

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:10 p.m. in the Council Chambers.

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

EXCUSED: Michael Menesini, Vice Mayor.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

A. Presentation by the Martinez Historical Society.

John Curtis, President of the Historical Society, introduced Kathy Yates, Richard Patchin, and Paul Kraitz. Mr. Curtis discussed their recently published book "To All Inquiring Friends..." having to do with letters from Nantucketers in Martinez and San Francisco, between the years of 1851-1863. He also mentioned other books published by the Society and noted copies were available for sale. Copies of the newest book were distributed to the Council.

B. Budget Presentation.

City Manager Phil Vince introduced the proposed 2009-2011 balanced budget. City Manager Vince stated that the 8% of the property tax share that is being taken by the State (roughly \$847,000) will be covered from the General Fund Reserves. He recapped 2007-2009 accomplishments, grant opportunities, budget adjustments, and highlights.

Assistant City Manager Lianne Marshall presented 2009-2011 General Fund Revenue Projections, Property Tax, Sales Tax and Franchise Fees, Expenditure Projections, General Fund Summary, and Summary of all Fund Expenditures. Ms. Marshall reviewed the Administrative Services Department 2009-2011 Key Objectives.

Planning Manager Terry Blount presented the Community and Economic Development Department 2009-2011 Key Objectives; City Engineer Tim Tucker presented the Capital Improvement Program and Enterprise Funds.

Chief of Police Tom Simonetti presented the Police Department 2009-2011 Key Objectives.

Public Works Director Dave Scola presented the Public Works Department 2009-2011 Key Objectives.

Staff also responded to questions/comments from the Council, as follows:

Councilmember Ross asked if green building practices and energy efficiencies would be implemented even before the ordinances are enacted. Mr. Scola confirmed that was one of department's priorities.

Councilmember DeLaney asked about funding for the General Plan update; City Manager Vince stated that \$600,000 has been allocated for Mr. Blount's time and for EIR costs. Councilmember Delaney also asked about the historic inventory project and development of the Mills Act project. City Manager Vince stated that the Mills Act funding will help pay for 630 Court Street along with seismic upgrade funding. He indicated that the draft historic inventory is almost finished, although the Unreinforced Masonry Ordinance would be a higher priority.

Councilmember DeLaney asked about future staffing needs that are currently being met through contract staff, particularly related to the marina. Staff confirmed there was funding for a part-time position, although the enterprise fund could be used to pay for future marina staffing. She also commented on impacts from reduced sales tax revenue. Mayor Schroder noted that a replacement business will probably be moving into the City, which should equalize the tax revenues.

Councilmember Kennedy asked when the amount of the one-time offsets would be known.

Mayor Schroder opened public comment on the item.

Kristin Henderson asked how community development block grant funding was projected to be used for redevelopment education. She also commented on green building practices and the historic building inventory.

Mike Alford asked why staff didn't get a \$1 million grant for the train station and funding from Measure WW. Mr. Alford also questioned why redevelopment was still listed as a goal of the Economic Development Department rather than revitalization.

Paul Wilson asked why City staff will be spending time helping RCD, a private developer, especially given the opposition to the project by the neighbors. He questioned continued focus on developing a railroad quiet zone because a train operator is required to sound his horn upon entering and leaving a station, and he asked about projected sales tax from a new business coming into town.

Donald Pallotta representing the Park, Recreation, Marina, and Cultural Commission, asked whether a letter from the Commission related to allocations made by the Commission in the past was received by the Council. He asked the process for asking for the funding to be reinstated.

Phil Ciaramintaro provided a revised Marina improvement list to the City Manager and asked for funding for the improvements. Mayor Schroder asked if the Council would be willing to expend staff resources to work with Mr. Ciaramintaro.

Councilmember DeLaney said she would be interested in hearing staff's input on the matter. She also asked for more information on the Shell Oil climate planning allocation.

Mr. Pallotta discussed the possibility of using Measure WW funding, but not for two years. He encouraged the Council to consider allowing staff to work with Mr. Ciaramintaro. Mr. Vince indicated willingness to investigate the project list. Mayor Schroder deferred the issue to the Park, Recreation, Marina, & Cultural Commission for input to the Council.

Councilmember Kennedy expressed support for improvements to the Marina, but she indicated that Measure H was more of a priority. She agreed it should go to the PRMCC first.

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

Councilmember Kennedy said she would like more information on how the funding from Measure H and Measure WW can be used.

Councilmember DeLaney asked for clarification on the projected PERS increases, and she asked about the funding level for retiree medical benefits.

Councilmember Ross commented on the City's foreclosure rate, noting it is half the countywide rate and should not affect property tax revenues in the short term but may in the long term. He also noted there is still a 25% reserve for the next two fiscal years, which is commendable.

Mayor Schroder asked for input from the Council regarding Mr. Pallotta's request to reinstate the \$5,000 funding for the PRMCC to allocate for small projects. Councilmember DeLaney indicated agreement with the recommendation from the Budget Subcommittee.

Councilmember Kennedy agreed, although she noted that past allocations from the Commission were very conservative. She indicated support for the Commission to serve in an advisory capacity for future requests.

Councilmember Ross expressed that \$5,000 seems small compared to the money the state will be taking. He asked for more information on the process. Mayor Schroder said he thought the budget should be left as it is since the Council can decide in the future to allocate the \$5,000 to the Commission if it seems prudent.

The Council expressed appreciation to the staff for their work on the budget.

PUBLIC COMMENT

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

Michael Alford responded to a past question from the Mayor regarding why the doctors do not come to the Council directly and state their concerns regarding upper respiratory health problems. He also stated that he is doing a study on how much soot the switching engines are pumping, which he will be present to the Council in the future.

Rich Verrilli spoke on increased traffic on Alhambra and Bertola and requested a flashing crosswalk and signage be installed.

Tom Lewis commented on the proposed Pacheco annexation and wanted to know what the City and property owners would gain from annexing. Mayor Schroder briefly responded. Mr. Lewis asked why the City would agree to keeping the zoning as it is. Mayor Schroder deferred to Mr. Vince, who agreed to meet with Mr. Lewis privately.

Paul Wilson also commented on the proposed Pacheco annexation and spoke on a disturbing incident which happened to him recently while driving home after dark. He expressed concern about public safety in his neighborhood.

Seeing no further speakers, Mayor Schroder closed public comment.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of April 29, and May 6, 2009. [M.Cabral]
2. Motion approving Check Reconciliation Registers dated 05/21/09 and 05/27/09.[C.Heater/02.01.01]]
3. Resolution No. 047-09 adopting the City's Climate Action Plan.[M.Chandler/]
5. Resolution No. 049-09 finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California; and authorizing the Mayor to send letters of protest.[M.Chandler/].

Councilmember Ross asked that Item 4 be pulled for further discussion.

Mayor Schroder opened public comment on Items 1, 2, 3 and 5 of the Consent Calendar.

Paul Wilson commented on Item 5, asking whether the Council wanted to secede from the state and its programs. He thought the language was too strong.

Michael Alford asked about the Climate Action Plan that was proposed, which Councilmember Ross discussed. Mr. Alford agreed with Mr. Wilson regarding the strong language in the proposed protest letter.

Rich Verrilli said he thought the letter proposed for Item 5 was very appropriate.

Kathi McLaughlin noted there is a meeting in Sacramento in July to address funding issues for school districts and cities. She encouraged the Council to attend also.

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

Councilmember DeLaney asked that the minutes in Item 1 be separated since she was not in attendance at the May 6 meeting.

On motion by Mark Ross Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #2, #3, #5 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: Lara DeLaney, Councilmember, Janet Kennedy, Councilmember, Mark Ross Councilmember, and Rob Schroder, Mayor, Absent: Michael Menesini, Vice Mayor.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross Councilmember, to approve City Council Minutes of April 29, 2009 Motion unanimously passed 4 - 0. Yes: Lara DeLaney, Councilmember, Janet Kennedy, Councilmember, Mark Ross Councilmember, and Rob Schroder, Mayor, Absent: Michael Menesini, Vice Mayor.

On motion by Janet Kennedy, Councilmember, seconded by Mark Ross Councilmember, to approve City Council Minutes of May 6, 2009. Motion passed 3 - 0. Yes: Janet Kennedy, Councilmember, Mark Ross Councilmember, and Rob Schroder, Mayor, Absent: Michael Menesini, Vice Mayor, Recuse: Lara DeLaney, Councilmember.

4. Resolution No. 048-09 authorizing the filing of a grant application for the Energy Efficiency and Conservation Block Grant Program as a part of the American Recovery and Reinvestment Act of 2009 to fund the purchase of new LED and solar street and parking lot lights and conversion of existing lighting to LED and solar technology.[M.Chandler/]

Councilmember Ross noted that this was part of the stimulus funding, and he noted that the new lights would be more energy efficient.

Mayor Schroder opened public comment on the item.

An unidentified member of the public encouraged the Council to find American-made lighting.

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. 048-09 authorizing the filing of a grant application for the Energy Efficiency and Conservation Block Grant Program as a part of the American Recovery and Reinvestment Act of 2009 to fund the purchase of new LED and solar street and parking lot lights and conversion of existing lighting to LED and solar technology. Motion unanimously passed 4 - 0. Yes: Lara DeLaney, Councilmember, Janet Kennedy, Councilmember, Mark Ross Councilmember, and Rob Schroder, Mayor, Absent: Michael Menesini, Vice Mayor.

PUBLIC HEARING(S)

CITY MANAGER

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

City Manager Phil Vince updated the Council on the City's progress indicating that much of staff efforts were in putting the budget together, focusing on the marina entitlements and working on trying to attract as much private investment as we can.

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

Chief Simonetti commented that he was late tonight because he was presenting the Tarantino Starzyk Scholarship to John Del Fiorentino, Senior at Alhambra High School.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

8. Consider the Martinez Unified School District request for financial support in fiscal years 2009/10.[P.Vince/6.10.01]

Rami Ruth, Superintendent of Martinez Unified School District presented the School District's request, focusing on a comparison of the budget before and after the special election. She and Liz Robbins, the Chief Budget Official for the District, also responded to questions from the Council, as follows:

Councilmember DeLaney asked for clarification on the District's restricted and unrestricted reserves. She questioned whether the restricted reserves would be available for the District's use, given that this is a financial crisis for them. Ms. Robbins confirmed that the reserves could be used, but then would need to be re-funded before the next budget year, which would not be possible.

Councilmember Ross asked for more information on the State qualification process for the District's budget, which Ms. Robbins discussed. She also expressed concern about the District's need to have funds in case of a lawsuit, which Councilmember DeLaney noted is a necessity for the City as well.

Mayor Schroder commented on the consequences of the District using the restricted reserves. Ms. Muth said the District would like to do whatever is necessary to avoiding additional personnel cuts to the schools this year.

Councilmember Ross asked what other school districts have faced consequences from the County. Ms. Robbins mentioned West Contra Costa, Knightsen, and John Swett. He also asked what class size the District was targeting and how many teacher jobs could be saved with the assistance from the City. Ms. Muth said the goal was 25:1 student:teacher ratio, and 7 teacher jobs could potentially be saved. As a graduate of the District, Councilmember Ross expressed his support for the District, noting that students cannot be rebuilt like roads and other infrastructure. He was interested in seeing some conditions to the City's assistance, however.

Councilmember DeLaney asked about the COLA built in to the budget. Ms. Robbins said there is none for the employees. She acknowledged that the state applied an 11% COLA to the revenues, but then deficated the District 13% so there is a net loss.

Councilmember Kennedy asked about the impacts of the parcel tax that the voters passed. Ms. Muth said they would not be funded until the next budget cycle, and they are specified for smaller class sizes, libraries, etc.

Mayor Schroder opened public comment on the item.

Richard Verrilli expressed full support for the City helping the School District.

Kristin Henderson asked about administrative costs to reinstate employees that are laid off now, and whether the District would be forever set at a 25:1 class size. She also noted that there are economic stresses throughout the State currently, and others will be affected by the Council's

decision tonight. She asked about impacts from ERAF. Ms. Muth said that keeping class sizes small is a firm goal of the District, but administrative costs would be minimal. Ms. Robbins indicated that ERAF is calculated in the property taxes, but does not affect District funding.

Megan Johnson read a letter from Jenny, a first grade teacher at Morello Park Elementary regarding the impacts on students in the community. Ms. Johnson cautioned that teachers will lose their jobs if the City does not help the District. She urged the Council to approve the grant.

Tom Lewis asked the Council to do its best to help the District, noting that the students are one of the most valuable resources the City has.

Bob Wolfsinger, parent and teacher, commented on the practical aspects if the District uses its reserve. He also discussed social impacts if jobs are lost. He asked the Council to consider the partnership between the City and the District. He agreed with Councilmember Ross that there should be some trade-offs.

Mike Alford commented on the money the City has spent on consultants. He expressed support for the funding assistance, and he did not think there should be any conditions imposed.

Paul Wilson agreed that the City should help the District, noting the benefits to be gained from smaller class sizes.

George Griffin, Labors Local 324 representing City workers, encouraged the Council to help the District, perhaps in the form of a loan. He mentioned other areas that should be looked at in the District's budget; to be sure the City's investment is well-used. Ms. Robbins and Ms. Muth responded to Mr. Griffin's concerns about the District's past spending.

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

Mayor Schroder discussed his experience in visiting different classrooms recently. He was fully supportive of funding schools at the \$500,000 level, in the form of a grant, in order to preserve smaller class sizes. He acknowledged that some students in Martinez go to school in the Mount Diablo School District, but he noted that the President of that District indicated that although their budget cuts have been drastic, he would not ask for anything from the City of Martinez except that the crossing guards for Hidden Lakes School continue to be funded. He also noted that the Mount Diablo School District is investigating the possibility of mixed use facilities as a way to generate income for the District.

Councilmember Ross confirmed that \$503,000 would secure 20:1 class sizes. He asked if the City allots \$360,000, could the District find \$140,000. Ms. Muth said she couldn't guarantee that until the full State budget impacts are known. He suggested the City grant \$370,000 to the District.

Councilmember DeLaney expressed sympathy for the financial plight of the District, noting that the County has also faced cuts and layoffs recently. She would support funding the whole deficit facing the District, but she did not think it would serve the fiduciary responsibilities of the Council towards the City. She was also concerned about possible precedent. She suggested a loan in the amount of \$200,000, with possibly forming a joint Corp Yard between the two agencies.

Councilmember Kennedy noted that a quality public education increases property values, and she discussed her experiences with the Martinez School District. She also commented that investing in the schools is an investment in the community and in the students. She agreed with Councilmember Ross that there could be some trade in terms of future facility usage. She also agreed that aiming for a 20:1 class size was a good goal.

As a real estate professional, Councilmember Ross acknowledged that quality schools raise property values.

Mayor Schroder proposed a grant of \$250,000 with a loan for \$250,000 with a future joint capital project or facility use agreement.

After further discussion, the Council directed the City Manager to work with the School District and come back with a loan agreement and other options in the amount of \$370,000.

9. City Council Comments.

Councilmember Janet Kennedy stated that she and Councilmember Ross both attended the ABAG Regional Planning Committee Meeting where they discussed long term disaster recovery in relation to hospitals and public health. Councilmember Kennedy also announced that Saturday night is the Boys and Girls Club Auction.

Councilmember Lara DeLaney announced the Public Safety Subcommittee meeting on June 15th at 5:30 pm in the Council Chambers.

Councilmember Mark Ross said he would like to see a poetry reading contest based on Twitter, as one of the first uses of the Performing Arts Center. He also expressed his feelings to Denise and her family.

Mayor Rob Schroder announced that the meeting of June 17th has been cancelled and changed to June 24th. Mayor Schroder asked that the meeting be adjourned in memory of Jim Vince, father of City Manager Phil Vince.

ADJOURNMENT

Adjourned at 10:42 p.m. in memory of Jim Vince, and then adjourned to an Adjourned Regular Meeting on June 24, 2009 at 7:00 p.m. in the Council Chamber, 525 Henrietta Street, Martinez, CA.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 6/3/09

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:05 p.m. in the Council Chambers with all members present except Councilmember Mark Ross and Vice Mayor Michael Menesini who arrived shortly after roll call.

There was no public comment. The Council adjourned to the City Manager's Office.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL--Existing Litigation pursuant to Cal. Gov't Code section 54956.9(a).

Name of Case: Ostrosky v. City of Martinez

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

The meeting reconvened at 7:10 p.m., with all members present. Mayor Schroder reported that a closed session was held with respect to existing litigation pursuant to Government Code Section 54956.9(a), Ostrosky v. City of Martinez, and direction was given to legal counsel.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)/PROCLAMATION(S)

- A. Certificates of Recognition to former Commissioners.

The Council presented Certificates recognizing the following former Commissioners for their service to the City: Dorrie Langley, Arts & Library Commission; Robert Barker, Marina Commissioner; Fred Korbmacher, Planning Commission; and Lillian Golino, Veterans Commission. Mayor Schroder also announced upcoming openings on the City Commissions.

- B. Presentation to "Budget Photo Contest Winners."

Mayor Schroder discussed the Budget Photo Contest that was held to find pictures that showcase the beauty, character, and charm of Martinez, noting the pictures were used in the budget documents.

The following individuals were recognized for their winning photos: Warren Rose, Kristin Henderson, Paul Feia, Tiffany French, Lorena Castillo, and Dennis Shea.

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

Mayor Schroder opened public comment.

John Curtis, Martinez Historical Society, announced the Annual Conference of the California Historical Societies in Martinez, beginning on Friday, June 26, for four days beginning at the Masonic Hall on Friday, June 26th with a social hour at 6:00 P.M.

Seeing no further speakers, Mayor Schroder closed public comment.

Item #20 taken out of order.

CITY COUNCIL

20. Martinez Unified School District request for financial support. [P.Vince/6.10.01]

Mayor Schroder introduced the item. City Manager Phil Vince presented the staff report, noting that City staff and District representatives have not been able to reach agreement on the specific form of the City's assistance.

At the request of Mayor Schroder, City Attorney Jeff Walter confirmed that it is legal for the City to loan money to the District, as long as the funds are used in a way that serves the purposes of the citizens of Martinez or the City. He also reviewed legal case precedence.

Mayor Schroder asked Police Chief Tom Simonetti to comment on whether the City's application for funding of two police officer positions with stimulus money would be jeopardized if the City loans or grants the District money. Chief Simonetti noted it could potentially affect the City's participation because the loan to the District might be seen as resources that could have funded the positions without stimulus money. Mr. Vince explained why he did not agree with Chief Simonetti's concerns, based on his research.

Councilmember DeLaney said the City's budget documents seem to indicate that the City could fund the positions if the stimulus application is not approved. Mr. Vince said he thought otherwise because he did not believe the City could fund the two positions with its economic uncertainty reserve, since there would only be enough to pay for one year, not subsequent years.

Rami Muth, Martinez Unified School District Superintendent, reviewed the District's request, concerns, and educational needs for their students; expressing hope that an agreement could be reached.

Councilmember Ross asked, and Ms. Muth noted that they were able to find additional "in-kind" revenue that could be applied towards some of the District's deficit. Councilmember Ross clarified that the requested amount was for \$500,000, in the form of a loan. He commented on some ways that the City and the District can work together to achieve mutual financial efficiencies. He also asked about District plans to increase income for next years. Ms. Muth discussed fundraising plans, attendance goals, and income from the new parcel tax.

Councilmember DeLaney asked, and Ms. Muth confirmed that this loan will only ensure 20:1 teacher:student ratio for only one year. Ms. Muth discussed other efforts being made to achieve future security.

Mayor Schroder opened public comment on the item.

Blake Johnson, student, commented on the importance of the City's assistance. He thanked the Council for considering the District's request, and he asked for their approval.

Richard Verrilli stated there is no greater charge the Council has than to provide for the next generation. He commented on the funding that the City provided to protect the beaver family, and he noted this is an even more important investment in improving public relations. He suggested postponing the removal of the quonset huts at a cost of \$350,000, and give the money to the District, with no conditions.

Mike Alford said public education is the foundation of our country. He urged the Council to give the District the money it needs, especially since the City has the ability to do it. He agreed with Mr. Verrilli's suggestion about the quonset huts.

Bob Hollsinger, Vice President of the Martinez Education Association, expressed support for the proposal made by the District. He expressed confidence in the legality of the proposal, as well as confidence that the resources can be found to continue the 20:1 class size in the future. He commented on the sacrifices made by the teachers, including no recent raises and none for the foreseeable future.

Katherine Hern commented on the importance of this funding to the schools, acknowledging these are difficult times. She also noted that the voters overwhelmingly supported measures on behalf of the parks and the schools.

David Mathers, Martinez Police Officers Association, expressed concern about possible implications on the police officer grant, as well as the need to keep the City's reserve fund healthy. He commended the Council for their work in making the tough decisions.

Tony Ghisletta expressed his respect for the Martinez Unified School District, even though he does not live within its boundaries. He was concerned whether making a grant or loan to the District would be outside the purview of the City or the Council, especially since some of those who will benefit are outside City limits.

Mayor Schroder noted that Gary Eberhart, president of the Mount Diablo School District, had indicated that they would not request any funds from the City as long as the crossing guards at Hidden Valley Elementary School (in the Mount Diablo District) continue to be paid for by the City.

Kathi McLaughlin commented that the cost of the crossing guards at Hidden Valley for 20 years totals approximately \$200,000, adding that only 1/4 of the City's residents live in the Mount Diablo District. She also commented on the grant-writing team, and the \$170,000 grant is an ongoing grant. She asked for the City's assistance to give the District time to find other grant opportunities.

David Elliazer, high school teacher, observed that even if the Council grants or loans the District \$500,000 and the State takes funding away from the City, the City's reserve will still be very healthy at 18% of its budget.

An unidentified speaker commented on her experience working for the City's Recreation Department, and as a teacher. She expressed appreciation for the family-friendly community, and she urged the Council to do its best for the future citizens.

George Griffin, Labors Local 324 representing City workers, urged the Council to be sure that any assistance to the City is in the form of a loan, not a gift. He cautioned the Council that tougher economic times may still be ahead. He encouraged the Council to find a fiscally-responsible, creative plan to meet the needs of the School District and the City.

Bill Dillard, representing City employees, acknowledged the importance of education for the future. He suggested the District use volunteers to assist if larger class sizes become necessary because of layoffs. He expressed concern at the City depleting its reserve to help the District, which is unwilling to use its own reserve. He noted there have already been budget cuts on all the City departments, and the employees are concerned about further cuts.

Denise Elskin, President of Martinez Unified School District Board, indicated that the District is not happy at having to ask the City for help. She also noted that the District has had extensive budget cuts and is already using parent volunteers. She discussed required services that the District must provide, and she expressed willingness to work with the City in any way the District can.

An unidentified speaker commented on the strong support the District has from parent volunteers.

Another unidentified speaker noted that her family recently moved from the Los Angeles area because of the quality School District. She also commented on negative impacts on the community if class sizes are increased.

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

Mayor Schroder expressed strong support for keeping the District K-3 class sizes at 20:1 ratio. He discussed visits he made to classes recently, and the importance of the smaller class size. He was supportive of one-time assistance to the District because of the investment in the community. He suggested a combination grant/loan with the repayment being tied to a joint capital improvement project.

Vice Mayor Menesini agreed with Mayor Schroder on the importance of the schools to the future of the City. He commented on past assistance that the City has provided to both districts. He acknowledged, however, that there are issues that must be addressed: the COPS grant, infrastructure needs, and legal concerns. He suggested that the loan portion be tied to the formation of a joint corporation yard.

Councilmember Ross commented on his past support for education issues, noting the importance of the early years of school. He agreed a combination grant/loan, tied to a joint project of some kind. He was confident in the legality of the allocation, and in the strength of the City's reserve.

Councilmember DeLaney commented on negative impacts to the City's budget from State budget decisions (diversion of the gas tax and delay of Proposition 42 funds). She was concerned about the City's infrastructure needs and the COPS grant. She expressed support for education and its importance, but she noted that the City's first priority and fiduciary responsibility is to the citizens of the City and their public safety, not to the School District. She was also concerned about future budget deficits due to falling property taxes and sales taxes. She also stated she did not think a 20:1 class size was the only way to have quality education, as witnessed by the previous generation. She did not think a grant was a good idea, and she indicated she could support a loan (\$200,000 maximum) with very strict conditions.

Councilmember Kennedy acknowledged the seriousness of the issue, and she thanked everyone for their input on the matter. She noted that costs for the removal of the quonset huts was from another source, not the City's general fund, so it could not be used in any other way. She also commented on the benefits to the District from the recently-passed parcel tax, and she expressed confidence that making a decision in support of the District will not negatively impact City employees. She acknowledged the benefits of smaller class sizes, as well as the importance of taking care of the next generation. She asked the District to make the "Every 15 Minutes" program a part of the curriculum again. She confirmed with Mr. Vince that any action by the Council will need to have the details worked out between staff and the District. She commented on the City's needs related to the pool and the corporation yard, and she expressed support for at least part of the funding to be in the form of a loan.

Councilmember Ross questioned how the amount of the City reserve will affect the COPS grant application, whether or not the City helps the District. Staff said the amount of the reserve should not affect the COPS grant.

In defense of Councilmember DeLaney, Vice Mayor Menesini acknowledged there could be the perception that the City is redirecting money that could be used to fund the additional police positions. However, he was confident that the City's position could be upheld, particularly if the funding is made in the form of a loan.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, approve, in principle, the Martinez Unified School District request for financial support in the form of a loan, not a giveaway, and ask the MUSD and staff to work together, to identify joint purposes and a joint Corp Yard at the Water District Treatment Plant, for \$500,000.

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

The Council recessed for 10 minutes and reconvened with all members present.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of May 20, June 6, and June 10, 2009. [M.Cabral]
2. Motion rejecting claim against the City by Roz Tashman, Claim #09-05. [M.Cabral]
3. Motion approving Check Reconciliation Registers dated 06/04/2009 and 06/11/2009. [C.Heater/2.01.01]
4. Resolution No. 050-09 adopting the Biennial Budget for July 1, 2009 through June 30, 2011. [L.Marshall/2.10.00]
5. Resolution No. 051-09 authorizing the purchase of an Emergency Response Vehicle. [T.Simonetti/04.08.00]
6. Resolution No. 052-09 approving the Summary Vacation of a portion of the former Muir Road right-of-way and authorizing the City Manager to execute a Quit Claim Deed. [T.Tucker/12.23.27]
8. Resolution No. 054-09 authorizing the submittal of applications to the California Integrated Waste Management Board (CIWMB) for all available grants and authorizing the Assistant City Manager - Administrative Services to execute all applicable documents. [M.Chandler/30.14.02]
9. Landscape and Lighting Assessment District 1979-3 (Village Oaks Terrace) for fiscal year 2009-2010. [T.Tucker/10.02.34]
 - a. Adopt Resolution No. 055-09 describing improvements and changes.
 - b. Adopt Resolution No. 056-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.
10. Landscape and Lighting Assessment District 1981-3 (Muir Station Park) for fiscal year 2009-2010.[T.Tucker/10.02.15]
 - a. Adopt Resolution No. 057-09 describing improvements and changes.
 - b. Adopt Resolution 058-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.

11. Landscape and Lighting Assessment District 1983-3 (Vista Oaks) for fiscal year 2009-2010. [T.Tucker/10.02.21]
 - a. Adopt Resolution No. 059-09 describing improvements and changes.
 - b. Adopt Resolution No. 060-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.
12. Landscape and Lighting Assessment District 1988-1 (The Center Martinez) for fiscal year 2009-2010. [T.Tucker/10.02.31]
 - a. Adopt Resolution No. 061-09 describing improvements and changes.
 - b. Adopt Resolution No. 062-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.
13. Landscape and Lighting Assessment District 1994-1 (Creekside) for fiscal year 2009-2010. [T.Tucker/10.02.36]
 - a. Adopt Resolution No. 063-09 describing improvements and changes.
 - b. Adopt Resolution No. 064-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.
14. Landscape and Lighting Assessment District 1997-1 (Brittany Hills) for fiscal year 2009-2010. [T.Tucker/10.02.37]
 - a. Adopt Resolution No. 065-09 describing improvements and changes.
 - b. Adopt Resolution No. 066-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.
15. Landscape and Lighting Assessment District 2000-2 (Terra Vista) for fiscal year 2009-2010. [T.Tucker/10.02.40]
 - a. Adopt Resolution No. 067-09 describing improvements and changes.
 - b. Adopt Resolution No. 068-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.

16. Landscape and Lighting Assessment District 2001-1 Alhambra Estates for fiscal year 2009-2010. [T.Tucker/10.02.41.]
 - a. Adopt Resolution No. 069-09 describing improvements and changes.
 - b. Adopt Resolution No. 070-09 of intention to levy and collect assessments; set date for public hearing on July 15, 2009; and direct City clerk to give and publish all required notices.
 - c. By motion, approve Engineer's Report.

Councilmember Lara DeLaney requested Item #7 be removed from the Consent Calendar.

Mayor Schroder opened public comment on Items 1-6 and 8-16 of the Consent Calendar.

Regarding Item #4, Jon Prato expressed concern about the City's current and future financial situation, in view of economic issues at the state and federal levels.

Seeing no further speakers, Mayor Schroder closed public comment on Items 1-6 and 8-16 of the Consent Calendar.

On motion by Michael Menesini, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #1 through #6 and #8 through #16 of the Consent Calendar.

Motion unanimously passed 5 - 0. Yes: Mark Ross, Councilmember, Rob Schroder, Mayor, Lara DeLaney, Councilmember, Michael Menesini, Vice Mayor, and Janet Kennedy, Councilmember.

7. Resolution No. 053-09 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State government of the City's street maintenance funds; and authorize the Mayor to sign a letter to the State Assembly opposing local Gas Tax fund diversion. [T.Tucker/2.10.00/41.00.05]

Councilmember DeLaney asked for a full fiscal analysis of the impact on the City's infrastructure and employee positions/benefits, from the loss of the gas tax funds and Proposition 42 funds. She requested that staff send letters to Governor Schwarzenegger and legislative representatives as well as the Budget Conference Committee.

Vice Mayor Menesini agreed with the Resolution and the letter to the elected officials. He questioned whether it was premature to spend too much staff time analyzing possible impacts, since at this point it is unknown how much or if the money will be redirected. Councilmember DeLaney noted that the County has already sent out layoff notices.

Mayor Schroder opened public comment on the item.

Mike Alford commented that the State budget difficulties are well known. He questioned why an alternative plan hadn't already been developed by the City.

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. 053-09 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State government of the City's street maintenance funds; and authorize the Mayor to sign a letter to the State Assembly opposing local Gas Tax fund diversion.

Motion unanimously passed 5 - 0. Yes: Mark Ross, Councilmember, Rob Schroder, Mayor, Lara DeLaney, Councilmember, Michael Menesini, Councilmember, and Janet Kennedy, Vice Mayor.

PUBLIC HEARING(S)

CITY MANAGER

17. Approve the request for a third six month extension to the Marina Sub-Lease until December 31, 2009 with Martinez Marina LP. [K.Majors/14.01.00]

City Manager Phil Vince briefly commented on the item. Tom Hogan, Martinez Marina LP, presented the status report.

Councilmember DeLaney asked if the City would be unable to spend the current DBAW loan of \$338,000, if the sublease has not been finalized yet. Mr. Hogan confirmed that was true. She expressed concern about further delays to the process if the sublease is not finalized soon.

Mr. Hogan indicated he was confident that the process will move forward in a timely manner. He noted that the new head of DBAW had commented on her sense of fiscal responsibility, implying that there would not be excessive delays in the disbursement of previously approved DBAW loans.

Councilmember Ross asked if there was anything the City should be doing to facilitate the process. Mr. Hogan said not at this time. Mr. Hogan also acknowledged it is difficult to predict what the end result will be with staffing and funding at DBAW, due to the State budget problems.

Councilmember Ross asked about changes to material and labor costs from the initial projections. Mr. Hogan said they have come down some, but not much. He noted, however, that they could go up again before construction begins.

Mayor Schroder opened public comment on the item.

Paul Wilson commented on negative changes to the marina as compared to ten years ago. He expressed concern about the entitlements that should have been completed within a two year time span, and the City has already expended some money towards the entitlements. He questioned whether the contract was even valid. He also noted that he has never received a response to his comments regarding the EIR.

Mike Alford asked why the City doesn't show more ingenuity in providing for the marina. He noted that there had been a businessman interested in opening a restaurant at the marina, but no one encouraged the idea even though it would have brought tax revenue to the City. He urged the Council to find a way to make progress before it is too late.

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve request for a third six month extension to the Marina Sub-Lease until December 31, 2009 with Martinez Marina LP.

Motion unanimously passed 5 - 0. Yes: Mark Ross, Councilmember, Rob Schroder, Mayor, Lara DeLaney, Councilmember, Michael Menesini, Councilmember, and Janet Kennedy, Vice Mayor.

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

Mr. Vince expressed appreciation for the finalized, approved budget.

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

Chief Simonetti announced that today was the Torch Run for the Special Olympics, and about a dozen police department employees participated, running from Virginia Hills to the marina.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

21. City Council Comments.

Councilmember Janet Kennedy stated that she attended a presentation by Assemblywoman Buchanan at the East Bay League dinner, and she will be attending a League meeting tomorrow in Sacramento. After reviewing potential bills, she will give an update to the Council. She also expressed kudos to Tim Tucker and the Public Works Department, who will soon be installing lighted crosswalks by the High School and the hospital. She congratulated everyone that was involved in the "King of the County Barbecue" which was an awesome event.

Councilmember Lara DeLaney announced that she will be attending the League of California Cities Environmental Quality Policies Committee meeting on Friday. She also expressed appreciation for the "King of the County Barbecue," although she was unable to participate. She urged all to attend the 4th of July celebration.

Councilmember Mark Ross requested that staff look into having a memorial ceremony for September 11th and recognizing Sergeant Paul Starzyk.

Vice Mayor Michael Menesini congratulated Mayor Schroder, his daughter Sarah, and the Class of 2009.

Mayor Rob Schroder stated that he was a judge at the "King of the County Barbecue," and expressed his congratulations to the Martinez Chamber of Commerce for a successful event.

ADJOURNMENT

The meeting was adjourned at 10:02 p.m. to a regular meeting on July 1, 2009 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA 94553.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 7/15/09

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:30 p.m.

PRESENT: Lara DeLaney, Councilmember, Janet Kennedy, Councilmember, Mark Ross,
Councilmember, and Robert Schroder, Mayor

EXCUSED: Vice Mayor Michael Menesini

ABSENT: None.

PUBLIC COMMENT (Only those item(s) listed on the Agenda)

There being no public comment, the Council adjourn to the City Manager's Office.

CLOSED SESSION

With respect to an item of business to be discussed in closed session pursuant to California Government Code Section 54957.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

There was nothing reported out.

ADJOURNMENT

Adjourned at 8:00 p.m. to a Regular Council Meeting on July 1, 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 – 7/15/09