

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 7:00 p.m. in the Council Chambers.

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 recognizing "Contra Costa County Teacher of the Year" Rona Zollinger.

Mayor Schroder and the City Council presented a proclamation recognizing and congratulating Rona Zollinger. Ms. Zollinger teaches at Vicente Martinez High School in Martinez and is the co-founder of New Leaf, a program for at-risk youth.

Ms. Zollinger expressed her appreciation and thanked the City Council and staff for all their support.

B. Proclamation proclaiming November 2012 as "Pancreatic Cancer Awareness Month."

Mayor Schroder and the City Council presented the proclamation to Ms. Kathleen Wilkie. Ms. Wilkie stated she lost her husband Greg Wilkie to pancreatic cancer. He was an artist whose paintings are on display throughout City Hall. She urged the public to contact their Senators regarding legislation to encourage the National Cancer Institute to increase their spending on recalcitrant cancer.

C. Presentation of Certificates of Completion to new C.E.R.T Graduates.

Mayor Schroder, Chief Peterson and CERT Director Brian Limbloom presented the graduates with Certificates of Completion indicating that the Community Emergency Response Team members have completed 20 hours of training with the Police Department and are responsible for preparing their neighborhoods for disasters. Chief Peterson recognized the coordinator from the Police Department, Lt. Aaron Roth, who will be reassigned; and the new coordinator will be Lt. John Sylvia.

D. Martinez Chamber of Commerce and Main Street Martinez Joint Report.

John Curtis, President of Main Street Martinez, and Marie Knutson, Chairperson of the Martinez Chamber of Commerce, presented the semi-annual report for each organization including circulation, marketing and promotions, recruitments, business, events and outreach.

Ms. Knutson recognized Boardmember Adam Hofner and acknowledged the great work done by Reba Bower, Chamber of Commerce.

Mr. Curtis acknowledged the hard work done by Leanne Petersen, Executive Director Main Street Martinez, Boardmembers and volunteers. He expressed appreciation to the City Council and staff.

Ms. Knutson reported that one of the events that both groups collaborate on is the Annual Mayor's Cup Golf Tournament. A portion of the proceeds of the Tournament benefit a non-profit charity. Ms. Knutson, John Curtiss and Mayor Schroder presented a check for \$1,500 to Doug Stewart of the Central County Homeless Outreach.

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

Angie Sylvia spoke against the proposed Seeno Development behind Nob Hill, especially the high density housing, usage pattern, open space and increased traffic. She urged the Council to comply with the General Plan and develop a higher quality project in terms of design and community formation.

Marie Knutson, Allied Waste, noted that tomorrow, November 15th is America Recycles Day and encouraged the public to recycle everything they can to help maintain our natural resources. As Chair of the Chamber, she announced that on November 15th there will be a free Small Business Lending Seminar at 9:00 a.m. at the Campbell Theater. Ms. Knutson stated that this event was put on by Steve Giacomini and Bob Clayton, who put forth a lot of effort on this project. She indicated that Mr. Clayton passed away last week and she wished to express her condolences to Mr. Clayton's family.

Mayor Schroder noted that an email was received from Kristen Henderson regarding Berrellesa Palms and some history on the downtown Post Office.

Mike Alford spoke about the high density projects and stated that the City needs to be careful with these types of developments. He also noted that candidates that run for election never show up to the Council meetings after the election.

CONSENT CALENDAR

MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.

1. Motion adopting City Council Minutes of October 3, and October 17, 2012. [M.Cabral]
2. Motion denying claim(s) against the City by Maureen Parkes, Claim #12-24. [M.Cabral]
3. Motion accepting Check Reconciliation Registers dated 10/18/12 and 11/01/12. [C.Spinella/2.1.0]
4. Motion approving Public Education and Governmental (PEG) allocations in support of the requested Wi-Fi capital installation and audio-visual equipment upgrades necessary to record City Council meetings. [M.Chandler/19.03.20]

5. Resolution No. 117-12 authorizing the City Manager to apply for Contra Costa Community Development Block Grant (CDBG) to upgrade existing curb ramps and install audible pedestrian signals at five intersections throughout the City and to sign the Standard CDBG Grant Agreement(s) up to \$61,000. [T.Tucker/9.14.00&12.02.00]
6. Resolution No. 118-12 authorizing the Chief of Police or his designee to sign a standard agreement with the State of California, Office of Traffic Safety and/or UC Berkeley Safe Transportation Research and Education Center and any other related documents; (2) authorize a budget adjustment to the 2012/2013 budget so the City can receive grant funding from the State of California, Office of Traffic Safety not to exceed \$16,314.99. [G.Peterson/04.08.00]

On motion by Mark Ross, Vice Mayor, seconded by Janet Kennedy, Councilmember, to approve Items #2 through #6 of the Consent Calendar. Motion unanimously passed 5 - 0.

On motion by Mark Ross, Vice Mayor, seconded by Lara Delaney, Councilmember, to approve City Council Minutes of October 3, 2012. Motion approved 3 - 0. Yes: Lara Delaney, Councilmember; Michael Menesini, Councilmember; Mark Ross, Vice Mayor. Abstain: Janet Kennedy, Councilmember, Rob Schroder, Mayor

On motion by Mark Ross, Vice Mayor, seconded by Lara Delaney, Councilmember, to approve City Council Minutes of October 17, 2012. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

7. Public Hearing to consider a Resolution approving a request from the owners of 3758 Serrano to purchase adjacent vacant City-owned parcels (Assessor Parcel Numbers 370-094-028; 029; and 031) for non-development purposes. [T.Tucker/5.10.02]

City Engineer Tim Tucker presented the staff report, summarizing the actions the City had already taken on the sale, and noting the Council has previously approved the sale of similar lots.

Councilmember DeLaney asked about the previous attempt to develop the property. Mr. Tucker stated that some property improvements had been completed in the mid-70s.

Vice Mayor Ross asked if there would be a new assessment of the property, and Mr. Tucker confirmed there would.

Mayor Schroder opened and closed the public hearing seeing no one wishing to speak.

On motion by Michael Menesini, Councilmember, seconded by Lara Delaney, Councilmember, to approve Resolution No. 119-12 approving a request from the owners of 3758 Serrano to purchase adjacent vacant City-owned parcels (Assessor Parcel Numbers 370-094-028; 029; and 031) for non-development purposes. Motion unanimously passed 5 - 0.

8. Public Hearing to receive and accept the NewPoint Group 2013 Base Year Rate Review of Allied Waste Systems, Inc., and adopt a resolution to set new rates and amending the franchise agreements between the City of Martinez and Allied Waste Systems, Inc., d.b.a. Pleasant Hill Bayshore Disposal, Inc., for Solid Waste and Recycling Services, reducing residential, commercial and industrial solid waste collection rates by 2.03% effective January 1, 2013 through December 31, 2014, as set forth in Exhibit C to the franchise agreements, and adding new services as set forth in Exhibit B to the franchise agreements. [M.Chandler/31.02.00]

Senior Management Analyst Michael Chandler provided the staff report, explaining the procedure set forth in the Rate Manual; and noted the City had contracted with Newpoint Group to conduct the rate review.

Eric Nylund, Newpoint Group, gave a PowerPoint presentation reviewing the 2012 Base Year Rate Review and the recommended change of 5.19% reduction in fees to all customers. City staff is recommending a 2.3% rate reduction, to stabilize rate fluctuations and mitigate future rate increases.

Mayor Schroder noted that the Solid Waste Subcommittee agreed with staff's recommendation. He thanked staff for their work.

Councilmember DeLaney expressed appreciation for Allied Waste's efficient and cost-effective service.

Vice Mayor Ross asked if this method is used in other jurisdictions, and Mr. Nylund said that it is. Vice Mayor Ross commented that this system is good for customers and rewards efficiency.

Mayor Schroder opened the public hearing.

An unidentified woman asked if green waste composting would be pursued in the future. Mayor Schroder stated that the green waste is used as a landfill cover, so it is effectively recycled.

Mr. Nylund answered questions from Harlan Strickland regarding the rate decrease and inflationary projections.

Seeing no further speakers, Mayor Schroder closed the public hearing.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, receive and accept the NewPoint Group 2013 Base Year Rate Review of Allied Waste Systems, Inc., and adopt a Resolution No. 120-12 to set new rates and amending the franchise agreements between the City and Allied Waste Systems, Inc. for Solid Waste and Recycling Services, reducing residential, commercial and industrial solid waste collection rates by 2.03% effective January 1, 2013 through December 31, 2014 and adding new services. Motion unanimously passed 5 - 0.

9. Public Hearing to introduce an ordinance amending the Martinez Municipal Code, Title 9, Public Peace, Morals and Welfare by adding Chapter 9.58 Aggressive Solicitation (Panhandling). [G.Peterson/4.8.12]

Chief of Police Gary Peterson presented the staff report. He described a recent rise in instances of panhandling. Members of the Police Department met with stakeholders in the community to brainstorm strategic solutions to the problem. The proposed Ordinance would be one piece of a multi-faceted solution, along with new Amtrak rules of conduct, better attempts to connect individuals with homeless services, and more public education on how to respond to panhandling. The Ordinance was carefully tailored to target only aggressive panhandling and panhandling at intersections to comply with court decisions and the state constitution.

Mayor Schroder thanked Chief Peterson and the Department for pursuing this. He noted that not all panhandlers are homeless, and commented on the Ninth Circuit Court's decision on panhandling.

Councilmember Menesini expressed appreciation for the Department's work and commented that the Ordinance was well crafted to apply to behavior, not speech.

Mayor Schroder asked if there was a state law against soliciting near an ATM, and Chief Peterson commented that there was not, but it was one of the situations which inspired the Ordinance.

Vice Mayor Ross asked if the Department would need another position to help respond to increased calls and enforce the Ordinance. Chief Peterson stated that the Department was already taking calls about this, and the Ordinance would give the officers the ability to effectively respond.

Councilmember DeLaney asked what the response would be. Chief Peterson stated that the officer would give a citation, and would then have an opportunity to follow up with the individual and investigate further, escalating if necessary. Councilmember DeLaney asked what other strategies the Department would be using, and Chief Peterson stated the Department would continue communicating with stakeholders to brainstorm new solutions. The Department would also work with businesses to ensure the sale of alcohol does not contribute to the problem. He urged the public to contact the police immediately if they experience aggressive panhandling.

Councilmember Kennedy suggested that the public education efforts should include information on organizations combating poverty and homelessness that people can contribute to. Chief Peterson stated this information would be placed on a flyer, which would be available for businesses to hand out.

Mayor Schroder opened the public hearing.

Mike Alford stated that it should not be the responsibility of the business owners or the public to address the problem; it should be the Police, and they should take a stronger stance against it.

Larry Lippow, downtown business owner, thanked the Chief and the Department for confronting the problem and moving forward on it. He encouraged the Council and the public to support it.

Seeing no further speakers, Mayor Schroder closed the public hearing.

Councilmember DeLaney requested that the ordinance be added to the website, placed in the downtown kiosks and a press release be done.

Vice Mayor Ross asked about installing call boxes with video cameras in downtown so that people could contact the Police Department immediately and easily. Chief Peterson stated he would bring it up at a stakeholder meeting.

On motion by Michael Menesini, Councilmember, seconded by Lara Delaney, Councilmember, introduce an ordinance amending the Martinez Municipal Code, Title 9, Public Peace, Morals and Welfare by adding Chapter 9.58 Aggressive Solicitation (Panhandling). Motion unanimously passed 5 - 0.

CITY MANAGER

10. Economic Development Corporation: Consider a Resolution authorizing \$103,000 from ~~Contingency Reserves Operating Budget~~ Unassigned Fund Balance for the City Manager to formulate a non-profit Economic Development Corporation (EDC) and formulate the legal bylaws and develop a request for proposal to hire a consultant to administrate and oversee the day to day functioning of an EDC. [P.Vince/09.19.00]

City Manager Philip Vince presented the staff report. He noted that a revised resolution was before the Council at the dais, and he suggested the Council appoint a subcommittee to work out the details. He also thanked all those who have worked towards economic revitalization in Martinez, and he commented on the City's many successes in spite of difficult economic times. He briefly discussed the cost benefit analysis, and he urged the Council to take this important step to facilitate Martinez' recovery.

City Attorney Veronica Nebb reviewed suggested changes to the language of the resolution regarding formation of the Board of Directors indicating that it be removed and brought back to Council for a full vetting process.

Mayor Schroder discussed the makeup of the subcommittee and whether it should be the already existing Economic Subcommittee. Councilmember Menesini said he thought it should be an adhoc committee, and he expressed his desire to serve on it. He noted that the committee should report directly to the Council since it will involve the expenditure of public funds and should include Mayor Schroder. Mayor Schroder agreed to the adhoc format.

Councilmember DeLaney asked for clarification on Appendix A regarding the funding revenue projections. She also expressed concern about the initial amount necessary to enact the Corporation, and where the private investment might come from. She was concerned whether this was the best use for the City's money, when there were other needs that might go unmet as a result.

Mr. Vince acknowledged there are no guarantees, although he discussed other jurisdictions that had successfully used this same strategy. He briefly discussed the financial mechanisms and suggested that the business owners be allowed to give input since they would be directly impacted. He said this is the best option for the City at this point, and he expressed concern about the future outcomes if the City continues without taking some action to ensure the safety of buildings in the downtown.

Vice Mayor Ross asked how the "triple bottom line" (environmental, economic, and equity) will weigh in the prerequisites for taking action under the ordinance; Mr. Vince discussed the guidelines.

Vice Mayor Ross also asked about the amount of leverage the City will have to ensure the repayment of the loans. Mr. Vince deferred to Steve Giacoma of Urban Financial Services, who discussed how the programs used by the other cities work. Mr. Giacoma also responded to questions regarding how the applicable government code has changed, how it might be enacted now, and what losses or risks there might be to the City.

Mayor Schroder opened the public hearing.

Albert Turnbaugh thanked the Council for listening to the concerns of the business community and taking such quick action. He expressed optimism about the benefits of the program and urged them to approve the item and ensure public safety, protection of the historic buildings and economic improvement for the City.

Harlan Strickland said it seems like this could potentially be a good program for the City. He confirmed that there would be other opportunities for public comment/questions. Ms. Nebb reviewed the formation/approval process, including public input.

Evelyn Centeno discussed her observation of the economic benefits to Pittsburg from a similar program. She encouraged the Council to consider it as a way to revitalize the City and the marina.

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

Councilmember Kennedy suggested that, even if a contract person is used in creation of the corporation, that some space and equipment be allotted at City Hall for them to use, at least in the beginning. She acknowledged the potential risks, but thought it was worth initial consideration.

Councilmember DeLaney agreed with Councilmember Kennedy's recommendation, and she agreed there was some risk associated with this program. She reiterated her concern about the use of the \$103,000 in view of other needs facing the City, but indicated she would support the item, provided there are some benchmarks for continuing.

Councilmember Menesini indicated his support also, and he strongly urged again that the Council be closely involved in the oversight, since it will involve the use of public funds.

Vice Chair Ross agreed it was a concept worth investigating, although he agreed it is not a perfect tool and the details still need to be fully developed.

Mayor Schroder said he supported the concept as well, given the challenges to the City economically and physically from unreinforced buildings.

Councilmember DeLaney asked for clarification on the initial costs needed, if the City does not allocate office space for a contract employee. Mr. Vince said he could reduce the amount to \$85,000. Councilmember DeLaney also expressed interest in serving on the adhoc committee.

On motion by Michael Menesini, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Resolution No. 121-12 authorizing \$85,000 from Unassigned Fund Balance for the City Manager to formulate a non-profit Economic Development Corporation (EDC) and formulate the legal bylaws *as amended*. Motion unanimously passed 5 - 0.

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

CHIEF OF POLICE

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

13. Council Subcommittee Reports.

14. City Council Comments.

Councilmember Menesini announced the passing away of John Anthony Romeo, an 82 year old commercial fisherman and long time Martinez resident. Dave Scola, Public Works Director, noted that he knew John Romeo and his family, and John will be missed. Councilmember Menesini asked the Council to adjourn the meeting in John Romeo's honor.

Councilmember Ross commented that he was grateful that he had been re-elected.

Councilmember DeLaney congratulated Councilmember Ross. She also announced that the Holiday Frolic would be held on Friday, November 30th. Councilmember DeLaney also thanked Public Works staff for quickly replacing tennis court lights.

Councilmember Kennedy congratulated Councilmember Ross and Anamarie Avila-Farias upon her election.

Mayor Schroder added his congratulations to Councilmember Ross. He noted that the December 5 meeting will be a reorganization meeting and the business items should be kept to a minimum. The meeting will celebrate the newly elected Councilmember Avila-Farias, as well as Lara DeLaney's birthday and Mayor Schroder's wife's birthday. He stated that they would adjourn this meeting in memory of John Anthony Romeo. He also announced that they would adjourn in memory of Bob Clayton, who had worked with the City for years on economic development.

ADJOURNMENT

Adjourned at 10:00 p.m. *in memory of John Anthony Romeo and Bob Clayton*, then to a Regular City Council Meeting on December 5, 2012 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor
City Council Meeting

Mercy G. Cabral, Deputy City Clerk – 12/05/12

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