

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:15 p.m. He indicated that a Joint City Council and Parks, Recreation, Marina, and Cultural Commission meeting was held earlier which went longer than anticipated, causing this meeting to start late.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

A. Carolyn Robinson Citizens' Bond Oversight Committee Update.

City Treasurer Carolyn Robinson reported out on the January 18, 2012 Citizens Bond Oversight Committee meeting. Treasurer Robinson reviewed Phase I and Phase II projects. Phase I projects are in construction: Rankin and Tavan Field and Holiday Highlands Park are well underway. The target date for completion is Memorial Day weekend. Phase II includes Hidden Valley Park, Cappy Ricks, and Nancy Boyd Park. Treasurer Robinson reviewed the timeline for Phase II projects.

The Committee reviewed the Measure H Fund balance, \$5,063,569.39 as of December 31, 2011; and the Committee discussed the next bond issue and decided to use \$10 million, reserving \$5 million for a later date.

Councilmember DeLaney asked for an explanation for the decision to issue \$10 million instead of the full \$15 million. Treasurer Robinson stated that that would cause the tax assessment to increase beyond the limit they had committed to, since revenues were not increasing as they had hoped. She added that there was no reason that the extra \$5 million could not be issued later. Councilmember DeLaney asked if any of the Phase II projects would be pushed back. City Manager Phil Vince stated that the design and construction money for those projects was confirmed; depending on construction costs the City might be able to stretch the funds to complete all the projects.

Vice Mayor Ross asked if any projects had been over budget, and Treasurer Robinson confirmed they had not.

B. Presentation by BART Director Gayle Murray.

Ms. Murray stated that she is the new BART Director for Martinez and wanted to introduce herself. She gave a brief update on BART's projects including 200 new cars with updated seats, the new E-BART which will be going to Antioch, a connection from the Coliseum to the Oakland Airport, an earthquake upgrade and a Fremont extension.

Ms. Murray invited the Council and the public to attend a tour of their facilities next Tuesday, February 7, from 8:30 a.m. to 10:30 a.m. in Hayward; and a tour on March 3, from 8:30 a.m. to 10:30 a.m. in Concord.

Councilmember DeLaney asked about concerns with the cars being built overseas. Ms. Murray stated that there are no carbuilders in the United States anymore, but stated that 60% of the components would be manufactured here and the cars would be assembled here.

Vice Mayor Ross asked about the plan to shift the schedule one hour later on Friday nights. Ms. Murray stated that they had determined this shift would affect the ability of low-income people to get to work, and so they were not going through with it. Vice Mayor Ross also asked about bicycle- and electric car-friendly upgrades. Ms. Murray discussed new bike lockers, solar panels, and charging stations.

Councilmember Menesini expressed approval of the extensions, and remarked that the Capitol Corridor Amtrak station in Martinez had been partially funded by BART, and greatly increased access to other parts of California and the country. He mentioned that it would be helpful to have links to that station from North Concord and Pleasant Hill.

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

Dorothy Buffington and Mary Perez announced the Tri-Decade Reunion, A three-day extravaganza involving Alhambra High School Graduates from 1950-1979 to be held August 17-19. They announced the events that are taking place each day. For further information visit the website: REMEMBERINGMARTINEZ.COM.

Mike Alford reminisced about the last high school reunion.

Rose Martin complained about the pipes being broken again at the Marina and staff not turning the water off and on when necessary. She also asked why the waste station was not working. Mayor Schroder directed staff to look into the matter.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of January 11, 2012. [M.Cabral]
2. Motion accepting Check Register(s) dated 01/13/12 and 01/26/12. [C.Spinella/2.1.1]
3. Motion accepting Cash and Investment Report dated December 31, 2011. [C.Spinella/2.1.1]
4. Resolution No. 004-12 accepting the Tree Replacement Project, Highland and Nancy Boyd Parks per contract documents and instructing the City Clerk to file a Notice of Completion. [D.Salts/11.06.00&11.21.00]

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

5. Resolution authorizing (1) the submittal of an application for a grant from the State of California, Department of Alcoholic Beverage Control in the amount of \$4,000 for Minor Decoy/Shoulder Tap Program; and authorizing (2) the Chief of Police to sign an agreement with the State and any other related documents. [G.Peterson/04.08.00]

Item pulled.

PUBLIC HEARING(S)

CITY MANAGER

6. Marina update and consider a resolution authorizing the City Manager to negotiate and execute a consultant services contract with AnchorQEA to provide a multi episode dredge permit and dredge design services for dredging the entrance and associated areas of the Martinez Marina not to exceed \$225,000." [M.Austin/14.01.01]

Parks and Recreation Manager Mitch Austin gave the staff report. He noted that the City would not be eligible for new grants on the Marina until the outstanding loan was paid off to under \$1 million, which had affected the way staff was approaching Marina improvements. However, staff wanted to start the permitting process since the dredging would need to be completed this year. Mr. Austin provided a PowerPoint presentation update on the Marina including new marina improvement approaches; an overview of Phase I and Phase II, technical studies and permits; Phase III, construction documents, cost estimates, and bid specification; Phase IV, building permits.

Mayor Schroder asked for an estimate of the dredging cost; Mr. Austin stated the last estimate was \$800,000-\$1,000,000, including the \$225,000 for permits and design. He added in response to Councilmember DeLaney that Measure W funds would cover the half of the cost not covered by donations.

Vice Mayor Ross noted that there had been a lot of back-and-forth with the State regarding the changes in permitting and entitlement requirements. He asked if any of the previous expenditures and work would be reusable to this iteration of permitting. Josh Burnam, Principal Environmental Planner for AnchorQEA, stated that none of the work so far had been a waste and that all of the studies done before would be valuable for the project. Vice Mayor Ross which parts of the Marina would be affected by the project, and Mr. Austin reviewed the map and explained which berths would be reclaimed. Vice Mayor Ross confirmed that once those berths were made viable again, a cash-flow analysis would show the Department of Boating and Waterways the value in reclaiming the rest of the Marina.

Vice Mayor Ross asked if any of the sediment was accretion deposits coming from the land side, and Mr. Burnam explained that the majority of the sediment was coming from the river through and over the east wall. Vice Mayor Ross asked how soon the east wall would need to be corrected once the dredging was complete. Mr. Austin explained that the direction of the entrance and the east wall were the two most important areas to improve for maintaining the Marina.

Mayor Schroder noted that the last dredging was in 2008, so the wall and entrance would need to be corrected in the next four years in order to avoid the need for more dredging. Mr. Burnam also noted that it was important to address the east wall before addressing all the shoaling.

Councilmember Menesini confirmed with Mr. Austin that the \$600,000-\$800,000 was just for dredging the west side. He asked how that amount of spending was justifiable, and City Manager Vince explained that reclaiming the berths on the west side would allow the City to see if the Marina would be profitable. If the new revenue did not start coming in following the dredging, staff would reevaluate to see what other options there were; the new revenue would have to be enough at least to cover dredging and maintenance, if not new improvements.

Councilmember DeLaney noted that with these improvements, the City would have spent \$1,724,786 on the Marina in the past few years and had not seen a lot of benefit out of it. She agreed that at some point the City would have to consider cutting its losses.

Councilmember Menesini asked how Shell kept the shipping lanes to their dock open. Mr. Burnam stated that they did not have as much of a sediment problem because the river is high-flowing, but added that they also had a lot on studies and permits, along with all the other marinas in the area.

Mayor Schroder noted that he had been asked why there were any boats in the Marina, given the condition that it is in. He stated that the Martinez Marina was ideally located between the Bay and the Delta, which was its primary attraction. He stated his opinion that if it was cleaned up and rebuilt, they had a good chance of more boaters and charter lines coming in and building the cash flow back up. Vice Mayor Ross agreed and stated that the only other possibility was to close the Marina, and he did not see that as an option.

Councilmember Menesini stated that he was leaning toward approving staff's recommendation, but with reluctance. He expressed disappointment with what the City had been able to achieve with the State, given the importance of the Marina to the area. He stated that the City was maintaining it as a service to the State, so the State had a responsibility to help pay for it, and if the Marina is not viable, then he did not think the City should have to pay back the original loan. Mr. Vince agreed that that was the message staff would be delivering to the State. Councilmember Menesini insisted that the message would need to be conveyed very strongly.

Councilmember Kennedy asked how long the dredging information was good for, and Mr. Burnam stated it was good for three years from the date of the study. He added that the process with the DMMO was very streamlined, and noted that they were looking at new parts of the Marina that hadn't been looked at before. Councilmember Kennedy asked about other marinas in the area, and Mr. Burnam stated that in the future it might be possible to cooperate with Shell or with other marinas to pay for dredging all of them at once, since it is cheaper to do more at the same time.

Councilmember Kennedy asked about the process of getting a land grant instead of leasing. Mr. Austin explained the process and why it would be helpful. Councilmember DeLaney added that they should include forgiveness of the loan in a bill that would go through the legislature.

Mayor Schroder opened the Item for public comment.

Philip Ciaramitaro stated that it did not make sense to spend money on dredging when the wall was not built properly. Mr. Vince stated that the much more expensive wall project could not happen without money from DBAW, which they were not willing to pay.

Mike Alford asked what all the previous money had been spent on, and suggested that it was time for the City to cut its losses.

Larry Barid commented that the rent at the Marina was more expensive and conditions were worse than at other marinas, and agreed that the wall needed to be fixed.

Dick Duncan stated that Martinez was too small to sustain a Marina, that it was not worth it and that there were better uses for the land.

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

Councilmember DeLaney stated that the Council was seriously considering pulling the plug on the Marina, but noted that it was a real historical attraction connected with the heritage and image of Martinez. She added that the money to be spent on the dredging was not coming from the General Fund, but from the Parks fund and from donations. She reiterated that the Council would continue to seriously consider the possibility of giving up the Marina, but stated that she was in favor of this move since the General Fund was not at risk.

Councilmember Menesini agreed with Councilmember DeLaney and reiterated that they would need to come up with a new approach to negotiations with the State.

Councilmember Kennedy echoed her colleagues' frustration, but still expressed hope that the pieces could fall into place for them to save the Marina, since it has so much potential.

Vice Mayor Ross stated that the Council had inherited the problems with the Marina and had to get them taken care of, and added that this seemed to be a good plan.

Mayor Schroder expressed frustration that the plans for the Marina were always changing and being pushed back. He stated that this would probably be the last try to save the Marina, but he thought it was a good plan.

On motion by Mark Ross, Vice Mayor, seconded by Michael Menesini, Councilmember, to approve Resolution No. 005-12 authorizing the City Manager to negotiate and execute a consultant services contract with AnchorQEA to provide a multi episode dredge permit and dredge design services for dredging the entrance and associated areas of the Martinez Marina not to exceed \$225,000." Motion unanimously passed 5 - 0.

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

City Manager Philip Vince announced that he was elected chair of the Public Managers' Association. He stated that his first task is to facilitate a discussion and plan to respond to the State's elimination of redevelopment agencies.

CHIEF OF POLICE

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

Chief of Police Gary Peterson reported that he was named to the Cal Chiefs Law and Legislative Committee; and he announced that the Martinez Police Officers' Association will be hosting a Crab Feed fundraiser on Saturday, February 4, at the Boys and Girls Club to support the Law Enforcement Memorials, Police Unity Tour, and the Tarantino, Starzyk Scholarship fund.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

9. Consider submitting a letter to the Department of Fish and Game Commission opposing proposed changes to the regulations on Striped Bass (Councilmember DeLaney).
[41.01.01]

Councilmember Lara DeLaney provided staff report. She explained the proposed changes, increasing the limit on the number of Striped Bass that could be caught, and decreasing the size. She also summarized the reasons for the changes, as well as the controversy involved. The letter requests that the Department of Fish and Game study the issue scientifically to avoid negative consequences.

Councilmember Menesini stated that it was a good letter and agreed that the eradication of non-native naturalized species can negatively affect the ecosystem. Vice Mayor Ross expressed his support of the letter.

Mayor Schroder opened the Item for public comment.

Donald Pallotta stated that in his fishing experience the number of Striped Bass was already increasing year after year.

Larry Barid agreed that it was hard to catch Striped Bass, and added that there isn't enough meat on a 12-inch Bass to make it worth it.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve submitting a letter to the Department of Fish and Game Commission opposing proposed changes to the regulations on Striped Bass. Motion unanimously passed 5 - 0.

10. Resolution No. 006-12 in support of a new initiative "Choosing Civility" (Mayor Schroder). [41.00.05&41.01.01].

Mayor Schroder gave the staff report. He stated that the Superintendent of Schools for Contra Costa County, Joe Ovick, had introduced the initiative at a recent Mayors Conference and was requesting that the cities in the area adopt it to increase civility not only in schools but in government, businesses, and in daily life.

Councilmember Kennedy requested a copy of the 25 "Rules of Civility" and suggested a copy be posted at City Hall.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 006-12 in support of a new initiative "Choosing Civility." Motion unanimously passed 5 - 0.

11. Consider submitting a letter to Governor Brown Jr. opposing the proposal to eliminate the Department of Boating and Waterways and re-constitute the department as a division within the Department of Parks and Recreation (Councilmember DeLaney).

Consensus to drop issue.

12. Council Subcommittee Reports.

Mayor Schroder reported that the Marina Subcommittee had a meeting and the results and issues were vetted in the meeting tonight. He mentioned that there will be another meeting to discuss marina issues which will be specific issues pointed out earlier regarding the alternatives.

Councilmember Lara DeLaney reported that the Water Subcommittee held a meeting regarding some of the recommended investments on the infrastructure of the plant which should be coming to the Council for approval.

13. City Council Comments.

Councilmember Janet Kennedy reported out from the Housing Community and Economic Development Committee Meeting for the League of California Cities that she attended on January 20th. She stated that they had discussed the Governor's budget proposal and discussed which changes they would oppose. They had also discussed the elimination of redevelopment agencies.

Councilmember Lara DeLaney reported out from the Employee Relations Policy Committee Meeting for the League of California Cities which she attended. They had also discussed the Governor's proposal relating to pensions.

Vice Mayor Mark Ross shared a citizen's compliment of the building/permits division. Councilmember Menesini noted to Chief Peterson that there had been complaints about people smoking in inappropriate areas of Main Street.

Mayor Rob Schroder announced the engagement of his daughter Christy to Ben.

ADJOURNMENT

Adjourned at 9:40 p.m. to a Regular Meeting on February 15, 2012 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 – 3/7/12

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers with all members present except Councilmembers Kennedy and Menesini.

**Councilmember Kennedy arrived shortly after roll call.*

CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8.

Property: 630 Court Street.

Agency Negotiators: Philip Vince, City Manager; Dave Scola, Public Works Director;
Alan Shear, Asst. City Manager; Veronica Nebb, Asst. City Attorney.

Negotiating Parties: City of Martinez and Southport Land Development.

Under Negotiation: Price, terms of payment and other conditions of sale.

- B. PUBLIC COMMENT (On closed session items only)

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

**Councilmember Menesini arrived at 6:15 p.m.*

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He reported that closed session was held with respect to Conference with Real Property Negotiators regarding 630 Court Street, and direction was given to the City's property negotiators; there was nothing else to report.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

- A. Proclamation commemorating March 7-8, 2012 as Arbor Day.

The Council presented the Proclamation to Public Works Director Dave Scola.

B. 2012 Water Treatment Plant Master Plan.

City Engineer Tim Tucker provided a PowerPoint presentation and introduced Alan Pellegrini, Water Superintendent. City Engineer Tucker reviewed the project prioritization summary including water treatment process, project status, and a condition assessment of electrical equipment, obsolete instruments, structural and seismic bracing, mechanical equipment, repair and replacement needs. Mr. Tucker thanked the Council Water Subcommittee consisting of Councilmembers DeLaney and Menesini.

Councilmember DeLaney asked what portion of the \$7 million was available for these projects and what part was reserved for contingencies. Mr. Tucker said that there was about \$3 million reserved for emergencies and the rest was for the projects.

Councilmember Kennedy asked about the schedule and bid process. Mr. Tucker said that the timeline was more fluid and that it would be more appropriate to set different priority levels than to assign projects to specific years. Councilmember Kennedy asked when the bidding for the highest priority projects would take place. Mr. Tucker stated that the design process could begin immediately because the City has on-call contracts.

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 a homeless update for the month of January in the Martinez area. He noted that the RV issue is much improved.

Andrew Steffen, Battalion Chief for Contra Costa Fire, introduced himself as the new appointed liaison to the City. Chief Steffen stated that he will be communicating with the Council, will keep them apprised, and he will make himself available for any concerns.

Rich Verrilli urged the Council to look at banning firewood. He added that it is a time when we have to consider health; and he read an article from the Chronicle recognizing the benefits of banning wood smoke.

Mike Alford commented on a discussion he had had with members of DBAW about the Council's statements regarding the Marina loan. He also expressed concern that the truth was not being heard. Mr. Alford reiterated his past remarks regarding Patch and the Gazette of not allowing the truth to be printed.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion accepting Check Register(s) dated 12/22/11 and 02/09/12. [C.Spinella/2.1.1]
2. Motion approving the 2012 Water Treatment Plant Master Plan. [T.Tucker/15.01.06]
3. Resolution No. 007-12 authorizing the City Manager to execute a Memorandum of

Understanding (MOU) between the City of Martinez and the Martinez Police Officers Association (MPOA) for the contract period of July 1, 2011 through June 30, 2015.
[A.Shear/4.5.6]

4. Resolution No. 008-12 authorizing the Chief of Police or his designee to sign a standard grant agreement with the State of California, Department of Alcoholic Beverage Control and any related documents for the Minor Decoy Operation; and (2) authorize an adjustment to the 2011/2012 budget so the City can receive grant funding as revenue from the State of California, Department of Alcoholic Beverage Control not to exceed \$4000.
[G.Peterson/04.08.00]

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Items #1 through Item #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

CITY MANAGER

5. Resolution approving the mid-year adjustments to the adopted biennial budget for the 2011-2012 fiscal year. [A.Shear&C.Spinella/2.10.00]

Assistant City Manager Alan Shear presented Cathy Spinella, Finance Manager who presented the staff report. She explained the changes to revenue and expenses in the Police Department so that the City would maintain a balanced budget, and noted increases for certain projects which would come from the fund balances. Vice Mayor Ross noted that while property tax transfers were up, total revenue was down—it's something to be aware of.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 009-12 approving the mid-year adjustments to the adopted biennial budget for the 2011-2012 fiscal year. Motion unanimously passed 5 - 0.

6. Resolution authorizing the issuance and sale of its General Obligation Bonds, authorizing and directing the execution of a Paying Agent Agreement and certain other related documents; and authorizing actions related thereto.
[A.Shear&C.Spinella/2.12.00&15.07.02]

Assistant City Manager Alan Shear presented the staff report. He explained the issuance of the first series of bonds and listed the projects that would be completed with this series. He also described the other documents to be executed and actions to be taken.

On motion by Janet Kennedy, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 010-12 authorizing the issuance and sale of its General Obligation Bonds, authorizing and directing the execution of a Paying Agent Agreement and certain other related documents; and authorizing actions related thereto. Motion unanimously passed 5 - 0.

7. Resolution extending the "Economic Stimulus Package" Schedule of Fees for City Services from March 15, 2012 through September 15, 2013 (an 18 month period).

City Manager Philip Vince presented staff report. He described the successes that had been seen since the fee schedule was first instituted, but noted that other expected project activity had not occurred. Staff hoped that additional economic benefit would result with an 18-month extension.

Mayor Schroder asked for more details on the projects that had been started, which Mr. Vince provided. Mayor Schroder commented that he saw the value in extending the fee schedule.

Councilmember DeLaney asked what type of projects had been taking place, which staff described. She noted how important it was that developers and residents know about the program, and requested that a letter be sent to property owners who still need to do seismic upgrades.

Mayor Schroder opened the Item for public comment.

Mike Alford asked who the project was targeting, and suggested that it be used as an incentive to bring in businesses that are leaving other cities.

Rich Verrilli asked what types of fees were included in the schedule. Mayor Schroder stated that it was mainly permitting and developer impact fees.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 011-12 extending the "Economic Stimulus Package" Schedule of Fees for City Services from March 15, 2012 through September 15, 2013 (an 18 month period). Motion unanimously passed 5 - 0.

8. Resolution authorizing expenditure appropriations in the amount of \$275,000 of Shell Donation funds and \$511,000 of Measure WW funds for 2012 Marina Improvements as shown in Exhibit 1(Plan A). [M.Austin/14.01.00]

Contract Recreation Manager Mitch Austin gave a PowerPoint presentation on the Marina Improvement Strategy. He described the overall strategy for the issues with the Marina and listed the planned improvements, including the expected revenue increases. He presented two possible plans for improvements in 2012 for the Council's approval: Plan A includes entrance and dock dredging and new C docks, and Plan B includes dredging only for the entrance and A dock. He noted that there would be additional costs if they had to use an in-bay disposal method for the sediment. He explained the actions the Council would need to take at this meeting, and the research staff would be working on.

Councilmember DeLaney clarified with Mr. Austin the allocation of the Shell donation funds.

Mayor Schroder stated that the Marina Subcommittee's recommendation was Plan A, in order to maximize cash flow. Vice Mayor Ross agreed and noted that the goal of these improvements was to show the State that the City had a viable business plan for the Marina.

Councilmember DeLaney asked about the partnership with Martinez Marina Limited Partners (MMLP) and questioned why they were not contributing significantly to the improvements. She also noted that the Army Corps was contributing to the siltation problem. Vice Mayor Ross noted that MMLP had not committed to paying for dredging, but to improvements that the City and State could not currently afford to do. Councilmember DeLaney expressed her opinion that the City's partners should make a good-faith effort to help with the current phase of improvements. Vice Mayor Ross stated that it was the City's responsibility to prove first that the Marina is viable.

Councilmember Menesini confirmed with Mr. Vince that the original terms of the agreement with the State require that the funds be paid back out of the Marina's profits, and noted that the State's recent offers to help reconstruct the Marina had been withdrawn. He expressed frustration that the State was changing the terms of the agreement and requiring too much of the City, and worried that the City would not be able to save the Marina alone. Mr. Vince noted that MMLP had only agreed to help fund the Marina after the basic improvements had been completed. He added that they were pursuing renegotiations with the State, but it seemed that the City was on its own, which was why staff was recommending trying to make the Marina self-sufficient, so they would have more leverage when renegotiating later. Councilmember Menesini stated strongly that he would not favor any renegotiation that put the General Fund or other non-Marina money at risk. He added that if the State was not willing to help, the Marina would never get a positive cash flow, and the State would not get their money back.

Mayor Schroder stated that he did not feel the City should walk away from its obligations unless it was absolutely necessary. Councilmember Menesini noted that he did not want the City to walk away from its obligations, but he was reluctant to take on new ones.

Mayor Schroder confirmed with Mr. Austin how much of the Measure WW funds would be allocated tonight.

Councilmember Kennedy requested more details about the reconstruction of and access to Dock C, which Mr. Austin provided.

Mayor Schroder opened the Item for public comment.

Phillip Ciaramitaro stated that he thought it would be possible for the City to get its own dredger in the next couple of months and that it would save money over the next few years, as well as making it possible for other cities to rent it.

Marta Van Loan stated that she also was frustrated by the City's partners not sharing the responsibility. She suggested that the City spend a little extra money making D Dock available or dredging the guest dock, and that the City focus on the entrance with MMLP and the remaining WW funds. Councilmember Menesini suggested that the City might want to look at downsizing the Marina and only saving part of it, such as the guest dock and the fishing areas. Vice Mayor Ross asked if any more revenue would come from the guest dock being utilized. Mr. Vince stated that it was not shown in the figures, but it would be valuable for attracting people to the Marina.

Mike Alford expressed frustration that the City was continuing to throw money at the Marina, while its partners were not following through with their part. He added that other factors contributing to the siltation problem should be addressed.

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

Vice Mayor Ross noted that it might be helpful in the future if the City acquired a dredger of its own, although it would not be possible at this time. He thought that the current plan was a good solution to the problem.

On motion by Mark Ross, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 012-12 authorizing expenditure appropriations in the amount of \$275,000 of Shell Donation funds and \$511,000 of Measure WW funds for 2012 Marina Improvements as shown in Exhibit 1(Plan A). Motion passed 4 - 1. NO: Michael Menesini, Councilmember; REST, Ayes.

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

CHIEF OF POLICE

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

Chief Gary Peterson thanked the public and the Council for their support of the February 4th Crab Feed Fundraiser sponsored by the Martinez Police Officers Association which was well attended; he noted that the Crab Feed supported the California Peace Officers Memorial Foundation, The Peace Unity Tour, and the Tarantino Starzyk Memorial Scholarship Fund.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

11. Consider a resolution in support of the Government Performance and Accountability Act, November 23, 2011, an initiative being proposed by California Forward. (Councilmember Lara DeLaney). [41.00.05/&1.01.01]

Councilmember Lara DeLaney provided the staff report. She noted that the initiative was championed by a non-partisan, non-profit organization, and the goal was to increase legislative transparency and oversight, good budgeting practices, and community problem-solving.

Mayor Schroder opened the Item for public comment.

Rich Verrilli noted that there had been a suggestion made in the past for the Council to disclose information such as salary, benefits, and personal expenses, and asked if the Council intended to follow through with that. Mayor Schroder noted that the Contra Costa Times had made a public records request for that information, which had been sent to them. Mr. Verrilli requested that the information be made available on the City's website.

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

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 013-12 in support of the Government Performance and Accountability Act, November 23, 2011, an initiative being proposed by California Forward. Motion unanimously passed 5 - 0.

12. Resolution supporting the Water, Ecosystem Health and Other Issues related to the San Francisco Bay and the Sacramento - San Joaquin River Delta. (Mayor Rob Schroder). [41.00.05/&1.01.01]

Mayor Schroder provided background information. The Resolution was initiated by a presentation by Supervisor Mary Piepho and Deputy Director Mitch Avalon of the Contra Costa County Public Works Department.

Councilmember DeLaney expressed appreciation to Mayor Schroder for bringing the Item forward.

Mayor Schroder opened the Item for public comment.

Rich Verrilli noted that there had been opposition at the Board of Supervisors Meeting, and suggested that there should be more discussion and consideration of the fiscal impact before approving it. Councilmember DeLaney stated that there was no fiscal impact to the City from supporting this Resolution, and that the Board had approved it unanimously. Mr. Verrilli clarified that he was talking about the Storm Water Charge, and Mayor Schroder confirmed that was unrelated.

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. 014-12 supporting the Water, Ecosystem Health and Other Issues related to the San Francisco Bay and the Sacramento - San Joaquin River Delta. Motion unanimously passed 5 - 0.

13. Council Subcommittee Reports.

14. City Council Comments.

Vice Mayor Mark Ross congratulated the MPOA on a successful Crab Feed and thanked the Police Department for their service to the City. He requested that the Open Space Subcommittee meet in the near future.

Councilmember Lara DeLaney agreed to meet with the Open Space Committee and directed staff to place the meeting on the calendar. Councilmember DeLaney announced that she will not be able to attend the next Council meeting.

Councilmember Janet Kennedy announced that as Chair to the Contra Costa County Commission on Homelessness, she has been appointed to a new steering committee for the integration of three divisions of Behavioral Health Services. The divisions for homelessness, alcohol and drug problems, and mental health have been combined to provide united delivery of services. She requested the public to contact her at jkennedy@cityofmartinez.org if they see any problems in the new delivery system, so she can report them to the Committee.

Mayor Schroder stated that he enjoyed the Crab Feed and was looking forward to next year.

ADJOURNMENT

The meeting adjourned at 9:00 p.m. to a Regular Meeting on March 7, 2012 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 3/7/12