

CALL TO ORDER

Mayor Schroder called the meeting to order in the Council Chambers at 6:20 p.m. with all members present.

Councilmember Ross excused himself from the discussion.

CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Section 54957.6 of the California Government Code.
Agency Designated Representatives: Philip Vince, City Manager; Alan Shear, Asst. City Manager, and Cathy Spinella, Finance Manager.
Employee Organization: Laborers International Union of No. American, Local #324; Martinez Police Non-Sworn Employees Association; and Martinez Police Officers Association.

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

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:05 p.m. in the Council Chambers. He reported that a closed session was held regarding Conference with Labor Negotiators and there was nothing to report at this time.

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

PRESENTATION(S)/PROCLAMATION(S)

- A. Proclamation for the American Red Cross proclaiming January 2011 as "National Blood Donor Month."
B. Presentation by BART Board Member Joel Keller.

Mayor Schroder recommended that the proclamation for the American Red Cross be continued or mailed to them since no one from that agency was able to be present.

Mayor Schroder reported that Mr. Keller had a conflict and regretted that he could not be present.

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 the Council a monthly update on the homeless issues in Martinez. Mr. Stewart reported 14 homeless on the ground, 16 sleeping in cars, and 11 were referred to shelters. Mayor Schroder asked about the upcoming homeless count, and Mr. Stewart stated that he expected Martinez to have one of the lowest counts. He added that the homeless count would include people in hospitals, transitional housing, and shelters, as well as those on the ground.

Marta Van Loan congratulated Councilmember DeLaney, and she indicated that she read Vice Mayor Kennedy's thoughts for the New Year and could not agree more that residents of the City should be civil in discourse, whether in agreement or not. She requested that the Council consider immediate action to revoke the Willows Theatre agreement. Ms. Van Loan commented that the Mayor should have recused himself on the Willows decision, since his mother-in-law is a board member for the Willows; and if the Mayor had recused himself then there would not have been a quorum for the vote. She also urged the Council to take the Willows Board of Directors to Civil Court for fraud. Ms. Van Loan also urged the Council to review the John Muir Festival Center, which has a bank account, and the City is a member. She requested that the organization be reconvened and the assets liquidated, taking the City's 25% as well as the Willows' 25%. Ms. Van Loan stated that she is terribly offended by the Willows' actions and hopes the Council will do something about the situation.

Mayor Schroder requested that Assistant City Attorney Veronica Nebb address the issue of the conflict of interest. Ms. Nebb noted that the Mayor and she had a discussion prior to the meeting; she indicated that the FPPC regulations with conflict of interests have to do with monetary gains, not familial relationships, unless it is a dependent child receiving money. The Mayor's mother-in-law is neither dependent on him nor a child from a financial perspective. Mayor Schroder clarified the vote; the first vote was 3-0; the second vote was 4-1.

Mike Alford stated that he was putting his energy in working with staff and supporting City issues. He questioned a proposed building site for a future marijuana dispensary, which may be a historical building. Mr. Alford stated that he understands why the City does not receive any tax revenue from the Shell docks which are in the City limits, but he questioned why the City did not receive any revenue from the fuel bunkers and requested that the City look into the matter. City Manager Vince stated that the City does not receive any revenue because it was not the point of sale for the fuel.

Rose Martin questioned the completion date for the Ferry/Marina Vista Project and asked why the lights were pulled out of the new entrance sign. She also requested information on the Marina, which Mayor Schroder indicated was on the agenda for discussion. Public Works Director Dave Scola responded that the paving delay was due to the low temperature and too much moisture on the road. The paving is scheduled for Monday, January 24th, but it still will depend on the weather. Mr. Scola further stated that there will be lights on the entrance arch at night as soon as PG&E installs the underground infrastructure, and the City Engineer is addressing the visibility of the lettering on the sign with the graphic design company.

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 December 1, 8, and 15, 2010. [M.Cabral]
2. Motion accepting Check Reconciliation Register dated 12/16/10, 12/17/10, 01/06/11, and 01/13/11. [C.Spinella/2.1.1]
3. Motion accepting Cash and Investment Report for December 31, 2010. [C.Spinella/2.1.1]
4. Resolution No. 001-11 accepting proposals for furnishing decorative LED light fixtures and awarding the contract to the King Luminaire Company Inc. [T.Tucker/12.13.01]

Mayor Schroder opened and closed public comment on the Consent Calendar, with no one coming forward.

On motion by Janet Kennedy, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Items #1 through #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

5. Public hearing to consider annexation of a portion of Contra Costa County (North Pacheco area) that is subject to the John Muir Specific Plan. In this regard, the City Council will consider the following: [D.Tasini/M.Chandler/C.Simon/1.228]
 - A. Motion approving a resolution adopting a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) AND amending the Martinez General Plan (John Muir Parkway Specific Area Plan) Land Use Map to show the annexation area within the City limits and the new associated designations.
 - B. Motion introducing an ordinance amending the Zoning Ordinance to include new designation P-1 (Planned Unit Development) to allow for Contra Costa County's Planned Unit Development designation and approved Planned Developments to be incorporated into the City's Zoning Ordinance and Map.
 - C. Motion introducing an ordinance amending the Martinez Zoning Map to show the annexation area within the City limits and the new Zoning Districts for the annexation area and approving rezonings for the properties to be annexed.
 - D. Motion to direct staff to prepare and submit an annexation application to Contra Costa Local Agency Formation Commission (LAFCO).

Dina Tasini, Contract Planner, presented the staff report and powerpoint presentation. She noted some revisions in the Resolutions, gave an overview of the area and the background of the project, including some of the concerns of the Planning Commission, and discussed the General Plan and the County's plan. Councilmember DeLaney asked for clarification on some of the zoning designations.

Michael Chandler reviewed the fiscal impacts on revenues and costs, and the impacts on City services.

Chief of Police Gary Peterson stated that he would make periodic reports to the Public Safety Subcommittee on the department's progress in the area.

Councilmember Ross asked whether Measure J funds would go to the City or the County. Mr. Chandler stated he believed they would go to the City once the annexation is official.

Councilmember DeLaney asked whether the Police Department had studied the annexation area specifically to determine the impact on service, and Chief Peterson indicated they had.

Mayor Schroder opened the public hearing.

David Baker, of O'Brien Homes, asked for a Memorandum of Understanding from the City to ensure consistency during and after the transition. He thanked City staff for their help.

Mike Alford noted that he was not against the annexation because it appeared the residents were not against it. He also suggested that a significant number of the police calls were due to a drug rehabilitation center in the area.

Seeing no further speakers, Mayor Schroder closed the public hearing.

Councilmember DeLaney requested that the Council consider a recommendation to LAFCO, exempting the property owners of the area from being required to pay for Measure H funds, since they had not had an opportunity to vote on it. Councilmember Menesini stated his opinion that it would be bad policy to exempt them, because people who bought a home after the election also had not voted. He added that it was difficult to resolve the inconsistency between the people who use the City's parks and those who live in the City and pay for them, and stated that it was important for everyone in the City to be responsible to pay for all of the City's services.

City Attorney Nebb stated that it would be LAFCO who made the decision, and Mayor Schroder asked the Council if they wanted to agendaize the idea and discuss it later. He noted that there were not enough residents in either annexation area to have made a difference in the votes. Councilmember Ross asked if the discussion of the annexation's fiscal impact on the City had included Measure H funds. Councilmember DeLaney stated that she would personally be sending a letter to LAFCO requesting the exemption, and Councilmember Ross agreed with her.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution No. 002-11 adopting a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) AND amending the Martinez General Plan (John Muir Parkway Specific Area Plan) Land Use Map to show the annexation area within the City limits and the new associated designations. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, introduce an ordinance amending the Zoning Ordinance to include new designation P-1 (Planned Unit Development) to allow for Contra Costa County's Planned Unit Development designation and approved Planned Developments to be incorporated into the City's Zoning Ordinance and Map. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, introduce an ordinance amending the Martinez Zoning Map to show the annexation area within the City limits and the new Zoning Districts for the annexation area and approving prezonings for the properties to be annexed. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, direct staff to prepare and submit an annexation application to Contra Costa Local Agency Formation Commission (LAFCO). Motion unanimously passed 5 - 0.

6. Public hearing to approve a resolution adopting a Negative Declaration and amending the Martinez General Plan to adopt the Revised Draft Housing Element. [T.Blount/09.02.05]

Terry Blount, Planning Manager, presented the staff report and PowerPoint presentation. He explained the purposes and functions of housing elements, reviewed general trends in State law for housing elements, and gave some examples of housing elements. He also discussed regional housing needs and the goal of affordable housing. Finally, he gave an overview of the update process and the comments received from the State's Housing and Community Development Department. He mentioned that the Planning Commission had requested additional background information regarding the City's recent efforts to adopt an inclusionary housing program.

Councilmember Menesini asked what time frame would be included in this background. Mr. Blount said that from his understanding, the Commission was discussing just the efforts of the last two or three years. Mayor Schroder mentioned a few of the attempts, and Councilmember DeLaney expressed doubt that it could be summarized in a straightforward manner. Assistant City Attorney Veronica Nebb stated that if the Council thought it was important to include the language, the language would have to be drafted and brought as an amendment to the Resolution, or the item would have to be continued. She stated that it was unclear exactly what the Council would want to say, either in regards to the past or the future.

Vice Mayor Kennedy suggested the background information simply state that the City was in the process of drafting the inclusionary housing ordinance, but the housing market changed so drastically that it was not feasible to continue. Councilmember DeLaney noted that the Council had not even come to an agreement on what would be included in the ordinance. Mayor Schroder suggested that language be drafted so that the Council could discuss various options later as an amendment, so that today's Resolution would not be held up.

Mayor Schroder opened the public hearing.

Richard Verrilli spoke about the North Pacheco Annexation, stating that he wished to object to any exemption of the residents of the annexation area from paying into Measure H.

Mike Alford asked what was meant by the term "stakeholders," and asked why people were included who did not live in Martinez. Mayor Schroder stated that it was a broad term encompassing those who have an interest in the City. Mr. Alford also asked why the City was taking time to do this when the economy was so bad that no progress was possible. Mayor Schroder noted that it was a State requirement.

Seeing no further speakers, Mayor Schroder closed the public hearing.

Councilmember Ross noted that Martinez would be one of the first cities in the Bay Area to pass a housing element that would incorporate the new CEQA guidelines.

Vice Mayor Kennedy commended staff and the committee members on their work on the housing element, and stated that she thought these provisions were better than the last.

Councilmember DeLaney agreed that the committee had done good work, and stated that her only objection was that she did not think an inclusionary housing ordinance was needed. Councilmember Menesini agreed that her objection was valid, but stated his belief that housing was a vital aspect of any city and that they need to be able to include every person.

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution No. 003-11 adopting a Negative Declaration and amending the Martinez General Plan to adopt the Revised Draft Housing Element. Motion unanimously passed 5 - 0.

7. Public hearing to consider changes to the City's Schedule of Fees for City Services:

Michael Chandler, Sr. Management Analyst, presented the staff report for the Administrative Review Fee and Police Vehicle Storage Service Fees. He explained the basis for the fee updates and the situations in which they would be applied.

Mitch Austin, Recreation Manager, presented the staff report for co-sponsored Youth User Group Fees. He gave examples of fees that other communities charged, and explained the timeline for the implementation of the fee increase.

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

Councilmember Menesini stated that he is generally opposed to fee increases, and in regards to the Administrative Review Fee, expressed his concern that it would adversely affect businesses during a difficult economic time. Mr. Chandler noted that the mechanism had been in place for a while, and that applicants did not regard it as a hardship. Councilmember Menesini also stated that there are too few opportunities for young people in the community as it is, without increasing the user group fee. He stated his opinion that this is the wrong time for fee increases.

- A. Resolution amending the Schedule of Fees for City services to include an Administrative Review Fee. [M.Chandler/02.02.01]

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 004-11 amending the Schedule of Fees for City services to include an Administrative Review Fee. Motion unanimously passed 5 - 0.

- B. Resolution amending the Schedule of Fees for City services to increase Police Vehicle Storage Fees. [G.Peterson/02.02.08]

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 005-11 amending the Schedule of Fees for City services to increase Police Vehicle Storage Fees. Motion unanimously passed 5 - 0.

- C. Resolution amending the Schedule of Fees for City services to increase the Co-Sponsored Youth User Group Fee. [M.Austin/02.02.01]

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, not approve a resolution amending the Schedule of Fees for City services to increase the Co-Sponsored Youth User Group Fee. Motion passed 3 - 2. Yes: Lara DeLaney, Councilmember; Michael Menesini, Councilmember; Mark Ross, Councilmember. No: Janet Kennedy, Vice Mayor; Rob Schroder, Mayor.

CITY MANAGER

8. Marina Update and consider a resolution authorizing the City Manager to negotiate and execute a consultant services contract with AnchorQEA to perform engineering services for the Marina Reconstruction Project not to exceed \$200,000. [M.Austin/14.01.00]

Mitch Austin, Recreation Manager, provided an update on the Marina and presented the staff report, including information on reconstruction activities, changes to the Department of Boating & Waterways, the resultant new construction approach, and needed technical studies for Phase II.

Josh Burman, AnchorQEA, reported on the successful pre-permitting process and the components of the next phase (the permitting phase). Councilmember Menesini asked about the funding necessary for Phase II, and Mr. Austin explained that the recommended action tonight includes \$200,000 for Phase II.

In response to a further question from Councilmember Menesini, Mr. Burman also discussed the anticipated timeline for Phase II.

Councilmember DeLaney asked whether Moffett Nichols was under contract with the City to do some of the permitting work and whether any of that had already been paid. Mr. Austin responded that they had done Phase I work and had been paid for it, but not the work necessary for the Joint Aquatic Resource Permits Application (JARPA). He acknowledged that some of the studies are being repeated, in part due to the length of time since they were originally done.

Councilmember DeLaney questioned whether the estimated costs were now less than previously anticipated. Mr. Austin said yes, partially because AnchorQEA has more finely-tuned the budget.

Mr. Austin also discussed the next steps in the process and the anticipated timeline, as well as the overall progress towards completion of the marina reconstruction.

Mr. Austin also noted that Tom Hogan of Martinez Marina Limited Partners was in the audience if there were any questions for him.

Councilmember DeLaney asked why the requested funding would be coming from the City's General Fund rather than the Marina Enterprise Fund, and Mr. Austin explained there was no money left in the Marina Fund.

Councilmember Menesini said \$200,000 seems like a lot of money for the projected services, especially since some of the work has already been done and there is no cost breakdown included. Mayor Schroder noted that a cost breakdown was included on the last page of the staff report. Councilmember Menesini said he would like to have more information.

Councilmember DeLaney asked whether the \$200,000 would be considered a loan from the General Fund, and Mr. Austin said no, it is part of the \$1 million that the City had agreed to contribute to the project.

Councilmember Ross thanked staff for the report, noting the financial aspect is a complex issue. He agreed that the City needs to demonstrate its willingness to participate in the financing. He asked whether the proposed work could be done for \$184,000 rather than \$200,000, and City Manager Phil Vince said staff could make it work. Mayor Schroder pointed out that the requested amount is "not to exceed" \$200,000, and Councilmember Ross suggested making it "not to exceed \$184,000." Councilmember Menesini agreed with Councilmember Ross' suggestion.

Mayor Schroder opened public comment on the item.

Carolyn Robinson, City Treasurer, asked about the amount allocated by the Department of Boating & Waterways (DBAW). Mr. Austin explained that the amount that DBAW can allocate has shrunk to \$10 million in a revolving fund. Ms. Robinson asked whether Martinez is requesting almost half of that \$10 million, and Mr. Austin clarified that the \$3.11 million allocated to Martinez has already been encumbered by DBAW and will not come from the \$10 million revolving fund.

Ms. Robinson asked how many other jurisdictions might have made applications for assistance from DBAW. Mr. Austin said he did not know. Mr. Vince commented on the DBAW process and requirements.

Mike Alford asked why Moffett Nichols was paid \$258,000, noting they did very little in return. He added that they indicated that the north wall was okay; now AnchorQEA says the wall needs repair. He expressed concern that the dredging has been postponed for too long and that DBAW

might withdraw its commitment to the City if the City doesn't move forward with the process soon. Mayor Schroder gave a copy of the projected timeline to Mr. Alford.

Rose Martin asked how high the wall will be, expressing concern about potential flooding in the park. She also discussed tide problems with docks C and D. Mr. Austin indicated the wind wave analysis will help determine how high the wall needs to be.

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

Councilmember Ross acknowledged how tough DBAW approval can be, noting that the fact that Martinez is still being considered says much about the persistent and thorough efforts of staff and the sound plan that is being presented. He also commented that Martinez is carrying the brunt of the work, but the benefit that will result will be regional.

Councilmember Menesini agreed, noting that the Martinez Marina is the only public access to the waterways for a long distance. He acknowledged the complex process involved, and he asked that the steps in the process and the money spent be clearly documented.

Councilmember DeLaney asked what the balance of the City's unallocated reserve will be after this \$200,000 allocation. Mr. Vince said approximately \$2.1 or \$2.2 million. Councilmember DeLaney expressed concern about using General Fund money to pay for this, and she didn't understand how the Marina Enterprise Fund had been depleted.

Mayor Schroder noted that if the City does not meet the proposed timeline, the marina will no longer be sustainable.

Councilmember Menesini echoed Councilmember DeLaney's comments. He questioned whether there might be other jurisdictions in the region that would be willing to participate financially. Mr. Vince said staff would look into the possibility.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 006-11 authorizing the City Manager to negotiate and execute a consultant services contract with AnchorQEA to perform engineering services for the Marina Reconstruction Project not to exceed \$184,000. Motion unanimously passed 5 - 0.

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

City Manager Phil Vince stated the State budget was still unclear, including the impacts on possible redevelopment and the various options open to cities, and he discussed legal aspects related to Proposition 22.

CHIEF OF POLICE

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

No comments made.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

11. City Council Comments.

Councilmember Lara DeLaney stated she will be attending the League of California Cities Employee Relations Policy meeting on Friday in Sacramento. She also announced that BART was recruiting volunteers to serve on their Citizen Review Board of the BART Police Department; anyone wanting more information should contact the City Manager's Office.

Councilmember Michael Menesini further commented on the Marina, stating that one of the stakeholders should be East Bay Regional Park District.

ADJOURNMENT

Adjourned at 10: 05 p.m. to a Regular City Council Meeting on February 2, 2011, 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 2/16/11