Regular Meeting
June 18, 2014
Martinez, CA

CALL TO ORDER

Mayor Schroder called the meeting to order in the Council Chambers at 6:00 p.m. with all members present except Vice Mayor Menesini, who arrived shortly after roll call.

PUBLIC COMMENT (Closed Session Items Only)

CLOSED SESSION (adjourn to City Manager's Office)

A. Closed Session pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION Title: Interim City Manager

B. Closed Session pursuant to California Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATORS Agency designated representative: Rob Schroder, Mayor Unrepresented employee: Interim City Manager

C. Closed Session pursuant to California Government Code Section 54957: PUBLIC EMPLOYMENT APPOINTMENT - Title: Part Time Interim City Manager PUBLIC EMPLOYEE - Title: Part Time Interim City Manager

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

RECONVENE - PLEDGE OF ALLEGIANCE - CALL TO ORDER

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He indicated that the Council met in Closed Session regarding Public Employee Performance Evaluation: Title, Interim City Manager; Conference with Labor Negotiators and Public Employee Appointment and Public Employee: Title,Part Time Interim City Manager and there was nothing 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. Presentation of Community Emergency Response Team (CERT) Certificates by Acting Chief of Police Eric Ghisletta and CERT Director Brian Lindbloom.

Certificates were presented to CERT graduates by Director Brian Limbloom and Lieutenant Lisa Maloney.

The Council offered their congratulations to each graduate. Lieutenant Maloney noted that this class was the largest to date with 37 participants. Mr. Limbloom added that more than half of the class was from Alhambra High School.

B. California Youth Energy Services Program presentation.

Wells Brown of Rising Sun Energy Center provided an update on the California Youth Energy Services Program in Martinez. He stated that the Energy Specialists will be starting their training on Monday and will be visiting 250 residents to provide energy and water efficient measures in private homes beginning July 1st. He noted they are based at the Adult School located on F Street, Martinez, and visitors are welcome to come and learn more about the goals and purposes of the program.

Councilmember Ross asked about contact information, and Mr. Brown provided his phone number, 510.665.1501 ext. 303; and the phone number to sign up for a green house evaluation, 510.665.1501 ext. 5.

Councilmember DeLaney expressed appreciation for the program, and she asked about hiring for the program, which Mr. Brown discussed.

C. Presentation of Hidden Lakes Open Space Recreation Use (Disc Golf).

City Engineer Tim Tucker noted that there was an item on the Consent Calendar to review the feasibility of adding a disc golf course in the Hidden Lakes Park Open Space and to direct the Parks, Recreation, Marina and Cultural Commission to hold a neighborhood workshop on the proposal.

Stavros Kalogirou presented a proposal to have a disc golf course built in the Hidden Lakes Open Space. He stated that disc golf is like frisbee throwing and played like golf, and all ages can play. He provided a PowerPoint presentation reviewing the history, game, cost to play, equipment, course design and layout, potential location, environmental assessment, course activities, growth of the sport, integration with established park uses. Mr. Kalogirou indicated that the Martinez Disc Golf Club will initially build the facility and assist in the maintenance.

Mayor Schroder asked about nearby existing courses, and Mr. Kalogirou recommended the Moraga Commons Park in Moraga, as well as Walden Park in Walnut Creek near the Pleasant Hill Bart Station. Mayor Schroder also asked about equipment, specifically the "wedge", and Mr. Kalogirou discussed its purpose, as well as the driver and the putter - all variations on the disc, and how each is used in the game.

Councilmember Ross expressed appreciation for the concept, the benefits to the park and the City, and health benefits to the players.

Councilmember DeLaney asked how the infrequent tournaments would be handled with closing the course. Mr. Kalogirou clarified that the park itself would not be closed from walking through or any other regular activities, only the disc golf holes would be restricted to players in the tournament.

Councilmember DeLaney asked how passerbys at the park would be protected from being hit by a disc, and Mr. Kalogirou explained that the design of the course and how it is situated at the park would hopefully minimize that possibility.

Councilmember DeLaney asked how many holes would the course have, and Mr. Kalogirou said between 9 and 24. Councilmember DeLaney also asked how start times are paced to avoid one group encroaching on another. Mr. Kalogirou discussed the friendliness of the players and the deference shown to each other.

Councilmember Avila Farias asked how a person would go about playing or join a club. Mr. Kalogirou discussed outreach possibilities, including social media, word-of-mouth, and workshops. Councilmember Avila Farias commented on family involvement and possibly the City Park & Recreation Department. Mr. Kalogirou agreed, and he noted that the City's Recreation Guide could be another avenue for promotion.

Vice Mayor Menesini asked how long the Moraga course had been in existence, which Mr. Kalogirou said since 1982 and is similar to Hidden Lakes. Vice Mayor Menesini asked how well it had been accepted by the public, and Mr. Kalogirou said mostly positive, but there are occasional issues.

The Council expressed their appreciation for the presentation and wished Mr. Kalogirou well in his endeavor.

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

Doug Stewart, representing Central Community Outreach Team, provided an update and compared last year's statistics with this year's, such as: numbers sheltered Jan-Jun 2013 - 36, same period this year - 21; unique contacts last year - 121, this year 84; total contacts last year - 198; and this year 146. He stated that he has been asked many questions and heard concerns regarding Loaves and Fishes. While he believes that everyone has a right to eat, he agreed that the location across from the Senior Center will create more loitering in the downtown area. Mayor Schroder noted that Loaves & Fishes is now serving out of St. Catherine's, and he noted that staff has been working on a memorandum of understanding with Loaves & Fishes for the purchase and use of the Oddfellows Hall.

Peter Dragovich, Martinez Environmental Group, commented on the information provided by Tony Semenza to the Public Safety Subcommittee regarding "Crude by Rail". He stated that Mr. Semenza stated that DOT 111 Tanker Cars are not to blame for accidents. The Chair of the National Transportation Safety Board stated that DOT 111 Tanker Cars design flaws create an unacceptable public risk. Less than 20% of the 92,000 111s used to transport crude and ethanol meet current safety standards. He urged the Council to take action as recommended by Mr. Semenza to find out what is going through downtown and Highway 4, get the railroads to assure that the rail cars are travelling at a safe speed, that they have inspected the track beds, and find out if correct safety and rail storage yard procedures are being followed.

Guy Cooper, Martinez Environmental Group, spoke on "Crude by Rail" noting that US crude by rail traffic has increased from 95 hundred car loads in 2008 to over 434 thousand car loads in 2013. California crude by rail imports increased 506 percent from 2012 to 2013. He reviewed and compared the number of rail accidents. Mr. Cooper stated that Bakken Oil has been found to be as flammable as gasoline and is already here. Emergency response is not adequately equipped and the City should be concerned.

Mayor Schroder noted that the Council Public Safety Subcommittee would likely make a report on this issue later in the agenda.

Councilmember DeLaney announced that the Board of Supervisors will be considering a bill by Senator Pavley, SB1319, addressing the "Crude by Rail" on their July 8th agenda.

Dave Mathers, past president of the Martinez Police Officers' Association, recognized Gary Peterson stating that they were honored that he was able to serve with them over these past 25 years and as of this past Sunday he officially retired. Officer Mathers stated that he had the pleasure of working with Gary over 12 years; and the police officers are all happy that he is able to move on to new ventures and opportunities. Secondly, the department has been working under an Acting Chief Chief of Police for about the last 6 months, who is Eric Ghisletta. He stated that several of his co-workers are here with him, in support of Eric Ghisletta; and again, he has had the pleasure of working with Eric these last 12 years. He noted that staff has been very happy how things have been progressing, and the police officers wanted to make sure that Council was aware that the department was highly supportive of considering Eric as permanent Chief.

Mike Alford stated that Eric Ghisletta is an excellent person and is highly qualified and asked why the Council would bring in an interim when Eric has been doing an excellent job. He urged the Council to appoint Eric Ghisletta as Chief of Police, adding “it's a no brainer!”

Kristin Henderson stated that State Assembly Bill 1999 will be voted on by the Senate on June 24th and is a state tax credit for renovating historic buildings. She read parts of the bill for the record, noting this is another tool to be used toward historic preservation.

Paul Hollidge stated that he is a Martinez resident and Reserve Police Officer for the City. He said he strongly supports and recommends that Eric Ghisletta be appointed Chief of Police. He noted that Eric is a native son and is involved in this community; and, if selected as Chief, he is certain that the community will embrace him.

CONSENT CALENDAR

A. Motion waiving reading of text of all Resolutions and Ordinances.

1. Motion approving the City Council Minutes of May 21, 2014. [M.Cabral]

2. Motion rejection Claim against the City by Rhea Hankins, #14-07. [M.Cabral]

3. Motion approving Check Reconciliation Registers dated 06/11/14. [C.Spinella/2.1.1]

4. Motion directing the Parks Recreation Marina and Cultural Commission (PRMCC) to review the feasibility of adding a disc golf course in the Hidden Lakes Open Space and to hold a neighborhood workshop on the proposal.[T.Tucker/11.01.00]

5. Motion adopting Ordinance No. 1381 C.S. amending the Martinez Municipal Code by deleting Sections 8.18.350 through 8.18.380 and by adding to Title 8, (Health and Safety) Chapter 18.23, Carryout Bags, Sections 8.23.010 through 8.23.070 prohibiting retailers and public eating establishments from providing single use carryout bags to customers, requiring retailers to impose minimum charges for recycled paper carryout bags, and promoting the use of reusable bags by retail and public eating establishment customers; AND finding that the adoption thereof is exempt pursuant to the California Environmental Quality Act (CEQA), Sections 15307, 15308 and 15061(B)(3). [T.Tucker&M.Chandler/9.10.00]

8. Resolution No. 060-14 requesting and consenting to consolidation of a General Municipal Election on November 4, 2014, and set specifications of the election order. [M.Cabral/40.20.00]

9. Resolution 061-14 establishing a Policy that the adopted fees for Electric Vehicle Charging will not be enforced at the Pacheco Transit Hub. [M.Chandler/02.02.04&6.7.16]

10. Resolution No. 062-14 requiring the preservation of sidewalk stamps to the maximum extent practicable. [T.Tucker/12.02.00]

11. Resolution No. 063-14 finding the "Economic Stimulus Program" Fee Schedule conditionally applicable to the Development Impact Fees for the "Village at Arnold", Subdivision 9025. [D.Tasini/09.01.00&02.02.01]

Mayor Schroder announced that there was an amendment to Item #6, which will read "the term of the original agreement is extended for an additional *one month* up to and including, July 31, 2014", and the following sentence starting with *thereafter* and ending with *provisions* will be stricken, and paragraph 2 will also be stricken.

Councilmember DeLaney requested Items #6 and #7 be pulled because she would not be voting in support.

Mayor Schroder opened Consent Items #1 through #5 and Items #8 through #11 for public comment.

Regarding Item #10, Kristin Henderson expressed appreciation to the Council for considering the preservation of sidewalk stamps.

Jamie Fox spoke in support of Item #4, disc golf, and he expressed appreciation for the great presentation by Mr. Kalogirou.

Mike Alford asked for clarification on Item #11, and Mayor Schroder explained it was a waiver or reduction of fees for the development, which has since been extended. Mr. Alford expressed concern about the increased development on or near Alhambra Avenue, and he questioned why the roads and sidewalks have not been better maintained, given that Measure H monies have been used for parks and the library. Mayor Schroder deferred the questions to City Engineer Tim Tucker. Mr. Tucker discussed the City's plans for street improvements this year, including Brown Street, Green Street, Morello at Highway 4, and Center Avenue at Highway 4 (which will require encroachment permits from Caltrans).

Robert Hoellwarth spoke in support of Item #4, disc golf, commenting on the range of ages that can benefit and the preservation of natural resources.

Seeing no further speakers, Mayor Schroder closed public comment on Items #1-5 and Items #8-11.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Item #A, Items #1 through #5 and #8 through #11 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.

6. Motion approving an Extension and Amendment of Employment Agreement for Anna Gwyn Simpson as Interim City Manager and authorizing the Mayor to execute said Agreement. [J.Walter/17.00.01]

Mayor Schroder opened public comment on Item #6.

Mike Alford questioned why the extension was needed, which Mayor Schroder explained.

Seeing no further speakers, Mayor Schroder closed public comment on Item #6.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve an Extension and Amendment of Employment Agreement for Anna Gwyn Simpson as Interim City Manager and authorizing the Mayor to execute said Agreement *as amended.* Motion passed 4 - 1. Yes: AnaMarie Avila Farias, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember.

7. Motion approving an Agreement for Jim Jakel to provide part-time Interim City Manager services and authorizing the Mayor to execute said Agreement. [J.Walter/17.00.01]

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

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve an Agreement for Jim Jakel to provide part-time Interim City Manager services and authorizing the Mayor to execute said Agreement. Motion passed 4 - 1. Yes: AnaMarie Avila Farias, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember.

The Council recessed from 8:22 p.m. to 8:35 p.m. and reconvened with all members present.

PUBLIC HEARING(S)

12. Public hearing to consider Landscaping and Lighting Assessment District 1979-3, Village Oaks Terrace: [T.TUCKER/10.02.34]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

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

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Vice Mayor, to approve Resolution No. 064-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

13. Public hearing to consider Landscaping and Lighting Assessment District 1981-3, Muir Station Park: [T.TUCKER/10.02.15]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

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

Senior City Attorney Veronica Nebb asked City Egineer Tim Tucker if any protests were received from the public on any of the Landscape and Lighting Assessment Districts. Mr. Tucker confirmed that none were received, neither written nor verbal.

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 065-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

14. Public hearing to consider Landscaping and Lighting Assessment District 1983-3, Vista Oaks: [T.TUCKER/10.02.22]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Councilmember Mark Ross explained for the viewing audience what a Landscape & Lighting Assessment District was and why the hearings were necessary.

Councilmember DeLaney added that the energy costs for the lighting was not included in the assessment.

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

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 066-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

15. Public hearing to consider Landscaping and Lighting Assessment District 1988-1, Center Martinez: [T.TUCKER/10.02.31]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer’s Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

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

On motion by Michael Menesini, Vice Mayor, seconded by Mark Ross, Councilmember, to approve ordering any changes in improvements and adopting Resolution No. 067-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

16. Public hearing to consider Landscaping and Lighting Assessment District 1994-1, Creekside: [T.TUCKER/10.02.33]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer’s Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

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

Councilmember Ross stated that residents have the right to protest and object to the monies being levied and spent.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Vice Mayor, to approve ordering any changes in improvements and adopting Resolution No. 068-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

17. Public hearing to consider Landscaping and Lighting Assessment District 1997-1, Brittany Hills: [T.TUCKER/10.02.37]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer’s Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve ordering any changes in improvements and adopting Resolution No. 069-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

18. Public hearing to consider Landscaping and Lighting Assessment District 2000-2, Terra Vista: [T.TUCKER/10.02.40]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer’s Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

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

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve ordering any changes in improvements and adopting Resolution No. 070-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

19. Public hearing to consider Landscaping and Lighting Assessment District 2001-1, Alhambra Estates: [T.TUCKER/10.02.41]

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer’s Report, and confirming the district diagram and assessments for the 2014-15 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

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

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve ordering any changes in improvements and adopting Resolution No. 071-14 approving the Engineer's Report and confirming the district diagram and assessments for the 2014-15 fiscal year. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

CITY MANAGER

20. Adopt a Resolution amending Section 2.12, Lifeline Rate, for Martinez Water System - Regulation Governing Water Service. [M.Chandler& K.Sosa/15.01.01]

Senior Management Analyst Michael Chandler presented the staff report, discussing the background and proposed changes to the limits.

Councilmember Ross asked about penalties for overuse. Mr. Chandler said he thought that would mean their removal from the program. Accountant Kristina Sosa discussed how the program is monitored, and she confirmed that overuse would disqualify the user for the program.

Councilmember Ross observed that during rationing (which he acknowledged was not the case here), normal users who go over their limits are charged a higher rate for the overage. He thought that removal from the program seemed harsh, but staff explained it would affect the re-certification for the next year, which would disqualify them.

Councilmember DeLaney asked why the water usage is given as "units" instead of gallons - it seems like it would be harder to know exactly how much is being used. Ms. Sosa said the water system uses the unit measurement, but the bill does note that a unit is equal to 748 gallons.

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

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Vice Mayor, to approve Resolution No. 072-14amending Section 2.12, Lifeline Rate, for Martinez Water System - Regulation Governing Water Service. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

21. Adopt a resolution amending the fiscal year 2014-15 Budget, and approving the recommended budget adjustments. [A.Shear&C.Spinella/2.10.00]

Assistant City Manager Alan Shear presented the staff report, discussing the normal budget cycle, staff's recommended changes for the second year of the current cycle, which will begin on July 1, 2014 and the Budget Subcommittee's review of the recommendations.

Councilmember DeLaney commented on the reduction in sales tax, which seems to be a fairly serious drop, and, when combined with the drop in in-lieu fees, could have a negative impact on the City's budget. Mr. Shear noted that the drop in sales tax is due to the decrease in revenue from a particular business in the City. He added that no cuts in services or programs will be needed because of the increase in property tax revenues. Councilmember DeLaney expressed concern about future reductions that may be required eventually, if the sales tax revenue continues to decline.

Mayor Schroder opened public comment on the item.

Mike Alford asked about potential savings from Measure H being used for park maintenance, etc., and he questioned why that doesn't offset the sales tax losses. Mayor Schroder explained that Measure H funds can't be used for maintenance. Public Works Director Dave Scola added that even when some parks were closed for rehabilitation through Measure H, the parks staff was still working on other tasks. He also confirmed that parks maintenance workers cannot do road improvements.

Eli Dominguez noted it is difficult for business owners to create sales tax revenue when there aren't enough customers - which lead to businesses leaving the City, which leads to even less sales tax revenue. He commented on the need for outreach and promotion of the City to draw in more customers.

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

On motion by Michael Menesini, Vice Mayor, seconded by Mark Ross, Councilmember, to approve Resolution No. 073-14 amending the fiscal year 2014-15 Budget, and approving the recommended budget adjustments. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

22. Approving the Budget Subcommittee’s recommendations for the 2014-15 Community Group Funding Program.[C.Spinella&M.Chandler/2.10.00]

Senior Management Analyst Michael Chandler presented the staff report, discussing the background of the item and reviewing the list of Community Groups that will be receiving funds in the next fiscal year.

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

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve the Budget Subcommittee's recommendations for the 2014-15 Community Group Funding Program. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

23. Direct staff to create and distribute a Request for Proposals (RFP) to select a promoter for a Blues by the Bay Festival in 2015.

Interim City Manager Anna Gwyn Simpson presented the staff report, providing background information on the first time this event was held, in May of 2014, including sponsorships, involvement by local businesses, ticket sales, attendance, City staff time spent on the event, and the decision by the Ad Hoc Committee to recommend the event occur again in 2015.

Mayor Schroder indicated he attended and he thought it was very successful, and he thanked staff for their preliminary planning work as well as the volunteer time that was given by so many. He thought the goal of proving that the amphitheatre could be a viable location for concert events was achieved.

Councilmember Ross agreed with Mayor Schroder. He expressed optimism that the City might be able to find an event promotor for the future, and hopefully be able to have more than one concert annually at the location.

Councilmember DeLaney was also appreciative that the event was such a success, but she noted that much of that savings was achieved through contributions of City businesses, City staff, and the co-sponsors. She also noted that the Blues Festival normally held in San Francisco in September is also relocating to Martinez, and she was concerned that there should be more variety in the types of programs offered. She was encouraged overall but was concerned about the City locking into one particular genre (although she herself is a blues fan).

Councilmember Avila Farias was also appreciative of the success the 2014 Blues by the Bay. She was not supportive of repeating the event in 2015. She cited severe financial impacts to the City, based on the volunteer hours expended by staff which, if costed out would mean the event lost money this year. She was supportive of an RFP for a promoter to manage an event, but she did not think it wise for the City to be an investor.

Vice Mayor Menesini thanked Interim City Manager Simpson for her leadership in ensuring that the pilot event this year went so well. It demonstrated the value of the amphitheatre for future events. He also indicated he supported staff’s recommendation for an RFP to find a promoter for future events, which he thought deserved the City's full support.

Mayor Schroder opened public comment on the item.

Mike Alford commented on the Keystone in Berkeley that is always packed, even after many years. He discussed how the City can build on the success of this year's event and put Martinez back on the map. He felt that the amphitheatre plus the marina are two valuable assets that the City should take more advantage of, especially with the help of a professional promoter. He agreed with Councilmember DeLaney that the types of music offered should be more varied, but was confident that the events could be done without cost to the City.

Eli Dominguez expressed agreement with Mr. Alford and discussed other ways the City could have successful events at little cost to the City.

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

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, direct staff to create and distribute a Request for Proposals (RFP) to select a promoter for a Blues by the Bay Festival in 2015 as amended. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

Councilmember DeLaney reiterated her earlier concern that the RFP should have a wider variety of music. Vice Mayor Menesini expressed willingness to amend the motion to that effect.

Councilmember Ross suggested continuing with the RFP as recommended by staff, noting that broadening the variety can happen after the RFP bids are received and considered.

Vice Mayor Menesini responded that the RFP could be issued without specifying the type of music.

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

CHIEF OF POLICE

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

26. Consider the appointment of one of the members of the Council as Voting Delegate to the League of California Cities Annual Conference to be held September 3-5, 2014.

Mayor Schroder clarified that the Voting Delegate does have to be in attendance at the Conference, which rules him out since he will not be.

Vice Mayor Menesini asked Councilmember DeLaney if she would be attending, but she indicated she would not.

Councilmember Avila Farias said she would be in attendance and expressed willingness to serve as a delegate.

On motion by Rob Schroder, Mayor, seconded by Michael Menesini, Vice Mayor, to approve Councilmember Avila Farias as the Voting Delegate to the League of California Cities Annual Conference to be held September 3-5, 2014. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

27. Consider establishing a new Ad Hoc Committee to work with the MUSD on a joint corporation yard and appoint Councilmember Avila Farias thereto.

Vice Mayor Menesini expressed interest in joining with Councilmember Avila Farias, noting he has been a long-time advocate of a joint corporation yard with the MUSD (District).

Mayor Schroder commented on a preliminary meeting with the District, and he noted that their intent is to use their current corp yard as an alternative high school, so they are considering all the options at this time.

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

On motion by Rob Schroder, Mayor, no second required to approve establishing a new Ad Hoc Committee to work with the MUSD on a joint corporation yard and appoint Councilmember Avila Farias and Vice Mayor Michael Menesini thereto. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

28. Council Subcommittee Reports.

Vice Mayor Menesini reported out on the Public Safety Subcommittee meeting that he and Councilmember Avila Farias attended on June 9th, which included a discussion on rail safety. He noted that most of the crude that comes through Martinez is through pipeline, not rail, although there is one train that carries crude oil through the City from Stockton to Richmond, once every 6 weeks. He indicated that the Subcommittee had instructed staff to research and provide information regarding times, product, etc. so a plan can be made to ensure public safety.

Councilmember Avila Farias agreed it had been a helpful and productive meeting. She encouraged those who are interested in this item to come to the Subcommittee meetings. She said she was glad to learn that most of the oil coming though the City is via pipeline, not by rail, and she discussed how the City will benefit through future coordination in the process. She confirmed that any train cars in the downtown area are empty and marked as such. She also announced that the next Public Safety Subcommittee meeting will be in September.

Councilmember Ross reported that the Governor has appointed an Interagency Rail Safety Working Group, and has just released a report "Oil by Rail Safety in California - Preliminary Finding and Recommendations" that he shared. He requested that the Deputy City Clerk make copies for the Council and recommended that the Council review the report. He expressed concern about the risks that come from this type of shipment, even though it is infrequent, and he commented on safety measures that can be instituted.

Mayor Schroder expressed that it is not just crude oil shipments that are a concern, but all safety measures and all hazardous cargoes in general.

Councilmember Ross also requested a copy of the lease the City has with the railroad for the switching yard, to review safety requirements. Councilmember Avila Farias indicated willingness to read and review the information provided by Councilmember Ross, as well as the lease with the railroad. Councilmember Ross expressed concern as well about pedestrian safety when crossing or walking alongside the railroad.

Vice Mayor Menesini acknowledged that the concerns raised by Councilmember Ross were valid and will be considered by the Subcommittee. He also expressed that there are unique aspects to the lease mentioned by Councilmember Ross, but he was willing to have the City Attorney's office evaluate it to confirm the City's options. He also reiterated comments by Councilmember Avila Farias regarding an upcoming meeting with the federal government to discuss all aspects of rail safety.

Councilmember DeLaney commented on Senator Pavley's bill SB1319, which the Board of Supervisors will be considering, and she requested that the Council send a letter of support or place this issue on the next agenda. Mayor Schroder agreed.

Mayor Schroder reported out on his attendance, as well as the Interim City Manager and Assistant City Manager, in Sacramento on June 16th where he testified to the Assembly Committee on Natural Resources. He indicated that Senator Wolk introduced her bill SB1424, which has passed through the Senate with a unanimous vote and will now go before the Assembly's Local Government Committee. He also commented on meeting Rusty Arreas, who had served in a previous administration and had visited Martinez in the past. Mr. Arreas stated he had visited again recently and thought the marina looked wonderful, as well as the restoration of the Joltin' Joe.

Mayor Schroder also reported that now that the State budget has passed, there will be meetings with Martinez to discuss how to handle the outstanding marina loans.

Mayor Schroder opened public comment on the item.

Mike Alford expressed concern about the safety issues at the railyard. He discussed tests he had done to ascertain whether the railcars are empty or not, what the wind patterns are, and associated risks to the public.

Richard Verrilli expressed concern about air pollution effects from the fuel transport. Councilmember Ross explained that the City's ability to regulate aspects of rail transportation is limited because it is regulated by the federal government.

Eli Domingues commented on fuel releases from the refineries as well as the railcar issues. He also was concerned about environmental impacts.

Seeing no further speakers, Mayor Schroder closed public comment.

29. City Council Comments.

Councilmember Lara DeLaney noted that there was a report that the City received from the Grand Jury in 2013 regarding City Council Compensation. She indicated that, in the comments the City provided back, the Council indicated they would commit to doing an annual review of Council Compensation to provide transparency and necessary review of compensation of all elected officials. She noted that the City has not kept its commitment, and she requested that this item be added to the next or future agenda. Councilmember DeLaney also thanked the Chamber of Commerce for a successful King of the County Barbecue event, which she and her family enjoyed. She recognized the many Chamber representatives, volunteers and City staff.

Councilmember Mark Ross echoed his congratulations to the Chamber on an event he heard was terrific, but unfortunately, was not able to attend. He also echoed Vice Mayor Menesini's comments on staff's efforts on "Blues by the Bay", which was a signature event for our staff. Councilmember Ross indicated that the Council did make some steps for the City Manager's position and the next step is the Police Chief and he suggested that the Council move forward with the process and hoped that Captain Ghisletta would be participating in the process along with any others.

Councilmember DeLaney requested that they properly recognize retired Police Chief Gary Peterson for his excellent service to the City. Mayor Schroder agreed.

Vice Mayor Menesini announced that his daughter Sophia graduated high school from Briones, Mayor Schroder congratulated her.

Mayor Schroder stated that he also attended the Chamber's barbecue event. He indicated that he was there both days as judge. He requested that the meeting adjourn in memory of Ross Hanna, grandson of John Muir, who died in his home in Dixon; Martinez resident Penn Keller, his services, will be held at St Catherine's Church on Tuesday at 10:30; and Martinez resident Earl Dunivan Senior, and he did not have any information on his services.

ADJOURNMENT

Adjourned at 9:53 p.m. ***in memory of Ross Hanna, Penn Keller and Earl Dunivan Senior***, then to a Regular City Council Meeting on July 2, 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 – 7/16/14