

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:30 P.M. with all members present except Councilmembers Mark Ross and Lara DeLaney.

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.

PUBLIC COMMENT (Comments are limited only to items listed on the agenda)

Seeing no one wishing to speak, the Council adjourned to closed session in the City Manager's Office.

CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

Mayor Schroder called the joint meeting of the City Council and Planning Commission to order at 6:10 p.m. in the Council Chambers. He reported on the closed session held, noting that the Council gave direction to the City Attorney regarding the Conference with Labor Negotiators; there was nothing else to report.

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

EXCUSED: None.

ABSENT: None.

PLANNING COMMISSION:

PRESENT: Chair Donna Allen, Vice Chair Rachael Ford, Commissioners Harriet Burt, Jeff Keller, Sigrid Waggener, and Alternate Kimberly Glover.

EXCUSED: Paul Kelly and Michael Marchiano.

ABSENT: None.

GENERAL PLAN UPDATE: Check-In #2

- A. Review of the Community Conversations Report #1 Key Themes and the Proposed Working Vision.

Planning Manager Terry Blount introduced the item.

General Plan Task Force Vice Chair Ginny Fitzgerald reviewed the process thus far, including public workshops, community coffees, and the online User Voice.

Task Force Chair Victor Carniglia commented on the time-intensive meetings used to develop the Vision, which will guide the rest of the process. He asked task force members present to stand. He also discussed the next steps with guest speakers to highlight different aspects, followed by a review of each Element of the General Plan. Mr. Carniglia acknowledged the time constraints, cost, etc., and possibility of using subcommittees - yet also stressed the importance of doing a thorough job.

Mr. Blount and consultant Jeff Baird continued the presentation, with a brief review of the purpose of this "check-in," the City Council and Planning Commission directives for the General Plan update, schedule of meetings, major accomplishments to date, publicity mechanisms, and community outreach approach, including input from Martinez Junior High, a sample wall-graphic recording of workshop comments, and a User Voice online survey sample page, an explanation of the Working Vision 2035, as well as key themes and values.

** Councilmember Mark Ross arrived and joined the Council.*

Mr. Baird reiterated this was a summary of the comments of the 500+ people who participated in the online survey. He also reviewed input desired from the City Council and Planning Commission from this meeting tonight.

COUNCIL/COMMISSION COMMENTS

Mayor Schroder said he was impressed with the themes from the Working Vision, the downtown, historic feel, open space, and the marina. He expressed appreciation for the mention of respecting private property rights, balanced with community values, and the acknowledgement for the blend of modern and historic buildings in the City. He stated that just because a building is old does not mean it is historic. He commended the task force for their work, especially given the importance of an updated General Plan.

Vice Mayor Kennedy also thanked the task force and the planning staff, especially for reaching out to the Junior High students. She agreed with Mayor Schroder's comments and the importance of connectivity and walkability through the City.

Councilmember Ross apologized for being late and was also appreciative of the work being done.

Vice Mayor Kennedy asked how the potential annexation areas will be dealt with in the General Plan. Mr. Blount said they won't be because there has already been rezoning; he noted that State law will not allow zoning changes within the first two years of an area being annexed.

Councilmember Ross asked how SB 375 will be coordinated with the General Plan. Mr. Blount discussed the challenges of "regional planning," sustainable community strategies, and priority development areas, noting that Martinez is in a good position to meet the requirements. He also

stated that the first draft of the transportation/land use local plan will be released very soon. Mr. Baird added that the goal is to avoid conflicting policies among the agencies; hoping any conflicts with the new General Plan can be worked out.

Planning Commissioner Harriett Burt expressed appreciation for including the Junior High and extended congratulations to the students and teachers who participated; she hoped the decision-makers will pay attention to what they have to say. She echoed Mayor Schroder's comments that the General Plan should be a guide for policy rather than a guide for exceptions, even when economic pressure is exerted to make exceptions (particularly regarding the open space). She noted that the City can move forward only when there is consensus on how and in what direction.

Commissioner Burt asked if there will be a cataloguing of existing open space areas in the City. Mr. Blount said yes, staff has begun the process but it is not complete or official yet. Mayor Schroder stated he wants to be sure the necessary easements have been filed. Commissioner Burt also asked if the budget for the General Plan will be sufficient to see the process through to the end. Mr. Blount stated that so far the project is on time and on budget. Mayor Schroder noted the money has been set aside in the City's budget.

Planning Commissioner Rachael Ford acknowledged the time-intensive efforts of the task force. She said she found nothing "exciting" in the Vision Plan for prospective businesses or residents. She commented on the need to attract outsiders to the City. Commissioner Ford also commented on past efforts to guide the direction of the City, noting that vague documents accomplish nothing. She would like to ensure that everybody "wins" at least some of the time, and hoped this document will be clearer and will avoid polarizing wording.

Planning Commissioner Jeff Keller (also a member of the task force) said he thought the process has been going well, and that staff and the consultant were doing a good job.

Planning Commission Chair Donna Allen agreed, noting there have been incredible efforts made to reach out to the public. She also noted that the document needs to be tightened. She questioned whether it can be done on time. She also asked whether all of the City's spheres of influence were included; Mr. Blount said they were.

Planning Commissioner Sigrid Waggener noted that Martinez seems to be on the cusp of progress, and hopefully can make progress in attracting new businesses while still preserving its historic elements.

Councilmember DeLaney thanked the task force and staff for their efforts, and she pointed out that the real effort will be on the specific elements, which is the next part of the process.

Councilmember Menesini agreed a good job had been done with respect to outreach, especially including the Junior High students. He observed that the Vision thus far is what people like about Martinez, but he agreed with Commissioner Ford that specifics (such as the Intermodal Station) need to be addressed. He commented that there needs to be opportunities for a diverse population, families in the downtown, efforts on behalf of open space, and creek preservation--this is the type of community the people want but the question is how to get there.

Councilmember Ross said the value of joint meetings is bringing clarity, and he expressed appreciation for the comments by Councilmember DeLaney and Planning Commissioners Allen, Waggener, and Ford. He agreed there needs to be more quantitative measures, and he questioned what type of unique mercantilism Martinez will have to offer in the future.

Mr. Baird noted this is a working Vision, and the details will be developed during the next phase of the process.

PUBLIC COMMENTS

Mayor Schroder opened public comment on the item.

Igor Skaredoff, Task Force member, noted that Commissioner Ford brought up interesting points, but the process is not yet to the point to settle those details, there needs to be a clear direction set first. He also noted that the effort will be made to develop specific criteria for evaluating the different options for the City. He further noted that the City Manager had spoken at the last meeting regarding the potential in Martinez; he thought it was time to utilize that potential now.

Don Pallotta, Task Force member, commented on the need for preservation of the City's aesthetics. He acknowledged some concern that there will not be enough time to develop the necessary details of each Element of the Plan. He was also concerned that attracting new businesses might affect the aesthetics of the City.

Mike Alford expressed concern that three members of the General Plan Task Force are not residents of the City. He commented on an upcoming project proposing to remove 600 Oak trees, and he questioned how that compares with the City's commitment to green principles. He was also concerned about money spent on consultant fees, given that the City is facing a deficit. He thought that good coordination and communication are essential to a successful process.

Gary Freitas said the Task Force should try to correct errors, such as he is facing with his property. He discussed interactions he has had with Mark Thomson regarding the future of his property. Mr. Freitas expressed concern that the Task Force should not be biased. He noted Scot Busby is on the Task Force, and his family is largely to be credited for the development of much of the City.

Mark Thomson responded to Mr. Freitas' comments, noting he has lived in the City for 40 years and is a defender of open space. He said he will leave the final settlement to the attorneys from both sides.

Seeing no further speakers, Mayor Schroder closed public comment.

Mayor Schroder noted that members of task force may not all live in City, but they have business or property interests with the City, and they are a part of the community, which is important.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

RECONVENE

The regular meeting of the Council reconvened at 7:30 p.m. with all members present as indicated.

PRESENTATIONS

A. Update on Proposition 84: Nature, Education, Facilities Grant.

Recreation Services Manager Mitch Austin presented a brief update on the grant, noting it was a "placeholder" on the agenda in the hopes that more information would be available. While there was nothing new to report, he anticipated there should be more information by the end of the month.

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 commented on the last meeting which he said was the first time the Council all came together to work with the public, partially due to the large number in attendance at the meeting. He suggested the creation of neighborhood liaisons to keep the Council more connected with the community. Mr. Alford also discussed incorrect reporting by the Gazette on that meeting and about crime in the City.

Doug Stewart updated the Council on efforts with the homeless, noting that there is currently no one camping at the marina park, and the number of homeless at the Amtrak Station is reducing. Councilmember DeLaney asked about the latest homeless counts, and Mr. Stewart stated that the numbers have not been released yet. Councilmember DeLaney asked how the count was in Martinez, and Mr. Stewart discussed his participation. He indicated that the problem with RVs used by homeless people needs to be addressed by the Council.

Councilmember Menesini asked if the RV homeless are really a problem. Mr. Stewart reviewed the problems with pets, parking, and leaking fluids. He noted that the RVs navigate between the marina and downtown during the day and only the Police Chief could report whether there are crime impacts. Councilmember Menesini noted that in terms of homeless populations, there are different issues with street homeless and RV homeless. He noted that Martinez only has a minor homeless population, unlike other cities.

Don Pallota, Parks, Recreation, Marina & Cultural Commission member, asked what the ordinance is for motor homes at the marina. He indicated there are at least four RVs at the marina from dawn to dusk - and they give a lopsided, sometimes negative image to the marina. He agreed with Mr. Stewart that he would encourage the Council to take some action.

Gary Freitas reminded the Council about an issue with the old Eucalyptus trees from Center to Morello that need to be trimmed before they fall, and they are also dropping a lot of debris in the creek. He also apologized for an outburst at an earlier meeting.

Igor Skaredoff reported on a coalition working to develop a chain of native plants in the City along Alhambra and ending at the John Muir house. Mayor Schroder asked if the Greenleaf Society was involved, and Mr. Skaredoff said yes.

Councilmember Menesini said there was an effort in the past to encourage locally-grown food, and he noted that the General Plan Vision mentioned same.

Seeing no further speakers, Mayor Schroder closed public comment.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of February 16, 2011. [M.Cabral]
2. Motion accepting Check Reconciliation Register dated 2/17/11, 03/03/11, and 03/10/11. [C.Spinella/2.1.1]
3. Resolution No. 024-11 authorizing the City Manager to execute a Lease Agreement with the Kiwanis Club of Martinez for non-exclusive use of City real property located at 750 Allen Street. [M.Chandler/5.14.04]
5. Resolution No. 026-11 authorizing the City Manager to execute a consultant services agreement with Carollo Engineers for the design of the Water Treatment Plant Master Study not to exceed \$194,000.[T.Tucker/15.02.00]
6. Justice Assistance Grant Formula Program Award: [G.Peterson/04.08.00]
 - A. Resolution No. 027-11 approving receipt of \$12,916 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Funds for 2009, and authorizing the Chief of Police to accept said funds.
 - B. Resolution No. 028-11 approving receipt of \$11,800 from the Edward Bryne Memorial Justice Assistance Grant (JAG) funds for 2010, and authorizing the Chief of Police to accept said funds.

Councilmember DeLaney asked that Item #4 be pulled for further discussion..

Mayor Schroder opened and closed public comment on Items #1-#3 and #5 and #6, with no speakers coming forward.

Councilmember Ross asked whether Kiwanians can vote on the Kiwanis lease. Deputy City Attorney Veronica Nebb replied there would only be a problem if the person sits on the Kiwanis Board.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Items #1-#3, #5, and #6 of the Consent Calendar. Motion unanimously passed 5 - 0.

4. Resolution No. 025-11 authorizing payment of the Miscellaneous Public Employees Retirement System Side Fund. [A.Shear/4.5.13]

Councilmember DeLaney asked for clarification on the financial repercussions from taking this action, while it seems like a good idea to pay off the side fund, she was not sure that it would be wise to use the Other Post Employment Benefit fund to pay it.

Assistant City Manager Alan Shear explained where the funds were coming from and discussed the financial impacts. Mr. Shear explained further that due to the City prefunding its OPEB asset it allows the City to skip the payment this year without affecting future indebtedness.

Councilmember Ross asked how much of the asset will remain; Mr. Shear said less than \$4 million. He noted that if it were not considered an asset, staff would not recommend this payment.

Councilmember Menesini expressed appreciation to staff for being on top of this.

Mayor Schroder opened public comment on the item.

Mike Alford asked for an explanation of the acronyms OPEB, and was told it stands for Other Post Employment Benefits. He asked for more information of the purpose of the side fund and what fund the payment will come from. He also questioned how much the anticipated budget shortfall will be this year. Mayor Schroder said the City is just beginning the budget process, so no one knows how much the shortfall will be. Councilmember DeLaney explained that the money would not be coming from the undesignated fund; it would come from a surplus in an existing designated fund. Mayor Schroder added that paying off the debt would save the City \$165,000 over six years.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 025-11 authorizing payment of the Miscellaneous Public Employees Retirement System Side Fund. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

CITY MANAGER

7. Introduce an ordinance amending the Martinez Municipal Code Title 3, Revenue and Finance, Chapter 3.36, Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act to incorporate the revised monetary limits adopted by the California Legislature in regards to the bidding of public construction contracts. (1st reading, no public hearing required) [M.Chandler&T.Tucker/10.12.03]

Senior Management Analyst Michael Chandler presented the staff report, explaining the need for the amendment.

Mayor Schroder noted missing information in the Council packet. Mr. Chandler explained that the ordinance would increase the limit for informal bidding of public projects from \$100,000 to \$125,000, and would enable the City's Code to automatically follow changes in State law.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, introduce an ordinance amending the Martinez Municipal Code Title 3, Revenue and Finance, Chapter 3.36, Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act to incorporate the revised monetary limits adopted by the California Legislature in regards to the bidding of public construction contracts. (1st reading,) Motion unanimously passed 5 - 0.

8. Approving the submission of a project application for use of Measure WW funds for the first phase of the renovation and repairs of the Martinez marina breakwater(s), demolition of a portion of the existing docks, and marina dredging. [M.Austin/11.01.00]

Recreation Services Manager Mitch Austin presented the staff report, providing an update on marina phasing, funding, timeline, and Measure WW funds. Martinez will not receive an award this year from Boating Infrastructure Grant, but staff will apply again next year. Mr. Austin also discussed the Department of Boating and Waterways (DBAW) update at the recent meeting, positive comments that indicate DBAW is supportive of Martinez plans, and efforts to get a Legislative Land Grant from the State.

Councilmember DeLaney asked if Martinez could ask the City of Pittsburg for a letter of support, since they went through the same process in the past. Mr. Austin noted Pittsburg is seeking a second land grant, also sponsored by DeSaulnier, and agreed that staff could discuss with them ways for the cities to support each other.

Mr. Austin reviewed changes to the phasing timeline and key considerations as a result, as well as allocation of the different funding sources throughout the phasing of the project. He identified other potential projects for Measure WW funds, other marina projects, and potential funding.

Mr. Austin also noted that Tom Hogan, of Martinez Marina Limited Partners, and Craig Paulson, Marina Manager, were in the audience.

Mayor Schroder noted that the marina and waterfront is the key in the vision of Martinez citizens, and one of the Council's major goals. He stated that critical decisions are ahead for the City, especially if DBAW funds and WW funds are not awarded. He discussed other options for Measure WW funds, but stated that it was important to earmark funds for this project.

Councilmember Ross, as the other member of Marina Subcommittee, agreed with Mayor Schroder on the importance of the marina, and reiterated that securing the necessary funding is essential.

Councilmember DeLaney thanked Mr. Austin for the thorough report, and expressed appreciation for the discussion of potential funding sources, since there is not enough in the General Fund. However, she also expressed concern about the repayment of old DBAW loans and asked if that was built in to the financial model. Mr. Austin stated that they are built in, but he acknowledged that the construction loans are still outstanding, and DBAW is now requiring that it be included. Councilmember DeLaney expressed her support of using WW funds for that, and questioned whether Measure H funds are available. Mr. Austin said that the original application (Measure O) included the marina as a potential project, but Measure H did not because the community did not support it.

Vice Mayor Kennedy asked if the Measure H funds could be used for other projects on the Marina's property. City Attorney Veronica Nebb said that the rules about what bonds can be used for are complicated, and bond counsel should be consulted.

Vice Mayor Kennedy said she also supports this application. She commented on a private party who is willing to contribute \$500,000. City Manager Phil Vince said it was highly likely. Vice Mayor Kennedy stated that she also thought marina work would be eligible for homeland security grants.

Councilmember Menesini asked what was meant by "rescoping" of \$3.11 million. Mr. Austin explained that staff had changed the phases to meet DBAW standards. Councilmember Menesini noted that the original construction loan was anticipated to be repaid through activities at the marina, because the State has an interest in maintaining a safe waterway for refinery traffic, and the health of the bay. This has led to a long partnership between the State and the City. He asked whether the original construction loan should be restructured. Mr. Austin stated the repayment of the original construction loan is a requirement of DBAW.

Councilmember Menesini confirmed with the City Attorney that the General Fund is currently not encumbered by any of these loans. He indicated he is strongly against any restructuring that will create an encumbrance, and he wanted both the State and DBAW to cooperate with the City. He expressed his support for earmarking the WW funds.

Mayor Schroder opened public comment on the Item.

Tom Hogan commended staff and stated he was very impressed by their efforts to solicit the grant and other funding sources. He agreed with Councilmember Menesini's comments that DBAW has not been a real partner with the City, and they must begin to cooperate or risk losing all past loans. He noted that DBAW's chair was not present at the last meeting, and there were not enough members to convene a meeting.

Mike Alford reported on his conversation with the Chair of DBAW and Martinez' failure to keep up with its responsibility. The Chair had indicated that DBAW will not give any money to the City until the contract with Hogan is current. Mr. Alford commented on deteriorating conditions at the marina and funds spent on consultants that are not reporting accurately. He also discussed dredging needs and encouraged the City to get things done.

Igor Skaredoff commended staff on the clarity of the presentation, and noted that in the past the marina has seemed to be a hole into which the City pours money. He discussed ways to deal with the salt-marsh harvest mouse.

Larry Laetrelle, marina resident, commented on the long-delayed dredging at the marina and stated that the need is great. He noted that Martinez is the gateway to the Delta, but there is much boat traffic that bypasses Martinez because of the conditions at the marina.

Rich Verrilli said he thought the public would now support using Measure H funds for the marina. He asked why there is no fire boat stationed at the marina.

Craig Paulson, Marina Manager, thanked the Council for listening, and the marina and Yacht Club members for attending.

Larry Baird commented on the long-term poor conditions at the marina and asked what it would take to improve the situation. He stated that the City is losing potential income by not correcting the matter.

Bob Barker echoed other speakers regarding the cost of fuel and the income the City is missing. He noted it has been 20 years since Martinez has had fuel available at the marina and suggested parking a fuel truck at the marina and selling from there. He questioned how the City lost the tanks in the first place and how much money the City has lost in these 20 years.

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

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve the submission of a project application for use of Measure WW funds for the first phase of the renovation and repairs of the Martinez marina breakwater(s), demolition of a portion of the existing docks, and marina dredging. Motion unanimously passed 5 - 0.

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

City Manager Phil Vince said he was still waiting to see what the state budget result is and the impacts on the cities. Vice Mayor Kennedy said that at 5:30 p.m. it was still locked up.

CHIEF OF POLICE

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

The Chief reported on the installation of police cameras in several locations in the City, which are designed to increase public safety. He commended Public Works Director Dave Scola and Commander Eric Ghisletta for their work. He also noted that a public workshop would be held in the future to educate the community.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

11. City Council Comments.

Councilmember DeLaney welcomed "Roxy," a new business in the downtown, as well as "Mirch," a new Indian restaurant located in Virginia Hills; she wished them well.

ADJOURNMENT

Mayor Schroder adjourned the meeting at 9:00 p.m. to a Regular Meeting on April 6, 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 – 4/20/11