

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:05 p.m. in the Council Chambers.

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

EXCUSED: None.

ABSENT: None.

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

No comments made.

PRESENTATIONS

A. Proclaiming March 9 and 10, 2011 as "Arbor Day."

The Council presented the proclamation to Patty Lorick, Recreation Supervisor. Ms. Lorick invited the public to attend the Arbor Day celebration at Susana Park on March 9th and 10th at 10:00 a.m.

B. Proclaiming March 2011 as "American Red Cross Month."

The Council presented the proclamation to Michael Roetzer of the American Red Cross. Mr. Roetzer expressed his appreciation to the Council, and stated that the American Red Cross is a great organization which is there in time of need.

C. Presentation by Universal Sports Academy.

Skip Ray, Glen Salling, and Tommy Sparacino presented their vision, a proposal with a minimum of a 15 year lease, including an opt-out provision, and an entirely self-funded indoor sports facility. Mr. Ray discussed services to be offered--baseball and softball, tennis courts, lacrosse, etc; he also reviewed the proposed layout, scholastic training enrichment program, marketing plan, and operation schedule.

Mayor Schroder stated that the proposal was attractive because of the lack of risk or set-up costs to the City. The presenters noted that they had already been doing research on the building to determine what retrofits would need to be done.

Councilmember DeLaney thanked them for their continued interest in the property and the time they had spent on the proposal. Councilmember Ross thanked them for the presentation and stated that the information was helpful.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of February 2, 2011. [M.Cabral]
2. Motion accepting the Check Reconciliation Register dated 02/24/11. [C.Spinella/2.1.1]
3. Resolution No. 022-11 approving a salary range for the classification of Police Captain at \$7537-\$9670; and approve a salary range for the classification of Police Lieutenant at \$6912-\$8640. [G.Peterson/04.05.02]
4. Motion rejecting Claim against the City filed by Roy Jeans, Claim #11-06. [M.Cabral]

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

Councilmember Menesini commended Chief Peterson on the reorganization of the police department.

PUBLIC HEARING(S)

5. Continued public hearing (public testimony closed) to consider Medical Cannabis Dispensaries: [D.Tasini&M.Chandler/9.04.04.30]
 - A) Introduce an ordinance repealing Chapter 22.41 (Medical Marijuana Dispensaries) of the Municipal Code; and Repealing Section 22.16.080(N) (C-Commercial Districts, Conditional Uses) of the Municipal Code in its entirety; and amending Section 22.16.030 (C-Commercial Districts, Permitted Uses-Generally) and Section 22.18.010 (I-Industrial Districts, General Provisions and Exceptions) to allow Medical Cannabis Dispensaries as a Permitted Use, subject to the standards and requirements for obtaining a license pursuant Chapter 8.41, now being proposed; AND introduce an ordinance adding Chapter 8.41 to the Municipal Code permitting the establishment of Medical Cannabis Dispensaries by license.
 - B) Conduct further Council discussions and adopt changes to the City's Schedule of Fees for City Services, rendered in connection with the implementation, enforcement, and administration of the proposed Medical Cannabis Dispensary Ordinance, contingent upon adoption of an Ordinance permitting the establishment of Medical Cannabis Dispensaries by License.

Mayor Schroder reviewed the discussion that had taken place at the previous meeting. About fifty members of the public had spoken, and the Council had directed staff to incorporate some by the Planning Commission and Council proposed changes into the ordinance.

Councilmember Menesini clarified that this item was discussed over a year by the Council's Public Safety Subcommittee and the Chief of Police before it placed on the agenda at the last meeting. Councilmember Menesini stated that while he does not favor unrestricted access, people suffering from cancer and other painful illnesses should have access to needed medicine in a clean, safe, and clinical environment. However, he stated that because of the public's concerns, and the many discussions he has had with individuals and what he has learned since the last meeting, he thought that the Council should facilitate broader public discussion before proposing changes to the established ordinance. He further stated that the ordinance was premature and recommended not to move forward with the ordinance, and that he was withdrawing his support.

Mayor Schroder discussed some of the research he had done on the issue and some of the public input he had received. He agreed that the issue needed much more discussion by the number of people who were against the ordinance. Mayor Schroder indicated since there would be no motion on the item, the ordinance would be removed from the calendar, but he would allow public comment for those who did not speak at the last meeting.

Councilmember Ross expressed appreciation for the rest of the Council and their willingness to listen to the public.

Mayor Schroder opened the item for public comment.

Mark Zapalik noted that Kaiser Permanente runs a pain-treatment clinic in Martinez and offers non-traditional treatment, but they will not offer marijuana.

Joyce Boghosian pointed out the wide array of pharmaceutical options that exist for pain management.

Amelia Hurtado discussed her experience with fibromyalgia and her decision not to use marijuana.

Pat Gutierrez thanked the Council for turning the ordinance down.

Angie Sylvia mentioned some problems with the approval process of the original ordinance, and requested information about the public notification that had taken place.

Juliet Lucas raised concerns about negative medical effects of marijuana.

Jan Nieuwsma expressed concerns about the message sent to potential businesses and residents by allowing marijuana dispensaries.

Joan Wolf expressed opposition to the legalization of marijuana in any form.

Jane Pitts stated that medical marijuana is a safe and naturally occurring alternative to pharmaceuticals, and expressed her opinion that people with chronic pain should be allowed safe access to it.

Frank Yubeck noted that the state has legalized medical marijuana dispensaries and suggested that the City should take a compassionate approach to establishing dispensaries in a positive manner.

Charlie Murphy expressed concerns about crime and degradation of the neighborhood that would come with a dispensary.

Dan Mownford expressed concern about possible negative effects on the City's reputation and environment.

Carlie Roderick discussed the experiences of some of her family members with medical marijuana and asked the public to be more compassionate toward medical marijuana patients.

Zachery Jensen expressed concern with children gaining access to marijuana.

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

No action taken; item removed from the agenda.

**Council recessed at 8:08 p.m. and returned to the dais at 8:20 p.m. with all members present.*

CITY MANAGER

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

Phil Vince stated he addressed DBAW along with Mayor Schroder and Recreation Manager Mitch Austin regarding the marina. They presented a very good presentation which he felt was well received. Mr. Vince hopes that DBAW will be able to make a decision by April or May; he noted however that DBAW doesn't have a budget and they are waiting on the State. In the meantime, staff is working on the long term agreement and on final financials with DBAW.

CHIEF OF POLICE

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

Chief of Police Gary Peterson thanked the Council for approving the Department's restructuring, and stated that it would benefit and help coordinate the Neighborhood Policing Initiative. Chief Peterson reported that Sgt. Roth and Officer Dodd of the MPOA are working with representatives from Senator DeSaulnier's Office to prepare a resolution for the Pine Street overcrossing to be named in memory of Sgt. Paul Starzyk.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

8. Request Council consideration to adopt a resolution supporting Saint Mary's College's bid for the 2012 Presidential Debate. [41.00.05]

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 023-11 supporting Saint Mary's College's bid for the 2012 Presidential Debate. Motion unanimously passed 5 - 0.

An unidentified speaker asked for more clarification on the resolution, as well as some of the acronyms used by the City Manager. Mayor Schroder stated that the resolution of support was only a verbal statement of support to help the College meet criteria for their bid. He added that DBAW is the Department of Boating and Waterways.

9. City Council Comments.

Councilmember Lara DeLaney commented on the Medical Cannabis Ordinance. She indicated that the latest turn of events caught her off guard. The Public Safety Subcommittee spent over a year working on this issue, largely under the leadership of Councilmember Menesini, who was urging the Council to be leaders on this issue. Ms. DeLaney was compelled by his vehement support that the City should take it forward. Ms. DeLaney believed that the Subcommittee was improving the regulatory structure where an establishment would be allowed under the current ordinance to open with a Conditional Use Permit process and instead moving toward a license which would be renewable and revocable, and add additional regulatory and operational requirements, if an establishment were to open. Councilmember DeLaney further stated she was compelled by the force of Mr. Menesini's arguments to continue the work of the Subcommittee; but she would support the issue going to a vote. She also pointed out the sentiment of this community expressed by votes cast for Proposition 19 in 2008 and votes cast for Proposition 215, and by the lack of opposition encountered over the year-long process, and the fact that when it was heard at the Planning Commission it did not have substantial opposition.

Janet Kennedy questioned the meeting tapes and why they were not being aired on COMCAST. Assistant City Manager Alan Shear indicated that COMCAST stated that the copy staff provided them was fine, and was aired the Friday after the meeting which was February 18, and aired again this past Friday. Vice Mayor Kennedy announced a program called Earn It! Keep It! Save It! Contra Costa which is providing free income tax services for low income residents; and requested that it be placed on the City's website.

Councilmember Mark Ross stated that in this political world it's tough to make a decision that would seem to serve the community well, and then change one's mind and admit it might not be beneficial. He commended his colleagues for considering everything and listening to the people.

Mayor Rob Schroder stated he was invited to speak at the Green Leaf Academy, which was the Environmental Studies Academy. The discussion was about careers and there were a lot of questions about issues, many having to do with Alhambra Highlands. He also stated that he was requested to speak at the Vicente School graduation. Mayor Schroder mentioned that March 2nd is "Read Across America Day," and he read the "Cat in the Hat" for Ms. Machado's second grade class at Morello Park School. Mayor Schroder wished his daughter Sara a Happy 20th Birthday.

ADJOURNMENT

Adjourned at 8:38 p.m. to an Adjourned Regular Meeting on March 9th for a Goal Study Session, then to a Regular City Council Meeting on March 16, 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 - 4/6/11