

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:00 p.m. with all members present.

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. Presentation of the National Crime Victims' Rights Week Award to Sergeant David Mathers by Chief Gary Peterson and Deputy District Attorney Dana Filkowski, Contra Costa County District Attorney's Office.

Chief Gary Peterson described the National Crime Victims' Rights Award recognizing Sgt. Mathers for his achievement, and introduced Contra Costa County Deputy District Attorney Dana Filkowski. She described Sergeant Mathers' duties and efforts warranting his receipt of this award. She stated that Sergeant Mathers scours the Internet to locate child pornography to prevent crime on children. His work forms the solid basis for judges to issue warrants and extends beyond City jurisdiction. Because of his dedication, Sgt. Mathers was recognized and presented the award.

Sgt. Mathers thanked Chief Peterson and others in the Department who assisted with his work.

- B. Martinez Historical Society.

Gay Gerlack and John Curtis of the Martinez Historical Society provided a PowerPoint presentation depicting 12 new historical postcards and gave a historical background of each. The postcards were produced by the Martinez Historical Society and will be available next week at the Martinez Museum.

The Council expressed appreciation for the wonderful work of the Society.

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

Mark Menesini urged the Council to reconsider budgeting the Code Enforcement position. Due to the foreclosures and vacant homes the City now has blight.

Mike Alford spoke on the protocol at the Council meetings. He expressed his opinion that Councilmember DeLaney's remarks at the last Council meeting were inappropriate and requested that she apologize to staff.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion approving City Council Minutes of May 16, *as revised*, Special Meeting of May 23, and Adjourned Regular Meeting (Traffic Workshop) of June 6, 2012. [M.Cabral]
2. Motion approving Check Reconciliation Registers dated 06/14/12 as revised. [C.Spinella/2.1.1]
4. Resolution No. 084-12 authorizing the City Manager to execute contracts with the Martinez Chamber of Commerce and Main Street Martinez. [M.Chandler/7.02.01&9.12.04]

Mayor Schroder indicated that there were revisions to Items #1 and #2 of the Consent Calendar. A typo in the minutes of May 16 in the fiscal impact calculation on page 16 was corrected, and a check to the Contra Costa Water District which was left out of the Check Reconciliation Registers was now included.

Vice Mayor Ross requested that Item #3 be removed from the Consent Calendar.

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items #1, #2, and #4 of the Consent Calendar. Motion unanimously passed 5 - 0.

Councilmember Kennedy thanked Main Street Martinez and the Chamber for all their hard work and support; Mayor Schroder expressed appreciation to the two organizations for working well together; and Councilmember Menesini echoed Councilmember Kennedy's comments and stated that the recent events had been well done.

3. Consider the Budget Subcommittee's recommendations (# 1 or # 2) for grants to local non-profit organizations as part of the City's Community Group Funding Program for fiscal year 2012-13. [M.Chandler/2.10.00]

Sr. Management Analyst Michael Chandler presented the staff report and described the process used to evaluate the grant applications and make the recommendations.

Mayor Schroder asked why RES Success had asked for the specific amount they did, and Mr. Chandler stated it was the exact invoice amount for a technology improvement program. Mayor Schroder also asked about the difference between the two recommendations, and how the amounts compared to the amounts given to the same organizations last year, which Mr. Chandler explained.

Councilmember Kennedy confirmed with staff that they had been able to fund everyone who had applied, although not to the level they had asked for and added that there are reporting requirements for these grants.

Vice Mayor Ross asked if they would be able to fund the Boys and Girls Club to the amount they asked for from the surplus or other areas. Councilmember DeLaney stated that since they had a limited amount of money, she wanted to fund the organizations that had the biggest positive impact on Martinez.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Budget Subcommittee's recommendations Option # 1 for grants to local non-profit organizations as part of the City's Community Group Funding Program, *as amended to include \$500 more to the Boys and Girls Club of Diablo (\$250 to come from the Council's training fund and \$250 from the City Manager's Economic Development fund)*. Motion unanimously passed 5 - 0.

Councilmember DeLaney asked what the Martinez Arts Association's request was for, and Mr. Chandler stated it was to fund their Art in the Park event.

PUBLIC HEARING(S)

City Engineer presented the staff report for the Landscaping and Lighting Assessment Districts, briefly explaining the assessment process.

Mayor Schroder requested clarification from the City Attorney as to the hearing and voting process, which Senior City Attorney Nebb provided.

5. Landscaping and Lighting Assessment District 1979-3, Village Oaks Terrace and approve the following: [T.Tucker/10.02.34]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 085-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 085-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

6. Landscaping and Lighting Assessment District 1981-3 Muir Station Park and approve the following: [T.Tucker/10.20.15]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No 086-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 086-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

7. Landscaping and Lighting Assessment District 1983-3 Vista Oaks and approve the following: [T.Tucker/10.02.22]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 087-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Councilmember, seconded by Janet Kennedy, Councilmember, to approve ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 087-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

8. Landscaping and Lighting Assessment District 1988-1 The Center Martinez and approve the following: [T.Tucker/10.02.31]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 88-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Councilmember, ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 088-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

9. Landscaping and Lighting Assessment District 1994-1 Creekside and approve the following: [T.Tucker/10.02.36]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 089-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 089-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

10. Landscaping and Lighting Assessment District 1997-1 Brittany Hills and approve the following: [T.Tucker/10.02.37]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 090-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Janet Kennedy, Councilmember, seconded by Lara DeLaney, Councilmember, to approve ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 090-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

11. Landscaping and Lighting Assessment District 2000-2 Terra Vista and approve the following: [T.Tucker/10.02.40]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 091-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Vice Mayor Ross asked if there were any requirements for energy-efficient lighting and irrigation. Mr. Tucker stated there are no requirements in the original resolution, although utility conservation is put in place when there is rationing. Vice Mayor Ross requested that a five year plan be developed to set aside the funds to put in more energy-efficient landscaping. He also asked that staff give a PowerPoint next year with pictures of the assessment districts.

On motion by Mark Ross, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 091-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

12. Landscaping and Lighting Assessment District 2001-1 Alhambra Estates and approve the following: [T.Tucker/10.02.41]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution No. 092-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 Fiscal Year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

On motion by Lara DeLaney, Councilmember, no second required to approve ordering any changes in improvements, report, diagram, or assessments; and adopting Resolution No. 092-12 approving the Engineer's Report, and confirming the district diagram and assessments for the 2012-13 fiscal year; Resolution overruling protests not needed. Motion unanimously passed 5 - 0.

CITY MANAGER

13. Resolution adopting the Budget for fiscal year 2012-2013. A.Shear&C.Spinella/2.10.00] Assistant City Manager Alan Shear presented the staff report. He briefly explained the budget process and reviewed the adjustments in projected revenue and expenditures.

Vice Mayor Ross expressed appreciation of staff's work on the budget. He asked what the potential impact would be if the state's tax increase was not approved in November. Mr. Shear stated that counties and school districts would probably be most impacted, and the City's budget would probably not be affected. He also confirmed that property tax and sales tax revenues were projected to remain flat.

Vice Mayor Ross asked how the decreases in medical costs had been accomplished, and Mr. Shear said that staff had been able to negotiate a lower premium and benefits. Vice Mayor Ross asked if there was an update on the PERS cost increase. Finance Manager Cathy Spinella stated that the 2012-2013 cost was set in stone, but there might be a change for the next fiscal year, which staff would not find out until October.

Councilmember DeLaney asked about the earthquake insurance premium increase, and Mr. Shear stated that it was a result of increases in the natural disaster insurance industry, not by any specific earthquake activity in California. The premium had increased by a few thousand to \$47,000. Councilmember DeLaney noted that there was a bill in the US Senate to lower earthquake premiums for homeowners and possibly for municipalities as well. Councilmember Menesini asked why the City had to pay earthquake premiums when it was also helping to fund FEMA. City Manager Vince stated that it was worth the extra cost in case the City had to use both, and Mayor Schroder noted that the banks that held bonds on City Hall might also require it.

Vice Mayor Ross requested that the FEMA applications be updated so that the City could get funds quickly when needed.

Councilmember Kennedy asked where the money for the Flex Space Program had come from, which Councilmember DeLaney explained. Mayor Schroder noted that although the money was allocated, the Council had not yet decided to what extent the dining platforms would be subsidized, and added that Main Street Martinez was also working on raising money to offset that cost. Councilmember Kennedy stated that she would like to see more support for other areas of the City than Main Street.

Councilmember DeLaney requested that staff review and find funds to reinstate a full-time Code Enforcement Officer. Mayor Schroder asked if building inspectors would be able to offset some of the time loss, and Public Works Director Dave Scola said they could do some of it. Mr. Vince stated that reinstating the full-time position might be possible in 6-9 months. Vice Mayor Ross asked if the citizen reporting system was successful, and Mr. Scola said that it was working well, although it was not being used as much as it had been at first.

Councilmember Menesini asked about the status of the receivership program, which Sr. City Attorney Veronica Nebb explained. He requested that this be fast-tracked.

Mayor Schroder opened the Item for public comment.

An unidentified woman asked about the reduced Crime Lab Services contract and the MDTs for the police cars. Chief Peterson stated that the Crime Lab expenses for this year had been under budget, so next year's projected expenses were reduced, and Ms. Spinella explained that the MDTs had already been purchased.

Mike Alford confirmed with staff that all the police cars had been outfitted with new MDTs.

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

Councilmember DeLaney commended staff for their work.

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve Resolution No. 093-12 adopting the Budget for fiscal year 2012-2013. Motion unanimously passed 5 - 0.

14. Glendora Surplus Property Disposition: [T.Tucker/5.10.02]

- A. Resolution No. 094-12 approving the sale and preparation of grant deeds, lot line adjustment and merger of City owned surplus properties on Glendora Drive (Assessor Parcel Nos. 370-095-001, 002, 003, 004 and 005), to the adjoining properties and authorizing the City Manager to execute the grant deeds and other documents transferring the surplus parcel subject to City Attorney approval; and
- B. Resolution No. 095-12 approving summarily vacating Glendora Drive fronting City surplus property, Assessor Parcel No. 370-095-001, 002, 003, 004 and 005 reserving development rights and private access and utility easement; and the merger of City surplus property, Assessor Parcel Nos. 370-094-028, 029 and 031; and
- C. Provide direction to staff regarding the potential sale of the remaining three surplus properties near the intersection Glendora Drive and Serrano Street with the adjoining property located at 3758 Serrano.

City Engineer Tim Tucker provided the staff report. He stated that two of the interested property owners could not be here tonight, one of the owners (Mulkey) had written a letter to the Council; Mr. Tucker provided a copy for the record. He reviewed the history and current status of the property and its development restrictions, the request of the property owners, and the action before the Council tonight.

Mayor Schroder clarified a mathematical error in the staff report.

Vice Mayor Ross stated that he would usually prefer to lease a property rather than sell it, but he agreed this was the best decision in the case of this property. He asked about the chances of the deed restrictions being challenged in the future. Sr. City Attorney Veronica Nebb stated that the sale agreement could include a statement that the value of the property is based on it being undevelopable and indemnifying the City of the risks associated with developing the property. The deed restriction could also cede the development rights to the City. Ms. Nebb stated that she was fairly confident this would not come up in the future. She also recommended designating the parcels in the General Plan as "private open space." Councilmember Menesini stated that the

deed restrictions on other properties like this that had been sold years ago continued to be solid. Vice Mayor Ross confirmed with Ms. Nebb that a future City Council could restore the development rights to the owners, but the property would remain undevelopable. Vice Mayor Ross requested that a clause be added to the sale agreement stating that if development rights were restored to the owners in the future, they would owe the City some compensation for that.

Vice Mayor Ross asked about the use of the property after the sale, and Mr. Tucker stated it would be absorbed by the neighboring properties and used as private access to them. Vice Mayor Ross asked if the valuation took into account the vacated street, and Mr. Tucker stated it had very little value because of easements, and property like this was normally automatically granted to the owner of the lot without extra compensation. Vice Mayor Ross suggested that the value of the property should be higher because the parcels were larger than the appraisal appeared, but he did not want to dispute this with staff.

Mayor Schroder opened the Item for public comment.

Mike Alford asked how much money the City was making off the property now, and suggested the Council should be grateful to the buyers for taking it off the City's hands and making it useful.

Mayor Schroder closed public comment on the Item.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 094-12 approving the sale and preparation of grant deeds, lot line adjustment and merger of City owned surplus properties on Glendora Drive (Assessor Parcel Nos. 370-095-001, 002, 003, 004 and 005), to the adjoining properties and authorizing the City Manager to execute the grant deeds and other documents transferring the surplus parcel subject to City Attorney approval; and approve Resolution No. 095-12 approving summarily vacating Glendora Drive fronting City surplus property, Assessor Parcel No. 370-095-001, 002, 003, 004 and 005 reserving development rights and private access and utility easement; and the merger of City surplus property, Assessor Parcel Nos. 370-094-028, 029 and 031; and provided direction to move forward with the potential sale of the remaining three surplus properties near the intersection Glendora Drive and Serrano Street with the adjoining property located at 3758 Serrano. Motion unanimously passed 5 - 0.

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

City Manager Philip Vince provided an update on Universal Sports Academy, noting that they have received Fire Department and ADA approval. They should have the bathrooms completed soon and will be ready to open after that. Mayor Schroder stated that the Council has been invited to drop by and take a look.

CHIEF OF POLICE

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

Chief Peterson responded to Vice Mayor Ross' suggestion regarding completing FEMA forms in advance. He indicated that the Department will be holding a disaster preparedness training and

exercise in August and can incorporate completing the FEMA forms into the training. He stated that the Council will be provided with the dates should they wish to participate.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

17. Approving appointments of Councilmember DeLaney as Delegate and Councilmember Kennedy as Alternate to the League of California Cities Annual Conference in September to be held in San Diego. [S.Chapek/7.3.4]

Mayor Schroder stated he would like to attend the Conference, but felt it was more important that Councilmembers DeLaney and Kennedy go since they are on policy committees.

On motion by Rob Schroder, Mayor, no second required to approve appointments of Councilmember DeLaney as Delegate and Councilmember Kennedy as Alternate to the League of California Cities Annual Conference in September to be held in San Diego. Motion unanimously passed 5 - 0.

18. Council Subcommittee Reports.

Councilmember Kennedy stated that she and Councilmember DeLaney held an Economic Development Subcommittee meeting on June 20th and discussed the possibility of starting an Economic Development Corporation to partner with local banks and/or finance groups as a mechanism to finance loans for improvements to unreinforced masonry buildings. She stated that staff was researching other cities with corporations like this. Mr. Vince added that the Committee directed him to provide an update at the July 11th Council meeting.

Mayor Schroder stated that he and Councilmember Menesini held a Marina Subcommittee meeting on June 26, at which staff provided a status report on the progress on the Marina. Mayor Schroder also provided information on a meeting held with DBAW last week in Sacramento. The director of DBAW is currently reviewing the City's proposal, but it does not seem like any cities will be receiving any more funds from them. The City is waiting for Bond Counsel for East Bay Regional Parks to rule if some Measure WW money (\$400,000) can be used to dredge in areas where the docks need to be rebuilt. Mayor Schroder stated they plan to use donations from Shell to dredge the mouth of the Marina. He commented on some of the public input at the Subcommittee meeting. The Council requested an update from staff on the Marina at the next meeting.

19. City Council Comments.

Councilmember Lara DeLaney reported out on her attendance at the League of California Cities Employer Policy Relations meeting on June 15th. Councilmember DeLaney provided information on the CalPers discount rates and the CalSTRS Cash Balance approach, and reviewed the Governor's pension reform proposal and how it lines up with the League's Policy. She requested that the Council re-start the neighborhood meetings, and Mayor Schroder agreed.

Councilmember Janet Kennedy stated that she would report on her attendance at the League's Conference at the next meeting.

Vice Mayor Mark Ross requested an update on 4th of July event and indicated that the Bike to Bridges bicycle ride to benefit the Special Olympics was a success. Vice Mayor Ross indicated that the 50th anniversary of the Benicia Martinez Bridge was coming up and would like to see the City partner with Benicia and Caltrans to host an event, even if on a small scale.

Chief Peterson provided an update on the 4th of July event, stating that the parade starts at 10:00 a.m. A family event will be held at the waterfront with fireworks scheduled at 9:15 p.m. City Manager Vince stated that Roxx' will be hosting a pancake breakfast from 8:00 a.m. to 10:00 a.m.

Councilmember DeLaney requested acknowledgement of those who sponsored the 4th of July fireworks. Assistant City Manager Shear indicated that it will be available for the next meeting and stated that the City received enough donations to cover the costs of the fireworks display.

Mayor Rob Schroder stated that he and Councilmember DeLaney were hosts for some Scottish Students from Dunbar, Scotland, who are currently in Yosemite. Sue Hammond, a teacher in the Martinez Unified School District, has requested that the City get involved and promote the student exchange, which used to be run through the School District, but because of Risk Management exposures, the School District will no longer be able to be the official host. Mayor Schroder stated the City should promote it or find a non-profit organization to run the program, since Dunbar is a Sister City. Mr. Vince indicated that he will pursue the issue with the City's risk management agency with Council's approval, which was given.

Councilmember DeLaney stated that she found the student exchange to be rewarding. She was surprised to see that many of the hosting families were not Martinez residents, and urged more of the public to participate.

CLOSED SESSION (ADJOURN TO CITY MANAGER'S OFFICE)

- A. With respect to an item of business to be discussed in closed session pursuant to Cal. Government Code Section 54957.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION /Title: City Manager

- B. With respect to an item of business to be discussed in closed session pursuant to Cal. Government Code section 54957.6.

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representative: Rob Schroder, Mayor
Unrepresented employee: Philip Vince, City Manager

Adjourned to Closed Session in the City Manager's Office at 9:17 p.m.

RECONVENE TO PUBLIC SESSION

Council reconvened at 9:55 p.m. with all members present.

20. Consider and take action on City Manager's employment contract and compensation.

Mayor Schroder reported that in regards to the City Manager's contract, the Council decided on one two-year term with an option of an additional two-year term, for a total of four years. He directed the Finance Department and the City Attorney to pursue the elimination of the Social Security payments that are being made by the City on behalf of the City Manager. All other terms of the City Manager's contract remain the same including salary, which can be renegotiated after the first two-year term. Also included are other terms that management employees have agreed to in the most recent agreement.

The Council directed the City Attorney to draft an agreement for formal adoption by the Council for the next meeting on July 11th.

ADJOURNMENT

Adjourned at 9:58 p.m. to an Adjourned Regular Meeting on July 11, 2012 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez CA 94553.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 7/25/12