

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:40 p.m. in the Council Chambers with all members present except Councilmembers Menesini and Ross who arrived shortly after roll call.

PUBLIC COMMENT (comments are limited to items listed on the agenda)

No comments made.

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

PUBLIC EMPLOYMENT Title: City Manager

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Cal. Government Code Subdivision (a) of Section 54956.9.

Name of Case: City of Brentwood, et.al. v. Campbell, California Court of Appeal, First District, Case Number A138268.

RECONVENE- PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:12 p.m. He reported that Closed Session was held regarding Public Employee Evaluation and Public Employment, Title: Acting City Manager and Existing Litigation, City of Brentwood v. Campbell; there was nothing to report out.

PRESENT: AnaMarie Avila Farias, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

- A. Presentation by the Martinez Historical Society commemorating City Hall Home Tour 2012.

Carolyn Boone, Martinez Historical Society, thanked the Council for all their past support. Ms. Boone indicated that the Home Tour was very successful, bringing 300 visitors and raising \$10,000. The funds will go toward the train station fund, which now has \$80,000.

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

Matthew Rinn, representing the 3rd Ward of the Contra Costa Community College District, encouraged the Council and the community to celebrate 65 years of service of the Contra Costa County College District with a free afternoon of activities on December 7, 2013 from noon to 4:00 p.m. The event will take place at Universal Sports Academy, 330 Ferry Street. Mayor Schroder congratulated Mr. Rinn on his recent appointment to the District.

Mike Alford clarified that he is not using the podium and the newspaper for election purposes. He requested that the City Manager selection process be shared with the public.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
 - 1. Motion approving the City Council Minutes of November 6, 2013. [M.Cabral]
 - 2. Motion rejecting Claim(s) against the City by Michael Davenport, #13-24. [M.Cabral]
 - 2.1 Motion approving Check Reconciliation Register dated 11/26/13. [C.Spinella/2.1.1]
 - 3. Resolution No. 110-13 authorizing the City Manager to designate in writing to the State Board of Equalization those appointed representatives of the City of Martinez with authority to examine sales, use and transactions tax records. [A.Shear/17.02.15]
 - 4. Resolution No. 111-13 authorizing the Mayor to enter into a Memorandum of Understanding with the East Bay Regional Park District to record a deed restriction on the Martinez Intermodal Facility, Phase 3 parcel that would prohibit permanent residential use in exchange for the reinstatement of access rights across Alhambra Creek to Berrellesa Street and an easement exchange for the Ferry Street Extension. [T.Tucker/3.4.1&6.7.00]

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

PUBLIC HEARING(S)

- 5. Public hearing to adopt Ordinance 1375 C.S. repealing and reenacting Martinez Municipal Code Chapters 15.04, 15.05, 15.07, 15.16, 15.20, 15.24, and 15.28 , adopting by reference the 2013 Building Standards Code, Title 24 California Code of Regulations, including Parts 1 and 2 Building Code, Part 4 Uniform Mechanical Code, Part 5 Uniform Plumbing Code, Part 3 National Electrical Code, Part 9 International Fire Code, Part 11 International Green Building Standards Code and Part 2.5 International Residential Code with amendments; and adopting findings and an exemption from the provisions of the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3). [D.Salts/9.16.02]

Public Works Director Dave Scola presented the staff report on Item #5, noting that these are the State-approved inspection regulations with no substantive amendments.

Senior Management Michael Chandler presented the staff report on Item #6 and reviewed the proposed changes.

Mayor Schroder opened Items #5 and #6 for public comment.

Mike Alford spoke on Item 5, Building Standards Code, and requested clarification on the exemption from CEQA, which Senior City Attorney Veronica Nebb explained.

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

On motion by Michael Menesini, Councilmember, seconded by Lara DeLaney, Vice Mayor, adopt Ordinance 1375 C.S. repealing and reenacting Martinez Municipal Code Chapters 15.04, 15.05, 15.07, 15.16, 15.20, 15.24, and 15.28 , adopting by reference the 2013 Building Standards Code, Title 24 California Code of Regulations, including Parts 1 and 2 Building Code, Part 4 Uniform Mechanical Code, Part 5 Uniform Plumbing Code, Part 3 National Electrical Code, Part 9 International Fire Code, Part 11 International Green Building Standards Code and Part 2.5 International Residential Code with amendments; and adopting findings and an exemption from the provisions of the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3). Motion unanimously passed 5 - 0.

6. Public hearing to introduce an Ordinance amending the Martinez Municipal Code Title 8, Health and Safety, Chapter 8.19, Establishing the Requirements for the Recycling of Construction and Demolition Waste to "Recycling of Construction and Demolition Debris." [M.Chandler/9.10.00]

Item continued to December 18th Council meeting to include environmental impact findings.

CITY MANAGER

7. Discuss options and provide direction to staff regarding possible study and initiation of annexation proceedings for various areas of Pacheco, including: [M.Chandler/1.000]
 - 1) Resubmitting the previously considered North Pacheco annexation application; and
 - 2) Expanding the boundaries to include additional areas, which could include the following: a) area east of the original North Pacheco application, along Blum Road; b) the Vine Hill/Arthur Road area; and/or c) the Mountain View area of unincorporated Contra Costa County.

Councilmembers AnaMarie Avila Farias and Mark Ross presented the report of the Annexation Ad Hoc Committee, noting that today's discussion was for the purpose of deciding which areas to focus on, and more detailed research and planning will come later. The Council discussed the advantages and disadvantages of potential approaches, the logistics of the financial analysis, and the resubmission of the application to LAFCO.

Mayor Schroder opened the Item for public comment.

Greg Staffelbach expressed his support for annexation as a resident of one of the areas under consideration.

Susan Guftason also expressed her support.

Anthony Garth stated he hoped the residents of the annexation areas would have a chance to approve it, and Mayor Schroder clarified the process would include an opportunity to protest.

An unidentified speaker asked about the zoning of the areas and if any of the land would be owned by the City, which Mayor Schroder and Sr. City Attorney Veronica Nebb explained.

Mike Alford expressed concern that the wishes of the annexation area residents be heard, and suggested the City should focus on infrastructure problems inside the current borders.

Richard Verrilli expressed support for investigating the idea.

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

Senior City Attorney Veronica Nebb suggested that during the resubmission of the application for the original area, staff could meet with LAFCO for their perspective regarding the expansion areas.

Staff was directed to return to the next meeting for approval of funding for fiscal analysis; and staff will meet with the Ad Hoc Committee once the fiscal analysis and initial study of the feasibility of the expanded areas are completed for recommendation to the Council.

8. Strategic Plan Update (Council goals and priorities). [AG.Simpson/41.07.00]

Acting City Manager Alan Shear presented the staff report, reviewing the goals and explaining how they had been identified. He also summarized recently added items and noted the status update on some of the items.

Mayor Schroder opened the Item for public comment.

Greg Staffelbach asked that the creation of a dog park be a higher priority.

Cookie Tellas asked when a decision would be made on the Rankin Aquatic Center hours, and asked that it be addressed soon enough that the pool could potentially open in April.

Mike Alford requested clarification on the ownership of various parks being improved using Measure H funds.

Richard Verrilli asked if the City was monitoring the growing turkey population to decide if something should be done to address it.

An unidentified speaker noted that the Rankin Aquatic Center is very attractive to area families and urged the Council to make promoting it a priority.

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

The Council thanked staff for their work on the plan.

The Council discussed changes including dedicating funds for infrastructure improvements to the City in general instead of the parks specifically; lowering the priority of the development of day trips with Amtrak and local businesses and pursuing that in partnership with the Chamber of Commerce; and making the annexation a higher priority. Staff was directed to address the cold weather parking meter situation and bring the annual free parking holiday for approval at the December 18 meeting.

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

Acting City Manager Shear reported that he recently met with the new Fire Chief Jeff Carmen and the Chief reiterated that there would be no additional station closures. Mr. Shear noted that he invited him to a future Council meeting.

CHIEF OF POLICE

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

Chief Peterson announced that Officer Zachary Poertner and his new canine partner Logan have completed their training and are on the street. Chief Peterson reviewed the statistical report for the 2012-13 year-to-date Monthly Performance Indicators and the Crime Comparison. The Council congratulated the Chief Peterson on the reduction in crime.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

11. Consider a resolution appointing Councilmember Michael Menesini as Vice Mayor for the year 2013-2014. [41.02.01]

Mayor Schroder made opening remarks.

On motion by Rob Schroder, Mayor, no second required to approve Resolution No. 112-13 appointing Councilmember Michael Menesini as Vice Mayor for the year 2013-2014. Motion unanimously passed 5 - 0.

12. Council Subcommittee Reports.

Councilmember Avila Farias and Vice Mayor Menesini reported out on the Public Safety Subcommittee meeting held on December 2. The Subcommittee recommended amending the existing Medical Marijuana ordinance to prohibit any person from growing marijuana of any kind or type outdoors, with the exception of the cultivation of medical marijuana of no more than

6 plants per property. The recommendation will go before the Planning Commission and then to the Council. Councilmember Avila Farias thanked Chief Peterson for his analysis of the issue.

Councilmember Ross indicated that the Air District has a 1-800-4NO-ODOR line that residents can call to complain about odors; they will respond, inspect and issue citations if needed.

Vice Mayor Menesini reported out on the meeting of the Historic Train Depot Ad Hoc Committee which was held in November. The Committee discussed the creation of a non-profit with representatives from various community organizations to govern the train depot.

Mayor Schroder announced that the Marina Subcommittee will meet with representatives from the State Lands Commission on December 17th in Sacramento.

Councilmember DeLaney noted that on the same day there will be a School Liaison meeting with the School District at 6:30 p.m. at the District's office.

Councilmember Avila Farias reported that she and Mayor Schroder met with Supervisor Glover regarding the RCD Project at Barrellesa Palms. She indicated that the Housing Authority has agreed to modify their policy to add a local preference for Martinez residents to the RCD Project at Berrellesa Palms. It will be considered by the Board of Supervisors on December 17, which she plans to attend and report back.

13. City Council Comments.

Councilmember Lara DeLaney announced the Kiwanis See's Candy sales, which are occurring at Les Schwab and 516 Main Street. She announced the Holiday Frolic and activities beginning on Friday, December 6, through Sunday.

Vice Mayor Menesini expressed appreciation to City Engineer Tim Tucker for the MOU with East Bay Regional Park District with respect to Phase III of the Intermodal, which was timely and well done.

Councilmember AnaMarie Avila Farias encouraged the Council to attend the PRMCC community meeting for Measure H improvements at the Waterfront. Councilmember Avila Farias announced that St. Catherine's through the Guadalupana Club will be providing a free lunch on December 12, commemorating the Virgin Mary; she encouraged all to attend.

Councilmember Mark Ross commented on the Highway 4 westbound traffic, which is impacting City residents. Councilmember Avila Farias indicated that it is due to the construction of the Bart extension and other Hwy 4 improvements. Councilmember Ross also noted that Measure H funded improvements at the Waterfront are restricted to the guidelines approved by the voters.

ADJOURNMENT

The meeting adjourned at 9:17 p.m. to a Regular City Council Meeting on December 4, 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 – 1/22/14

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:10 p.m. with all members present except Councilmember Avila Farias, who arrived shortly after roll call, and Vice Mayor Menesini, who arrived at 6:20 p.m.

PUBLIC COMMENT (comments are limited only to items listed on the agenda)

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

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: Acting City Manager

PUBLIC EMPLOYMENT - Title: Acting City Manager

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:19 p.m. He reported that Closed Session was held regarding Public Employee Evaluation/Public Employment, Title--Acting City Manager; and there was nothing to report out.

PRESENT: AnaMarie Avila Farias, Councilmember, Lara DeLaney, Councilmember, Mark Ross, Councilmember, Michael Menesini, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

- A. Presentation by Onstage Theater Company regarding the Campbell Theater.

Mark Hinds, Managing Director of Onstage Repertory Theater (new occupants of the Campbell Theater) presented Beth Melger and Helen Means. Mr. Hinds thanked the Council for the opportunity to use the Theater. He noted that they started in October with cleaning and repairing the Campbell Theater with lots of wonderful volunteers, held an open house and had five performances of Christmas Bells, which was well received.

Mr. Hinds stated that according to the agreement with the City, if there were no profits made from the performances, Onstage would pay the City \$50; and pay half of the profits, if they were successful. He was pleased to report that he had a check for Mr. Chandler in the amount of \$504.25. He also announced the next show, "The Book of Liz," beginning January 31, 2014 through February 15, 2014. Mayor Schroder stated that the City was happy to have the Onstage Theater and look forward to the next series of shows.

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

Richard Verrilli expressed his appreciation to the Council and City staff for all their work this past year and stated that Martinez is better off because of the efforts.

Mike Alford encouraged the public to support Onstage; and he wished all a Merry Christmas.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
 - 1. Motion approving the City Council Minutes of November 20, 2013. [M.Cabral]
 - 2. Motion approving Check Reconciliation Registers dated 12/05/2013. [C.Spinella/2.1.1]
 - 3. Resolution amending the Fiscal Year 2013-14 Budget and approving a Budget Adjustment in the amount of \$28,000.00 for fiscal analysis of potential annexation areas. [M.Chandler/1.00]

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

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Item #A and Items #1 through #3 of the Consent Calendar. Motion unanimously passed 5 - 0.

PUBLIC HEARING(S)

- 4. Public hearing to introduce an Ordinance amending the Martinez Municipal Code Title 8, Health and Safety, Chapter 8.19, Recycling of Construction and Demolition Waste; and adopt findings and exemption from the provisions of the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3). [M.Chandler/9.10.00]

Senior Management Analyst Michael Chandler presented the staff report, discussing reason for the ordinance and its provisions.

Councilmember Ross asked about forfeited amounts, and Mr. Chandler confirmed there had been none as yet. Councilmember DeLaney asked if there were any projections as to next year's financials, based on the proposed changes. Mr. Chandler indicated possibly a 50% increase, but noted it is difficult to project. Public Works Director Dave Scola indicated an estimate could be

made based on past trends, which he would be happy to provide but he did not have the information with him tonight.

Mayor Schroder opened the public hearing.

Richard Verrilli expressed concern that the projected fees not be the driving force behind the ordinance, but rather to encourage recycling. He asked how used building materials can be recycled, which Mr. Scola discussed. Mr. Scola added that the purpose of the fees is to recover the City's costs, not to make a profit. Vice Mayor Menesini commented on the State legislature requirements that necessitate the changes. Mayor Schroder discussed the prevalence of recycling building materials, as well as identifying places the materials will be accepted.

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

Councilmember DeLaney discussed residential renovation projects that will be impacted by the ordinance. She suggested more specific alternative language to clarify which projects will be affected. Staff agreed it was a reasonable suggestion.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, introduce an Ordinance amending the Martinez Municipal Code Title 8, Health and Safety, Chapter 8.19, Recycling of Construction and Demolition Waste; and adopt findings and exemption from the provisions of the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3) *as amended*. Motion unanimously passed 5 - 0.

CITY MANAGER

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

Acting City Manager Alan Shear commended Public Works staff, Art Pagnini, Gus Ledezma, Zack Drake and Rene Jacobs from the Police Department for getting the Christmas Tree and decorating it on short notice. He also recognized Bob Cellini, Billie Hoskins and Barbara Patchin for decorating the empty monitor spaces in the Chambers.

CHIEF OF POLICE

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

Chief of Police Gary Peterson reported that Officer Jim Chase retired today after 32 years in law enforcement, 24 of those years with the City. He will be coming back in January as a per diem employee, while the City recruits to fill his position and other vacancies.

Chief Peterson reminded the public to drive safely during this holiday season and to be alcohol free; and he wished everyone a Merry Christmas.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

7. Discuss and possibly direct staff to waive parking meter fees Downtown beginning December 24, 2013 through January 1, 2014. [A.Shear/8.4.0]

The Council was in agreement to waive parking meter fees through January 1.

Councilmember Mark Ross suggested extending the fee waiver to January 6th. Mayor Schroder and the other Councilmembers agreed.

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

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, direct staff to waive parking meter fees Downtown beginning December 24, 2013 through January 5, 2014. Motion unanimously passed 5 - 0.

8. Council Subcommittee Reports.

Mayor Schroder and Councilmember DeLaney reported out on the City Council/Martinez Unified School District Liaison Subcommittee meeting held on December 17th. Mayor Schroder reviewed the issues discussed - traffic flow at John Swett School, the integrated pest management program that schools have been required to implement, the intern program directed by Mr. Chandler, funding for the energy audits to be done in the summer for the high schools and the free wifi program.

Councilmember DeLaney indicated that they discussed a newly-proposed program to provide CERT (community emergency response team) training for high school students and the possibility of CPR training to be offered in the schools. Mayor Schroder commented on the partnership between the City and the School District and past agreements for shared services or financial arrangements.

Councilmember Avila Farias asked if there was any discussion about whether there are enough schools to accommodate Martinez children. Mayor Schroder said it was not discussed, but Councilmember DeLaney did raise the possibility of having a joint meeting with the City Council and the School Board.

Mayor Schroder also reported out on the Marina meeting with City staff (Acting City Manager Alan Shear, Deputy Director of Strategic Planning & Community Development Anna Gwyn Simpson, City Attorney Jeff Walter and Contract Community Services Manager Mitch Austin) employees of the State Lands Commission, the Water Resources Agency, and a representative of the State Parks Agency held on December 17, and indicated that the meeting went very well.

Acting City Manager Alan Shear agreed things were looking better for eventual resolution.

9. City Council Comments.

Councilmember Mark Ross wished all a Merry Christmas and Happy New Year.

Councilmember Lara DeLaney thanked staff for the incredible job they did on the Holiday Frolic, the Snow Park and the entire event. She wished happy holidays to all.

Councilmember AnaMarie Avila Farias wished all a very Merry Christmas and recognized Councilmember Ross and her own one year Council service. She also expressed appreciation to staff for all their hard work and looked forward to 2014.

Vice Mayor Michael Menesini echoed what his fellow colleagues said and wished all a Merry Christmas.

Mayor Rob Schroder thanked staff for all their hard work and especially Public Works staff who have been working on all the water pipe breaks. He noted that he will be out of the Country for two weeks and Vice Mayor Menesini will be acting Mayor.

ADJOURNMENT

Adjourned at 7:59 p.m. to a Regular City Council Meeting on January 22, 2014, 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 – 1/22/14

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder called the meeting to order at 6:30 p.m. in the Council Chambers.

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

PUBLIC COMMENT (comments are limited only to items listed on the agenda)

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

CLOSED SESSION (adjourn to City Manager's Office)

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

PUBLIC EMPLOYMENT

Title: Acting City Manager; Interim City Manager

PUBLIC EMPLOYEE APPOINTMENT

Title: Acting City Manager; Interim City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Acting City Manager

Mayor Schroder stated that the Council met in closed session. He reported out in open session that the Council discussed the public employment of the interim City Manager position. Mayor Schroder announced that it was decided to hire Anna Gwyn Simpson as Interim City Manager by the following vote: Ayes, Mayor Schroder, Vice Mayor Menesini and Councilmember Avila Farias; No, Councilmember DeLaney and Councilmember Ross.

In the same motion, Council directed Mayor Schroder to contact professional service firms to obtain bids for a City Manager Recruitment; and direct the City Attorney to draw up a contract for Ms. Simpson with similar terms as Mr. Shear's.

ADJOURNMENT

Adjourned at 7:15 p.m. to a Closed Session at 6:00 p.m. then to an Adjourned Regular City Council Meeting on January 22, 2014, 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 – 1/22/14