

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:15 with all members present except Michael Menesini who arrived shortly after roll call.

CLOSED SESSION

- A. PUBLIC EMPLOYEE APPOINTMENT pursuant to California Government Code Section 54957: Title: Chief of Police.
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.
 - a) Property/Location: 865 Howe Road, Martinez.
Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director; Alan Shear, Asst. City Manager; Veronica Nebb, Asst. City Attorney.
Negotiating Parties: City of Martinez and CGT Associates.
Under Negotiation: Proposed property acquisition.
 - b) Property/Location: 610 Court Street.
Agency Negotiators: Philip Vince, City Manager; Alan Shear, Assistant City Manager; Veronica Nebb, Asst. City Attorney.
Negotiating Parties: City of Martinez and Contra Costa County.
Under Negotiation: Disposition of real property.
- C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
Pursuant to California Government Code Section 54957.
Name of Case: Leon vs. Cinray (#L10-02)

Assistant City Attorney Veronica Nebb amended the closed session item for 610 Court Street adding Contra Costa County to the Negotiating Parties.

PUBLIC COMMENT (Limited to closed session items)

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

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:15 p.m. He reported that a closed session was held and with regards to Public Employee Appointment, they are negotiating a contract with Commander Peterson; with regards to Conference with Real Property Negotiators, 865 Howe Road and 610 Court Street, direction was given to the property negotiators; he also clarified that the negotiating party for 610 Court Street was between the City and Contra Costa County.

Regarding Existing Litigation, Leon vs. Cinray, the Assistant City Attorney Veronica Nebb stated that by unanimous decision the Council voted to authorize their legal counsel to defend the City in that matter.

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

EXCUSED: None.

ABSENT: None.

ADDED PRESENTATION: "A Creek Without a Voice."

City Engineer Tim Tucker made the introductions and spoke on the working relationship between the City and the Martinez Unified School District for the benefit of the Community and how it has flourished by working with Briones Environmental Academy's "New Leaf Program." Mr. Tucker expressed his appreciation to the Council for their moral and financial support for the production of "A Creek Without a Voice." Dr. Rona Zollinger congratulated the Council on their reelection. Dr. Zollinger stated that she was honored to be able to bring forth a presentation that shows the vitality that is created within the students and within the community. She reviewed the working collaboration with the Environmental Academy Studies and Cal State East Bay whereby college students mentor high school students.

Students and other actors thanked the Council and reported their experience in creating this film, including Cheyenna Washburn, a junior at ESA, Eric Pena, a junior at San Francisco State University, Juliette Stephenson, a fifth-grader at John Swett Elementary School, and her mother, Melissa Stephenson.

Dr. Steven Cleveland, Director ("A Creek Without a Voice") and educator, expressed his appreciation to the Council for all their support and was very appreciative in being able to take these students through a process to allow them receive college credit for doing this film. He was gratified with the City and the Community for all their support. The public service announcement illustrates the transformation of consciousness for our local watersheds, and is intended to spread awareness of how to keep creeks healthy and thriving for generations. Dr. Cleveland presented the film.

The Council congratulated them on a job well done. Vice Mayor DeLaney asked how the PSA was going to be aired, and Dr. Cleveland said they were considering several different opportunities. Councilmember Kennedy mentioned the possibility of a longer announcement. Councilmember Ross suggested sharing the PSA with other creek organizations in the Bay Area. Councilmember Menesini agreed that it was well done and that it could have been longer. Mayor Schroder suggested making a presentation to the San Francisco Regional Water Quality Control Board. Dr. Zollinger stated that they would keep the Council updated on their progress.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Reserved only for those requesting to speak on items NOT listed on the Agenda.

Staci Deshasier, Contra Costa Certified Farmers' Market, congratulated the newly elected officials. She restated her comments from the last meeting regarding the uncooperative working relationship with Main Street Martinez and requesting that their contract be signed by the City.

She urged the Council to complete the report that Councilmember Menesini requested. Councilmember Menesini noted that the City was researching the matter and expressed the City's goal that all the businesses on Main Street support and cooperate with each other.

Joe Valencia expressed his concerns with the homeless and their situation especially during this cold winter. He urged Council and the community to help.

Doug Stewart, Homeless Outreach, provided statistical information on the homeless. He indicated that next month there will be a homeless count and indicated that Martinez should see a very low number. In response to Councilmember Ross, Mr. Stewart provided his email address Doug_and_Bailey@yahoo.com and number (925) 575-1926.

Amy Ainsley also expressed concerns with the homeless and urged the public to help in any way possible; she also requested that they be treated with some respect.

Dorethea Miller also urged the public to help the homeless and reminded us that it is the season of giving.

Mike Alford spoke on the Alhambra Highlands Development stating that the residents in that neighborhood do not want that development to happen and urged the Council to listen to the residents. With the season falling before us, he wished all a Merry Christmas.

Scott Alstad congratulated the students of the Environmental Studies Academy and all those involved in producing the film, he congratulated the Council on their reelection and stated that he enjoyed running in the last election.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of October 20, November 3, and November 17, 2010. [M.Cabral]
2. Motion approving Check Reconciliation Register(s) dated 11/18/10. [C.Spinella/2.1.1]
3. Motion accepting the AB 1600 report for fiscal year ending June 30, 2010. [C.Spinella/2.1.00]
4. Motion adopting Ordinance No. 1357 C.S. amending the City's Municipal Code Title 5, Business Taxes and Regulations," Section 5.28.060 Contractors, and Section 5.28.070, Subcontractors. [C.Spinella/2.3.1]
5. Motion approving extension of the Marina Management Lease agreement with Almar for operation and management of the Martinez Marina for one year (January 1, 2011 to December 31, 2011). [M.Austin/14.01.00]
6. Resolution accepting the other in-kind contributions of the Willows Theatre Company at the Kenney-Conco Production Facility as defined in Exhibit A to relieve the Willows of its loan obligation to the City of Martinez pursuant to the Construction Loan Agreement of

March 13, 2008, in the amount of \$62,900; and to forgive the Willows' loan obligation to the City pursuant to the Loan Agreement of December 17, 2008, in the amount \$40,000.[M.Chandler/9.12.07]

7. Resolution No. 111-10 authorizing the City Manager to execute a Cooperative Agreement No. 24C.04 between the City of Martinez and the Contra Costa Transportation Authority to complete a Scoping Study for the Court Street Overcrossing Project. [6.07.15]
8. Resolution No. 112-10 certifying election results of November 2, 2010 General Municipal Election. [M.Cabral/40.20.00]
9. Resolution No. 113-10 authorizing the City Manager to execute an Agreement for Local Agency Participation in Grant-Funded Bay Area-Wide Trash Capture Demonstration Project. [T.Tucker/10.06.06]

Councilmember Kennedy requested that the Minutes of November 17th be removed from the Consent Calendar; Vice Mayor DeLaney requested that the Minutes of November 3rd be removed from the Consent Calendar.

Mayor Schroder opened Items #2 through #9 for public discussion.

Mike Alford spoke on Item #5, Marina Management Lease, expressing frustration with the length of the contract and the lack of progress.

Seeing no further speakers, Mayor Schroder closed public discussion on the Items.

Vice Mayor DeLaney requested that Item #6, Willows, be removed from the Consent Calendar as well.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #2 through #5 and #7 through #9 of the Consent Calendar. Motion unanimously passed 5 - 0.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 110-10 accepting the other in-kind contributions of the Willows Theatre Company at the Kenney-Conco Production Facility as defined in Exhibit A to relieve the Willows of its loan obligation to the City of Martinez pursuant to the Construction Loan Agreement of March 13, 2008, in the amount of \$62,900; and to forgive the Willows' loan obligation to the City pursuant to the Loan Agreement of December 17, 2008, in the amount \$40,000. Motion passed 4 - 1. No: Lara DeLaney, Vice Mayor; Rest: Ayes.

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Motion approving City Council Minutes of October 20, 2010. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Motion approving City Council Minutes of November 3, 2010, as amended. Motion unanimously passed 4 - 0. Abstain: Lara DeLaney, Vice Mayor; Rest, Ayes.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Motion approving City Council Minutes of November 17, 2010. Motion unanimously passed 3 - 0. Yes: Michael Menesini, Councilmember Mark Ross, Councilmember, Rob Schroder, Mayor; Abstain: Janet Kennedy, Councilmember, Lara DeLaney, Vice Mayor.

10. ***SWEARING IN OF NEWLY ELECTED CITY OFFICIALS.***

*Mayor Rob Schroder
Councilmember Lara DeLaney
Councilmember Michael Menesini*

City Clerk Gary Hernandez swore in newly elected Councilmembers Lara DeLaney and Michael Menesini; and swore in newly elected Mayor Rob Schroder.

OPENING REMARKS BY NEWLY ELECTED OFFICIALS. (*Reception following*)

Mayor Rob Schroder acknowledged his daughters Sara and Christy who could not be present, his new wife Susan Hatch Schroder and her daughter Sophi Hatch. Mayor Schroder stated that it is time to put aside our differences and move our community forward. He reviewed past projects and issues and future projects, i.e., adopting a redevelopment ordinance to help with infrastructure, assist property owners to reinforce their masonry buildings, and rebuild the marina, etc. Mayor Schroder spoke on bringing the downtown alive after 5 with the Willows Theatre as a partner and full use of the amphitheater to revitalize the downtown. Mayor Schroder commented on the success of the passage of Measure H, \$30 million Parks and Library Bond of 2008. Mayor Schroder indicated that the last four years has been a time of discussion, careful planning, and challenging economic times; some of the those discussions have polarized the community and some will never accept the plans that have made; but the citizens have spoken and those who have been elected will carry out their will. He wished the public a happy and joyous holiday season and prosperous New Year.

Councilmember Lara DeLaney thanked the public for attending and stated that this evening was a time to honor public service, democracy, and a place we call home—Martinez; and she hoped that the citizens can bridge their differences for the sake of a better Martinez. Councilmember DeLaney expressed her appreciation to her father and two sisters Channel and Brooke and the many contributors, she made mention to a few: Gina Zagotta, Gus Kramer, Kelly family, Fred and Judy Korbmacher, Ken Dothee and Donna Allen, Dick and Carolyn Duncan, Dennis Kahane, AnaMarie and Isidro Farias, Martinez Police Officers Association, Karen Long, Facebook friends including Carol Liepman, Daniel Lopez, and Rosemary Albano Garrick, and her biggest cheerleader, her boyfriend Mark, and finally the voters of Martinez who placed their trust in her abilities and judgment. Councilmember DeLaney stated that she was honored and humbled by this trust, and with this honor comes the duty to serve all Martinez citizens.

Councilmember Michael Menesini thanked the many fellow citizens that worked on his campaign and for their support and was truly grateful to those individuals. He expressed his appreciation to the Central Labor Council, Martinez Police Officers Association, many community leaders that stepped forward with endorsements; he expressed his love and devotion and thanked his wife Dusty, and his daughters Sophia and Maddy for all their support. He indicated that his serving as Councilmember is a labor of love. He thanked the Martinez News-

Gazette and the League of Women Voters for their sponsorship of the debates and thanked the entire City of Martinez for all their support over the years. Councilmember Menesini guaranteed the public that the decisions made will be for the best interest of Martinez.

** Council recessed at 8:40 p.m. to a reception in the lobby and reconvened with all members present.*

PUBLIC HEARING(S)

12. Public hearing to consider an ordinance amending the Martinez Municipal Code by repealing and reenacting Chapters 15.04, 15.16, 15.20, 15.24, 15.28 and adopting Chapters 15.07 and 15.05, adopting by reference the Uniform Building Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Electrical Code, the Uniform Fire Code, the Uniform Green Building Standards Code and the Uniform Residential Code and repealing Chapters 15.08 and 15.12. [D.Salts/9.16.02]

Public Works Director Dave Scola presented the staff report. He explained the changes, which reflect the State Codes and are required to be adopted by each municipality.

Mayor Schroder opened and closed the public hearing with no speakers coming forward.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, introduce an ordinance amending the Martinez Municipal Code by repealing and reenacting Chapters 15.04, 15.16, 15.20, 15.24, 15.28 and adopting Chapters 15.07 and 15.05, adopting by reference the Uniform Building Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Electrical Code, the Uniform Fire Code, the Uniform Green Building Standards Code and the Uniform Residential Code and repealing Chapters 15.08 and 15.12. Motion unanimously passed 5 - 0.

13. Public hearing to consider Annexation of a portion of the Alhambra Valley and proposed actions: [T.Blount, C.Simon, & A.Mepani/1.227]

Planning Manager Terry Blount and Senior Planner Corey Simon presented the staff report and powerpoint. Mr. Blount took a moment to invite the public to the next General Plan community workshops. He reviewed the suggested actions for the Council to take. He described the background of the area and the annexation process, including the LAFCO (Local Agency Formation Commission) Municipal Service Review, completed in 2006, and the City's response, including that the zoning of the annexation would be in accordance with the County's Alhambra Valley Specific Plan (AVSP). He also described the criteria by which the area (Area A) to be annexed had been chosen, including the number of properties with and without annexation agreements and other existing constraints.

Mr. Simon discussed the existing land use regulations in the Valley, described in the County General Plan, the AVSP, and the County Zoning regulations. He reviewed the proposed regulatory framework to be added to the City's General Plan, including the new Land Use Designations and Zoning Districts, minor changes in order to be consistent with State law, and requests from the Alhambra Valley Improvement Association.

Mr. Blount described the LAFCO annexation application process, the CEQA considerations, and the fiscal impact. He also noted two minor typographical corrections to some of the documents in the packet.

Mayor Schroder opened the public hearing.

Gary Ries spoke of the unique atmosphere of Alhambra Valley and asked if annexation was beneficial to the Valley, why the City only intended to annex parts of it.

Mayor Schroder read a statement from Robin and Joan Arieta stating that they were adamantly against the annexation.

Brian Mulry of Gagen McCoy, representing the Alhambra Valley Improvement Association, explained some of the reasons for the opposition to the annexation, including the fact that the area to be annexed was selected because of the Deferred Annexation Agreements and not because of land-use factors, and the fact that the Valley would lose their Specific Plan. He added that he had submitted a letter to the City stating these objections.

Hal Olson criticized the selection of the annexation areas and compared it to gerrymandering. He also noted the lack of annexation agreements on file for some of the properties.

Joan Holmou stated that she appreciated being part of the County and expressed doubt that the City would be able to maintain all of the roads.

Tom Griffin spoke on behalf of the Griffin family, noting the length of time they had lived in the Valley and expressing contentment with the Valley as it is.

Sharon Hanna noted the length of time her husband's family had lived in the Valley and stated that having the areas around their home annexed would leave them vulnerable to annexation, which they did not want.

Nancy Lompa asked if the land-use designation for her family's property would change, and Mr. Blount clarified that it would not. Mr. Simon noted that the land-use designation sometimes differed from the zoning.

Ernest Lompa stated that he and his wife had not known when they bought the property that they would need to be annexed in order to have water. He expressed frustration with the unfairness of the process.

Bruce Grenke, a fourth-generation resident, stated that the residents of Alhambra Valley paid to live there because they did not want to be a part of the City, adding that the City should be protecting the natural resources instead of taking them over.

James Rosenquist agreed with everything that had been said so far and stated that the Valley should be treated as a unit, noting that he had not signed a deferred annexation agreement.

Igor Skaredoff, a member of Friends of Alhambra Creek and of the General Plan task force, asked why the City wasn't amending the General Plan before doing the annexation and suggested that it was awkward to do them at the same time.

Tod Kilbourn suggested that the Council should not alienate the Friends of Alhambra Valley.

Ken Jordan expressed his opposition to the way the annexation areas were selected and stated that the County law enforcement was adequate for the Valley.

Jim Allen stated that he did not know anyone in the Valley who wanted to be annexed, and insisted that the Valley's services were more efficient than the City's.

Frederick Maida stated that he and his neighbors were attracted to the cohesiveness of the Valley and wanted to get away from cities, and added that he was not confident in the City's ability to improve the Valley.

John Ricca noted that the Planning Commission had voted against the annexation, and clarified with staff that Vaca Creek Way had been eliminated from the annexation area, and that zoning changes could be made after two years.

Marie Olson asked about the lack of annexation agreements. She agreed that the planning staff had worked hard to integrate the AVSP with the General Plan, but noted that the General Plan could be violated.

Mike Alford stated that the residents of the Valley wanted to keep their homes pristine and suggested that the City would not manage the area well. He stated that the Council needed to listen to the people, and not coerce them into annexation.

Forest Rosengren stated that the citizens of California had voted for a commission against gerrymandering and criticized the selection of the annexation areas. She added that the Council was not acting for the people.

Wayne Jones stated that the Valley was beautiful the way it was, and suggested that the City would not be able to handle the problems with the creek.

Councilmember Menesini stated his intention to support the annexation. He noted that the annexation area was already served by many of the City's services, such as water, roads and community parks. He stated that the City had served as an excellent steward of its resources and the Valley's resources so far. He added that the City wanted to preserve and protect the Valley.

Councilmember Ross noted that he had grown up in Alhambra Valley and expressed his belief that the Valley was already part of Martinez's community. He added that he had come with an open mind, but that he had not been convinced the Valley should be separate from the City. He also noted that he would prefer to try to annex the entire Valley at once, even if it would mean rejection. He added that the septic tanks in the Valley were not well managed and that the City would be able to correct it. He agreed with Councilmember Menesini that the City did not want to change the Valley.

Councilmember Kennedy stated that she had also come with an open mind, and noted that where she lived, the city limits were already unpredictable. She stated that one thing she liked about Martinez was that there was not prejudice about which part of the City someone lived in. She also added that many residents of the Valley were active members of the community in the City. She pointed out that the annexation agreements were legal, and affirmed that while she too would support annexation of the entire Valley, she intended to support the resolution.

Vice Mayor DeLaney expressed agreement with the other Councilmembers. She asked staff for a clarification of the missing DAAs. Mr. Blount confirmed that the City had data on all of the properties with DAAs, and stated that he did not understand what Ms. Olson was referring to. He expressed his certainty that staff's analysis was reliable. Vice Mayor DeLaney stated her confusion that the agreements had been signed and yet people did not want to honor them. She stated that she did not believe the City was doing something unethical, because the contracts ought to be enforced. With regard to the Planning Commission's rejection of the annexation, she explained that their reasoning was based on the fact that the entire Valley was not included, so the land-use designations would be inconsistent. She stated that reasoning was faulty because the City's land-use designations would echo the County's. She noted that there was also no reason to wait for the completion of the General Plan update because the City did not intend to change the land-use designations. She added that the entire community would benefit from the Measure H funds. She concluded that she would support staff's recommendation.

Councilmember Ross added, with regard to the worries about development in the Valley, that the County had allowed the development that had occurred so far, and the City had prevented further development by putting in the urban limit line. He reiterated that the Council had the best interests of the public in mind and had been elected to do what they were doing.

Mayor Schroder referred to his previous experience on the LAFCO board, explaining that LAFCO was very reluctant to grant out-of-area service requests, except in cases of threats to public health, and their preference was instead to have the out-of-area properties annexed. He added that in the future, cities may be required by the State to annex all of the area within their sphere of influence. In response to the argument that the City could not be trusted to maintain zoning laws, he noted that in the downtown, the variances granted by the City improved the neighborhoods. He also noted that the Muir Oaks community had remained virtually unchanged since its annexation, which showed a good track record by the City.

1. Resolution adopting a Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution 114-10 adopting a Negative Declaration pursuant to the California Environmental Quality Act (CEQA). Motion passed 4 - 1. No: Mark Ross, Councilmember; Rest, Ayes.

2. Resolution amending the Martinez General Plan Land Use Element and Land Use Map to incorporate four new land use designations (Estate Residential-Low, Estate Residential-Very Low, Agricultural Lands, and Open Space) and to apply said designations to the affected parcels; AND amending the Martinez General Plan Land Use Element, Scenic Roadways Element, Parks and Recreation Element, and Transportation Element to incorporate policies related to the annexation area.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 115-10 amending the Martinez General Plan Land Use Element and Land Use Map to incorporate four new land use designations (Estate Residential-Low, Estate Residential-Very Low, Agricultural Lands, and Open Space) and to apply said designations to the affected parcels; AND amending the Martinez General Plan Land Use Element, Scenic Roadways Element, Parks and Recreation Element, and Transportation Element to incorporate policies related to the annexation area; *and amending the General Plan to adopt policies and land use designations, Exhibit B: 1. The numerical designations for the amendments to the Land Use Element that begin with 21.7 are to begin with 21.9 instead; and 2. The words "Figure F 21.7, Land Use Policy" are replaced with "Land Use Map 1."* Motion passed 4 - 1. No: Mark Ross, Councilmember; Rest, Ayes.

3. Ordinance amending the Martinez Zoning Ordinance to include a new chapter (Chapter 22.29): the Alhambra Valley Districts which will contain four new zoning districts; (AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District).

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve introduction of an ordinance amending the Martinez Zoning Ordinance to include a new chapter (Chapter 22.29): the Alhambra Valley Districts which will contain four new zoning districts; (AV/R-20 Single Family District; AV/R-40 Single Family District; AV/A-5 Agriculture District; and AV/PD Planned Development District). Motion passed 4 - 1. No: Mark Ross, Councilmember; Rest, Ayes.

4. Ordinance amending the Martinez Zoning Map to show the annexation area and the new Zoning Districts for the annexation area; AND approving the Pre-Zonings for the properties to be annexed.

On motion by Janet Kennedy, Councilmember, seconded by Janet Kennedy, Councilmember, to approve introduction of an ordinance amending the Martinez Zoning Map to show the annexation area and the new Zoning Districts for the annexation area; AND approving the Pre-Zonings for the properties to be annexed, and *incorporates the revised map as recommended by staff*. Motion passed 4 - 1. No: Mark Ross, Councilmember; Rest, Ayes.

5. Resolution approving the Alhambra Valley Design Guidelines.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 116-10 approving the Alhambra Valley Design Guidelines. Motion unanimously passed 5 - 0.

6. Direct staff to prepare and submit an annexation application to Contra Costa Local Agency Formation Commission (LAFCO); amended to direct staff by resolution.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, direct staff to prepare and submit an annexation application to Contra Costa Local Agency Formation Commission (LAFCO); *amended to direct staff by Resolution No. 017-10*. Motion passed 4 - 1. No: Mark Ross, Councilmember; Rest, Ayes.

CITY MANAGER

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

CHIEF OF POLICE

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

16. Resolution appointing Janet Kennedy as Vice Mayor for the year 2010-2011.
[M.Cabral/41.02.01]

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve Resolution No. 117-10 appointing Janet Kennedy as Vice Mayor for the year 2010-2011. Motion unanimously passed 5 - 0.

17. City Council Comments.

Councilmember Michael Menesini expressed appreciation to Terry and Corey for the excellent job on the Alhambra Valley Annexation. He further echoed his earlier remarks expressing appreciation to his family, daughters Sophia and Maddy and his wife Dusty, for all their support. Councilmember Menesini requested that the meeting adjourn in memory of Bart Bisio.

Councilmember Mark Ross welcomed his colleagues back and appreciated their diligence and dedication to the City. He commented that there was disagreement on the Alhambra Valley Annexation, but clarified that he does want Alhambra Valley annexed but he disapproved on the methodology. He requested that at the next Council meeting, they would recognize the Alhambra High School Water Polo Team, which Mayor Schroder agreed.

Councilmember Lara DeLaney indicated that initially she was opposed to annexing certain parcels in the Alhambra Valley; however, she was convinced by staff and by her colleagues to proceed in order to achieve success in a manner that is most feasible and the best use of the City's staff resources. She announced the Holiday Frolic and kick off for the December events on Friday, December 3rd beginning at 3:00 p.m. in the downtown. She thanked staff, downtown merchants, property owners, and residents for all their support.

Vice Mayor Janet Kennedy expressed concerns on the homeless issue. On behalf of Shelter Inc., a non-profit organization located in Martinez that helps families who are homeless or in great need, she encouraged the community to help with gifts, adopt a family, or provide financial support to these families; for further information contact Terry Ortiz at 957-7561. Vice Mayor Kennedy congratulated her fellow Councilmembers on their reelection.

Mayor Rob Schroder clarified the situation with the Contra Costa Certified Farmers Market (CCCFM) and the statement made under Public Comment. He stated that the CCCFM is very concerned about their continued presence in the downtown because Main Street issued a RFP.

He stated his opinion that Main Street's process was aboveboard and fair. Vice Mayor Kennedy stated that the process concerned her, and Councilmember Menesini added that the goal of Main Street Martinez was to encourage all the businesses to work together, and he saw the process as not to cause competition or disadvantage anyone, but to bring businesses together to improve the City.

Mayor Schroder read a few excerpts from Bart Bisio's Obituary, a prominent citizen of Martinez.

ADJOURNMENT

Adjourned at 11:05 p.m. *in memory of Bart Anthony Bisio*, then to a Special Meeting on December 8, at 6:00 p.m. in the Council Chambers, then to a Regular Meeting on December 15, 2010 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 -1/19/11

CALL TO ORDER /PLEDGE OF ALLEGIANCE/ROLL CALL

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

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

EXCUSED: None.

ABSENT: None.

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

No comments were made.

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

CLOSED SESSION

- A. PUBLIC EMPLOYMENT pursuant to Section 54957 of the California Government Code. Title: Chief of Police.

Mayor Schroder stated that direction was given to staff.

**Councilmember Menesini arrived at 6:30 p.m.*

CITY COUNCIL

1. Commission/Committee Interviews.

The location of the interviews was changed to the Board Room. Interviews were held for current vacancies on the Planning and Veterans Commissions and Design Review Committee, and for future vacancies on the City's Commissions/Committee.

The following individuals were interviewed: Steven Hayes, Scott Watkins, Sigrid Waggner, Judy Walters, Doug Stewart, Fred Korbmacher, Jenny Fitzgerald, Kimberly Glover, Scott Alstad, and Simon Menesini.

Appointments were discussed by the Council. Mayor Schroder stated that he would make the appointments at the December 15th meeting.

ADJOURNMENT

Adjourned at 9:15 p.m. to a Regular Meeting on December 15, 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 – 1/19/11

CALL TO ORDER

Mayor Schroder called a Special Meeting adding a Closed Session to order at 6:05 p.m. in the Council Chambers with all members present except Councilmembers Kennedy and Menesini.

**Councilmember Kennedy arrived shortly after roll call.*

- A. Conference with Legal Counsel--Initiation of Litigation pursuant to California Government Code subdivision (c) of Section 54956.9; one potential case.

Mayor Schroder opened the Regular Meeting.

CLOSED SESSION

- A. PUBLIC EMPLOYEE APPOINTMENT pursuant to California Government Code Section 54957: Title: Chief of Police.
- B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to California Government Code subdivision (b) of Section 54956.9. One potential case. *Item removed from agenda.*
- 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; Alan Shear, Asst. City Manager; Veronica Nebb, Asst. City Attorney.

Negotiating Parties: City of Martinez and CGT Associates.

Under Negotiation: Proposed property acquisition.

Mayor Schroder noted that Item B--Anticipated Litigation was removed from the agenda.

PUBLIC COMMENT (Limited to closed session items)

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

**Councilmember Menesini arrived at 6:40 p.m.*

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:05 p.m. in the Council Chambers. He reported that in regards to Special Meeting Item, Conference with Legal Counsel--Initiation to litigation, direction was given to legal counsel; Conference with Legal Counsel--Anticipated Litigation was

removed; Public Employee Appointment, Chief of Police, action will be taken under the Consent Calendar; and Conference with Real Property Negotiators regarding 865 Howe Road, direction was given to property negotiators.

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

EXCUSED: None.

ABSENT: None.

Item # 7 of the Consent Calendar, *Resolution accepting proposals for furnishing decorative LED light fixtures and awarding the contract to the most qualified supplier* was removed from the agenda because no bids were received for this project; staff will readvertise and bring it back to a future meeting.

PRESENTATION(S)/PROCLAMATION(S)

A. Swearing In of Reserve Police Officer Matthew Smith.

Chief of Police Simonetti described Officer Smith's background and experience. The swearing in was performed by Deputy City Clerk Mercy Cabral.

The Council welcomed Officer Smith; he thanked his family and fellow Officers for attending, and thanked Chief Simonetti and the Council for the opportunity.

B. Proclamation to the Alhambra High School -- Varsity Men's Water Polo Team.

The Council presented a Certificate of Recognition to the Men's 2010 Alhambra Water Polo Team in recognition of their outstanding performance in the 2010 North Coast Section Playoffs. Certificates were presented to Head Coach Ben Baldwin and Assistant Coaches Mike Agostino, Alex Acha, and Chris Cline; team members included Christian Bumala, Michael Bull, Troy Alexander, Dominic Dorito, Michael Felice, Graham Lewis, Wyatt Licht, Dominic Lucido, Vincent Farley, Shean McGrath, Sam Randall, Andrew Schwartz, Brandon Simons, Dakota Smythe, Tony Wanket, and Evan Weiss.

C. Joltin Joe Update.

The presentation was made by Ray Raineri, Sons of Italy. He thanked Michael Chandler, Sr. Management Analyst, for preparing the PowerPoint presentation. He stated that a display case of memorabilia was being built by Jim Mazamuto to be located in Home Depot, and mentioned that they had taken a field trip of fourth and fifth graders from St. Catherine of Sienna School to see the boat. Mr. Raineri reviewed the progress on the restoration of the Joltin Joe, displaying images of the newly installed wood and other details, such as the newly installed bow stem. He reported \$25,000 has been raised so far.

The Council expressed their appreciation to Mr. Raineri and everyone involved for all their efforts. Mr. Raineri stated that the next fundraiser would be held in the Spring.

Councilmember DeLaney suggested that a Facebook Page should be created for the Joltin Joe restoration effort.

D. Martinez Chamber of Commerce and Main Street Martinez Presentation.

Marie Knutson, Chair of Martinez Chamber of Commerce, and John Curtis, President of Main Street Martinez, provided an overview of their working relations and projects. They presented and discussed a draft of "Business Recruitment and Retention Plan for Downtown Martinez" to the Council, and explained various plans for promoting the City. Mr. Curtis discussed the Marketing and Recruitment Packet and explained that their goal was to put this information online on a new website.

The Council expressed their appreciation to both groups and was glad to see them working together. Ms. Knutson explained that comments on the draft could be submitted to the Chamber of Commerce's website. Vice Mayor Kennedy expressed her appreciation for the work that was being done, especially in this economy, and thanked Reba for stepping up to the plate in absence of the Chamber Director Cynthia Murdough. Councilmember Ross suggested that it was important to think about the vision of Martinez's identity and what kind of businesses they wanted to attract.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Reserved only for those requesting to speak on items not listed on the Agenda.

Mike Alford wanted to know why there are no Christmas lights or decorations downtown which would bring spirits up; he wished all a Merry Christmas.

Scott Alstad shared his dinner experience at the California Magic Dinner Theater and urged the public to support a great place.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion accepting Check Reconciliation Register dated 12/02/10, 12/07/10, and 12/09/10.
2. Motion authorizing the Mayor to sign a letter to Congress on behalf of the City in support of extending the bond financing provisions of the American Recovery and Reinvestment Act.
3. Motion adopting Ordinance No. 1358 C.S. amending the Martinez Municipal Code, Title 15, Building and Construction, by repealing and reenacting Chapters 15.04, 15.16, 15.20, 15.24, 15.28 and adopting Chapters 15.07 And 15.05, adopting by reference The Uniform Building Code, The Uniform Mechanical Code, The Uniform Plumbing Code, The Uniform Electrical Code, The Uniform Fire Code, The Uniform Green Building Standards Code, The Uniform Residential Code, and repealing Chapters 15.08 and 15.12.

6. Motion approving Employment Agreement for Gary Peterson to serve as the City's Chief of Police, effective December 18, 2010.
7. Resolution accepting proposals for furnishing decorative LED light fixtures and awarding the contract to the most qualified supplier.

Item pulled and continued to future meeting.

8. Resolution No. 119-10 establishing a Recycle Special Revenue Fund.
9. Resolution No. 120-10 accepting the Alhambra Avenue Improvement Project per contract documents and instructing the City Clerk to file a Notice of Completion.

Councilmember DeLaney requested that Item #4 and #5 be pulled off the Consent Calendar for discussion.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Vice Mayor, Motion approving the Consent Calendar, Items #1, #2, #3, and #6, #8 and #9. Motion unanimously passed 5 - 0.

Vice Mayor Kennedy congratulated newly appointed Chief of Police Gary Peterson.

4. Motion adopting Ordinance No. 1359 C.S. amending the Martinez Municipal Code Chapter 22.04, Definitions, and adding Chapter 22.29, Alhambra Valley Districts, relating to the adoption of new Zoning Regulations for the Alhambra Valley Annexation area.
5. Motion adopting Ordinance No. 1360 C.S. Rezoning 155 parcels covering approximately 400 acres in the Alhambra Valley Annexation area to a combination of AV/R-20 (Alhambra Valley Single-Family Residential: 20,000 square feet per dwelling unit); AV/R-40 (Alhambra Valley Single-Family Residential: 40,000 square feet per dwelling unit); AV/A-5 (Alhambra Valley Agricultural: 5 acres per dwelling unit); and AV/PD (Alhambra Valley Planned Development).

Councilmember Lara DeLaney stated that if the Council proceeded with the application to LAFCO for the annexation, she would like to propose that the residents who are brought in be exempt from paying into the Measure H bond funds. She noted that she had spoken to LAFCO Executive Director Lou Ann Texiera, who had confirmed that this is possible. She stated that she would prefer this because the residents of Alhambra Valley did not vote on Measure H, and so requiring them to pay for it would be too much like taxation without representation.

Councilmember Menesini stated that he would be opposed to that, because everyone in the City's community would benefit from the parks created by Measure H, and he suggested it would set a bad precedent.

Mayor Schroder asked what the process would be for making this change, if the Council agreed to it. City Attorney Veronica Nebb stated that according to the statute, LAFCO would have the authority to give such an exemption, and the City would have to make a suggestion to LAFCO.

She suggested that the Council put a resolution on a later agenda, which if approved would be submitted to LAFCO along with the application.

Vice Mayor Kennedy agreed that it bothered her to require the Alhambra Valley residents to pay into the fund. Councilmember Menesini reiterated that it would be problematic to exempt them. Councilmember Ross agreed that both sides had good points and suggested that if possible, the newly annexed area be allowed to vote on whether to contribute.

The Council agreed to discuss the issue at a future meeting.

Mayor Schroder opened the items for public comment.

John Ricca expressed frustration with Councilmember DeLaney's stating at the previous meeting that the residents of Alhambra Valley were trying to break legally binding contracts, and noted that the residents objecting to the annexation had not signed those contracts. He also stated that the selection of which parcels to annex did not make sense and would cause confusion over jurisdiction.

Mike Alford stated that the deferred annexation agreements had been signed in protest, and that the builder and previous owner of the water line did not have the right to sign agreements on behalf of the City or require annexation. He stated that the whole process of the annexation was unnecessarily convoluted, and asked about the missing signatures on the agreements.

Councilmember Menesini stated that the water line project, like the recent sewer line project, was supported by the City because it brought improvement to the area, and that the deferred annexation agreements were required by the City's policy and by LAFCO's policy.

Councilmember DeLaney asked for a clarification from staff regarding the missing signatures, and City Engineer Tim Tucker stated that staff had checked and all the signatures were on file. Ms. Nebb noted that some of the residents of the Valley may not have signed the agreements because the developer or previous owner of the parcels had signed them, and the agreements were recorded in the title and came with the property.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Item #4 and #5 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

10. Public hearing to consider a resolution amending the City's Schedule of Fees for City Services to include a Technology Fee which will go into effect February 15, 2011.

Michael Chandler, Senior Management Analyst, presented the staff report. He described the upgrades to the City's permit-tracking software, which had created the need for the fee; the estimated yearly cost to the City for utilizing the improvements; and the suggested fee that would accompany certain permit applications, to help cover the costs. He listed the types of permits that would require the fee.

Councilmember DeLaney asked if the City was considering adding a fee to cover the costs of the General Plan update, and Mr. Chandler agreed that that had been suggested as a possibility for 2011.

On motion by Janet Kennedy, Vice Mayor, seconded by Rob Schroder, Mayor, to approve Resolution No. 121-10 amending the City's Schedule of Fees for City Services to include a Technology Fee which will go into effect February 15, 2011. Motion unanimously passed 5 - 0.

CITY MANAGER

11. Resolution approving Measure H Priority Project list, Phase 2, and allocating Measure H funds for their design.

City Engineer Tim Tucker provided the staff report and presented a PowerPoint on completed and ongoing projects: the Hidden Lakes Park improvements, the removal of hazardous Eucalyptus trees at Highland and Nancy Boyd Parks, the Library renovations, the Rankin Aquatic Center, and new amenities at Rankin Park and Holiday Highland Parks. Mr. Tucker reviewed the recommended projects on the Priority List for Phase II: Hidden Valley, Cappy Ricks, Hidden Lakes, Nancy Boyd Parks and tennis and basket ball courts as a specialty list.

The Council commended staff and the PRMCC for their successful work at all the different parks.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution 122-10 approving Measure H Priority Project list, Phase 2, and allocating Measure H funds for their design. Motion unanimously passed 5 - 0.

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

City Manager Phil Vince commented that the Maintenance Division will be placing holiday decorations on Main Street. The Department recently obtained holiday decorations and they will be going up this weekend and that kudos go out to Dave Scola, Public Works Director.

CHIEF OF POLICE

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

Mayor Schroder stated that tonight was the Chief's last Council meeting and that he was retiring.

Chief of Police Tom Simonetti stated that the Council should have received a report regarding the Police Department, past accomplishments, and future goals. He thanked all his supervisors in his department and expressed appreciation to the Council for the support and opportunity given him; he stated that he enjoyed working with City Manager Phil Vince and all the Department heads and that he enjoyed his tenure of 27 years at the City.

Mayor Schroder expressed congratulations on his successes and on his retirement and commented that he was one of the best Chiefs to work with. Councilmember DeLaney agreed that Chief Simonetti had done a lot of good work for the City. Councilmember Menesini thanked the Chief for his hard work and his contributions to the City. Councilmember Ross stated that the falling crime rate showed Chief Simonetti's dedication, skills and experience. Vice Mayor Kennedy expressed congratulations and asked for his autograph.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

14. Consider appointments to City Committee, Commissions, and Outside Agency.

A. Motion approving appointment of Paul Kelly (current Alternate) to the Planning Commission for a four year term.

Mayor Schroder stated that the Council had interviewed many qualified and impressive candidates; he was sorry they could not choose them all but the other qualified candidates would be kept on file for future openings.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Paul Kelly (current Alternate) to the Planning Commission for a four year term. Motion unanimously passed 5 - 0.

B. Motion approving appointment of Sigrid Waggener to the Planning Commission for a four year term.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Sigrid Waggener to the Planning Commission for a four year term. Motion unanimously passed 5 - 0.

C. Motion approving appointment of Kimberly Glover to the Planning Commission as Alternate.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Kimberly Glover to the Planning Commission as Alternate. Motion unanimously passed 5 - 0.

D. Motion approving appointment of Scott Alstad as Veterans Commissioner for a four year term.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Scott Alstad as Veterans Commissioner for a four year term. Motion unanimously passed 5 - 0.

E. Motion approving Scott Watkins to the Design Review Committee for a two year term.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Scott Watkins to the Design Review Committee for a two year term. Motion unanimously passed 5 - 0.

F. Motion reappointing Daniel Pellegrini to the Contra Costa Mosquito and Vector Control District for an additional term.

On motion by Rob Schroder, Mayor, no second required to approve reappointment of Daniel Pellegrini to the Contra Costa Mosquito and Vector Control District for an additional term. Motion unanimously passed 5 - 0.

Councilmember DeLaney noted that Commissioner Avila-Farias had expressed interest in staying on the Commission, but the Council thought her talents made her a good candidate to chair the Redevelopment Task Force. She commended Commissioner Avila-Farias for her service on the Commission. Mayor Schroder stated that he had discussed the Task Force with Commissioner Avila-Farias, and she was excited about the opportunities it would give. He added that next year they would discuss other people who might be able to serve on the Task Force.

Vice Mayor Kennedy commended Mr. Alstad and Mr. Watkins for their expertise and the enthusiasm they had expressed for the City. She agreed that Commissioner Avila-Farias should be recognized for her work. Councilmember Menesini echoed the comments of his fellow Councilmembers and noted how much Commissioner Avila-Farias and her husband believed in the potential of downtown Martinez. Councilmember Ross stated that he appreciated the energy and commitment of those joining the City's staff, and noted that the interview session had been one of the most productive he had ever experienced.

CITY COUNCIL

15. City Council Comments.

Vice Mayor Janet Kennedy described the event in Florida where an armed person entered into a schoolboard meeting and started firing; this made her pause and think about the dangers of public office. She wished all happy holidays, Merry Christmas, happy Hanukkah and Kwanzaa, and a Happy New Year to all. She urged everyone to donate and help those less fortunate.

Councilmember Lara DeLaney thanked City staff for the decorations in City Hall, and thanked everyone for making the Snow Park a successful event.

Councilmember Mark Ross noted that he had been on jury duty recently and recommended that staff look at the County's jury rooms for ways of promoting the City.

Councilmember Menesini agreed with Councilmember Ross' comments, suggesting that perhaps the Chamber and Main Street should be involved as well. He added that jurors make a personal sacrifice and do valuable work for the community. He requested that the City do something for the local family who lost their daughter, perhaps a message of support.

Mayor Rob Schroder also wished all happy holidays.

ADJOURNMENT

Adjourned at 9:28 p.m. to the next Regular Council Meeting on January 19, 2011 at 7:00 p.m. in the Council Chambers at 525 Henrietta Street, Martinez, CA. He noted that the meeting of January 5, 2011 is canceled.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 1/19/11