

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:45 p.m. with all members present except Councilmember Menesini and Vice Mayor DeLaney who arrived shortly after roll call.

CLOSED SESSION

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

Property: 865 Howe Road, Martinez.
Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director;
Jeff Walter, City Attorney.
Negotiating Parties: City of Martinez and CGT Associates.
Under Negotiation: Proposed property acquisition.

- B. PUBLIC EMPLOYEE APPOINTMENT pursuant to California Government Code Section 54957: Title: Chief of Police.

PUBLIC COMMENT (Limited to Closed Session Items)

Mayor Schroder opened and closed public comment on Closed Session items with no speakers coming forward.

The Council adjourned to the City Manager's Office.

**Councilmember Menesini arrived at 6:00 p.m.*

RECONVENE- PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the Meeting to order at 7:00 p.m. in the Council Chambers. He reported that closed session was held with respect to Public Employee Appointment, Title Chief of Police, there was nothing to report out at this time; with respect to Conference with Real Property Negotiators regarding 865 Howe Road, direction was given to the City's negotiators.

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

PRESENTATION(S)/PROCLAMATION(S)

A. WiFi Update by Dan Wilson, AirCloud Communications.

Senior Management Analyst Mike Chandler introduced the item, reminding the Council of the past presentation in May, and the plan to add a public wireless network in the downtown area. He introduced Dan Wilson from Air Cloud Communications.

Mr. Wilson provided an update on the project and described the problems encountered that postponed the start date. He also discussed new, improved equipment, testing of the network and eventual phasing in of the full network, which should be up and running by the end of the year.

Mayor Schroder asked about the strength of the signal and how much of the downtown will be covered by the network. Mr. Wilson said it is expected that there will be a strong signal in the 6-block area around City Hall, and a little bit into surrounding neighborhoods, but until the equipment is installed and testing can be done, he couldn't say for sure how big an area will be covered. Mayor Schroder also asked if the network will work similarly to airport WiFi networks. Mr. Wilson said yes, and like Starbucks networks.

Vice Mayor DeLaney asked what other nearby communities Air Cloud services. Mr. Wilson said the closest is Pleasant Hill. He commented on paid subscribers as well as free users, and the advertising possibilities. Vice Mayor DeLaney said the advertising appealed to her especially because the City can use it as well, and low cost advertising is always attractive.

Councilmember Kennedy said the Chamber of Commerce is especially excited by the possibilities.

Mayor Schroder opened public comment on the item.

Rose Martin asked whether the harbor area would be included in the WiFi network. Mr. Wilson said no, not at this time.

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

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

Sue Higgens, resident, raised concerns with the pathway that runs in front of her home between Morello and Center Avenue, is in great need of repair and she asked the Council to direct staff to repair it. She also commented on the condition of the eucalyptus trees which are in terrible condition and need to be topped. Ms. Higgens did express appreciation for the repairs made in the past, but encouraged the Council to take action before more injury occurs.

Gary Freitas discussed his open space property (5 and half acres) and his wish to develop it. He requested that the Council use the General Plan update to correct the opens space designation for his property. Mayor Schroder recommended Mr. Freitas contact Terry Blount, Planning Manager, and include himself into the General Plan process and express his views.

Rose Martin expressed her concern with the corners at Marina Vista and Ferry Street with respect to the ditch on both sides and the problems pedestrians are having. She could not understand how the corners, sidewalks, and the street were going to come together. Ms. Martin also asked for clarification on the new fingers at the Marina, which Mayor Schroder provided. Public Works Director Dave Scola explained that the gutter pan at Ferry and Marina Vista is at the correct level, the streets will be graded and the sidewalks improved so everything will eventually come together.

Scott Alstad reintroduced himself as a candidate for City Council and stated that this campaign has been exciting. He thanked the citizens for participating in the process.

Mike Alford expressed support for Mr. Freitas' project; he spoke out against Richfield developing on open space and the proposed tree removals. He asked why would the Council allow that to happen. Mr. Alford stated that the Council is using extortion when it comes to pushing redevelopment and taking money from the General Fund to pay consultants. He also commented on the Marina development and information he had received from the Department of Boating and Waterways.

Councilmember Kennedy clarified that the Alhambra Highlands is not designated open space, but residential. She further stated that the Council has not taken any action on this project; it was approved many years ago by another Council. Councilmember Kennedy also stated that taking away the opportunity for a property owner to develop their property is against the law.

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 September 15 and September 22, 2010.
[M.Cabral]
2. Motion accepting Check Reconciliation Registers dated 10/07/2010 and 10/14/10.
[C.Spinella/2.1.1]
3. Motion accepting the Cash and Investment Report dated September 30, 2010.
[C.Spinella/2.1.1]
4. Resolution No. 097-10 accepting bids and awarding the construction contract for the Martinez Public Library, Project No. C4012, to Gold Spring Construction Company of San Francisco, the lowest responsible bidder, in the amount of \$1,193,894.
[D.Scola/5.18.02]10.05.03]
5. Resolution No. 098-10 authorizing the City Manager to execute an addendum to extend and modify the existing Memorandum of Understanding between the City of Martinez and the Labors Union, Local #324 from December 31, 2010 to June 30, 2011.
[M.Chandler/4.5.7]

Councilmember Janet Kennedy requested Item #1, City Council Minutes of September 15th be pulled from Consent since she was not present at that meeting. Vice Mayor DeLaney requested that the Minutes be pulled since she was not present at either the September 15th or September 22nd meetings.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Items #2 through #5 of the Consent Calendar. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve the City Council Minutes of September 15, 2010. Motion unanimously passed 3 - 0.
Yes: Michael Menesini, Councilmember Mark Ross, Councilmember, Rob Schroder, Mayor,
Abstain: Janet Kennedy, Councilmember, Lara DeLaney, Vice Mayor.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve the City Council Minutes of September 22, 2010. Motion unanimously passed 4 - 0.
Yes: Janet Kennedy, Councilmember Michael Menesini, Councilmember Mark Ross, Councilmember, Rob Schroder, Mayor, Abstain: Lara DeLaney, Vice Mayor.

PUBLIC HEARING(S)

6. Public hearing to consider resolution approving receipt of \$100,000 from the State of California's Supplemental Law Enforcement Services Funds; and authorize the Chief of Police to receive funding provided by this grant.[G.Peterson/4.8.0]

Chief of Police Tom Simonetti presented the staff report. Lara DeLaney said she would like to see that future requests for approval include a report regarding how the funds were used by the activities of the Resource Officer.

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

On motion by Lara DeLaney, Vice Mayor, seconded by Mark Ross, Councilmember, adopt Resolution 099-10 approving receipt of \$100,000 from the State of California's Supplemental Law Enforcement Services Funds; and authorize the Chief of Police to receive funding provided by this grant. Motion unanimously passed 5 - 0.

CITY MANAGER

7. Discussion of relocation of the County's Conservation and Development Department to 30 and 40 Muir Road. [P.Vince/43.00.01]

City Manager Philip Vince presented the staff report, noting that the County's current plan is to move into only one of the two buildings. He commented on the economic impacts from County offices, and he indicated that the purpose of this item tonight is to discuss options for the City at this point.

Vice Mayor DeLaney discussed information she had gathered from the General Services Director, Mike Lango, regarding the status of the project and the number of employees affected. She noted this could be the last chance the City and the public have to influence the County's plans to move more departments out of the downtown.

Mayor Schroder confirmed that 30 and 40 Howe Road are vacant buildings. He agreed that it is important for the City to act soon, and he stated that he would like City staff to contact County Supervisor Gayle Uilkema, and to reactivate the County/City Liaison Subcommittee.

Councilmember Menesini said he would be happy to work with Vice Mayor DeLaney in interactions with the County, to show them the advantages of continuing to have their main hub of County offices in Martinez.

Vice Mayor DeLaney commented on the County's need for better parking options for their employees, noting this could be a good time to partner together to create a structure that could be shared with the City.

Councilmember Kennedy said she would be willing to work on the Subcommittee. She noted that the departments that are proposed to be moved also have a lot of interaction with the public, and the loss of those potential customers would be felt in the downtown as well. She suggested that other downtown employers be brought into the discussion too.

Councilmember Ross commented on other considerations, such as redevelopment, that could help make the downtown more viable.

Mayor Schroder agreed that redevelopment could be a key component for the long-term health of the downtown, as it has been in other communities in the bay area. He also agreed with Councilmember Kennedy about involving other members of the community. It was decided that Councilmembers Menesini and Kennedy would be the new members of the County/City Liaison Subcommittee.

Mayor Schroder opened public comment on the item.

Mike Alford commented on a company that wanted to come to Martinez and bring 300 new jobs, but was not encouraged to do so. He questioned whether the County was much of a financial boon to the City, since they don't pay rent nor would they pay for needed retrofit of one of the buildings that have been proposed to be used by them. He also questioned the advisability of redevelopment, considering the indebtedness of many such agencies.

Doug Stewart said he thought the City should build the downtown around transportation rather than the County, noting that County employees leave at the end of the work day so there is not much open in the downtown at night. He indicated that trains run later in the night, and if the buses did too, there would be more potential for business from the riders. Mayor Schroder noted that the County Connection bus service has budget problems too, and are decreasing bus services not adding new services .

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

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

No comments made.

CHIEF OF POLICE

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

No comments made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

10. City Council Comments.

Councilmember Janet Kennedy urged citizens to vote. She also announced the Mayor's Golf Cup Tournament on Friday, October 22 at 11:00 a.m. at Roddy Ranch Golf Club; the Spaghetti Feed fundraiser for the Boys and Girls Club on Sunday at 4:30 p.m. She congratulated Ann Finke and John Marigone on their retirement from Shell.

Vice Mayor Lara DeLaney announced the Joltin' Joe Fundraiser on Saturday, October 23rd at 6:30 p.m. at the Shell Club House; the Beer Fest on Saturday, at 1:00 p.m. at 333 Ferry Street (near Marina). She too encouraged the public to vote.

Councilmember Mark Ross commented on the wonderful Homecoming Parade.

Councilmember Menesini also commented on the Homecoming Parade as one of the great events held in Martinez. He too echoed the other Councilmembers' comments and encouraged all to vote.

Mayor Rob Schroder stated that he went to the Homecoming Parade, and he announced the winners of the floats: Juniors came in first; Seniors, second; Sophomores, third; and Freshman, fourth. He also went to the Homecoming game and noted that Alhambra beat Alcalanes 14 to 12. As a LAFCO boardmember, he indicated they are currently reviewing a report regarding the fire districts unsustainability and are searching for other alternatives, i.e. mergers, service agreements, etc. Mayor Schroder also urged the public to vote.

ADJOURNMENT

Adjourned at 8:20 p.m. to a Regular Meeting on November 3, 2010 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 –12/1/10

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:50 p.m. in the Council Chambers with all members present except Councilmember Menesini and Ross.

CLOSED SESSION

- A. PUBLIC EMPLOYEE APPOINTMENT pursuant to California Government Code Section 54957: Title: Chief of Police.
- B. CONFERENCE WITH LEGAL COUNSEL--Existing Litigation pursuant to California Government Code section 54956.9(a). Name of Case: Ostrosky v. City of Martinez.
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.
Property/Location: 865 Howe Road, Martinez.
Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director.
Negotiating Parties: City of Martinez and CGT Associates.
Under Negotiation: Proposed property acquisition

PUBLIC COMMENT (Limited to Closed Session Items)

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

**Councilmember Ross arrived shortly after roll call.*

**Councilmember Menesini arrived at 6:20 p.m.*

RECONVENE- PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Rob Schroder called the meeting to order at 7:00 p.m. He reported that the Council met in closed session. With respect to Conference with Legal Counsel, Ostrosky v. City of Martinez, there was nothing to report as the item was on the agenda for this meeting. With respect to Conference with Real Property Negotiators, 865 Howe Road, direction was given to the City's negotiators; and with respect to Public Employee Appointment, Title: Chief of Police, Mayor Schroder announced that by unanimous decision the Council voted to appoint Commander Gary Peterson as the next Chief of Police.

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

PRESENTATION(S)/PROCLAMATION(S)

A. Proclaiming November 2010 as "National Hospice Palliative Care Month."

The Council presented the proclamation to Peggy Hernandez. Ms. Hernandez announced that Hospice of the East Bay will have a Tree Lighting throughout the County; Martinez' Tree Lighting will be on Saturday, November 20th at 5:00 p.m. on Morello Avenue, rain or shine.

Ms. Hernandez stated that there will be Toys for Tots drive as well; her grandson who will be celebrating his 11th birthday wanted to collect toys instead of receiving presents for his birthday.

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 Martinez homeless statistics for the month.

Mike Alford stated he always thought he was the voice of the people; but the people have spoken and realize that the Council is the voice of the people. He further stated that it was time to work with the Council. Mr. Alford mentioned his frustration with people tearing off the candidate signs.

Marshall Cochrane requested to know information on the closed session item regarding 865 Howe Road, and wanted to know the benefits of the purchase. Mayor Schroder stated that there was no action being taken and whatever decision is made or transaction will be made in open forum.

Ann Cochrane stated that she was angry and disappointed in the mudslinging and the terrible attack against Kathi McLaughlin which was very unfair.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of October 6, 2010.
2. Motion accepting Check Reconciliation Register dated 10/21/10 and 10/28/10.

On motion by Lara DeLaney, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #1 and #2 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

3. Public hearing to consider resolution reconsidering an appeal of the Planning Commission's denial of proposed lot line adjustment affecting an approximate 160 acre site located at 370 Lindsey Drive. Proposal would adjust boundaries between four existing lots, creating a new 4-lot configuration as proposed by applicant, ranging in size from 8.45 to 64.41 acres. Due to Court order, the City Council rescinded its previous denial of the appeal on September 15, 2010.

Vice Mayor DeLaney recused herself from the discussion. She congratulated Commander Peterson on his appointment and Mayor Schroder and Councilmember Menesini on their reelection and left the dais.

City Attorney Jeff Walter presented the staff report. He discussed the history of the application and the proposal. He also noted that the City Clerk's Office had that morning received from the applicant's a 240-page document that the Council had not had time to review, and so recommended that the Council not accept the document as part of the record, adding that he had suggested the applicant delay the hearing to after the first of the year and the applicant had declined. Mr. Walter discussed the details and the merits of the proposed resolution and presented staff's recommendation that the lot-line adjustment could be granted.

Mayor Schroder asked what action could be taken regarding the 240-page document, and Mr. Walter stated they could be included for the purposes of identification of the resolution, but not included as part of the record.

Scott Sommer, applicant's attorney, clarified that the applicant had not objected to a continuance, but to a continuance of two to three months. He stated that the City Clerk had received a 6-page letter and the 240-page document including the deposition of Mr. Phillips, and the January 2010 trial testimony of Mr. Phillips, and that these documents were to provide support for the facts stated in the letter, which showed that Mr. Phillips had not agreed not to develop the sites south of Christie Drive. He urged the Council not to include in the resolution a condition that these sites not be developed.

Councilmember Kennedy asked for a clarification regarding how the resolution would render the sites undevelopable, and Mr. Sommer pointed out a reference to the Alhambra Valley Specific Plan, which prohibits development south of Christie Drive. He also noted that City interpreted the Specific Plan differently in the case of the Mullage Property.

Mr. Sommer asked if the 6-page letter was entered into the record, and Mayor Schroder confirmed that it was.

Mayor Schroder opened the item for public comment.

Connie Chapman expressed confusion over the requirements of the Specific Plan and the desired development and asked the Council to take time to look over all the details in order to make an informed decision.

Eric De La Rosa also expressed some confusion about whether the development was prohibited north or south of Christie Drive. Mr. Walter stated that the Specific Plan's map of the applicant's property specifically allowed only four development sites north of Christie Drive, while Mr. Sommer's argument was that the text allowed for development anywhere on the property. Mr. Walter noted that the applicant's property has been seen as unique and that Mr. Phillips, the original owner, had stated in a letter that he did not intend to develop any of the property south of Christie Drive, which is why all development had been prohibited in those areas.

Mr. Sommer clarified that he did not say the applicant could build anywhere, because of the open space easement, and showed on a map of Mr. Phillips' the specific areas the applicant wanted to develop.

Councilmember Ross stated that the Council did not have any grudge against the applicant, and the reason for the City's spending the money on court costs was because they wanted to remain true to the original intent of the previous Council regarding the property.

Mr. Walter requested that the Council direct the City Attorney to review condition III(B) and delete it if necessary.

Councilmember Kennedy asked about the December court date, and Mr. Walter stated that it was to address the disagreement regarding the meaning of the open space easement.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution 100-10 granting an appeal of the Planning Commission's denial of a proposed lot line adjustment affecting an approximate 160 acre site located at 370 Lindsey Drive; and approving said lot-line adjustment; (A) mark "for identification only" the document (approximately 240 pages) that was sent by the applicant's counsel and received by the City during the of November 3, 2010, and which the City Council, City Attorney, and City staff did not have an opportunity to review or examine prior to the Council hearing. Consequently, the applicant's request that said document be made part of the record is denied; and (B) direct the City Attorney to review the conditions of approval attached to and made a part of the resolution to determine whether condition III(B) should be deleted, as requested by the applicant, and should the City Attorney determine that said condition should be deleted, then, said condition shall be deleted from the final set of conditions imposed as part of this resolution; otherwise, the condition shall remain part of the conditions imposed as part of the approval granted hereby. Motion passed 4 - 0. Recuse: Lara DeLaney, Vice Mayor; Rest: Ayes.

CITY MANAGER

4. Recap of Gas Line Incident which took place at the intersection of Ferry/Marina Vista on Wednesday, October 28th.

City Manager Philip Vince provided a recap of a recent incident involving the rupture of a two-inch gas line. He discussed the cause, the emergency response, the City's process, the claims requests by merchants, and the subsequent review of the incident and the City's response for future reference. He also discussed the concern regarding pipelines near schools and the safety precautions being taken, and PG&E's process for shutting off valves in the event of an emergency.

Chief Simonetti noted that there had been only one complaint during the incident, over a remark made by an officer.

Public Works Director Dave Scola explained the actual cause was not a ruptured gas line, but a busted nipple off the gas line. The contractors knew that the line was there, but did not know that the nipple extended into the concrete they were removing.

Councilmember Kennedy noted that at a recent East Bay League meeting, PG&E had been considering alternatives like automatic shut-offs in emergencies, but there would be possible problems like unnecessary shutoffs. She stated that though there was room for improvement, she appreciated the handling of the incident.

Councilmember Ross stated that he had received several complaints from business owners. He also noted that Martinez was the first city in the County to require automatic shutoffs in residences. He added that accidents like these are the reason that the City requires permits for gas-line installations.

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

No other comments made.

CHIEF OF POLICE

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

Chief Simonetti reported that with the help of the Lafayette Police Department, the Martinez Police Department solved a bank robbery at West America Bank that occurred back in September, and the suspect has been arrested and charged. He also reported that over the past weekend, a laptop computer was stolen in Walnut Creek, and the GPS device in it enabled the owner to trace it to Banner Court, Martinez. A search warrant was obtained and the officers found the house filled with stolen property. Today (11/4/10) a date rape case was also solved.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

7. City Council Comments.

Councilmember Janet Kennedy expressed her congratulations to Mayor Schroder, Councilmember Menesini, and Councilmember DeLaney on their reelections. She hoped that everyone will listen and work together to make decisions so that the City can move forward. Based on conversations she had with young people during the campaign, she was optimistic about the future of the City. She also congratulated newly-appointed Chief of Police Gary Peterson and expressed confidence in his abilities.

Councilmember Mark Ross expressed his congratulations to his colleagues, and he thanked the candidates in the audience for their participation. He acknowledged that running for office can be challenging, noting that some of what happens is not fair but getting involved is a public service. He also noted that he had an opportunity today to touch the World Series trophy on behalf of the City of Martinez.

Councilmember Michael Menesini congratulated his colleagues on their reelection and commended the other candidates that ran. He stated that one of the nice things about an election is it takes you out of your home and into the community, which provides an opportunity to meet new people and speak to the citizens.

Mayor Rob Schroder also congratulated his colleagues on their reelection and commended the other candidates for their involvement. He stated it was invigorating getting out into the neighborhoods because the reaction was positive. He noted that the main theme he heard again and again was "give me a reason to come downtown," and that is what he hopes the Council is going to work on.

ADJOURNMENT

Adjourned at 8:35 p.m. to a Regular Meeting on November 17, 2010 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 - 12/1/10

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:15 p.m. with all members present except Councilmember Kennedy and Vice Mayor DeLaney who were excused.

CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.
Property/Location: 865 Howe Road, Martinez.
Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director.
Negotiating Parties: City of Martinez and CGT Associates.
Under Negotiation: Proposed property acquisition.

PUBLIC COMMENT (Limited to Closed Session Items)

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

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:10 p.m. in the Council Chambers. He reported that the Council met in closed session with respect to Conference with Real Property Negotiators, 865 Howe Road, and direction was given to the City's property negotiators.

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

PRESENTATION(S)/PROCLAMATION(S)

- A. City Treasurer Carolyn Robinson, Bond Oversight Committee Update.

Moved after public comment.

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

Dianne M^cNally, Contra Costa Certified Farmers Market (CCCFM), discussed the Sunday Farmers Market and reviewed their experience over the past 9 years in Martinez. She further discussed the contract reassignment to Main Street Martinez and their uncooperative relationship. Ms. M^cNally proposed that the CCCFM sign contracts with the City Manager directly as they do with other East Bay cities. Lastly, if the City should decline to sign a contract

with CCCFM for 2011, she requested that standard operating procedures be followed when issuing an RFP and all market operators around the Bay Area be included and none favored. Mayor Schroder clarified that currently their contract is with Main Street Martinez.

Mayor Schroder apologized to Carolyn Robinson, City Treasurer, for jumping over her presentation, but first wanted to finish the Public Comment portion of the meeting.

Jessie Neu, Staci Deshasier, Pat English, and Effie Eliahu of CCCFM echoed Ms. McNalley's comments, expressing their belief that change is not necessary and the community is best served by keeping the CCCFM.

Assistant City Attorney Veronica Nebb suggested that staff investigate how the market is permitted and how it is working. Councilmember Menesini stated that the City is responsible for the Farmers Market contract and no one else. He requested a staff report on the situation.

Dick Archer, farmer, also supported the CCCFM as a local organization and urged the Council to support it as well.

Marta Van Loan questioned the procedure for commenting on the consent calendar, which Mayor Schroder clarified.

Scott Alstad expressed his appreciation to the CCCFM for the job they do. Mr. Alstad stated that he ran for Council and shared his experience as a candidate; he also expressed his appreciation to the Council for their support.

Judy Yearman, owner of the Bow Rack, expressed support for the CCCFM; she indicated that it was a wonderful market and it has been a family affair.

Linda Meza reminded the public of the Hospice Tree Lighting on Saturday, November 20th. She requested the Mayor to issue a Proclamation for November 27th proclaiming "Small Business Saturday" in Martinez. Mayor Schroder requested that she email him the information.

Mike Alford spoke on the North Pacheco Annexation and requested that Talbart Howard be contacted to bring his business to Martinez and locate it in North Pacheco area, which would create jobs. Councilmember Menesini suggested that the City Manager follow up with that request. Mr. Vince agreed that it was a possibility but stated that he wanted to make sure it was feasible and cost-effective before bringing anyone in for a presentation.

Rose Martin expressed her frustration with Marina Vista and Ferry and the length of time it has taken to repair the streets. Public Works Director Dave Scola said that the paving was being held up for the replacement of the gas line. He stated that it should be finished in the next two weeks.

Ms. Neu presented the Council with CCCFM packets.

Councilmember Ross noted that the controversy with the Farmers Market was news to the Council and stated that he had enjoyed the Market's growth, adding other suggestions for further growth.

A. City Treasurer Carolyn Robinson, Bond Oversight Committee Update.

City Treasurer Carolyn Robinson gave a report on the last meeting of the Bond Oversight Committee held on October 20th. She provided a financial update indicating that the balance as of September 30, 2010, was \$14,314,710.34. She also gave an update on several projects, including their respective timelines and expenditures to date: the pool renovation, library lower floor renovation, tree removals at Highland and Nancy Boyd Park, Hidden Lakes play equipment, Tavan Field renovation, Holiday Highland Park, Hidden Lakes Park, and Waterfront Park bocce area.

The Council expressed their appreciation to Treasurer Robinson for her thorough update.

CITY MANAGER ITEM #16 TAKEN OUT OF ORDER.

CITY MANAGER

16. Discuss and consider a resolution authorizing the City Manager to expend up to \$9,500 to secure resources to complete the Proposition 84, Statewide Park Program Grant to propose a park and amenities at the Center Avenue property that is zoned for park use and owned by the City.[M.Austin/11.01.00]

Recreation Manager Mitch Austin presented the staff report. He summarized the discussion regarding the grant, including the need for a park on the south side of Highway 4. He described the different kinds of amenities that could be involved, and explained why they had searched for a property already owned by the City so more grant money could be spent on amenities, and the grant application would be more competitive. He also stated that it would be helpful to bring in a grant writer to improve the chances of the application. Mayor Schroder asked, and Mr. Austin confirmed that the Parks, Recreation, Marina and Cultural Commission (PRMCC) supported the staff recommendation.

Councilmember Menesini asked about the different possibilities for the development of the site, and Mr. Austin described the excellent views of the surrounding countryside, and noted that the elevation would be advantageous for a community center. He stated that the site had many different possibilities, and added that it was important to have outreach meetings and allow the people to say what was needed. Councilmember Ross agreed that it sounded like a good use of existing property and resources.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 109-10 authorizing the City Manager to expend up to \$9,500 to secure resources to complete the Proposition 84, Statewide Park Program Grant to propose a park and amenities at the Center Avenue property that is zoned for park use and owned by the City. Motion unanimously passed 3 - 0.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving Joint City Council/Planning Commission Minutes of October 6, 2010. [M.Cabral]
2. Motion rejecting claim(s) against the City by Peter Gillis, Claim #10-10. [M.Cabral]
3. Motion accepting Check Reconciliation Register dated 11/04/10 and 11/10/10. [C.Spinella/2.1.1]
5. Motion accepting the Financial Report for the First Quarter 2010 - 2011. [C.Spinella/2.1.0]
6. Resolution authorizing the City Manager to execute a contract with Maze & Associates for audit services for fiscal years ending June 30, 2011, June 30, 2012, and June 30, 2013. [C.Spinella/17.02.02]
8. Resolution No. 101-10 accepting the 2009 Water Line Replacement Project per contract documents and instructing the City Clerk to file a Notice of Completion. [D.Salts/15.07.00]
9. Resolution No. 102-10 accepting the 2010 Play Structure Renovation Hidden Lakes Park Project per contract documents and instructing the City Clerk to file a Notice of Completion. [D.Salts/11.18.00]
10. Resolution No. 103-10 authorizing the Mayor to execute a document accepting the Deed of Open Space Easement for Minor Subdivision M.S. 551-09.[T.Tucker/13.M551-09]
11. Resolution No. 104-10 authorizing the City Manager to execute the Library Lease and Service Agreement between Contra Costa County and the City of Martinez. [M.Chandler/5.18.00]
12. Resolution No. 105-10 establishing a new job classification and salary range for Information Technology Administrator. [A.Shear/4.5.1]
13. Resolution No. 106-10 approving the Amended Parking Bail Schedule 2010. [E.Ghisletta/04.18.04]

Councilmember Menesini requested that Item #7 be pulled and Councilmember Ross requested that Item #4 be pulled from the Consent Calendar.

Mayor Schroder opened Items #1, #2, #3, #5, #6, and Items #8 through #13 for public comment.

David Issacson, an engineer for M.S. 511-09, spoke on Item #10, asking if the parcel map, the subdivision agreement, and the bond were included as part of the resolution. Ms. Nebb stated that those documents had not been received by the City when the agenda was created, although they had been drafted. She added that they would not necessarily have to be approved by the Council, but if they did need to be they should be on the agenda for the next meeting.

Mike Alford spoke on Item #10, asking about the location and the developer of the site. Mayor Schroder clarified that it was the Cascara Canyon property.

Seeing no further speakers, Mayor Schroder closed public comment on these Items.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Items #1, #2, #3, #5, #6, and Items #8 through #13 of the Consent Calendar. Motion unanimously passed 3 - 0.

4. Motion accepting the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2010. [C.Spinella/2.1.0]

Councilmember Ross indicated that he pulled Item #4, CAFR, to accommodate a member of the public.

Mayor Schroder opened the Item for public comment.

Marta Van Loan asked about the status of retirement benefits, since they were such a problem in other cities. Finance Manager Cathy Spinella stated that the funding was up to date because much of it had been paid in advance. Mayor Schroder briefly discussed the City's management of internal resources.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Motion accepting the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2010. Motion unanimously passed 3 - 0.

7. Resolution approving the proposed City of Martinez Parks, Recreation Area, and Facilities Naming Policy. [M.Austin/11.01.03]

Councilmember Menesini requested that this item be continued, noting he had some questions about the policy. He said he would like the Council to reconsider the proposed process.

Item 7 continued to a future meeting.

PUBLIC HEARING(S)

14. Public hearing to consider a resolution amending the Pleasant Hill Bayshore Disposal (now known as Allied Waste Services) franchise agreement for a 3.11 percent rate increase for residential and commercial collection as recommended by the Report; and accept the 2011 Interim Year Rate Review Report. [M.Chandler/31.02.00]

Michael Chandler, Senior Management Analyst, presented the staff report. He described the purpose of the report and the proposed changes to the franchise rates. He noted the importance of rate stability, the comparatively small rate increases, and the increase in services and infrastructure improvements in recent years. Councilmember Ross mentioned that the rate increase was due in part to extra costs on the haulers, such as road work at the Keller Canyon Landfill.

Erik Nylund, NewPoint Group, explained that the formula for the rate was based about 90% on operating expenses and was a complex calculation, though they were looking into ways to simplify it.

Mayor Schroder opened the Item for public comment.

Mike Alford asked how the methodology for the rate balanced in such an unstable economy. He also asked how much of operating costs were defrayed by the collecting of recyclables. Mayor Schroder noted that there was not always a good market for the recyclables, and Councilmember Menesini stated that it was City policy to encourage recycling. Councilmember Menesini also agreed that the rate increase was greatly affected by the cost of fuel, as well as the necessary infrastructure improvements.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 107-10 amending the Pleasant Hill Bayshore Disposal franchise agreement for a 3.11 percent rate increase for residential and commercial collection; and accept the 2011 Interim Year Rate Review Report. Motion unanimously passed 3 - 0.

Councilmember Menesini clarified that the rate formula was calculated based on the investment, the percentage of return, and the operating costs, and it was very tightly regulated. He agreed that the costs had mostly stayed down. Councilmember Ross noted that the formula was developed by Mayor Schroder and former Councilmember Woodburn. Mayor Schroder added that the service had received very few complaints.

15. Public hearing to introduce an ordinance amending the Martinez Municipal Code Title 5, Business Taxes and Regulations, Section 5.28.060, to reflect contractors; and Section 5.28.070 to reflect subcontractors, within the City shall be assessed an annual license tax and allow general contractors whose business is outside the City the option to purchase a 3 month license. [C.Spinella/2.3.1]

Councilmember Ross asked whether he should recuse himself because of a potential conflict of interest. After further discussion, it was decided that he did not.

Cathy Spinella, Finance Manager, presented the staff report. She discussed the history of the license tax, and described the proposed changes. Councilmember Menesini asked if the changes would disadvantage local contractors, and Ms. Spinella replied that it would not; the changes would only simplify the process and lower costs.

Mayor Schroder opened the Item for public comment.

Mike Alford asked if the contractors and subcontractors at Shell Avenue would have to apply, and Mayor Schroder stated that they would when they were working inside city limits. Mr. Alford also asked if the Council could look into the revenue for the bunker fuel that goes into every ship that goes out.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve introduction of an ordinance amending the Martinez Municipal Code Title 5, Business Taxes and Regulations, Section 5.28.060, to reflect contractors; and Section 5.28.070 to reflect subcontractors, within the City shall be assessed an annual license tax and allow general contractors whose business is outside the City the option to purchase a 3 month license. Motion unanimously passed 3 - 0.

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

None.

CHIEF OF POLICE

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

None.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

19. Willow Theatre Company: [M.Chandler/9.12.07]

- A. Willows Theatre Company Presentation.
- B. Discuss and consider alternatives to address the Willows Theatre Company loan agreements due December 1, 2010 and provide direction to staff.

David Faustina, Managing Director of the Willows Theatre Company, introduced the new Artistic Director, Eric Inman, the Office Manager, Sara Rozett, and Dennis Woodard, President of the Board. He discussed the cultural benefits of live theatre for the players themselves and for the audience, plans for the upcoming season, impacts on the Willows from the current economic downturn, and ways that the City's partnership with the Willows has contributed to the community through the performances, theatre classes for youth, partnerships with local businesses, community cleanup, and outreach. He also reviewed the Theatre's current financial situation, and leasehold improvements to the Kenney-Conco facility donated to satisfy the construction loan from the City. He asked the Council to continue its financial support for the Willows.

Dennis Woodard, President of the Willows, thanked the City Council, staff, and the public for supporting the Willows Theatre, as well as the volunteers who have given of their time and materials.

Barry Silberman, Willows Boardmember, expressed appreciation for the support as well, especially the volunteers.

Eric Inman, Artistic Director, discussed the numbers of patrons that have passed through the doors of the Willows Theatre, bringing business to the downtown. He asked for continued support from the City.

Patrick Campbell, President of the Diablo Symphony Orchestra and supporter of the arts, commented on past history of the Willows in the City of Concord, and efforts to make the arts affordable again. He encouraged the Council to consider the global effects of their support. He also noted that he and wife have contributed more than \$200,000 as private citizens, asking that the City consider turning the loans into grants.

Jim Neu expressed appreciation for the City's past support of the Willows Theatre. He asked whether the Kenney-Conco building has a sewer system hooked up yet. Mayor Schroder said not at this time, but hopefully soon. Mr. Neu asked who pays for the pump-out, and members of the audience said the Willows does. He asked if the City ever issued an occupancy permit. Public Works Director Dave Scola said not formally, but they have been given permission to occupy the building. Mr. Neu asked if the Theatre has met its obligation to provide the City with financial statements, and Mayor Schroder said yes. Mr. Neu also noted that the lighting system had been offered to the City previously as payment for an earlier loan. He asked if the City had ever polled attendees at the Campbell Theatre as to what Martinez businesses they frequented before or after an event. Mayor Schroder said no. Mr. Neu asked if the City will continue to pay the Bisios \$4,000 a month for use of the property through 2014. Mayor Schroder said yes.

Sheila Grilli, patron, expressed appreciation for the events produced by the Willows and for the contributions to the downtown. She encouraged the Council's continued support.

Mike Alford commented on the cultural and economic benefits of the Theatre and agreed it should be supported.

Dick Duncan discussed the total contribution the City has made to the Willows, in excess of \$1 million, and the lack of a strategy to implement. He suggested that the name "Martinez" be added to the Willows (as it used to be the Concord Willows Theatre), in recognition of all that the City has done. He suggested that Main Street Martinez do a full analysis of the financial impacts on local businesses, so that a strategy can be developed that contributes to the revitalization of the downtown as much as to the benefit of the Willows. He also suggested that the Theatre hold an open house at the Kenney-Conco building for the citizens of Martinez so they can see what their tax dollars are supporting.

Sara Rozett, actor, discussed the sense of community within the Willows Theatre company. She encouraged the public to come see what the Theatre does.

Mayor Schroder closed public comment on the item.

Councilmember Ross commented on the City and community support for theatre, arts and recreation, which is unusual for a city this size. He expressed appreciation for the financial cuts that the Willows have already made, and although he would like to see the \$40,000 loan repaid to the City, he acknowledged that there may be higher priorities at this time. He was confident that downtown restaurants have benefitted from theatre-goers, and he suggested some highlighting of the nearby plaza to recognize a theatre district in the downtown.

Mayor Schroder noted that his original intention was to suggest an alternative, but since hearing the presentation and supporters, he was now in agreement with the staff and Mr. Ross.

Councilmember Menesini agreed with Alternative #1 as suggested by staff, but he asked staff to see if the rental agreement could be revised to tie the rental amount to the profitability of the company. Ms. Nebb said that it has already been included.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Alternative #1 accepting the Willows' in-kind contributions for the Kenney-Conco Building and John Muir Amphitheater to satisfy the \$62,900 Construction Loan of March 3, 2008; forgive the \$40,000 Loan from December 17, 2008, based on additional in-kind contributions as demonstrated by the Willows; and direct staff to prepare a resolution for the December 1, 2010 Council meeting. Motion unanimously passed 3 - 0.

Councilmember Ross reiterated his earlier comments regarding exit polling of theatre attendees.

20. City Council Comments.

Mayor Rob Schroder announced the Warren W. Yukel Teacher Trust 2010 Award Dinner on Thursday, November 18th at the Diablo Country Club, noting that three teachers from Contra Costa County will be honored as Teachers of the Year, one of them being Renee Travis from Morello Park Elementary, whom he congratulated. He also stated that he received a letter from the County Clerk advising him that Governor Schwarzenegger signed a bill giving directly elected Mayors the power of marrying individuals in a civil ceremony.

Mayor Schroder also announced the Martinez General Plan Community Workshops to be held from 6:30 p.m. to 8:30 p.m. on Tuesday, November 30, 2010 at Martinez Junior High, Thursday, December 2, at John Swett Elementary, Tuesday, December 7, at Morello Park Elementary, and Wednesday, December 8, at Hidden Valley Elementary.

ADJOURNMENT

Adjourned at 9:43 p.m. to a Regular Meeting on December 1, 2010 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 – 12/01/10