

CALL TO ORDER

Mayor Schroder called the meeting to order in the Council Chambers at 6:10 p.m. with all members present except Councilmember Menesini.

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

**Councilmember Menesini arrived at 6:25 p.m.*

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 Assoc.; and Martinez Police Officers Association.

PUBLIC COMMENT (Only on items listed on the agenda)

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:10 p.m. He reported that a closed session was held regarding Conference with Labor Negotiators 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.

Mayor Schroder requested that an Urgency Item be added to the agenda under Chief of Police listed as Item #15A, approving a letter supporting AB x1 41, Vehicle License Fee restoration and that the item would be heard by the State legislature before the next Council meeting.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, add an urgency item approving a letter supporting AB x1 41, Vehicle License Fee restoration. Motion unanimously passed 5 - 0.

PRESENTATION(S)

- A. Sister City Visit-- reporting back from Dunbar, Scotland.

Mr. Frank Walsh, assisted by his wife Carol Walsh, shared pictures and reported back to the Council and community about their wonderful trip as local ambassadors to Martinez' Sister City, Dunbar, Scotland. He reported on a quilt that was given to Dunbar in the year 2000 by women visiting from Martinez.

Mr. Walsh presented the Council with a plaque from Dunbar. He encouraged the Council and the community to continue the relationship as strongly as possible, through the auspices of the Muir Association, and look for ways to make a connection with them.

Mayor Schroder read the inscription commemorating the Sister Cities 30th year anniversary, and he thanked Mr. and Mrs. Walsh for representing the City very well.

C. Proclaiming September 18-24, 2011 as "Falls Prevention Awareness Week."

Proclamation presented to Joanna Marie and Ellen Breshears, Falls Prevention Program. They expressed their appreciation and provided highlights of the program. They announced and invited the public to the second annual "Walk for Fall Prevention" a fundraising event on September 24th at 9:00 a.m. at 500 Ellinwood Way, Pleasant Hill, for more information contact 925.937.8311 x 102 or info@fallpreventionwalk.org.

D. Proclaiming September 2011 as "National Recovery Month."

Mayor Schroder and the Council presented a Proclamation to Doug Sibley, Chair of the Alcohol & Other Drugs Advisory Board. Mr. Sibley noted this is the third year of the proclamation, and he commented on the benefits of promoting awareness of the issues.

B. Recognition of J.T. Archuletta for his act of heroism.

Mayor Schroder spoke about the fire in the 4100 block of Arthur Road where a 59 year old man was rescued by the quick and brave actions of J.T. Archuletta and Israel Hoagland. J.T. was presented a Certificate of Recognition for his act of bravery (Israel could not be located).

PUBLIC COMMENT

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

Richard Verrilli noted that the Oakland Museum is doing a special presentation on John Muir. He spoke to one of the docents to see if something could be displayed about the John Muir House in Martinez; he urged the City to follow through. Mr. Verrilli also commented on the Grand Jury response regarding ethics, which was on the agenda for the August 17th Special Council meeting. He criticized the Mayor for sending a letter as a member of LAFCO to the Brentwood Press, in which an apology was made to the Mayors' Conference but not the City. Mayor Schroder explained what occurred, which triggered changes in bylaws both at LAFCO and the Mayors Conference; he further indicated that it was a mistake and a learning experience and that the ethics training in the City is more than adequate.

Doug Stewart provided an update on the homeless issue in Martinez, noting there had been 500 contacts last month, through the Police Department, the Sheriff's Office, the VA Hospital, the County, and Amtrak. He noted that there are still problems with released inmates catching the bus at night, and the posted signs indicate the wrong times. Mr. Stewart stated that he will be going to Sacramento on September 21; Amtrak will be recognizing the Outreach for cutting down on the number of non-passengers at the station. He indicated that he wrote Amtrak stating that it was not only the Outreach but the good work of the Martinez Police Department. Mr. Stewart commented that they rode around with a reporter from Diablo Magazine, and there will be an article in the December issue. Mayor Schroder stated that he would be in contact with the general manager at the County Connection to correct the posted signs.

Scott Alstad recapped the Hip Hop performance on Saturday, September 3rd to raise money for the Boys and Girls Club interior. He expressed appreciation to City employees, Allied Waste, Wal-Mart, and the community at large. He reported that they raised \$2000 for the Boys and Girls Club. Vice Mayor Kennedy said she heard it was an excellent event with a great performance.

Mike Alford spoke on increasing violence in the City, urging a crackdown before it goes any further. He suggested that if the County releases inmates late in the evening, they should keep them overnight in their waiting room area, which would solve the problems during the night. Chief of Police Gary Peterson stated that the Sheriff's Office is not releasing inmates at night, they are released in the morning, and they are voluntarily missing the bus and hanging around. Chief Peterson noted that he would contact the Sheriff's Office to verify that this is still their policy.

Seeing no further speakers, Mayor Schroder closed public comment.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

2. Motion rejecting claims against the City by Jimmy Reynoso, #11-19; Peter Billecci, #11-20; Rose Hofer, #11-07; and Kathleen O'Hagan, #11-17. [M.Cabral]
3. Motion accepting Check Reconciliation Registers dated 07/21/11, 07/22/11, 07/28/11, 08/04/11, 08/05/11, 08/11/11, 08/18/11, and 09/01/11. [C.Spinella/21.1]
4. Resolution No. 087-11 extending the current Lease Agreement between the City and Lasting Impressions for use of the Morello Childcare Facility until end of the 2011/12 school year. [M.Austin/6.10.05]
5. Resolution No. 088-11 approving the General Obligation Bond Tax Rate for the 2011/12 tax roll and directing submittal to Contra Costa County. [C.Spinella/02.09.00]
7. Resolution No. 090-11 authorizing the City Manager to submit an application and execute an agreement with the California Department of Boating and Waterways for a Boat Launching Facilities Grant requesting \$750,000 to support replacement of the eastern breakwater wall at the Martinez Marina. [M.Austin/3.10.00&14.01.00]

8. Resolution No. 091-11 authorizing the City Manager to execute a Consultant Services Agreement with Nolte Vertical Five for the design of the Intermodal Facility Phase 3 Parking Lot Expansion Project. [T.Tucker/6.7.0]
9. Resolution No. 092-11 authorizing the City Manager to execute a consultant services agreement with ARUP North America Ltd for the Court Street Overcrossing Study not to exceed \$165,000. [T.Tucker/6.7.15]
10. Resolution No. 093-11 supporting a mural to be painted on the tunnel connecting Franklin Canyon Road to the East Bay Regional Park District trails and the John Muir National Historic Site. [M.Cabral/4100.05]
11. Resolution No. 094-11 of support for Food and Drug Administration banning Menthol in cigarettes and flavoring in other Tobacco products. [M.Cabral/07.08.00]

Councilmember DeLaney requested that Item #6 be pulled for clarification.

Mayor Schroder opened Items #1-5 and #7-11 for public comment.

Regarding Item #9, Mike Alford expressed concern about costs for the consultant to do the Overcrossing study. Mayor Schroder explained it was not from the City's General Fund, but from Measure J.

Doug Sibley commented on Item #11, expressing appreciation for the City's support of the FDA ban.

Ralph Bell and Ronda Zollinger, New Leaf Sustainable Living Collaborative, commented on Item 10 and plans for the mural, noting that the City resolution in support was required to be sent with the application to Caltrans. Ms. Zollinger expressed gratitude for the partnership with the Park District. She added that it will be the same artist doing this mural as did the previous one, but it also could be opened up to Alhambra High School Students.

Seeing no further speakers, Mayor Schroder closed public comment on Items #1-5 and #7-11 of the Consent Calendar.

Councilmember Delaney requested that Item #1 be pulled since she was not present for the August 17th meeting. She also commented on Item #11, saying that although she supports the concept, this is a federal issue - she would ask that the Council discourage future federal issues before the Council. Mayor Schroder explained he felt the same way, but he added this one because it was similar to other tobacco legislation that the Council had passed.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Items #2 through #5 and Items #7 through #11 of the Consent Calendar. Motion unanimously passed 5 - 0.

6. Resolution No. 089-11 authorizing the Chief of Police to accept and expend \$190,000 in grant funding to help protect the buffer zone around the Shell Martinez Refinery. [G.Peterson/04.08.00&07.04.01]

Councilmember DeLaney asked for clarification on the allocation of the funding - whether it will be separated between the refinery and the Police Department, or all to the City. Chief Peterson explained it is a grant to the City for the full amount, but it has been separated following negotiations with Shell, so they can make their own improvements on their property.

Councilmember DeLaney asked how the grant came about, and Chief Peterson explained the process. Councilmember DeLaney asked if the command, control, and communications benefits would accrue to the City as a whole, or just to the buffer zone. Chief Peterson confirmed there would be a collateral benefit.

Mayor Schroder opened public comment on the item.

Mike Alford asked what was meant by "buffer zone," the extent and purpose. Chief Peterson said it is the area around the refinery, and there are specific parameters. Mr. Alford expressed concern about impacts on the freedoms of private citizens. Chief Peterson said the goal is to maintain a perimeter of safety around the refinery.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Resolution No. 089-11 authorizing the Chief of Police to accept and expend \$190,000 in grant funding to help protect the buffer zone around the Shell Martinez Refinery. Motion unanimously passed 5 - 0.

1. Motion approving City Council Minutes of July 6, July 18, July 20, August 17, and August 22, 2011. [M.Cabral]

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Vice Mayor, to approve Item #1, City Council Minutes of July 6, July 18, July 20, and August 22, 2011. Motion unanimously passed 5 - 0.

On motion by Janet Kennedy, Vice Mayor, seconded by Mark Ross, Councilmember, to approve City Council Minutes of August 17, 2011. Motion unanimously passed 4 - 0. Abstain: Lara DeLaney, Councilmember; Rest, Ayes.

PUBLIC HEARING(S)

12. Public hearing to consider CBS Billboard Relocation. [M.Chandler&C.Simon/9.10.01/Agreement/19.03.22]
 - A. Resolution No. 095-11 approving a Mitigated Negative Declaration; and
 - B. Introduce an ordinance amending Chapter 16.68.080 (nonconforming signs; off-site signs) and Section 22.18.060 (industrial districts; conditional uses) of the Martinez Municipal Code relating to relocation agreements for nonconforming off-site signs ("billboards"); and
 - C. Resolution authorizing the City Manager to execute a Relocation Agreement with CBS Outdoor, Inc. --Continued.

Senior Management Analyst Michael Chandler began the presentation with an overview of the project.

Senior Planner Corey Simon discussed Planning issues, including CEQA review and Planning Commission action on the Zoning Text Amendments and the Initial Study.

Mr. Chandler continued with the report, discussing financial benefits, and the opportunity for the City to have a rolling message on the LED sign and change it up to 24 times per year. Councilmember Ross asked whether the message would be limited to City events or notices; Mr. Chandler confirmed there must be a City affiliation with the messages.

Councilmember DeLaney said she thought it would be helpful to have a consistent and clear policy regarding the content of the sign.

Assistant City Attorney Veronica Nebb clarified that the policy is similar to the use of the City website and the community TV channel and would not constitute a public forum. She agreed it might be advisable to have another written policy specific to the billboard itself.

Councilmember DeLaney asked how long a single message would remain on the billboard, given the 24-per-year allowance. Mr. Chandler said it would be up to the City to decide the type and timing of the message.

Mr. Chandler said there were 16 messages total available. He deferred to Mr. Colin Smith of CBS Outdoor, Inc., who discussed their usual practices and the cycling of messages, with 15 paid advertisements and 1 message from the City. Councilmember Ross asked how much one advertisement costs, which Mr. Smith replied around \$7,500 per month.

Councilmember DeLaney asked about the revenue sharing percentage the City will receive, and how 11% was determined. Mr. Chandler reviewed the process of achieving \$120,000 annually.

Councilmember DeLaney asked what kind of documentation the City will receive regarding the revenues. Mr. Smith said a quarterly report will be provided within 60 days, and, upon request, copies of the various contracts.

Mr. Chandler noted that Amber Alerts or other emergency messages will also be allowed. Mr. Smith reviewed visuals of the area and simulations of the proposed signage from both directions on the freeway.

Mayor Schroder asked about the Union Pacific right-of-way, which the property owner discussed.

Councilmember Mark Ross said he thought that a written policy would be good. He asked, and Mr. Smith confirmed that the City will be the sole arbiter of what goes up on the City's portion.

Councilmember DeLaney asked the term of the agreement, and Mr. Chandler said as long as the sign is operational, CBS Outdoor has to provide revenue to the City and allow the City one message. Councilmember DeLaney expressed concern that the City will be locked into the

contract with no opportunity to change the terms. Mr. Chandler explained that the City's share of the revenue is guaranteed at 11%, which means a minimum of \$120,000 per year, but potentially even more.

Mayor Schroder asked the cost of the equipment, and Mr. Smith said it varies, but this particular project will cost around \$600,000-\$700,000.

Councilmember DeLaney asked how the City's contract compares with their contracts with other jurisdictions. Mr. Smith said he thought the 11% share was very equitable for the City.

Assistant City Attorney Veronica Nebb noted that the relocation agreement specifies that if CBS Outdoor should ever stop using the billboard, it will come down. She also noted that since the City's share of the revenue is a percentage rather than a fixed amount, it will automatically increase if the advertising costs increase.

Councilmember DeLaney asked about the timeline for removal of the old billboard and installation of the new one, which Mr. Smith reviewed. He indicated the goal is to have it completed by the end of the year, depending on the permitting process.

Councilmember Menesini asked if the City is indemnified against potential lawsuits from damages resulting from the lighting on the sign or other operational issues. Assistant City Attorney Nebb stated it is not the City's billboard, so the City should have immunity. Councilmember Menesini suggested that the agreement include an indemnification clause. Ms. Nebb said the current agreement already includes that provision, as broad as CBS will agree to. Councilmember Menesini asked if she was satisfied with the provision, and she said she would rather it be stronger, but she did not think further negotiations would change it.

Councilmember Menesini asked what would trigger revocation of the use permit, in terms of the size of the sign, its orientation, etc. Ms. Nebb said Caltrans would govern the brightness, angle, etc. since it is a freeway-oriented sign, based on State law. She indicated the use permit is for the relocation agreement, which is why the billboard will have to come down if the use ceases. She added that if the sign becomes a public nuisance, the City can require it to come down.

Senior Planner Corey Simon reviewed some of the conditions that refer back to provisions in the State statute.

Councilmember Menesini asked the Assistant City Attorney if the City will have any problem shutting down the board if it is not operated within the provisions of the State law. Ms. Nebb said no, it would then be designated a nuisance and required to come down.

Mayor Schroder asked about the process the state follows if an operator violates their terms, and Assistant City Attorney Nebb discussed the noticing process by the State or Caltrans. Councilmember Menesini said he would rather have stronger language and greater authority for the City to act.

Assistant City Attorney Nebb said the item could be continued in order for staff to research the possibilities for adding self help remedies to the agreement. Councilmember DeLaney expressed concern about holding up the process for the applicant.

Mr. Smith indicated they have never received a notice from the state, and in fact, they keep their lights dimmer than required.

Ms. Nebb noted that the Council could approve the Mitigated Negative Declaration and introduction of the ordinance amending the Municipal Code, thus allowing staff to negotiate further with the applicant regarding Councilmember Menesini's request.

Mayor Schroder opened the public hearing.

Bill Schilz expressed excitement at the possibility and the technology. He asked for clarification on gross receipts and net receipts. He specifically asked if there is minimum revenue guaranteed to the City, and he agreed with Councilmember Menesini that the Council should add the condition authorizing the City to act if the operator is in violation.

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

Assistant City Attorney Nebb responded to Mr. Schilz' question about net receipts versus gross receipts, noting the definition of net receipts was included in the agreement, with only a limited commission. Councilmember Ross pointed out that there is an annual audit as well.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 095-11 approving a Mitigated Negative Declaration for the CBS billboard relocation. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve introduction of an ordinance amending Chapter 16.68.080 (nonconforming signs; off-site signs) and Section 22.18.060 (industrial districts; conditional uses) of the Martinez Municipal Code relating to relocation agreements for nonconforming off-site signs ("billboards"). Motion unanimously passed 5 - 0.

Resolution authorizing the City Manager to execute a Relocation Agreement with CBS Outdoor, Inc. , continued to a future meeting.

CITY MANAGER

13. Resolution No. 096-11 authorizing expenditure appropriations in the amount of \$50,000 from the Shell settlement funding for relocating the Yuba City bus memorial, paving, security gate for public dock used by the Sea Scouts, and lighting upgrades of the fishing pier at the Martinez waterfront. [M.Austin/11.05.06&14.05.00]

Recreation Manager Mitch Austin presented the staff report, including past Council action, subsequent changes at the Marina, and recommendations from the Marina Subcommittee of the Parks, Recreation, Marina and Cultural Commission (PRMCC).

Councilmember Menesini insisted that staff contact Yuba City regarding the project. Councilmember Ross suggested that the memorial be enhanced and not just relocated.

Mayor Schroder opened public comment on the item.

Mike Alford recalled the the Yuba City Bus accident and agreed with Councilmember Ross' comments that something more fitting be built.

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

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 096-11 authorizing expenditure appropriations in the amount of \$50,000 from the Shell settlement funding for relocating and *enhancing* the Yuba City bus memorial, paving, security gate for public dock used by the Sea Scouts, and lighting upgrades of the fishing pier at the Martinez waterfront. Motion unanimously passed 5 - 0.

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

No comments made.

CHIEF OF POLICE

15. B. Chief of Police Comment(s)/Update(s)/Report(s).

Chief of Police Gary Peterson thanked the men and women of the Martinez Police Department and the Honor Guard for attending and honoring Sgt. Paul Starzyk yesterday beginning at 7:00 a.m. with a flag raising ceremony. He also recognized Public Works staff for their strong showing, City employees, Pleasant Hill Chief of Police Dunbar and his staff for their presence and support, former Chief Tom Simonetti, and Shannon Starzyk. He indicated they all recognized Paul's service and honored his memory.

He sadly reported the passing of retired Sergeant Dick Dowling on September 3rd from cancer. He stated that a memorial for Sgt. Dowling will be on Saturday, October 1st at 1:00 p.m. at the Benicia Yacht Club, and the Martinez Police Department will be providing the Honor Guard.

Urgency Item added:

15. A. Motion approving a letter supporting AB x1 41, Vehicle License Fee restoration and authorize the Chief of Police to deliver the letter to Assemblywoman Bonilla's office.
[G.Peterson/2.11.00]

Councilmember DeLaney made the presentation, explaining that the proposal is to increase the VLF rate to restore funding for public safety programs that have been cut. Chief Peterson reported that the City has lost about \$129,000 in funding this year due to the cuts, and it could be more next year.

Councilmember Menesini expressed support for the fee restoration.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve a letter supporting AB x1 41, Vehicle License Fee restoration and authorize the Chief of Police to deliver the letter to Assemblywoman Bonilla's office. Motion unanimously passed 5 - 0.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

16. Consider the following appointments: [M.Cabral/16.00.04]

A. Appoint Gay Gerlack (current Alternate) as Commissioner to the PRMCC for a four year term, and the Alternate position will remain vacant. [16.10.01]

On motion by Rob Schroder, Mayor, no second required appoint Gay Gerlack (current Alternate) as Commissioner to the PRMCC for a four year term, and the Alternate position will remain vacant. Motion unanimously passed 5 - 0.

B. Appoint Jim Blair as an Alternate Commissioner to the Planning Commission. [16.06.01]

On motion by Rob Schroder, Mayor, no second required appoint Jim Blair as an Alternate Commissioner to the Planning Commission. Motion unanimously passed 5 - 0.

C. Appoint Richard Patchin as representative of the PRMCC; Marta Van Loan as a new member at large, and Brian Griffin as a member active in youth sports to the Bond Oversight Committee. [16.17.17]

On motion by Rob Schroder, Mayor, no second required appoint Richard Patchin as representative of the PRMCC; Marta Van Loan as a new member at large, and Brian Griffin as a member active in youth sports to the Bond Oversight Committee. Motion unanimously passed 5- 0.

D. Appoint Dick Evans as the City's representative to the Contra Costa Transportation Authority CAC for a two year term. [6.7.15]

On motion by Rob Schroder, Mayor, no second required appoint Dick Evans as the City's representative to the Contra Costa Transportation Authority CAC for a two year term. Motion unanimously passed 5 - 0.

17. Ad Hoc Committees:

A. Create an Alhambra Highlands Ad Hoc Committee and appointment Councilmember Mark Ross and _____. [41.06.01]

Mayor Schroder asked Councilmember DeLaney if she would serve with Councilmember Ross on this committee, to work with the Citizens Committee. She expressed willingness to serve. On motion by Rob Schroder, Mayor, no second required create an Alhambra Highlands Ad Hoc Committee and appointment of Councilmembers Mark Ross and Lara DeLaney. Motion unanimously passed 5 - 0.

- B. Create a General Plan Update Liaison Ad Hoc Committee and appointment Councilmember Michael Menesini and Mayor Rob Schroder. [41.06.01]

On motion by Rob Schroder, Mayor, no second required create a General Plan Update Liaison Ad Hoc Committee and appointment of Councilmember Michael Menesini and Mayor Rob Schroder. Motion unanimously passed 5 - 0.

CITY COUNCIL

18. Consider a new "Sister City" relationship between the City of Martinez and the town of Stresa, Italy. [M.Cabral/7.1.2]

Mayor Rob Schroder presented the staff report, including a summary of his trip to Stresa and their interest in Joe Dimaggio. He discussed similarities between the two cities, and an adhoc citizens group that has been formed to investigate the possibilities. He also noted that Carol and Jim Hatch will be traveling there in a couple of weeks and have volunteered to begin the process on the City's behalf.

Councilmember Menesini said he could support the resolution.

Councilmember DeLaney said she was surprised Martinez didn't already have a sister city in Italy, given the Italian heritage in the City. Councilmember Menesini said he thought they did.

Mayor Schroder opened and closed public comment on the item with no one coming forward. On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve a new "Sister City" relationship between the City of Martinez and the town of Stresa, Italy. Motion unanimously passed 5 - 0.

19. Council Subcommittee Reports.

Vice Mayor Kennedy reported out on the Economic Development Subcommittee meeting on August 24th with David and Kirsten Fisher regarding the 630 Court Street development which is moving forward, and she also discussed the possible purchase of 610 Court Street.

Mr. Vince indicated staff was working to get the County to designate 610 Court Street as surplus property.

Councilmember DeLaney added that the Fishers want to add conditions to the deed, one of them being, the building is to remain a restaurant. Councilmember DeLaney stated that the information received was very positive.

Councilmember Ross said he thought combining 610 and 630 Court Street would be an opportunity for the City to create a plaza area in the downtown.

Staff also provided an update on the sport complexes (Zocchi property) and the studies that have been completed.

20. City Council Comments.

Councilmember Lara DeLaney requested that staff look into removing the oil blotch on the new brick pavers on Marina Vista adjacent to the Clerk Recorder.

Councilmember Mark Ross requested that the street lights out in the Marina be replaced.

Vice Mayor Janet Kennedy recognized John Curtis from Main Street Martinez and commended him for working things out so that the Sunday Farmers' Market will be open all year round. She also announced the Martinis in the Plaza event on September 16th, noting tickets are still available; the Shell Martinez Education Fund Fun Run will be held on October 1st with a Pasta Feed on September 30th sponsored by the Kiwanis and the Rotary Club; and Saturday, October 8th is the Martinez Historic Home Tour. Vice Mayor Kennedy excused herself from the next Council meeting, since she will be attending the League of California Cities Conference in San Francisco.

Councilmember Menesini requested to know the status on 135 Berrellesa Street. City Manager Vince stated that staff has followed the direction which was received in Closed Session. Public Works Director Dave Scola informed the Council that the City submitted another offer for the property.

Mayor Schroder recognized the many improvements in the downtown, including clustering of the newspaper racks into four or six locations, installation of LED lights in the street lamps and repainting of the posts, all of which look great. He asked about the timeline for the Marina Vista Project, which Public Works Director Scola provided. Mayor Schroder also announced the 3rd Annual Mayor's Healthy Cook-Off Challenge on Saturday, September 10, at 8:00 a.m. in downtown Clayton; and on Sunday, the 10th Anniversary of September 11th will include a ceremony at 8:00 a.m. at the memorial in front of the Intermodal Station. Mayor Schroder requested that the meeting adjourn in memory of retired Sgt. Dick Dowling; he reviewed Sgt. Dowling's achievements.

ADJOURNMENT

Adjourned at 9:35 p.m. *in memory of Sergeant Richard "Dick" Dowling (Retired)* then to a Regular City Council Meeting on September 21, 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 -10/19/11

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, and Rob Schroder, Mayor.

EXCUSED: Janet Kennedy, Vice Mayor.

ABSENT: None.

PRESENTATION(S)

A. Certificate of Recognition to Jeanne Sharkey former Civil Service Commissioner.

Mayor Schroder presented to Jeanne Sharkey a plaque for 24 years of dedicated service as Commissioner from 1987-2011.

B. Certificate of Recognition State Fair First Place Winner for "Best of Class, Knitting, California Creative Arts."

Mayor presented Certificate of Recognition to Michelle Maurer. Ms. Maurer expressed her appreciation to the Council, and displayed her 1st place ribbon and her blanket.

C. Proclaiming October 2011 as Domestic Violence Awareness Month.

Continued to October 5, 2011.

D. Neighborhood Policing Area Initiative Progress Report.

Presentation presented by Chief of Police Gary Peterson. Chief Peterson reviewed the NPA Initiative and mission, partnerships, policing area assignments, and future NPA meetings. Information is located on the City's website at www.cityofmartinez.org. Residents and businesses are encouraged to participate in the program, meet with their neighborhood officer, and continue to form partnerships.

Councilmember DeLaney asked if any Neighborhood Watch programs had been initiated through this process. Chief Peterson confirmed that several programs had been started at the request of the neighborhoods and with the help of the department.

Mayor Schroder, noting that his late wife had started their community's Neighborhood Watch program in response to a burglary, stated that it was important to have a few dedicated and motivated people to keep up with the program. Chief Peterson agreed and stated that the NPA's purpose was to give people information and tools to keep them safe.

Councilmember DeLaney thanked him for the presentation and the work, but expressed concern that not enough people knew about the program. She wondered if more could be done to publicize the program. Chief Peterson agreed and explained some ideas the department was looking into, such as Twitter and community evaluation.

Councilmember DeLaney asked how the annexations would be incorporated. Chief Peterson explained that the areas adjacent to the annexations were purposefully smaller so that the annexations could be added.

Councilmember Menesini congratulated the Chief on the efforts to improve communication between the community and the department. He expressed concern that 24 areas might be too many. Chief Peterson explained that there were 24 areas because the department has 24 patrol officers, and it would be easier to go to fewer areas than more. Councilmember Menesini suggested that it might be better for the communities to have two or three officers to go to. He also suggested ways to improve notification of meetings.

Councilmember Ross agreed with his fellow Councilmembers and commended the Chief.

PUBLIC COMMENT

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

John Curtis and Carolyn Boone, representing the Home Tour Committee, announced the 5th Annual Home Tour on Saturday, October 8th, starting at the Shell Club House at 10:00 a.m. Mr. Curtis stated the John Muir Museum will also be opened, and a shuttle service will be provided to and from the Museum and the Shell Club House. For further information or tickets visit www.martinezhometour.com or e-mail MartinezHomeTour@yahoo.com or contact Carolyn Boone; and flyers were made available.

Mr. Curtis also announced the Italian Street Painting Festival on September 24th and 25th, 10:00 a.m. - 5:00 p.m., including a Wine Stroll. A new event will be mixed in called Little Italy, featuring Italian vendors, food, and entertainment.

Mike Alford stated that for a couple years he has been requesting information as to why Shell Oil does not pay the City any revenue from selling bunker fuel, and he still has yet to receive an answer. Assistant City Manager Alan Shear stated that the item will be researched by the City's new sales tax auditors, and perhaps a report can be made at the October 5th meeting. Councilmember Ross suggested that the City contact the Betty Yee, Board of Equalization.

Kristin Henderson provided information of the official criteria differentiating between something historic and something old.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion accepting Check Reconciliation Register dated 09/15/11. [C.Spinella/2.1.1]

2. Motion adopting Ordinance No. 1364 C.S. amending Chapter 16.68.080 (nonconforming signs; off-site signs) and Section 22.18.060 (industrial districts; conditional uses) of the Martinez Municipal Code. [9.10.01]
3. Resolution No. 097-11 authorizing destruction of City files pertaining to the City Clerk's Office, City Manager's Office, Planning Division, and Police Department. [M.Cabral/40.10.01]
4. Resolution No. 098-11 approving the City's portion of the Contra Costa County Hazard Mitigation Plan. [E.Ghisletta]
5. Resolution No. 099-11 authorizing the City manager to execute a Relocation Agreement with CBS Outdoor, Inc. (continued from meeting of 9/21/11). [M.Chandler/19.03.22]

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

PUBLIC HEARING(S)

6. Public hearing to consider a resolution approving receipt of \$100,000 from the State of California's Supplemental Law Enforcement Services Funds, and authorizing the Chief of Police to receive funding provided by this grant. [G.Peterson/4.8.0]

Chief of Police Gary Peterson presented the staff report explaining that the State grants money to local agencies for the purpose of ensuring public safety through a program entitled Citizen's Options for Public Safety (COPS). The COPS Program allocates these funds for front line municipal police services.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 100-11 approving receipt of \$100,000 from the State of California's Supplemental Law Enforcement Services Funds, and authorizing the Chief of Police to receive funding provided by this grant. Motion unanimously passed 4 - 0.

CITY MANAGER

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

City Manager Philip Vince reported that the last of the Downtown Matters General Plan workshops has concluded. The workshops have all been videotaped and will be available on Channel 28 and on the City's website, starting on Thursday, September 22nd. Mr. Vince indicated that copies of the videos would be made available at Council's request.

Mayor Schroder read comments sent by Linda Meza, member of the General Plan Taskforce, commending the courage and vision of City Manager Phil Vince for his role in orchestrating the Downtown Matters Workshop.

CHIEF OF POLICE

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

Chief Peterson thanked the Council for the opportunity in allowing him to attend the FBI Academy. He will be leaving on October 1st and returning on December 16th; Captain Ghisletta will be acting in his absence. Chief Peterson expressed his appreciation to Councilmember Menesini who inspired him to go.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

9. Consider appointment of Simon Menesini to the Design Review Committee for a two year term. [M.Cabral/16.00.04&16.11.01]

Councilmember Menesini stated that in order to avoid any appearances, he would abstain from voting, but did not believe there was an issue.

On motion by Rob Schroder, Mayor, no second required appointment of Simon Menesini to the Design Review Committee for a two year term. Motion unanimously passed 3 – 0: Abstain, Michael Menesini, Councilmember; Rest, Ayes.

CITY COUNCIL

10. 2010-11 Climate Action Control Recap. [M.Chandler/30.08.00]

Senior Management Analyst Mike Chandler presented the staff report and provided a PowerPoint presentation of programs and key accomplishments, such as LED streetlights, electric vehicle charging stations, the Energy Upgrade California Workshop, several home-composting and oil-recycling workshops, the City's booth at April's Earth Day event, and the support received from Allied Waste Services.

Councilmember DeLaney asked if there was a way to find out how much the charging stations were being used. Mr. Chandler stated that distinct cars couldn't be tracked, but the number of hours used at each station could be. Councilmember Ross stated that the charging stations were now shown on 511.org's smartphone map. Mr. Chandler also suggested www.mychargepoint.net as another good resource.

Councilmember DeLaney thanked Mr. Chandler for the Energy Update workshop and for all his work and service to the City.

Mayor Schroder opened the Item for public comment.

Kristen Henderson expressed concern about the fact that adaptive reuse of historic buildings was not included in the final Climate Action Plan.

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

11. Council Subcommittee Reports.

12. City Council Comments.

Councilmember Mark Ross stated that he dropped in on the last half of the General Plan Workshop and was impressed by the nature of the exercise, participation, and quality of the conversations expressed by the citizens; and he looked forward to the results.

Councilmember Lara DeLaney expressed appreciation to the Public Works staff responsible for cleaning up the oil stains on Escobar. She further stated that staff is hard at work doing great things for the City behind the scenes, and requested that an update be given at a future meeting.

Councilmember Michael Menesini also expressed favorable comments on the General Plan workshop and commended the City Manager and the rest of the staff for those workshops. Councilmember Menesini mentioned that he, the Mayor, and the City Manager met with Congressman Mike Thompson. Congressman Thompson expressed support with Martinez' issues especially the marina. Councilmember DeLaney suggested that since Martinez would be applying for a federal grant to help with the marina, Congressman Thompson's support and assistance should be solicited.

Mayor Rob Schroder commented on Martinis on the Plaza which was a great event and well attended; 3rd annual Mayors' Healthy Cook-Off in Clayton, Martinez came in 2nd, Concord won first place. He further commented on the 9/11 ceremony which was a nice event; Congressman Miller and Supervisor Glover were present. He announced the opening of the new John Muir Visitor's Center on Saturday, September 25th at 10:00 a.m.

ADJOURNMENT

The meeting adjourned at 8:07 p.m. to Regular City Council Meeting on October 5, 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 – 10/19/11