6th through 25th as "*Buddy Poppy Days.*"

Proclamation presented to Michael Keppel, VFW Commander, Post 1351, Martinez, who commented on the purpose and use of the funds, especially on behalf of newer veterans.

B. Eagle Scout Presentation by Mitchell Maisel.

Mitchell Maisel gave a brief background on himself. He described his Eagle Scout Project stating that he wanted to plant 20 Willow Trees and three boxes in the downtown portion of the Alhambra Creek and to help preserve the watershed. He thanked Bob Cellini and Tim Tucker for their help. Mayor Schroder commented on his own experiences with scouting. He congratulated Mr. Maisel on his accomplishments and his project.

C. Presentation by Central Costa County Transit Authority.

Anne Muzzini, Director of Planning & Technical Services for Central Contra Costa Transit Authority (County Connection), spoke on the recent budget cuts, service program cuts, frequency of connections, and restructuring of routes. She discussed resolving issues and problems with the riders. Ms. Muzzini also described the routes servicing the Martinez area.

Vice Mayor Menesini asked what happened to the former route 116, which went from the Martinez Amtrak station to the North Concord BART station. Ms. Muzzini shared schedules for the four routes still serving Martinez, specifically the information for the route that goes to the North Concord BART.

In response to a further question from Vice Mayor Menesini, Ms. Muzzini explained STA funds (a sales tax on gasoline). She also confirmed that schedules and route information was available at [cccta.org](http://cccta.org).

Councilmember Ross noted that calling 511 or going to [511.org](http://511.org) are other ways to get transit information.

## **PUBLIC COMMENT**

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

Linda Regal, resident of Lafayette, urged the Council to support Martinez Opera as they begin to work on the new budget. She also commented on the excessive rent being charged to the Opera for the use of the high school.

Ernie Wadler also requested that the Council support Martinez Opera during the budget session and assist the Opera as much as possible.

Tom Lewis spoke on the proposed "Buy American Resolution" and requested the Council's support and that it be placed on a future agenda. Mayor Schroder stated that it would be on the next agenda. Mayor Schroder asked, and Mr. Lewis confirmed he was advocating for the resolution on behalf of the Steelworkers Union.

Phillip Ciaramintaro requested that the Council consider \$25,000 to be given to the Martinez Opera, designated for a specific use. Mr. Ciaramintaro gave an update on the fishing pier and marina improvements and urged the Council to move things along, hopefully by July 1st.

Mike Alford spoke on redevelopment in the downtown and the Blum Road area.

Richard Verrilli spoke on the stimulus funds and asked what the City was doing to capture funds, and Mayor Schroder answered that the City is doing everything it can to access the funds, including using a lobbyist in Sacramento.

## **CONSENT CALENDAR**

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

1. Motion approving City Council Minutes of March 21, 2009, April 1, 2009.[mcabral]
2. Motion approving Check Reconciliation Registers dated 04/10/09, 04/23/09, and 4/30/09. [C.Heater/02.01.01]

3. Motion approving the City of Martinez Investment Policy. [C.Heater/02.01.00]
4. Motion approving Contra Costa Transportation Authority Growth Management Program Compliance Checklist (Calendar Years 2006 & 2007). [T.Blount/09.02.08]
5. Motion approving Ordinance 1352 C.S. amending the Martinez Municipal Code repealing and replacing Title 8, Chapter 8.05, Prohibition of Smoking (second reading). [M.Chandler/07.08.00]
6. Resolution No. 040-09 establishing the City's Appropriations Limit for Fiscal Year 2009-2010. [C.Heater/02.01.00]
7. Resolution No. 041-09 approving the 2009 Parking Bail Schedule. [G.Peterson/04.08.14]

Mayor Schroder opened public comment on the Consent Calendar.

Paul Dolittle, Contra Costa Building Trades, spoke in favor of Item 5. He was appreciative of the City taking the initiative to reduce secondhand smoke.

Paul Wilson commented on items in the Check Reconciliation Register, which Mayor Schroder explained. Mr. Wilson asked about Item #4, and Mayor Schroder clarified the difference between Contra Costa Transit Agency, which runs the bus system, and Contra Costa Transportation Authority. Mr. Wilson asked about Item #6, and Mayor Schroder deferred to Lianne Marshall for more information, which she provided.

Mike Alford asked for more information on Item 4, which Mayor Schroder discussed. Mr. Alford asked about enforcement of the new smoking ordinance, and he asked why nothing is being done about the negative air quality impacts from the refineries and the diesel fumes from the trains. Mayor Schroder explained the enforcement provisions of the ordinance. Councilmember Ross responded to Mr. Alford's comments about the other air pollutants.

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

On motion by Michael Menesini, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #1 through Item #7 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: Janet Kennedy, Councilmember, Mark Ross Councilmember, Michael Menesini, Vice Mayor, and Rob Schroder, Mayor, Absent: Lara DeLaney, Councilmember.

### **PUBLIC HEARING(S)**

Item #11 taken out of order.

## **CITY COUNCIL**

11. Consider Martinez Unified School District's request for financial support to reduce the impact of proposed teacher layoffs in fiscal years 2009/10.

Mayor Schroder opened the item and presented Rami Muth, Martinez Unified School District Superintendent and other District representatives. Ms. Muth described the budget needs and problems the School District is facing.

Mayor Schroder noted that the City currently has a healthy reserve fund. He acknowledged that the City and the District basically serve the same constituency and what benefits the one benefits the other. He asked about the District's reserves, and Ms. Muth discussed the reserve requirements, as well as allocations based on the recent bond measure.

Councilmember Ross asked, and the School District representatives discussed what happens if the District is unable to meet the required reserves. Councilmember Ross indicated he was inclined to support a one-time contribution or loan to the district, especially if there are some areas that the two entities can work together for the benefit of the community.

Councilmember Ross asked for further clarification on the projected use for the funds.

Councilmember Kennedy asked about the ending fund balance, what the unrestricted reserve amount is, the impact if the new propositions do not pass, the effect of declining enrollments, and other funding sources the district is pursuing.

Vice Mayor Menesini expressed appreciation for the presentation, acknowledging the importance of providing quality education for future citizens. He commented on the importance of the propositions in the upcoming Special Election, and the effect on the health and welfare of the state if they are not approved. He acknowledged there should be some way for the two entities to combine resources for mutual benefit. He asked whether school closures were a possibility. Ms. Muth said none are projected, but if declining enrollment continues, it might become necessary in the future. Vice Mayor Menesini indicated he was supportive of the concept of assisting the district, although he had some misgivings. He thought it best to wait until after the May 19th election however.

Mayor Schroder opened public comment on the item.

Katherine Hern commented on the impacts on the students if the class-size reduction program is eliminated, not to mention the impact on the teachers themselves.

Richard Verrilli asked why the kindergarten enrollment was down; and he made various fundraising suggestions. He also corrected Vice Mayor Menesini's comments about the Democratic Party's support for the propositions, and he expressed agreement with the concept of magnet schools. He was appreciative of the good job done by the Martinez schools on behalf of his children, although he said it would be good to have more schools in the downtown.

Bob Hollsinger, Martinez Education Association, thanked the Superintendent and Assistant Superintendent for their efforts to bring back as many of the staff as possible. He was also grateful to Councilmember Ross for his assistance. He asked for any financial help that the City can give, especially in view of the teachers that may lose their jobs.

Tom Lewis commented on transportation issues for students on the east side of town, with inadequate bus service.

Harriett Burt commented on the history of this building as one of the schools in the City, and the need to protect the students and the district from the vagaries of the current state government. She urged the Council to show leadership in developing a new kind of government that responds to the people.

Mike Alford agreed with Ms. Burt that it is time for the Council to make some tough decisions to support the schools, teachers, and students.

Phillip Ciaramintaro asked for clarification on the use of the District's reserves. He commented on plans for a jug band festival at the amphitheatre, perhaps a battle of the bands fundraiser also.

Ron Skrehot, teacher, Alhambra High School, asked about the City's reserves and requirements to replace any money expended within a specified time period, which Mayor Schroder discussed. Mr. Skrehot noted that there are differences between the restrictions on the District's reserve. He confirmed also that special districts have a different type of financing altogether. Vice Mayor Menesini asked, and Mr. Skrehot confirmed that special education requirements can be quite expensive for school districts and are difficult to anticipate.

Christy Chu, Counselor at Alhambra High School, noted that the district is run on a very lean budget which makes cuts even more difficult.

David Piersall asked the Council to consider the fact that most school districts in the State are in similar financial situations, and some students in the City are served by the Mount Diablo School District. He cautioned the Council to wait at least until after the May 19th election before making a donation to the Martinez District. Mayor Schroder clarified that the Mount Diablo School District has a parcel tax on the ballot.

In response to a question from Councilmember Kennedy, Assistant Superintendent Rick Rebino discussed the difference between a qualified budget and an unqualified budget, and the additional deep cuts that will be necessary.

Cathy Walsh, teacher, commented on the negative consequences and downward spiral effect on the community if the schools are not supported. She asked the Council to remember that the students are what really matters.

An unidentified speaker who works in a neighboring school district discussed the differences between the districts in terms of class size and greater achievements.

Paul Wilson expressed support for a grant from the City to the school district but recommended that there be no stipulations on sharing facilities. He particularly was offended by the third paragraph of the Council report and lost revenues due to redevelopment costs.

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

Mayor Schroder acknowledged he was initially hesitant to consider the District's request, but eventually came to see that the City should help the District if at all possible. He recommended waiting until after the Special Election, however. As a member of the Budget Ad Hoc Committee Councilmember Ross concurred with Mayor Schroder's comments. He noted that Martinez is the home of John Muir, but also the home of John Swett, who did much to further public education.

Councilmember Kennedy expressed her support for the District as well. She acknowledged her frustration with the current Governor who claimed to be the "Education Governor" but puts his children into private schools.

Vice Mayor Menesini commented on the importance of providing quality education, expressing appreciation to the teachers and District representatives present, and especially for the remarks by Ms. Burt. He agreed that the Council needs to proceed cautiously, but he was supportive of sharing resources however possible. He recommended carrying the item over to the first meeting in June.

In her absence, Mayor Schroder read some comments/questions from Councilmember DeLaney.

The Council continued the item to June 3rd to monitor the outcome of the Special Election.

The Council recessed for 10 minutes and reconvened with all members present as indicated.  
(10:06)

## **CITY MANAGER**

8. Resolution adopting the City of Martinez Updated Emergency Operations Plan.[E.Ghisletta/04.11.00]

Item Continued to May 20th.

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

No comments made.

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

Police Chief Tom Simonetti announced that on Friday, May 8th the Police Department will be closed from 9:00 a.m. to 3:00 p.m., as the entire department will be attending the California Peace Officers' Memorial in Sacramento where Sgt. Paul Starzyk's name will be added to the memorial wall.

In addition, he and Commanders Ghisletta and Peterson will be out of town from Saturday, May 9th through May 17th where they will be in attendance at the National Peace Officer Memorial in Washington D.C. where Sgt. Starzyk's name will be added to the memorial wall.

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

12. City Council Comments.

No comments made.

#### **ADJOURNMENT**

Adjourned at 10:20 p.m. to a Regular Meeting on May 20, 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 – 6/3/09