

## **CALL TO ORDER**

Mayor Schroder called the meeting to order in the Council Chambers at 6:30 p.m. with all members present except Councilmembers Menesini and Ross who arrived after roll call.

## **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 Fran Buchanan, IEDA.

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)**

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

## **PLEDGE OF ALLEGIANCE - ROLL CALL**

The meeting reconvened at 7:10 p.m. Mayor Schroder reported that a closed session was held regarding labor negotiations with respect to Section 54957.6 of the California Government Code and direction was given to the City's negotiators.

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

EXCUSED: None.

ABSENT: None.

## **PRESENTATION(S)**

- A. Swearing in of Police Officer Ryan McDonald and Reserve Police Officer Christopher Dodge.

Police Chief Gary Peterson introduced Officers McDonald and Dodge and described their backgrounds. The swearing-in was performed by City Clerk Hernandez. Officer McDonald was pinned by his wife Hillary; Officer Dodge was pinned by his wife Dana. The Council offered their congratulations.

*\*The Council recessed and returned to the dais with all members present.*

## B. Capital Improvement Projects Budget Presentation.

City Engineer explained the Capital Improvement process and reviewed recent accomplishments, i.e., street rehabilitation, street improvements, parks and library successes, storm drain replacements, and water system improvements. Mr. Tucker also reviewed the Capital Improvement Projects for 2011-13 for parks and open space, routine maintenance, non-recurring projects, parking, and water system; and he reviewed the funding for the projects, including Measure H.

Councilmember DeLaney asked why new police vehicles were listed under buildings; Mr. Tucker replied that they were planning to add parking for police vehicles. She also asked about vehicle circulation in the Court Street overcrossing project, which Mr. Tucker briefly discussed.

Councilmember DeLaney requested that the historic Train Depot improvements include solar energy, insulation and other green improvements. Public Works Director Dave Scola indicated that the plan will include solar energy and as much green technology as possible.

Councilmember DeLaney re-emphasized the need to replace the tennis and basketball courts city-wide.

Councilmember DeLaney asked why there were no Marina projects planned. Mr. Tucker stated that they did not want to plan projects until the funding for them was confirmed.

Councilmember Menesini suggested that the Court Street Overcrossing be removed as a project, because of the high cost, and stated that he would rather focus on providing access to the waterfront through something more realistic, such as connecting Ferry and Berrellesa. Mr. Tucker discussed some of the funding issues and stated that they are focusing on that with the preliminary designs with the new parking lot.

Councilmember DeLaney requested that Park in Lieu Fees be used for a BMX park and/or dog park. Mr. Tucker said he would look at that with the Parks, Recreation, Marina and Cultural Commission.

Councilmember DeLaney suggested that the establishment of a railroad Quiet Zone be made a priority, and Mr. Tucker noted that they were laying the groundwork for that. Councilmember Menesini noted that connecting Ferry and Berrellesa would eliminate the need for some of the train noise.

### **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 statistics on the homeless situation in Martinez for the last month: four persons were taken to the homeless shelter, 16 inmates were provided rides out of Martinez, and two persons were referred to mental health. Mr. Stewart indicated that he has seen a large increase of persons living in cars and recreational vehicles; it seems that the recreational vehicles have become problematic. He urged the City to develop a NO sleeping in cars and RVs ordinance. Mayor Schroder stated that the Police Department will be starting a neighborhood

policing and perhaps they can assist in that regard. Chief Peterson indicated that the City does have an ordinance in place restricting sleeping in vehicles, but he is researching Concord's ordinance for other ideas.

City Treasurer Carolyn Robinson provided an update from the April 20th Citizens Bond Oversight Committee meeting. She reported on the progress of the pool construction, which is still scheduled to be opened in July, and the project may be \$250,000 below budget. She also reported on the progress of the library project, which is still targeted to open in June. The library is also below budget and the contractor was able to do other items which were not in the original plans, i.e., a door for the downstairs area, cameras, and smoke and burglar alarm systems. The downstairs area will have some furniture, and Friends of the Library have agreed to pay for the cost of a part-time staff person for the downstairs area. The next meeting will be held in August and at that time there will be a fairly complete accounting for the expenditures on all the projects. The account balance as of March 31st is \$12,080,806 and \$174,000 in interest.

Mike Alford urged the City to assist Wal-Mart to expand their food product areas, which would be beneficial to the City by providing more jobs and more sales tax revenue. Mayor Schroder stated that he and the City Manager had spoken to the store manager, and he can contact them for assistance.

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 March 16, 2011 as corrected. [M.Cabral]
2. Motion accepting Check Reconciliation Register dated 04/07/11 and 04/14/11. [C.Spinella/2.1.1]
3. Motion accepting the Cash and Investment Report dated March 31, 2011. [C.Spinella/2.1.1]
4. Resolution No. 033-11 adopting the Five-Year Capital Improvement Program (CIP) for fiscal years 2011-2012 to 2015-2016. [T.Tucker/2.14.00/6.7.15/9.2.8]

Councilmember DeLaney requested that Item #6 be removed for further discussion; and Councilmember Ross requested that Item #5 be pulled as well.

Councilmember DeLaney made a correction to the Minutes of March 16, Page 1, under 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." It should state "*who arrived after roll call.*"

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

5. Resolution No. 034-11 authorizing the placement of the proposed mural design/improvements in the Main Street Plaza and mural funding request not to exceed \$7,200 made by Main Street Martinez.[M.Austin/16.10.00/9.12..04]

Councilmember Ross asked if there was a picture of the mural. Councilmember DeLaney said there was one in the packet. Councilmember Ross asked why the funding for the project was being funded differently than usual. Mitch Austin, Recreation Manager, explained that Main Street Martinez is managing the project, and the artist is doing the work pro bono because of the relationship with Main Street Martinez. City Manager Phil Vince added that the \$50,000 funding was allocated sometime back for Downtown Beautification.

Councilmember DeLaney said she thought the mural was very nicely done, and represents some iconic images important to the City, but she noticed the Martini was missing. Councilmember Ross said it was intended to represent the history of Martinez.

Mayor Schroder noted that artists are particular about their work and might not want to make changes at this point. Councilmember DeLaney pointed out there were two images representing John Muir (his house and himself), but none related to the Martini.

Deborah Dodson, Main street Martinez, said the light above the train appears to be an upside down martini glass.

Councilmember Ross confirmed with staff that there was \$50,000 in the account, and this project is about \$7,000, which leaves \$43,000 for other art projects in the downtown.

Mayor Schroder opened public comment on the item.

Ms. Dodson discussed the conception of the project and its development and realization. She introduced Yvette Tipton and the artist, Mario Alfaro, who displayed the original painting that inspired the mural.

Councilmember DeLaney noted that the original did not include the John Muir house, so the martini glass should be included.

Councilmember Menesini said he thought it was fine the way it is. Vice Mayor Kennedy commented on the rich colors of the original, noting the picture in the staff report did not do it justice.

Mayor Schroder noted that the changes between the original painting and what is in the packet was the result of recommendations made by the Parks, Recreation, Marina and Cultural Commission.

Councilmember Ross commented on another mural completed early in his days on the Council. He also noted he had talked with someone at the Earth Day event about other types and locations for murals and/or a statue of John Muir.

Mike Alford asked where the mural would be located; Mayor Schroder indicated that it would be located in the Main Street Plaza wall. Mr. Alford said he thought the mural was a good idea and would benefit the downtown. He encouraged the Council to move forward with the idea.

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 034-11 authorizing the placement of the proposed mural design/improvements in the Main Street Plaza and mural funding request not to exceed \$7,200 made by Main Street Martinez. Motion unanimously passed 5 - 0.

6. Resolution No. 035-11 authorizing the City Manager to negotiate and develop a 15 year lease agreement with California Sport Court for use of the 30,000 sq. ft. facility at the Zocchi building (370 Ferry Street) not to exceed \$10,000. [M.Austin/5.23.00]

Councilmember DeLaney she was completely supportive of the project, but she was concerned that the funding is to come from the City's undesignated reserves, which have been depleted with many allocations recently. She suggested instead using the Texaco settlement money from the City's CIP reserve fund.

City Engineer Tim Tucker said he would add that to the upcoming CIP allocation process.

Councilmember Menesini said he thought Councilmember DeLaney's idea was a good one.

Mayor Schroder opened and closed public comment on Item #6 with no speakers coming forward.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 035-11 authorizing the City Manager to negotiate and develop a 15 year lease agreement with California Sport Court for use of the 30,000 sq. ft. facility at the Zocchi building (370 Ferry Street) not to exceed \$10,000 from the General Fund CIP Reserve (*Texaco settlement fund*). Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

7. Public hearing to consider a resolution amending the Schedule of Fees for City Services by establishing user fees for the new Rankin Aquatic Center.

Patti Lorick, Recreation Supervisor, presented the staff report with a PowerPoint presentation showing the proposed new Rankin Center. She also discussed the fee-setting process and cost considerations in making that decision. She noted that the Committee and staff recommend a \$5 base rate, with discounts for pre-purchase and multi-use purchases.

Mayor Schroder asked how that compared to other facilities. Ms. Lorick said this facility would be most like the facility in San Leandro, which charges \$5, and swim facilities in nearby cities are in the \$4 to \$5 range.

Mayor Schroder commented on the discount for under three and over sixty. He asked, and Ms. Lorick confirmed that other cities have a discount for senior citizens.

Councilmember Ross asked about operation of the snack shack, and Ms. Lorick said that had not been decided yet - they will be meeting soon to discuss the issue.

Vice Mayor Kennedy noted that Martinez Recreation fees are the best deal around. She said people will probably come from all around to use the new, updated facility. She thought the rise in rates to \$5 was a reasonable increase.

Councilmember Menesini asked about the previous rates, which Ms. Lorick reviewed. She added that the rates had not been raised previously since 1998. Councilmember Menesini observed that the proposed increase is quite high.

Councilmember Ross asked what the anticipated user groups will be. Ms. Lorick said probably the youth, ages 7-17. There was further discussion among staff and the Council about rate-setting, including the possibility of lower rates for children and/or higher rates for those who live outside Martinez City limits.

Mayor Schroder opened public comment on the item.

Carolyn Duncan commented on her childhood joy in going to the community pool and its affordability. She noted that she would like to bring her nieces and nephews to the new pool. She was concerned that \$5 per person would make it less affordable for those who need it most.

Mike Alford agreed with Ms. Duncan. He thought \$5 was okay for adults but thought \$2.75 more reasonable for the children. He was concerned that people won't be able to afford to come at all. He urged the Council to consider the economic times and lower the fees for the children.

Dick Duncan noted that swimming is a great form of exercise for seniors, especially. He noted that 24-Hour Fitness charges \$1 a day for a workout and swimming. He suggested charging a discount for residents and for seniors.

Brandon Farrell said he thought \$5 per person was too high - especially for families with children. He asked about the possibility of using hydroelectric power and/or solar power, to save operating costs. Staff said solar was considered, but was not feasible, according to solar providers. Mr. Tucker said the cost of using hydroelectric would be too high to offset the costs. Mr. Farrell noted there were tax incentives for solar and other alternative energy equipment but only until October 1, as well as MACRS (Modified Accelerated Cost Recovery System) that can also offset the costs. He encouraged the Council to reconsider the design.

Richard Patchin noted that there are operating costs that need to be offset, and he explained the Committee's reasons for recommending a \$5 fee as a flat rate. He noted that the previous fees were much lower than comparable facilities.

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

Councilmember DeLaney asked about the provision of an additional lifeguard, how much it will cost, and the rationale behind it. Ms. Lorick discussed the increased depth to the pool, changes to the pool layout, increased attendance and other safety considerations that necessitated hiring a second lifeguard. She noted, however, that most pool employees make barely above minimum wage, with few opportunities for raises.

Mayor Schroder confirmed with staff that they are anticipating increased usage of the facility. He noted that the new facility should draw greater attendance. Ms. Lorick noted that if the numbers are fewer than expected on any given day, any over-staffing can be corrected by sending some home.

Councilmember Ross asked how many people visited the pool in prior years. Ms. Lorick said in 1998, it was about 7,500 people, and in 2009 about 5,400. Councilmember Ross asked how much of the anticipated revenue represents income from open swim time; Ms. Lorick stated \$25,000. Councilmember Ross discussed other marketing strategies that might help, such as season passes. He acknowledged it might be difficult to anticipate the first year's attendance, but he said he would rather not set the rates so high that it keeps people from coming. He noted that the fees can be increased next year after the first season revenues are known.

City Manager Phil Vince suggested setting the rates at \$5 for adults, \$4 for seniors, and \$2.75 for children, noting that it can be adjusted up or down based on the first season's activities.

Councilmember Menesini said he could support the City Manager's suggestion, although he would rather not raise the rates at all. He thought \$5 per person was an outrageous amount for families struggling to pay mortgages, etc., in difficult economic times. He also liked Councilmember Ross's suggestion of offering season passes for residents, since they are the once who voted for and are paying for Measure H.

Councilmember DeLaney said she thought the fees for swim lessons could be raised substantially and still be a good deal. Ms. Lorick explained that every time the rates for swim lessons are raised, enrollment drops off.

Councilmember Menesini agreed with Councilmember DeLaney, except that he thought learning to swim is such an important skill for children. He would support raising rates for private lessons, but not for children's classes.

Mr. Vince expressed confidence in Ms. Lorick's experience and judgment in recommending the rates mentioned. He strongly urged the Council to consider the amounts he suggested previously and at least try them temporarily. He was concerned that setting the rates too low would negatively affect the services offered.

Mayor Schroder confirmed with Mr. Vince the age categories and rates. Councilmember Menesini and Mayor Schroder both indicated they would waive any senior discount they might qualify for.

Discussion was held on other discount and promotional strategies, such as pre-season purchase discount, multi-use tickets, family passes, service organization sponsorships, and a free welcome weekend the first week the pool is open.

Mayor Schroder stated he thought the marketing end should be left to staff now that they have heard the ideas mentioned. He liked Mr. Vince's proposal combined with Councilmember Ross's suggestion for a season pass.

Councilmember Menesini reiterated his concern that the children of the families who are paying for Measure H not be excluded from using the pool because the rates are too high. Mr. Vince said he would like to establish a fund to help pay for lower-income children, beginning with his own donation. Councilmember Ross suggested some contribution from the Council budget for the same purpose.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution No. 036-11 amending the Schedule of Fees for City Services by establishing user fees for the new Rankin Aquatic Center, as amended 3-17 years \$2.75; 18-54 years \$5; 55 years and older \$4; and staff is directed to explore a Family and a Season Pass at a discounted rate for Martinez residents; and a discounted punch card; and start a special fund to help those that do not have the means to pay for this service; and some type of promotional/welcoming event. Motion unanimously passed 5 - 0.

Ms. Lorick expressed concern about the number of people that might show up the first weekend if it is offered free to all. Others mentioned difficulties that might be faced by the neighborhood as well for such an event.

Councilmember Menesini noted that public safety should be a prime consideration, but he asked staff to find some way to honor the intent of the idea - to introduce the public to the pool perhaps at some discount.

Councilmember Menesini commended the Committee for their work.

## **CITY MANAGER**

8. Update on New City Government Channel. [M.Chandler/22.02.00]

Vice Mayor Kennedy commended staff and others who worked on the banner promoting John Muir Day.

Senior Management Analyst Michael Chandler stated that he would like to continue this item to May 18th since his presentation was predicated on the new channel going live on May 1st which is now been canceled. Mr. Chandler indicated the COMCAST and CCTV are working together to make this happen as soon as possible.

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

City Manager Phil Vince provided a progress report on the Economic Stimulus Package that was initiated last year expiring in March/April of 2012. The program was to be a catalyst program to get people through the door to do construction and/or improvements, for single family homes, subdivisions, and unreinforced masonry buildings, etc. Mr. Vince stated he thought this program would get owners to retrofit their buildings but didn't mainly because they cannot get the banks

to loan them the money even with the incentives. However, Mr. Vince indicated that he and staff are working on a couple of projects Black Mountain and Discovery Builders to try to get them through the process and see if they can take advantage of this program.

Mayor Schroder stated that there was one building downtown, Hilson's building, that is currently being retrofitted; and an application has been made by Bill Schrader to construct a strip shopping center.

Councilmember DeLaney commented on the need for the City to continue promoting the program so that the people could benefit from it. Mayor Schroder said it seemed to be well-known among developers.

## **CHIEF OF POLICE**

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

Chief of Police Gary Peterson reported that he spoke at the RHODIA CAP on disaster preparedness training and the Martinez Police Department's response capabilities in the event of a serious event at RHODIA. Chief Peterson stated that the department was invited to participate in their upcoming disaster drill in June.

## **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

## **CITY COUNCIL**

### 11. City Council Comments.

Councilmember Lara DeLaney reported out on her attendance at the League of California Cities Policy Committee meetings in Ontario on April 7th. She indicated that she is on the Employee Relations Committee and was briefed on the various bills going through the Legislature, especially those related to employee relations, and pension reform. She indicated the Committee considered but did not support the code enforcement officer's bill, and will be passing along the information to the Clerk. She also attended a briefing on the State's budget.

Vice Mayor Janet Kennedy said she also attended the League's Committee meeting, stating that she is on the Housing Community and Economic Development Committee. She noted that she too attended the State's budget briefing. Vice Mayor Kennedy also indicated that they reviewed the proposal regarding the taking of redevelopment funds, which seems to be off the table for now; reviewed a number of lawsuits on bills that were passed, land use litigations, and mobile home issues, and will be passing the information to the Clerk.

Councilmember Ross commended staff for all their efforts on Earth Day, which was a great event.

Vice Mayor Janet Kennedy stated that it is the 30th Anniversary with our *Sister City of Dunbar Scotland, the birthplace of John Muir*. She also commented on staff assistance and development of a Facebook page "Greetings to Dunbar Scotland" so that the public can send their greetings.

Councilmember Ross requested that a resolution or letter be sent to Yuba City that acknowledges the 35 years of remembrance of the bus that crashed while carrying high school choir students to an event in the Bay Area. He asked that the item be added to the next agenda.

Councilmember Menesini agreed with Councilmember Ross' idea. He also stated that he had an opportunity to visit Luigi's Deli, on the corner of Main and Castro, which was absolutely outstanding.

Mayor Schroder announced that he has added two alternates to the General Plan Task Force, Rachael Ford and Jim Blair. He also stated that he has added an item to the agenda, Quarterly Subcommittee Reports, which will appear on the next Council agenda. He also acknowledged the 10th Annual Downtown Clean-Up Day sponsored by Main Street Martinez, which was a great community event and expressed his appreciation to everyone who assisted especially Barbara Kapsalis.

Councilmember Menesini requested that the meeting adjourn in memory of *Oskie Aiello*.

## **ADJOURNMENT**

Mayor Schroder adjourned the meeting at 9: 43 p.m. *in memory of Horace "Oskie" Aiello* then to a Regular Meeting on May 4, 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 6/1/11

**I. CALL TO ORDER**

Mayor Schroder called the meeting to order at 6:30 p.m. with all members present.

**II. CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the California Government Code: two potential cases.

**B. 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 Fran Buchanan, IEDA. Employee Organization: Laborers International Union of No. American, Local #324; Martinez Police Non-Sworn Employees Association; and Martinez Police Officers Association.

**III. PUBLIC COMMENT** (Comments are limited to Items under Closed Session)

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

**RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL**

The meeting reconvened at 7:10 p.m. Mayor Schroder reported that a closed session was held regarding anticipated litigation, pursuant to Subdivision (c) of Section 54956.9 of the California Government Code and stated that direction was given to legal counsel; per the item regarding labor negotiations pursuant to Section 54957.6 of the California Government Code, he stated that direction was given to City's negotiators.

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

**EXCUSED:** None.

**ABSENT:** None.

**PRESENTATION (S)**

**A. Proclaiming May 7th as "National Train Day" in the City of Martinez.**

The proclamation was presented to David Kutrosky, Managing Director of the Capitol Corridor, GPA. Mr. Kutrosky expressed his appreciation and reported that since the Martinez station opened, ridership has gone up 200%, which is remarkable; he invited the public to attend Train Day on May 7<sup>th</sup> which will be a momentous occasion.

- B. Presentation of Certificate of Recognition to Katherine Hern former Parks, Recreation, Marina and Cultural Commissioner; and Anamarie Avila Farias former Planning Commissioner.

Mayor Schroder, on behalf of the Council, presented Ms. Avila Farias a Certificate of Recognition for serving on the Planning Commission. Ms. Avila Farias thanked the Council for allowing her to serve her community for so many years and wished the City and Council well. Mayor Schroder, on behalf of the Council, presented Katherine Hern a Certificate of Recognition for serving on the PRMCC. Ms. Hern thanked the Council for the opportunity to serve on the Commission and to work with staff, fellow members, and the community.

- C. Presentation from the Alhambra Watershed Council.

Mitch Avalon, Chair of the Alhambra Watershed provided information about the Watershed Council; he reviewed their goals and focuses, partnerships, and recently completed projects; he discussed current Watershed opportunities related to the City's General Plan Update: a water element (recommended by the State), a floodplain overlay concept, planning for sea level and climate instability, and the Alhambra Watershed Management Plan. Mr. Avalon reviewed the Watershed Council's goals, accomplishments, outreach and education, and their vision for a creek and native plant trail.

Mayor Schroder asked if these ideas had been brought up in the General Plan update meetings, and Mr. Avalon stated that the Task Force had not been discussing details yet, although the Watershed Council had given input on these ideas to the Task Force. Mayor Schroder also confirmed with Mr. Avalon that Franklin Creek is included in the watershed.

Councilmember Lara DeLaney thanked Mr. Avalon for the presentation, and requested that the suggestion to add a water element to the general plan be implemented, as well as, a floodplain overlay zoning ordinance, and outline conditions specific to FEMA's community rating system program, which can provide lower insurance premiums. Councilmember Mark Ross agreed that it would be helpful to have lower insurance premiums. He also suggested that new avenues be pursued to limit downtown flooding. Councilmember Michael Menesini agreed that the floodplain issue needs to be updated as it has a significant impact on the City's residents, and that the water element should be included.

Vice Mayor Janet Kennedy commented on the number of partnerships and emphasized the importance of the work with students and schools.

Councilmember DeLaney expressed appreciation of the suggestion to conserve by using well-water to water the City's properties and requested that staff find out if it could be pursued.

Mayor Schroder confirmed that there was consensus on the Council to add the water element and floodplain overlay concept to the General Plan, and see what could be done about updating the irrigation systems. City Manager Phil Vince confirmed that staff would look into these issues.

#### D. Energy Upgrade Contra Costa.

Keith and Scott O'Hara, ECO Performance Builders, presented the Home Energy, Comfort, Health, Safety and Durability program and described the home performance method in finding efficiencies and insufficiencies in homes. They explained the Energy Upgrade California Program, participation, the rebate program, and the benefits of an upgrade.

Councilmember DeLaney thanked them for the presentation and the program. She asked staff about the permit fees associated with these kinds of improvements and if the City could put some kind of local incentive program in place for added encouragement.

Vice Mayor Kennedy asked who an interested resident would contact first, and Mr. Keith O'Hara stated that residents should contact them for further information and to see if they were eligible.

#### **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 asked if the North Pacheco annexation application had been submitted. Mayor Schroder responded that it had not. Mr. Alford added that he had been in contact with shop owners in the Broadway Shopping Center and Sun Valley about the possibility of satellite stores in Martinez.

#### **CONSENT CALENDAR**

##### MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of April 6, 2011. [M.Cabral]
2. Motion rejecting claim against the City by Stephanie Olsson, #11-08. [M.Cabral]
3. Motion accepting Check Reconciliation Register dated 04/21/11 and 04/28/11. [C.Spinella/2.1.1]
5. Resolution No. 038-11 authorizing the merger of the City Surplus Parcel identified as Assessor Parcel Numbers 373-183-008 with the 611 Escobar Street parcel; and authorizing the Mayor to sign a grant deed transferring the surplus parcel to the adjoining property owner.[T.Tucker/5.10.02]
6. Resolution No. 039-11 authorizing the City Manager to enter into an agreement with the State Franchise Tax Board to exchange tax data specific to business license information for tax administration purposes. [K.Sosa/02.01.00&03.01.00]

Councilmember DeLaney requested that Item #7, Proposition 84 grants, be removed from the Consent Calendar; and Councilmember Ross requested that Item 4, 2010-11 paving project be removed.

Mayor Schroder clarified and explained Item #5, surplus property regarding Escobar parcel, noting that it was the finalization of an agreement the City had previously made.

On motion by Janet Kennedy, Vice Mayor, seconded by Michael Menesini, Councilmember, to approve approving Items #1 through #3 and Items #5 and #6 of the Consent Calendar. Motion unanimously passed 5 - 0.

4. Resolution No. 037-11 accepting bids for the 2010-11 Paving Project and awarding the construction contract to Bay Cities Paving and Grading Inc. in an amount of \$555,537.00. [T.Tucker/12.04.00]

Councilmember Ross asked if only major arterials would be paved or if residential streets would be included. City Engineer Tim Tucker responded that it would include both.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 037-11 accepting bids for the 2010-11 Paving Project and awarding the construction contract to Bay Cities Paving and Grading Inc. in an amount of \$555,537.00. Motion unanimously passed 5 - 0.

7. Proposition 84 Grant: [M.Austin/11.01.00]

- A. Resolution No, 040-11 approving an application for the Statewide Park Program Grant Funds for expansion of Waterfront Park; and
- B. Resolution No. 041-11 approving an application for Statewide Park Program Grant Funds for a New Park at Center Avenue.

Councilmember DeLaney encouraged residents interested in a BMX park to attend the upcoming meetings on this subject.

Vice Mayor Kennedy asked for more information on the size of the Center Avenue site, which Recreation Manager Mitch Austin provided.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No, 040-11 approving an application for the Statewide Park Program Grant Funds for expansion of Waterfront Park; and Resolution No. 041-11 approving an application for Statewide Park Program Grant Funds for a New Park at Center Avenue. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

8. Conduct public hearing to consider resolutions regarding Allied Waste Systems (d.b.a. Pleasant Hill Bayshore Disposal): [M.Chander/31.02.00]
  - A. Resolution authorizing the City Manager to execute ten-year extensions to the franchise agreements between the City of Martinez and Allied Waste Systems, Inc., d.b.a. Pleasant Hill Bayshore Disposal, for Solid Waste and Residential Recycling Services; and
  - B. Resolution adopting a resolution approve the March 2011 Rate Setting Process and Methodology Manual for Solid Waste Charges.

Michael Chandler, Senior Management Analyst, presented the staff report, explaining the benefits and process of franchise extension enhancements and improvements that had been negotiated in the agreement. He also summarized the Rate Manual Update.

Mayor Schroder thanked Mr. Chandler for the presentation and commended staff on the successful negotiation. He commented on the good relationship the City has with Allied Waste. Councilmember Ross thanked Allied Waste for their generosity and staff for their work. He also asked about the planned purchase of new vehicles, which Tim Argenti, General Manager of Allied Waste, discussed.

Councilmember DeLaney suggested a change to some of the rates to create an incentive for people to use smaller refuse containers. Eric Nylund, NewPoint Group, stated that they would look into it at the next rate update in 2013.

Vice Mayor Kennedy thanked Allied Waste and noted that they are one of the partners of the Watershed Council.

Councilmember Menesini asked Mr. Chandler what the Community Impact Payment of \$500,000 going into the Special Recycling Fund would be used for, and Mr. Chandler summarized its uses were specifically for maintenance and repair of differential impacts, primarily on streets and storm drains, caused by the hauler's vehicles and collection operations. Councilmember Menesini also asked what Public Works would do with the extra funds; Public Works Director Dave Scola mentioned some repair and clean-up needs. Mr. Argenti stated that they were planning to contract with Commercial Support Services to periodically help with litter control throughout the city.

Mayor Schroder opened the Item for public comment.

Mike Alford congratulated staff for their work and negotiation, and stated that the program was very good and well-executed.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 042-11 authorizing the City Manager to execute ten-year extensions to the franchise agreements between the City of Martinez and Allied Waste Systems, Inc., d.b.a. Pleasant Hill Bayshore Disposal, for Solid Waste and Residential Recycling Services; and Resolution No. 043-11 adopting a resolution approve the March 2011 Rate Setting Process and Methodology Manual for Solid Waste Charges. Motion unanimously passed 5 - 0.

## **CITY MANAGER**

9. Resolution authorizing staff to receive cash donations from Friends of the Library to hire and pay for an attendant to supervise use of the renovated downstairs library for two years, in an amount not to exceed \$15,000 per year. [M.Austin/5.18.02]

Mitch Austin, Recreation Manager, presented the staff report. He summarized some of the expected uses of the downstairs portion of the library were mainly programs for youth and children. Mr. Austin explained the need for an attendant was due to the unsupervised use of the downstairs which presented a risk to the facility and the public.

Mayor Schroder thanked Mr. Austin and stated that he was glad a solution had been found.

Vice Mayor Kennedy confirmed with Mr. Austin that the children's books would stay upstairs. Mr. Austin added that the space downstairs could be converted later if the funds became available. Vice Mayor Kennedy also noted that there would be a fundraising Spaghetti Feed on Saturday, May 14, hosted by Friends of the Library.

Councilmember DeLaney confirmed with Mr. Austin that the donations for the position were already in-hand.

Councilmember Ross agreed that this was a good opportunity.

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

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 045-11 authorizing staff to receive cash donations from Friends of the Library to hire and pay for an attendant to supervise use of the renovated downstairs library for two years, in an amount not to exceed \$15,000 per year. Motion unanimously passed 5 - 0.

#### 10. City Manager Comment(s)/Update(s)/Report(s).

City Manager Philip Vince reported that a new redevelopment bill Senate Bill 286 is being proposed and may be a promising compromise; he also reported that Assembly Bill 184 was passed, encouraging residents who want to seismically retrofit their homes. Residents will be able to use their property tax, twice a year, to pay back the loan.

Councilmember DeLaney asked for a status report on the Paul Starzyk Bill and SB 551 Marina Land Trust that Senator DeSaulnier is sponsoring. Chief of Police Gary Peterson stated that the Paul Starzyk Overcross had to be amended; it has gone back to the Committee and should be approved shortly. Recreation Manager Mitch Austin stated that SB 551 is going through the committee process, and staff is working with the State Lands Commission to revise it.

### **CHIEF OF POLICE**

#### 11. Chief of Police Comment(s)/Update(s)/Report(s).

Chief of Police Peterson recognized members of the Police Department who attended the California Peace Officers Memorial services on May 2nd and 3rd to memorialize eleven police officers who were lost in the line of duty in 2010. Chief Peterson gave special recognition to Officer Dodd, who escorted Shannon Starzyk (spouse of Sgt. Paul Starzyk) to the ceremony. Chief Peterson indicated that he is very proud of his officers who have continued to stand by the Starzyk family.

Vice Mayor Kennedy asked about information about the bike ride. Chief Peterson announced that next week is National Police Officer Memorial Week and several members of the Police Department, including himself, will be traveling to Washington D.C. Shannon Starzyk and Detective Fred Ferrer will ride in the Police Unity Tour starting in New Jersey and ending in Washington D.C. where other members of the Department will be waiting for them.

## **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

### **CITY COUNCIL**

#### 12. Council Subcommittee Quarterly Reports.

Councilmember Lara DeLaney reported that she and Vice Mayor Kennedy attended the the Economic Development Subcommittee meeting held today, May 4, regarding the status of 630 Court Street. She noted that since the City is no longer going forward with the proposal from Goldberg and Associates, the City is considering a prior proposal from David Fisher, who has come forward with a company that is committed to putting money towards the project and will be doing a complete restoration of the building. Councilmember DeLaney invited the public to attend the next Economic Development Subcommittee meeting, on May 11th at noon in the City Manager's Office, to discuss this new opportunity.

Vice Mayor Janet Kennedy stated that a member from the Arts Association was concerned with the Gallery's relocation, should the project become a reality. Vice Mayor Kennedy noted that there needs to be some options for the Gallery, since the City doesn't want to lose it.

Councilmember Lara DeLaney further reported that she and Councilmember Mark Ross attended a Budget Subcommittee meeting on Tuesday, May 3.

Councilmember Ross indicated that they discussed the budget presentation, pictures for the budget document, and worked on a list to award grants from the Community Budget.

#### 13. Authorizing the Mayor and/or the City Manager to enter into Letters of Intent with both Universal Sports Academy and California Court Side for use of the Zocchi property. [M.Austin/5.23.00]

City Manager Philip Vince presented the staff report. He explained why the letters of intent were being written after other steps in the negotiations had been completed. Staff recommended creation of a Zocchi Ad Hoc Committee specifically for the agreement; Mayor Schroder appointed Vice Mayor Kennedy and Councilmember Lara DeLaney.

Lara DeLaney requested that the letters of intent be amended with correct addresses and a statement that it is *a building owned by the City*.

Councilmember Mark Ross requested that under 4F, a letter from CCTA be included clarifying parcel usage and parking. Staff confirmed it was being worked on.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, authorize the Mayor and/or the City Manager to enter into Letters of Intent with both Universal Sports Academy and California Court Side for use of the Zocchi property *as amended*. Motion unanimously passed 5 - 0.

14. Consider a resolution recognizing the 35 years of the Yuba City Union High School Choir. (Councilmember Ross) [M.Cabral/11.05.06]

Mayor Schroder explained that the resolution was requested by Councilmember Ross to recognize the accident that had occurred on May 21, 1976. Councilmember Ross proposed a few minor changes to the text of the resolution, and volunteered to deliver it to Yuba City.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Vice Mayor, Resolution No. 044-11 recognizing the 35 years of the Yuba City Union High School Choir *as modified by Councilmember Ross*. Motion unanimously passed 5 - 0.

15. City Council Comments.

Councilmember Mark Ross remarked on the comments made by Dr. Robert Lustic regarding sugar and healthy eating, and he said he was proud of Martinez' efforts in being involved in the Mayor's Challenge for our children.

Councilmember Lara DeLaney announced that the Board of Supervisors will be conducting workshops on the 2011 redistricting for the supervisorial boundaries for Contra Costa County and encouraged the Council and the public to get involved. Councilmember DeLaney noted the website: [ccredistricting.org](http://ccredistricting.org). Councilmember Ross stated that the changes to Martinez were unnecessary and would not be beneficial to the City. Councilmember Menesini disagreed, noting that there were benefits to having more than one district in the City. Councilmember DeLaney noted that the boundaries being discussed were only preliminary.

Mayor Janet Kennedy congratulated the Chamber on the Citizens of the Year Dinner which was a great event; and she congratulated the winners. She also noted that if the redistricting divided Martinez using Highway 4 as a boundary, it would intensify divisions that were already felt between parts of the City. She agreed that it is important to get involved by listening and engaging.

Mayor Rob Schroder announced the Mayor's Wellness City Challenge on May 7th at the Mt. Diablo High School Gymnasium, which is being hosted by the International Hospitality Tourist Academy. He will be on a panel along with Rami Ruth, Martinez Unified School District Superintendent, and others, and will be discussing the Martinez Project, which is a pilot program that is being sponsored by the MUSD. The program has been and will continue to study and change all the food served on campus, such as replacing high fructose items with healthy items, i.e., flavored waters instead of sodas. He noted that it would take time for the changes to be made and for them to begin to change the culture.

## **ADJOURNMENT**

Adjourned at 9:15 p.m. to a Budget Workshop at 5:30 p.m. on May 18, 2011, reconvening to a Regular Meeting 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 – 6/1/11