Regular Meeting
February 20, 2013
Martinez, CA

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:30 p.m. at the Senior Center, 818 Green Street, Martinez, with all members present except Councilmembers Menesini and Ross.

PUBLIC COMMENT (Closed Session Items)

The Council convened as the Board of Directors of the Pleasant Hill Martinez Joint Facilities Agency.

There being no public comments the Board adjourned to the Lounge for Closed Session.

CLOSED SESSION - CONVENE TO THE BOARD OF DIRECTORS - PLEASANT HILL MARTINEZ JOINT FACILITIES AGENCY

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION pursuant to Cal. Gov't Code Section 54956.9(d)

Name of case: Barbara Neustadter v. CalPERS, Martinez Joint Facilities Authority.

RECONVENE AS CITY COUNCIL:

The Board adjourned their meeting and reconvened as the City Council and adjourned into Closed Session.

**Councilmember Ross arrived at 5:55 p.m.*
**Councilmember Menesini arrived at 6:10 p.m.*

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Cal. Gov’t Code section 54956.9(a)

Name of case: In re Petition in Bankruptcy filed by The Benefactors dba the Willows Theatre Company, N. District Cal. Case No. 12-48964

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Rob Schroder reconvened the meeting at 7:05 p.m. at the Senior Center, 818 Green Street, Martinez.

Mayor Schroder reported that the Council convened as the Board of Directors of Pleasant Hill Martinez Joint Facilities Agency and discussed in Closed Session, an existing litigation: Barbara Neustadter v. CalPERS, Martinez Joint Facilities Authority; and gave direction to legal counsel. He further reported that the City Council discussed in Closed Session an existing litigation, Petition in Bankruptcy filed by the Benefactors dba the Willow Theatre Company; and gave direction to the City's negotiators. There was nothing else reported.

PRESENT: Lara DeLaney, Vice Mayor, AnaMarie Avila Farias, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, and Rob Schroder, Mayor.
EXCUSED: None.
ABSENT: None.

NEIGHBORHOOD ISSUES AND CONCERNS
5,969 Questionnaires Mailed; 37 Questionnaires Returned.

Mayor Schroder welcomed the residents to the Downtown Neighborhood meeting. He explained the process for the evening and introduced City Manager Philip Vince. Mr. Vince introduced senior staff.

Residents broke into groups to discuss issues and concerns.

**The meeting reconvened at 8:00 p.m.*

Mayor Schroder called the meeting back to order, expressing hope that the discussions had been helpful and worthwhile.

Mayor Schroder opened public comment on the Neighborhood Concerns and Issues.

Michael Cuddy asked about motorcycle noise limitations, which Chief Peterson discussed. He also asked about train noise, and Mayor Schroder indicated there are regulations that the trains must follow regarding required sounding of the train whistle. Mr. Cuddy requested that the City participate in a new community garden. Mayor Schroder indicated that the City already had a community garden next to Hidden Valley School.

Seeing no further speakers, Mayor Schroder closed comment on Neighborhood Concerns and Issues.

PRESENTATION(S)

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

Mayor Schroder opened and closed public comment on items not on the agenda, with no speakers coming forward.

CONSENT CALENDAR

1. Motion waiving reading of text of all resolutions and ordinances.

2. Motion approving City Council Minutes for January 16, 2013. [M.Cabral]

3. Motion rejecting Claims against the City by Mike Powers, Robert M. Cerri, James River Insurance Company c/o Justin Reden, Reden & Reden, Blessing & Harvey Professional Services dba Ernies Plumbing c/o Justin Reden, Reden & Reden, Safeco Insurance Company of America c/o Robert Javan, Law Offices of Katchis, Harris and Yempuku, Safeco's subrogation claims for Shannon Greeley and Robert Cerri & Donna Cerri; Shannon Greeley, Irene Katsuleres; Claim No. 11-31. [M.Cabral]

4. Motion approving Check Reconciliation Register(s) dated 02/07/13. [C.Spinella/2.1.0]

5. Resolution No. 007-13 accepting bids for the Water Treatment Plant Chemical Containment Facility, Project No. C7036, and awarding the construction contract to Pacific Infrastructure Corporation in the amount of $559,000 and allocating an additional $101,000 of Water System funds to Account No. C7036. [T.Tucker/15.06.14]

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Items #1 through #5 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

CITY MANAGER

6. Marina Restaurant:

A. Consider a possible action accepting and approving an Option to Sublease to Delmonico's Inc., a portion of the Martinez Marina for Development of a new restaurant, subject to modifications approved by the City Manager and City Attorney; and

B. Approve a resolution authorizing the Mayor to execute same and allocating a transfer of $40,000 from the General Fund Assigned Fund Balance to the Marina Enterprise Fund and authorizing the expenditure thereof to complete CEQA documents to facilitate development.

Contract Planning Manager Dina Tasini presented the staff report, discussing the background, CEQA requirements, use permit application, lease documents, and the funding request.

City Attorney Jeff Walter requested input from the Council regarding funding options between the Council and the restauranteur, and necessary entitlements. He also commented on additional conditions that he wanted the Council to consider. Vice Mayor DeLaney confirmed that the lease entitlements would be included in the Option to Sublease.

Mayor Schroder asked about the environmental requirements, and Ms. Tasini confirmed that a Negative Declaration and mitigations would be included in the process. Ms. Tasini commented on her desire to make the project description as generic as possible, so the Negative Declaration could be used for subsequent projects if this one does not go forward.

Councilmember Ross asked if a Marina Master Plan would be done. Staff indicated one was not planned at this point, but maybe in the future. Mr. Walter added that requiring one at this time would be too burdensome. He also noted that a feasibility study would be necessary to evaluate options if the project description is broadened.

Vice Mayor DeLaney expressed concern about cost inefficiencies if the feasibility study shows that additional growth at the Marina would be reasonable and do-able. It seemed best to her to wait until the feasibility study is finished before beginning the process for specific projects.

Councilmember Menesini acknowledged there are additional amenities that it would be good to have at the Marina, but this Negative Declaration is site-specific. Councilmember Ross agreed it would be good if the Negative Declaration would apply to other projects at the site if this one does not happen.

Mayor Schroder reiterated earlier comments by Ms. Tasini and Mr. Walter that expanding the scope of the review would require a full Environmental Impact Report rather than simply a Negative Declaration. He noted that would be considerably more expensive. Councilmember Menesini agreed and indicated he thought the proposed project was sufficient for the moment.

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

Mayor Schroder discussed the time-intensive process thus far and the many agencies involved. He expressed support for the current proposal, provided that the Negative Declaration is not specific for the one operator.

Councilmember Ross asked for clarification on the action requested of the Council, which Councilmember Menesini reviewed. The Council also discussed with staff the amount of deposit that the applicant should make and how it would be applied.

Councilmember Avila Farias asked what the applicant has brought to the process thus far and the City's financial liability, which staff discussed. Councilmember Avila Farias expressed support for the current proposal, adding that there seems to be enough protection of the City's interest. She thought this would be a good start for future Marina growth.

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, to approve and accept an Option to Sublease to Delmonico's Inc., a portion of the Martinez Marina for Development of a new restaurant, subject to modifications approved by the City Manager and the revisions stated by the City Attorney. Motion unanimously passed 5 - 0.

On motion by Michael Menesini, Councilmember, seconded by Anamarie Avila Farias, Councilmember, to approve Resolution No. 008-13 authorizing the Mayor to execute same and allocating a transfer of $40,000 from the General Fund Assigned Fund Balance to the Marina Enterprise Fund and authorizing the expenditure thereof to complete CEQA documents to facilitate development. Motion unanimously passed 5 - 0.

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

No comments made.

CHIEF OF POLICE

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

Chief of Police Gary Peterson announced that POST approved a seminar for Police management staff from March 6 through March 8, and associated costs would be reimbursed by POST; he also discussed specific goals for the training. Chief Peterson noted that because of the seminar, he would not be in attendance at the March 6th Council meeting but would send a representative.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

9. Council Subcommittee Reports.
   * Alhambra Highlands Ad Hoc Committee: Report on activities and request by the Subcommittee to consider level of involvement in the possible purchase of the Alhambra Highlands property and possible action to allocate funds to prepare an appraisal thereof.

Councilmember Ross and Vice Mayor DeLaney reported out from the recent Alhambra Highlands Ad Hoc Committee meeting. Vice Mayor DeLaney requested that the Council consider allocating funds to prepare an appraisal for the possible purchase of the Alhambra Highlands property.

Unidentified speaker agreed that the City should pay for the appraisal.

Donna Allen urged the Council to step forward and finance the appraisal as soon as possible.

Unidentified speaker stated that both parties should pay for half of the appraisal which needs to be done before any type of negotiations can begin.

Marie Knutson also agreed that each party should pay for half of the appraisal.

Tim Platt stated that he supported the direction the City was taking, and as member of the Ad Hoc Committee, the group felt that they should stay out of being a part of the potential negotiation process.

Consensus was reached that the City would allocate up to $10,000 for an appraisal, which will be placed on a future agenda for approval. Councilmember Menesini volunteered to contact the owner along with Councilmember Ross to discuss sale, purchase price, etc.

Councilmember Menesini and Mayor Schroder reported out from the Martinez Shoreline Joint Planning Agency with East Bay Regional Park District indicating that they had discussed the Waterfront Alternative Access--Court Street Overcross Project, Berrellesa Street Bay Trail Link, Waterfront Park Rehabilitation and Park Master Plan Update and other capital improvements at the Marina.

10. City Council Comments.

Vice Mayor Lara DeLaney thanked the public for attending the meeting.

Councilmember Mark Ross thanked the public and staff for participating. He also suggested that a neighborhood meeting be held out in Alhambra Valley for the new residents. Mayor Schroder stated that neighborhood meetings are planned for the entire City in the following months.

Councilmember Michael Menesini announced the 50th anniversary of Nancy Boyd's Memorial on Saturday, March 2, at noon at Nancy Boyd Park and encouraged the public to attend. He also stated that St. Catherine's will be celebrating their 150th anniversary and encouraged the Council to engage in some kind of activity.

Mayor Rob Schroder announced Baldricks day on Saturday, March 2nd at Creek Monkey.

ADJOURNMENT

Adjourned at 9:15 p.m. to a Regular Meeting on March 6, 2013 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 – 03/20/13