

## **CALL TO ORDER**

The meeting was called to order at 6:30 p.m. in the Council Chambers with all members present except Councilmember DeLaney who arrived after roll call and Councilmember Avila Farias who arrived at 6:40 p.m.

## **PUBLIC COMMENT (Closed Session Item only)**

There being no public comment, the meeting adjourned to the City Manager's Office.

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Cal. Government Code Section 54956.9 (a). Name of Case: City of Brentwood, et.al. v. Campbell

## **RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He reported that a closed session was held regarding an existing litigation, City of Brentwood, et.al. v. Campbell, direction was given to legal counsel and there was nothing else to report.

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. Proclamation proclaiming March 12 as "Arbor Day."

Mayor Schroder, on behalf of the City Council, presented the proclamation to Assistant City Manager Alan Shear. Mayor Schroder also discussed the significance of the Arbor Day Proclamation to the City's "Tree City, U.S.A." designation and the importance of trees to the wellbeing of the residents.

- B. Proclaiming March 2014 as "American Red Cross Month."

Mayor Schroder, on behalf of the City Council, presented the proclamation to Marcelle Indelicato of the American Red Cross.

Ms. Indelicato thanked the City for partnering with the Red Cross in responding to those in need. She provided the Red Cross website and contact information.

C. Proclamation proclaiming March 2014 as "Prescription Drug Abuse Awareness Month."

Mayor Schroder, on behalf of the City Council, presented the proclamation to Doug Sibley.

Mr. Sibley discussed the purpose of the "Prescription Drug Abuse Awareness Month". Mayor Schroder stated that there were disposal collections for prescription drugs and used sharps inside the Police Department offices.

### **PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

Jaime Fox spoke about a giant oak tree on the top of John Muir's property that he feels has been incorrectly marked on another parcel and not on John Muir's property, which is now set to be removed by the Alhambra Highlands developer. Mr. Fox urged the Council to correct the map and preserve the tree. He presented photos of the oak tree to the Council. Mayor Schroder directed staff to research the information presented by Mr. Fox for confirmation.

Julian Frazier expressed his appreciation for adjourning the last meeting in his father's honor. He requested that tonight's meeting be adjourned in memory of Francis Zuppen. Mr. Frazier talked about the accomplishments of his father and others who never attend Council meetings but still serve the City. He also provided a brief history of Mr. Zuppen's life.

Mike Alford provided an update on clean water/air technologies and the benefits it can bring to the Marina waters, the Alhambra Creek, and the fish and wildlife. He asked the Mayor to contact the company owner, Talbott Howard, and he provided contact information to the Clerk.

Richard Verrilli questioned the advisability of investing so much into the reusable shopping bags that the City will be purchasing. He stated that the bags are very expensive; and he felt if the City had that much money to spend on bags, it should spend that much more on needed road repairs.

### **CONSENT CALENDAR**

- A. Motion waiving reading of text of all Resolutions and Ordinances.
1. Motion approving the City Council Minutes of February 5, 2014. [M.Cabral]
  2. Motion Rejecting Claim against the City by Carmelo Carone, #13-26. [M.Cabral]
  3. Motion approving Check Reconciliation registers dated 02/20/14. [C.Spinella/2.1.1]
  4. Motion accepting the California 9-1-1 Emergency Communications Branch allotment funds for the purchase of a replacement 9-1-1 telephone system for the Police Department dispatch center. [E.Ghisletta/04.08.00]
  5. Resolution No. 013-14 approving a purchase order for the Waterfront Restroom Replacement Project to Romtec of Roseburg, Oregon, in the amount not to exceed \$182,245 and allocating \$237,300 of Measure H funds to Account No. C5017. [T.Tucker/10.05.03&11.05.00]

6. Resolution No. 014-14 authorizing destruction of records pertaining to the Finance and Personnel Divisions of the Administrative Services Department. [M.Cabral/40.10.01]
7. Resolution No. 015-14 accepting bids for the City Hall Floor Covering Replacement Project, and awarding the contract to Gils Carpet, Inc. in the amount of \$125,180, and allocating said funds from the City Hall CIP budget (C4014). [D.Scola/5.02.00]
8. Resolutions directing the City Engineer to prepare the Engineer Reports and Assessment Diagrams for the following Landscaping and Lighting Assessment Districts:
  - A. Reso No. 016-14 for 1979-3 (LL-2) (Village Oaks Terrace) for fiscal year 2014-15. [T.Tucker/10.02.34]
  - B. Reso No. 017-14 for 1981-3 (Muir Station Park) for fiscal year 2014-15. [T.Tucker/10.02.15]
  - C. Reso No. 018-14 for 1983-3 (Vista Oaks) for fiscal year 2014-15. [T.Tucker/10.02.21]
  - D. Reso No. 019-14 for 1988-1 (Center Martinez) for fiscal year 2014-15. [T.Tucker/10.02.31]
  - E. Reso No. 020-14 for 1994-1 (Creekside) for fiscal year 2014-15. [T.Tucker/10.02.36]
  - F. Reso No. 021-14 for 1997-1 (Brittany Hills) for fiscal year 2014-15. [T.Tucker/10.02.37]
  - G. Reso No. 022-14 2000-2 (Terra Vista) for fiscal year 2014-15. [T.Tucker/10.02.40]
  - H. Reso No. 023-14 for 2001-1 (Alhambra Estates) for Fiscal Year 2014-15. [T.Tucker/10.02.41]
9. Resolution No. 024-14 establishing the rate per Equivalent Runoff Unit (ERU) for the Fiscal Year 2014-2015 and request the Contra Costa County Flood Control and Water Conservation District to adopt an annual parcel assessment for the National Pollutant Discharge Elimination System (NPDES) Program. [T.Tucker/10.06.06]
10. Resolution No. 025-14 authorizing the Interim City Manager to execute an agreement with Rising Sun Energy Center and the Martinez Unified School District for the California Youth Energy Services Program in Martinez. [M.Chandler/30.09.00]

Mayor Schroder opened public comment on the Consent Calendar.

Julian Frazier spoke on Item #2, Claim against the City, and he encouraged the Council to be sure that the claimant, another who has done much for the City, is treated fairly.

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

On motion by Lara DeLaney, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Item A and Items #1 through #10 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

## **PUBLIC HEARING(S)**

## **CITY MANAGER**

11. Motion to maintain the current Drought Management Program, first approved by Council for the 2009 drought, if current water restrictions are mandated. [AG.Simpson/15.02.01]

Interim City Manager Simpson presented the staff report, noting that there is currently no mandatory implementation, but staff needs time to prepare should it become necessary.

Councilmember Ross discussed cost-saving measures that residents can take advantage of now to conserve water.

Councilmember DeLaney noted that the Governor has recommended a voluntary 20% reduction in use statewide. She asked why not require that irrigation meters reduce usage by 20% to comply with the Governor's request. Ms. Simpson explained that the City's goals were based on those set by the Water District, as had been done in 2009.

Councilmember Ross expressed optimism that the City may have already achieved the 20% reduction, given the new watering equipment that Measure H funding has provided. Councilmember DeLaney said the 20% reduction would have to be based on current-year usage, not past years when the older equipment was in use.

Mayor Schroder asked, and Mr. Shear noted that staff can build into the program whichever targets the Council desires, whether 15% reduction or 20%.

Vice Mayor Menesini expressed support for the staff recommendation. He also asked about the use of rain barrels, which City Engineer Tim Tucker discussed. Vice Mayor Menesini wondered whether the City should invest in some rain barrels to collect water from storms that could then be used for watering or similar possibilities for homeowners. Mr. Tucker also discussed other water-saving measures that the City has undertaken recently.

Councilmember Avila Farias agreed with staff's recommendation of 15% for the time being, at least until more is required by the State. She also noted an upcoming conference on water conservations, etc. and urged that some City staff attend. She mentioned public education as a way to encourage residents to conserve as well.

Councilmember Ross noted that California residents are well below the national average in per person per day water usage.

There was general discussion among the Council of water-saving and re-use possibilities.

Councilmember DeLaney commented on the seriousness of the drought and the high possibility that stronger conservation will be imposed. She recommended that a 20% reduction be set as a goal rather than 15%. She also asked that the Council consider support of Senator Wolk's water bond bill, SB 818, and to place it on a future agenda.

Mayor Schroder opened public comment on the item.

Mike Alford noted that the Governor announced today that there will be mandated reductions. He also indicated that the water technologies he mentioned earlier can apply to currently inoperative water wells.

Julian Frazier suggested that the City could contact the school district about using some of their rooftop areas for water collection. He also noted that the City should not be considering any further housing developments if current resources are thin.

Richard Verrilli said it seems that the more water is conserved, the higher the cost. Vice Mayor Menesini explained that there are many complex reasons as to why the price of water has gone up; he added, however, that even though the Martinez Water District gets its water from Contra Costa Water District (CCWD), the Martinez water rates are less than CCWD rates.

Seeing no further speakers, Mayor Schroder closed public comment.

Mayor Schroder pointed out that the bay area is primarily a desert, with only occasionally periods of high rainfall. He expressed support for many of the conservation measures discussed by the Council, and he agreed that finding new ways to store water is something to consider. He also expressed interest in the possibility of water bonds, and he agreed to bring Senator Wolk's bill back for Council consideration at a later meeting. He indicated his support for the staff recommendation for the current time.

Councilmember DeLaney expressed her support as well, although she was sure that more stringent measures will be required in the near future.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve the current Drought Management Program, first approved by Council for the 2009 drought, if current water restrictions are mandated. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

## 12. City Manager Comment(s)/Update(s)/Report(s).

City Engineer Tim Tucker reported that the Union Pacific would like to do a retrofit on the Ferry Street crossing, which would necessitate the closing of the crossing for 5 days. He commented on those who have live-aboards, businesses and recreational activities on the other side and noted that this highlights the City's need to move forward with a bridge at Berrellesa. He added that staff is recommending some short term pavement repairs, and in two years when the Berrellesa Bridge is built, Union Pacific can come in and do a full retrofit. He indicated that staff is working in partnership with Union Pacific; and they are currently evaluating staff's proposal.

Councilmember Menesini mentioned that it might be in Union Pacific's best interest to finance the bridge project.

Councilmember Mark Ross asked Mr. Tucker to speak about the train tracks on Howe and Old Orchard, in light of the recent tragedy, and the attractive nuisance it represents. Mr. Tucker indicated that staff walked the perimeter of the Burlington Northern train tracks, and many sections of the fence are missing, broken and in need of repair. There are some areas that the City could put in short fencing and other things to limit access. Mr. Tucker mentioned that it is also a matter of educating the public.

Vice Mayor Menesini said that barricades alone might not do the job he suggested some signage to strongly convey the message that going on the tracks is taking an enormous risk.

Councilmember Avila Farias discussed other public safety education measures that have been done in the past in conjunction with the railroad and the school district, and she suggested they be re-implemented. She mentioned other railroad issues with vehicle and pedestrian traffic elsewhere in the City. Vice Mayor Menesini agreed, acknowledging the risks with the Ferry Street crossing and highlighting again the need for a crossing at Berrellessa.

Mayor Schroder asked Mr. Tucker to review the quiet zone concept. Mr. Tucker indicated that quiet zones are always a consideration, and he reviewed some of the components involved. Vice Mayor Menesini noted that it was also recommended to connect the Ferry Street and Berrellessa crossings, which would help facilitate the quiet zone.

Councilmember DeLaney noted that there was supposed to be quad gates or additional safety measures put in place, and she asked whether that would be part of the proposed retrofit by Union Pacific. Mr. Tucker said that there are a variety of safety measures that can be in place that would enhance the quiet zone concept.

Mayor Schroder opened public comment on the item.

Julian Frazier spoke on the train crossing at Shell. He noted that eliminating the blowing of the train horns could create new safety risks. He also noted that the new oil transport by trains means that trains are carrying large amounts of flammable liquid; and he encouraged the City to be involved in this issue.

Mike Alford commented that the railroad should install some type of sensor on each side of the tracks in problem areas.

Interim City Manager Simpson expressed her condolences and those of staff on the tragic passing of Jenna Betti. In her honor, along with the Martinez Youth Baseball and Softball Parade, the City staff will be placing pink ribbons in front of City Hall in the plaza and at the staging area on Main Street on Saturday morning. She indicated that City staff will be wearing pink ribbons and the Martinez Youth Baseball and Softball will be wearing pink arm bands.

Councilmember Ross encouraged Mr. Tucker and other staff to continue working with the railroad to minimize the safety risks.

## **CHIEF OF POLICE**

### 13. Chief of Police Comment(s)/Update(s)/Report(s).

Captain Eric Ghisletta acknowledged it has been a very difficult time for the City with the recent tragedy. On the bright side, he stated that one of the Police Department employees discovered that a nine year old had a bike stolen, and the employee went to WalMart and bought a new bike for her. Captain Ghisletta emphasized the need for education, which will be incorporated into Police Department programs with the schools.

Councilmember Avila Farias agreed and encouraged the Police Department to continue its efforts in that regard.

## **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

### **CITY COUNCIL**

14. Resolution No. 026-14 supporting the San Francisco Bay Area Water Trail.  
[D.Tasini/41.05.00]

Mayor Schroder reviewed information given in the presentation that the organization provided at the last Council meeting, noting that Councilmember DeLaney had requested it be added to this agenda to discuss the City's potential support of the Water Trail.

Councilmember Lara DeLaney commented on the importance of waterfront cities (like Martinez) being involved in the program, and she suggested the concept should be incorporated into the new General Plan update.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 026-14 supporting the San Francisco Bay Area Water Trail. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

15. Resolution No. 027-14 affirming the United States Post Office to protect living wage jobs and our community. [R.Schroder/41.00.05]

Mayor Schroder gave a brief report, discussing the importance of the proposed Resolution in protecting minimum wage jobs in the community. Vice Mayor Menesini indicated his support for the Resolution as well.

On motion by Michael Menesini, Vice Mayor, seconded by Mark Ross, Councilmember, to approve Resolution No. 027-14 affirming the United States Post Office to protect living wage jobs and our community. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

Mayor Schroder opened public comment on the item.

Julian Frazier expressed his support for the Bay Area Water Trail.

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

16. Appointment to City Council Standing Subcommittees: [R.Schroder/41.02.00]

Mayor Schroder noted that these appointments normally take place in November, but with staffing changes, the appointments were not done last fall.

- A. Motion to appoint Councilmember Mark Ross and Mayor Rob Schroder to the Budget/Finance Subcommittee.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Councilmember Mark Ross and Mayor Rob Schroder to the Budget/Finance Subcommittee. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

- B. Motion to appoint Vice Mayor Michael Menesini to the School Liaison Subcommittee.

On motion by Rob Schroder, Mayor, no second required to approve appointment of Vice Mayor Michael Menesini to the School Liaison Subcommittee. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

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

#### 17. Council Subcommittee Reports.

Councilmembers Lara DeLaney and Mark Ross reported out on the Concert Ad Hoc Committee meeting held on March 4th, and plans for a "Blues by the Bay" concert to be held at the amphitheatre in May, including sponsorships and support from the public and from staff. Interim City Manager Simpson confirmed that a page has been opened on the City's website that will have additional updated information about the concert(s) as time goes on.

Vice Mayor Menesini and Councilmember Avila Farias reported out on the Historic Train Depot Ad Hoc Committee meeting held on February 20th with the Martinez Historical Society. They discussed how to be more inclusive with other community groups and the appropriate use of the facility other than just storage. Vice Mayor Menesini also indicated that staff is working with the Historical Society to develop a satisfactory use agreement between the parties.

Councilmember Avila Farias also reported that the Public Safety Subcommittee had met with Captain Ghisletta and they have established quarterly meetings beginning in March, advance positing of the agenda and increase participation.

#### 18. City Council Comments.

Councilmember DeLaney requested an update from staff on the progress on 630 and 610 Court Street. She also inquired if the Interim City Manager has had a chance to contact two of the City's largest sales tax generators and discuss the status of the shared tax agreements with S&S Solutions and Golden Gate and she asked that an update be included on a future agenda.

Councilmember Ross commented on the Tesoro incident and the injuries incurred by their employees, which were significant. He indicated that he was interviewed by the media regarding the incident. For the record, he expressed surprise and concern that a modern, industrial facility like Tesoro would be so callous as to not allow a Board, whose function is safety, to investigate.

Councilmember Ross noted that he was also interviewed regarding the fees for the electric charging stations, and commented on the leadership the City is showing in that area. He expressed his condolences and sympathy to the Betti family for their loss.

Councilmember Avila Farias informed Interim City Manager Simpson and staff that moving forward they didn't have to correct a typo in public, especially since the Council receives their packet in advance, and if they see an error, they can bring it to staff's attention before the meeting.

Vice Mayor Menesini expressed his condolences to the Betti family as well. He stated that perhaps the City can renew its efforts so that this type of tragedy does not happen again. He also stated that the revenue sharing, which has been going on for too long, has cost Martinez a major business - Costco left Martinez because of incentives given to them by a neighboring city. He stated that perhaps staff can look at the Fairfield Incentive program and see if there is anything Martinez can use. Vice Mayor Menesini explained to Mr. Verrilli that approval of the recycled bags was contingent upon an education program being developed. Senior Management Analyst Michael Chandler reported that he had discussed the matter with the Superintendent's office and some of the principals, and it was decided to provide the bags at the schools' open house events, and that way it would involve parents. Vice Mayor Menesini echoed the sentiments that were expressed about worker safety and he also found it shocking that Tesoro would not allow a federal labor agency to go into their refinery and inspect the conditions that workers are subject to. He urged the County to step up with safety enforcement.

Mayor Schroder stated that the Kassales' building, 714-718 Main Street, is finally on the market. Mayor Schroder announced that he will be participating at St. Baldrick's Day at Creek Monkey on March 15th, an organization that raises funds for children's cancer research. He stated that his head will be shaved down to number one, but prior to that he will have his hair dyed green.

Mayor Schroder announced that the meeting will adjourn in memory of 14 year old Jenna Betti, and services will be on Friday at Christ the King Church in Pleasant Hill. He commented that he, as well as many others, did attend the candlelight vigil. He indicated that the meeting would also adjourn in memory of Francis Zuppen, who owned the Franklin Canyon Dairy. Councilmember Ross requested the meeting adjourn in memory of Anthony Nunes, indicating that a celebration of Tony's life will be held on March 9<sup>th</sup> at the Haas Pavilion at U. C. Berkeley and those attending should wear their favorite spring colors.

## **ADJOURNMENT**

Adjourned at 8:55 p.m. *in memory of Jenna Betti, Francis Zuppen and Anthony Nunes* and then to a Regular City Council Meeting on March 19, 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 - 4/2/2014