

CALL TO ORDER

The Closed Session, Conference with Legal Counsel, has been cancelled and continued to the meeting of May 21st.

PUBLIC COMMENT (Closed Session Items Only)

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Cal. Gov't Code section 54956.9: One potential case.

RECONVENE - PLEDGE OF ALLEGIANCE - CALL TO ORDER

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He noted that the Closed Session was canceled and continued to the meeting of May 21st.

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

PRESENTATION(S)

- A. Swearing In Ceremony for Police Officer Matthew Castillo.

Acting Chief Eric Ghisletta introduced Officer Castillo, described his background and introduced his family. Swearing in was performed by City Clerk Gary Hernandez. Officer Castillo was pinned by his father Monte Castillo. The Council offered their congratulations.

- B. Proclamation proclaiming May 9 to May 18, 2014 as the 18th Annual East Bay Affordable Housing Week.

Mayor Schroder, on behalf of the City Council, read and presented the proclamation to Peggy Jen Board Member of the East Bay Housing Organizations (EBHO). Ms. Jen discussed how EBHO members work together to promote affordable housing through advocacy, education, and coalition building. She expressed her appreciation and provided information on affordable housing and events beginning with the Kick-Off Celebration on Friday, May 9, 2014, at the Scottish Rite Center in Oakland from 6:00 pm to 8:30 pm. She also discussed how affordable housing can give people security, stability, and opportunity; help children succeed in school, help families achieve their career goals, strengthen the local economy, create healthy neighborhoods and allow seniors to age with dignity in their community.

C. Presentation by Astound Broadband, LLC.

Mr. Doug Shultz, Astound Broadband, spoke about participating and belonging to the Martinez community. He presented a check in the amount of \$1000 to the City to be used toward the Joltin Joe Restoration Project, and he stated that Astound will donate an additional \$20 for every customer connected between May 8th and August 15th. Mr. Schultz further stated that they will come back on September 3rd to present the final check to the Council.

The Council expressed their appreciation to Astound for supporting the Joltin Joe.

Councilmember Ross asked about Main Street fiber optics. Mr. Shultz indicated not at this time, but it is being contemplated for the future.

Councilmember DeLaney asked which homes were being invited to sign up for Astound. Mr. Shultz explained that only homes without undergrounded utilities would be included at this time.

D. Voluntary Drought Management Plan Presentation.

Chris Dunden, Contra Costa Water District Conservation Supervisor, provided a brief update on CCWD water supply and an overview of the conservation program. He noted that the CCWD Board had adopted a 15% voluntary reduction.

Mr. Dunden stated that CCWD is the wholesale water provider for the City of Martinez. He noted that the District so far is doing well since Los Vaqueros Reservoir was expanded. He added that all of its customers have conserved over a number of years, making the demand for water less than it was. Mr. Dunden reviewed the conservation services, i.e., on-site water use evaluations, rebates and incentives, education and information and free devices.

Mayor Schroder asked for information on the high-efficiency toilet rebate program, which Mr. Dunden discussed.

Councilmember DeLaney asked how to sign up for the on-site water use evaluations and the lawn to garden rebate, and Mr. Dunden indicated that more information could be found on the CCWD website, conserve.ccwater.com or by calling 925-688-8320.

Water Superintendant Chris Kania presented the City's 15% Voluntary Water Reduction Plan. He reviewed the challenges of the drought, focus areas for outdoor and indoor water use, water saving measures, public outreach, California Youth Energy Services Program and free workshops, which will be held during the summer months to educate the community on water conservation.

Mayor Schroder commented that he used to hose down his driveway after working outside, but he has since stopped that in order to conserve.

Councilmember DeLaney asked if staff could put something on the website on how to read the water meter. Mr. Kania indicated that they could put a YouTube video on the City's website.

E. Added Presentation: Martinez Environmental Group

Bill Nichols of the Martinez Environmental Group spoke in opposition to rail transport of hazardous crude oil through Martinez and the East Bay. He urged the Council to adopt a resolution opposing the transport of hazardous crude by rail along the Union Pacific and Santa Fe railway through California, the East Bay and Martinez. He also requested that the Council petition Governor Brown to issue an executive order, which he read into the record. Mr. Nichols stated that this type of crude oil is known as Bakken crude, which is highly volatile and is being transported in significant volume across the United States and Canada by structurally deficient rail cars. He noted that there have been 7 catastrophic incidents in 2013 involving these trains, and Canada has ordered a phase out of over 5,000 older rail tank cars by the end of May 2014. Because the U.S. has not decided on tanker rail car regulation, this new regulation in Canada will force these older cars to be used exclusively in the U.S. Mr. Nichols urged the Council's immediate attention to this issue.

Mayor Schroder thanked Mr. Nichols for the presentation. He indicated that the Council could not comment on the matter, since it was a non-agendized item.

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

Jaime Fox stated that they now have 3,000 supporters for the Alhambra Hills. He asked if the group that put together the EIR in 2011 was aware that the land was part of Muir's original ranch and would have historical significance.

Ayore Riaunda asked the Council to consider adopting a resolution or motion asking the County to allow every property tax payer to find out exactly how much of their 1% property tax dollars goes to each government agency, and he encouraged all other Contra Costa County cities to do the same.

Mike Alford expressed his appreciation to Mr. Nichols for the information he provided to the public regarding the transporting of the crude oil. Mr. Alford stated that this is a health and welfare issue, and the Council should have already been aware of the hazards and should have made the public aware. He urged that action be taken immediately.

Douglas Van Raam stated that one problem that needs to be addressed first is that this is not even really crude oil and shouldn't be referred to as such; instead another classification should be created, with new limitations and restrictions.

Richard Verrilli noted that there is considerable air pollution as a result of this kind of transport of oil. He wondered when they would get an update on the plastic bag ban. Further, he expressed concern about the possible closing of the Safeway store, and he hoped that something was being done to ensure its retention. He congratulated the Council on the passage of SB1424. Finally, he reminded people that the last day to register to vote is May 19th. Mayor Schroder stated that the plastic bag ordinance is on its way to Council soon.

Jim Kirkofer, commented on the transport of crude oil, noting that this year there have been 23 derailments, including 6 explosions. He urged the Council to adopt the resolution regarding transport of hazardous crude by rail along the Union Pacific and Santa Fe railway through California, the East Bay and Martinez.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
1. Motion approving the City Council Minutes of April 2, 2014. [M.Cabral]
 2. Motion approving Check Reconciliation Registers dated 04/17/14 and 05/01/14. [C.Spinella/2.1.1]
 3. Motion accepting the Third Quarter Financial Report for fiscal year 2013/14. [C.Spinella/2.1.0]
 4. Motion adopting Ordinance 1380 C.S. amending Chapter 22.41 (Medical Marijuana Dispensaries) to amend the title and add Sections 22.41.025 and 22.41.065 and Chapter 8.36 (Property Nuisance) relating to prohibiting the cultivation of outdoor Medical Marijuana, and finding that the adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15304 And 15061(B)(3). [V.Nebb/M.Cabral/9.4.4.30]
 5. Resolution No. 034-14 finding personal property located at 115 Tarantino Drive and 401 Ferry Street to be surplus supplies and equipment and authorizing the Interim City Manager to execute the attached Bill of Sale on behalf of the City and sell the property to Rooster Productions, LLC for the amount of \$4,110 under the terms and conditions of the Bill of Sale. [M.Chandler/5.20.00&11.05.12]
 6. Resolution No. 035-14 authorizing the Interim City Manager to execute a first amendment to the license agreement with Rooster Productions, LLC, for use of a portion of the Kenney Building, located at 115 Tarantino Drive. [M.Chandler/11.05.12]
 7. Resolution No. 036-14 authorizing the Interim City Manager to renew the agreement with the State Franchise Tax Board to exchange tax data specific to business license information for tax administration purposes for the period of June 1, 2014 - December 31, 2016. [A.Shear/2.01.00&03.01.00]
 8. Resolution No. 037-14 establishing a 15% Voluntary Drought Management Program necessary to sufficiently conserve an available water supply. [C.Kania/15.02.01]

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Item #A and Items #1 through #8 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor; Absent: Michael Menesini, Vice Mayor.

PUBLIC HEARING(S)

CITY MANAGER

9. Resolution No. 038-14 establishing a non-binding strategy to annex Alhambra Valley by the year 2020 in a single phase approach. [Tim Tucker/1.000&1.227]

City Engineer Tim Tucker presented the staff report. He discussed a request for the City to provide water service to a property in the Alhambra Valley next to other properties served by the City and related LAFCO (Local Agency Formation Commission) requirements for service. He discussed the Annexation Subcommittee's discussion of annexing the entire area in one phase by the year 2020, rather than a piecemeal approach. He also recommended additional outreach to the area regarding potential future annexations.

As members of the Council Subcommittee, Councilmember Avila Farias and Ross indicated they supported the staff recommendation, provision of water service to the one property, and submission of an annexation strategy to LAFCO.

Councilmember DeLaney asked if the out-of-agency water service agreement for the one property would be moving forward and what the process would be, which Mr. Tucker discussed.

Councilmember DeLaney also asked how the year 2020 was chosen for the single-phase annexation, and Mr. Tucker explained the process further and the estimated time for the needed studies. He added that it is only an estimated time, and staff will keep the Council updated on the process. He confirmed that the final date can be adjusted as needed in the meantime.

Councilmember DeLaney said she thought the date of 2020 was a little premature, but she would support a non-binding agreement. She also asked about properties with pre-existing annexation agreements, which Mr. Tucker discussed.

As a LAFCO member, Mayor Schroder commented that the only way LAFCO will approve an out-of-area service agreement is if there is a plan in place for future annexation. He indicated he supported staff's recommendation.

Mayor Schroder opened public comment on the item.

Mike Alford said none of his relatives in the Alhambra Valley want to be annexed by the City. He also questioned how the previous annexation went through. He was glad that the proposal is for a non-binding agreement.

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

Councilmember DeLaney noted that the word "deferred" was misspelled twice in the resolution.

On motion by Mark Ross, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 038-14 establishing a non-binding strategy to annex Alhambra Valley by the year 2020 in a single phase approach. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor; Absent: Michael Menesini, Vice Mayor.

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

Interim City Manager Anna Gwyn Simpson reminded everyone about the Blues by the Bay Festival this Saturday, May 10th from noon to 9:00 p.m. She stated that tickets are on sale at City Hall or at www.martinezevents.org, and there is further information on the City's website. Ms. Simpson also announced that a community workshop on the Housing Update will be held on Tuesday, May 13th from 7:00 p.m. to 9:00 p.m. in the Council Chambers.

CHIEF OF POLICE

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

Acting Chief of Police Eric Ghisletta reminded the public to save the date for "National Night Out" on Tuesday, August 5th, noting that the Les Schwab building will still be the central location. Further information will be provided in the near future.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

12. Appointment of Timon Phillips to the Design Review Committee for a two-year term.

Mayor Schroder indicated that he had been contacted by two members of the Committee, expressing frustration with not having enough attendees for a quorum. He explained that one of the reasons is because of the recent resignation of Simon Menesini who moved out of the area and the other relates to infrequent attendance by a DRC member. He indicated he has sent a letter to that member to find out if that person is still interested in serving. He briefly discussed Mr. Phillips' experience and qualifications.

Councilmember DeLaney expressed appreciation for Mr. Phillips' willingness to serve.

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

On motion by Rob Schroder, Mayor, no second required to approve Appointment of Timon Phillips to the Design Review Committee for a two-year term. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor; Absent: Michael Menesini, Vice Mayor.

CITY COUNCIL

13. Review and consider proposals from search firms for recruitment and selection of a City Manager.

Mayor Schroder stated that in January 2014, the Council directed the City Attorney's Office to send out Requests for Proposals (RFPs) to provide a City Manager recruitment. He reported that fourteen RFPs were sent out to recruitment firms, and three proposals were received.

Councilmember Mark Ross recommended Bob Murray, based on past experience with them.

Councilmember Lara DeLaney commented that all three firms seem to be experienced and well-qualified, and the costs and general timeframes were similar. She acknowledged that the City has used Bob Murray before, but she did not think that recruitment was very successful.

Councilmember Ross pointed out that recruiting is dependent on the times, and the last Bob Murray recruitment was not a favorable time for recruiting.

Councilmember Avila Farias noted she was surprised to see this on the agenda, given the limited time that the Council had to review the proposals. She did not think the Council should discuss it now with Mr. Menesini being absent. She was also concerned about the timing of this item, with the upcoming election and three members of the Council up for re-election.

Mayor Schroder said he liked the Avery firm as well. Councilmember DeLaney pointed out that Avery is a firm with extensive labor relations practices.

Councilmember Ross said Avery was his second choice, but he added that choosing the recruitment firm was not as important as the people themselves who apply through the recruiters. He expressed preference for moving the process along.

Mayor Schroder agreed that the search firm is secondary in importance to choosing the actual candidate, but he thought it best to wait so that Councilmember Menesini can also have a say in the process. He recommended continuing the item until the next Council meeting, May 21st.

Councilmember Ross asked if a special meeting could be held if any Councilmembers cannot attend on May 21st and Mayor Schroder agreed.

Item continued to the Council meeting of May 21st.

Mayor Schroder opened public comment on the item.

Mike Alford questioned why a search firm is needed, given that the Council knows what the City needs and should be able to handle the process themselves. He also noted that Menesini and Peterson are rumored to be interested in the City Manager job.

Rich Verrilli commented on the complexities involved in hiring someone for such an important position and the need for confidentiality, etc. He thought that a recruitment firm was appropriate as a first step.

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

14. Council Subcommittee Reports.

Mayor Schroder reported out on the Budget Finance Subcommittee meeting that he and Councilmember Ross attended on April 30th. He noted that the City Budget is looking pretty good with a 24% unrestricted reserve balance currently, and that the Subcommittee had a discussion about potentially instituting a policy that if any fiscal year ends with more income than expenditures, a certain percentage of that will be dedicated to future pension benefits (OEPB - Other Pension Employee Benefits). Councilmember Ross added that they also discussed dedicating some towards capital infrastructure needs.

Councilmember Lara DeLaney reported out on the Concert Ad Hoc Committee meeting that she and Councilmember Ross attended on April 29th. She asked staff about something that was discussed at the Subcommittee level, the possibility of bringing in an ATM machine for the event. Ms. Simpson said Assistant City Manager Alan Shear was able to work with US Bank, and one will be provided at no cost.

Councilmember Avila Farias reported out on the Annexation Ad Hoc Committee that she and Councilmember Ross attended on April 30th noting that other areas were being considered for annexation, and the analysis should be finished in six or seven weeks and a report given to the Council.

15. City Council Comments.

Councilmember Lara DeLaney announced several events: the Cemetery Clean Up on Saturday, May 10th from 10:00 a.m. to 2:00 p.m. (bring your own garden tools and gloves); the Sustainability Citizen Workshop this Saturday, May 10th from 10:00 a.m. to noon in the Council Chambers; and the Boys and Girls Club Gala Dinner and Auction on Saturday, June 7th at the Concord Hilton. She encouraged the public to attend these functions.

Councilmember Mark Ross reminded the public that Thursday is Ride Your Bike to Work Day. He also noted that the “Spare the Air” season has begun; and hopefully there will not be much climate intervention, and there will be a normal summer.

Mayor Schroder reported that he talked with the Mermaids at the Farmers' Market over the weekend and they were promoting the pool programs and extended hours. He congratulated Danny Pellegrini, who has now joined the Mermaids in the water aerobics program. He noted that part of their discussion was that the City of Walnut Creek may be shutting down their pools and may not have year round services.

ADJOURNMENT

The meeting adjourned at 8:43 p.m. to a Regular Council Meeting on May 21, 2014, 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 – 6/4/14