

## CALL TO ORDER

The meeting was called to order by President Oaks at 6:30 p.m. with the City Council and the Mt. Diablo Unified School District Board at the Hidden Valley Elementary School, Multi-Use Room, 500 Glacier Drive, Martinez.

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

EXCUSED: None.

ABSENT: None.

PRESENT: Barbara Oaks, President; Lynne Dennier, Boardmember, Cheryl Hansen, Boardmember, Linda Mayo, Boardmember.

EXCUSED: Brian Lawrence, Vice President.

ABSENT: None.

President Oaks stated that it was the desire of the Board to meet with all the cities that the District serves and have a dialogue with the Council and the residents of Martinez to see how schools are performing.

Mayor Schroder expressed appreciation to the Mt. Diablo Unified School Board and Superintendent for arranging the meeting. He noted that this was the first time they have met and hoped the dialogue continues.

*\*Councilmember Avila Farias arrived at 6:35 p.m*

President Oaks introduced their new Superintendent Dr. Nellie Meyer who will also conduct a presentation later in the meeting.

## 2. PUBLIC COMMENT (Items listed on the agenda)

Vickie Gordon commended the Board and Council for getting together to discuss issues that face all of us. She indicated that she would like to see a pathway from the local schools to the colleges and that they work together. She also announced that the Community College District Board has decided to put another bond on the ballot, Measure E, which will address facility needs. She requested support from the cities and the school districts. Vice Mayor Menesini encouraged that the cost of college units be affordable to the middle class. Councilmember DeLaney asked how much the bond issuance was. Ms. Gordon reported that it was \$450 million. Ms. Gordon added that currently there is one bond for \$13 per \$100,000 for community colleges; this bond, if passed, would bring it up to \$26 per \$100,000.

President Oaks wished the Community College well and thanked Ms. Gordon for her public service.

Rick Hernandez spoke on the superior education here in Contra Costa. He addressed the Council with traffic safety concerns of children stepping off the sidewalks onto the street to walk to school due to overgrown weeds and the traffic congestion during morning drop-offs and afternoon pick-ups. Mr. Hernandez thanked the Council for the new park. Mayor Schroder indicated that the Council does pay for a crossing guard for the children's safety and he noted that the weeds will be taken care of.

CeCe Seldrick thanked the Board, Superintendent and the Council for holding this meeting. She stated that the financial economics are getting better, she urged the Board to start funding the GATE program, so that the talented children can achieve to their highest level. Ms. Seldrick indicated that during the financial crises, funding for the gifted and talented was discontinued. She urged them to look at the GATE program again.

*\*Councilmember Ross arrived at 6:50 p.m.*

### **3. LOCAL CONTROL ACCOUNTABILITY PLAN (LCAP) PRESENTATION BY DR. NELLIE MEYER**

Dr. Meyer reviewed the Plan informing the community about the new local control funding formula, which will provide a funding increase for each student based on grade and demographics (low income, English learner, and/or foster youth). She added that the extra money will be used for smaller class size for K through 3<sup>rd</sup> grade; for 9<sup>th</sup> through 12<sup>th</sup> grade classes, the funding will be used toward college/career paths; and 4<sup>th</sup> through 8<sup>th</sup> grade students have been excluded.

She indicated that the District will be providing workshops to engage the community in the development of the LCAP, assist with prioritization of actions and provide a timeline and next steps.

Discussion was held regarding English learners, parent involvement, special education needs and integration with Diablo Valley College (dual credits for attending college while in high school).

### **4. INFORMATION EXCHANGE WITH MARTINEZ CITY COUNCIL**

President Oaks expressed concern in regards to traffic safety, traffic flow during school hours here at Hidden Valley School. Mayor Schroder indicated that the City did look at this issue years ago, and at that time lanes were relined and the drop off was rearranged. He noted that the City Engineer Tim Tucker is in the audience listening to the concerns and requested him to contact the Principal and school staff to see if there was anything else that could be done to move the cars along.

Mayor Schroder brought up a concern regarding the locked gate between the school and Hidden Valley Park. Public Works Department would like the gate to be unlocked in the morning so that they can better maintain the park and the Little League has requested that gates be opened so that the equipment can be easily transported to and from the fields and it would allow extra parking. Mayor Schroder stated that City staff would be responsible for locking the gate in the evening. Vice Mayor Menesini stated that if the gates were unlocked the parking lot could be used for overflow parking and should alleviate some of the school's traffic concerns.

President Oaks believed there would not be a problem and would contact the Principal to inform him of the request, but she suggested that the City contact the Principal to discuss the matter as well.

District Director of Measures Mr. Tim Cody provided an update on current planned improvements for Hidden Lakes Elementary School including new buildings, technology, security, solar, “Columbine” lock upgrade and future upgrades such as replacing hazardous materials, replacement of older doors and windows and heating and air systems. He noted that the information is on the District’s website under Measure C Projects.

Mayor Rob Schroder stated that it was very important to keep the dialogue open with the School Board. He thanked the public for attending and provided the Board and staff with City pins.

Councilmember Mark Ross echoed the Mayor’s comments that it is very important to keep the communication going and he thanked the public for attending.

Councilmember AnaMarie Avila Farias expressed appreciation to the Board for reaching out to the Council. She indicated that the Council was a strong supporter of education.

President Barbara Oaks stated that the meeting was very informative and expressed her appreciation to staff and the public for attending this meeting.

Board Member Lynne Dennier invited the Council to the MDEA Second Annual Awards recognizing teachers, volunteers, etc., to be held on May 15<sup>th</sup>.

Board Member Linda Mayo announced that a presentation will be given by Mt. Diablo teachers called the “Common Core Grades K through 5<sup>th</sup> and 6<sup>th</sup> through 12<sup>th</sup>” at the Pleasant Hill Library tomorrow at 6:30 p.m.

## **5. ADJOURNMENT**

The meeting adjourned at 8:15 p.m. to a Regular City Council Meeting on April 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 – 09/03/14

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers with all members present.

## **PUBLIC COMMENT (Closed Session Items Only)**

Gay Gerlack stated that she was impressed by the support for Acting Police Chief Eric Ghisletta from Police Officers and Reserves and the community through many emails. She finds it good management to promote people who have gone through the ranks.

Al Boyce said it baffles him that there is a slow-down in filling the leadership position in the Police Department. It is a big concern if there is an emergency and there is no firm leadership. It leads to chaos. He stated that Martinez deserves the best and feels that Eric is the best.

George Opton has known Eric for a long time and everyone he has talked to has a high respect for Eric and he is the man for the job.

Resaun DeYuan is a member of CERT and stated that Eric has their full support.

Beth Churchill stated that Eric is committed to the community. She stated that she held a party and the topic of discussion was the Chief of Police. Their impression is that when a Police Chief is hired from the outside it does not work well. She believes that Eric is trusted by the community and the one for the job.

Mayor Schroder stated that there will be no decision made tonight. He indicated that what is important is that we go through a process. When the Council was looking for an Interim City Manager, there was criticism because a process was not in place, and that is what the Council will be discussing in closed session. It is unfortunate that this has become a political issue. We are trying to do what is best for this City. Mayor Schroder noted that someone mentioned a delay in appointment, retired Chief of Police Gary Peterson has just retired two weeks ago and that is why we have started the deliberation with the hope to appoint someone.

Adjourned to closed session at 6:10 p.m.

## **CLOSED SESSION**

- A. CLOSED SESSION PURSUANT TO CAL. GOV'T CODE SECTION 54957: PUBLIC EMPLOYMENT -- Title: Police Chief and Interim Police Chief

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

The meeting reconvened at 7:00 p.m. in the Council Chambers with all members present except for Councilmember Ross. Mayor Schroder reported that a Closed Session was held regarding Public Employment concerning Police Chief and Interim Police Chief and there was nothing to report.

Councilmember DeLaney noted for the record that she did not support the interview process discussed by the City Council and would not participate in interviews of outside candidates. She expressed support for Acting Chief of Police Ghisletta and felt the process would be disrespectful to him and the department and undermining to the City's public safety.

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

EXCUSED: None.

ABSENT: Mark Ross, Councilmember.

## **PRESENTATION(S)**

### **A. Certificate of Recognition to Thomas Zamaria, former Veterans' Commissioner.**

Mayor Schroder presented a Certificate of Recognition and expressed the Council's appreciation to Thomas Zamaria for his public service. Mayor Schroder also presented a Certificate on behalf of Congressman Miller.

Mr. Zamaria expressed his appreciation to the Council and City staff, especially Robin Agostino, Barbara Patchin and Public Works employee Dan Koepke and his wife Debbie. He expressed his appreciation to George Miller and his staff for their assistance with veterans' needs and the Veterans' Commission. He also introduced Shane Bower, who was present from the Commission, and Dave Jackson.

### **B. Main Street Martinez Presentation**

John Curtis, President of Main Street Martinez, and Terry Edwards, Vice President, presented their semi-annual report. Mr. Curtis acknowledged some volunteers in the audience, including Barbara Kapsalis and Gay Gerlack. He noted that Leanne Peterson was not able to be present. He expressed appreciation for them and the rest of the 300 volunteers who work through Main Street Martinez to make the downtown a better place for everyone. He expressed his appreciation to the City Council and City staff and to Main Street's sponsors for their continued support.

Mr. Curtis presented a PowerPoint presentation discussing the last six months' accomplishments, including Main Street's 4 Point Approach to economic revitalization, promotions for vacant properties in downtown, recent events and business education workshops, Benjamin Moore's "Paint What Matters" Project, co-operative advertising for businesses and the Farmers Market.

Mr. Edwards reviewed new initiatives, future events and projects, including a new downtown gift card program, a seasonal banner program, the Bay Area Blues Festival and Dia de los Muertos (Day of the Dead). He announced that volunteers are always needed and encouraged all to attend their annual meeting on July 17th. Mr. Edwards expressed his appreciation to the City Council and staff for all their continued support.

Councilmember Avila Farias thanked Mr. Curtis and Mr. Edwards for their work and stated she was looking forward to the Dia de los Muertos event.

Councilmember DeLaney expressed her appreciation to the Board and all the volunteers and expressed enthusiasm for upcoming events.

Vice Mayor Menesini stated the Council fully supports Main Street Martinez's great work.

Mayor Schroder recognized Ms. Peterson for her leadership and hard work on behalf of the City.

C. Martinez Chamber of Commerce Presentation.

Adam Hoffert, Chamber of Commerce president, presented the Chamber's annual report and discussed its partnership with Main Street Martinez. Mr. Hoffert noted the Chamber is a volunteer organization encompassing the entire City. He expressed his appreciation to the Council for their support. He noted that the main event run by the Chamber and Main Street is the annual Mayor's Cup Golf Tournament, which will be held in October at Pine Meadows at night. Mr. Hoffert discussed the Chamber's monthly meeting with Interim City Manager Simpson, Visitor Center Metrics for the last fiscal year and recent events and programs (including ten Business Mixers, Educational Series, eight ribbon cutting ceremonies, Citizens of the Year Event, State of the City Breakfast, King of the County Barbecue, and the Martinez Martini Month). He reviewed the results of the Martini on the Plaza survey.

Mr. Hoffert also reviewed new programs promoting local business including commercial real estate listings on the Chamber's website, the weekly classified advertisement and the bi-weekly email newsletters. He expressed his appreciation to City staff for all their assistance and recognized the Chamber's Executive Director John Stevens.

Councilmember DeLaney commended the Chamber for the progress it had made, the volunteers' hard work and the successful relationship with Main Street.

Mayor Schroder congratulated the Chamber for successfully growing its membership.

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

Barbara Kapsalis spoke against the removal of the rock benches at Susana Park, asserting they are artistically valuable. She suggested alternative changes for the park. She requested that a no loitering sign be posted at the park. Mayor Schroder stated the PRMCC should look into the suggestions.

Guy Cooper, Martinez Environmental, spoke about a letter campaign regarding "Crude by Rail". He asked the City to join in the effort.

Noralea Gipner also supported keeping the rock benches at Susana Park.

Mike Alford expressed support for the rock benches. He thanked Mayor Schroder and Vice Mayor Menesini for taking the time to speak with Talbert Howard, who wants to bring his industry to Martinez. He noted this would provide jobs and revenue for the City. He also announced that he will not run for Mayor, but he will run for City Council.

**CONSENT CALENDAR**

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

1. Motion approving the City Council Minutes of June 4, 2014. [M.Cabral]
2. Motion rejecting Claim against the City by Kaitlin Valdez Milton, #14-08. [M.Cabral]
3. Resolution No. 074-14 approving Agreements with the Martinez Chamber of Commerce and Main Street Martinez and authorizing the Interim City Manager to execute same. [M.Chandler/07.02.01&9.12.04]
4. Resolution No. 075-14 authorizing destruction of City records pertaining to the City Clerk's Office and Personnel Division. [M.Cabral/40.10.01]
5. Resolution No. 076-14 accepting the Martinez Intermodal Facility Phase III, Parking Lot Improvements Project per contract documents and instruct the City Clerk to file a Notice of Completion. [T.Tucker/6.7.00]
6. Resolution No. 077-14 accepting the LED Street Light Upgrade Project (EEC1) per contract documents and instruct the City Clerk to file a Notice of Completion. [T.Tucker/12.01.00]

Councilmember Avila Farias requested Item #7 be removed for discussion.

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Item A and Items #1 through #6 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. Absent: Mark Ross, Councilmember.

7. Resolution No. 078-14 amending the fiscal year 2013-14 Budget and approving a Budget Adjustment in the amount of \$204,000. [A.Shear/2.10.00]

Councilmember Avila Farias asked for clarification on the second paragraph of the staff report since the City does not buy out 4850s. Assistant City Manager Alan Shear clarified that the paragraph should read "in lieu of salary continuation." Councilmember Avila Farias asked if the accrued sick leave would also be credited to the employee's service time in PERS, and Mr. Shear stated the retiring employees have an option of cashing it out or converting it to service time. Councilmember Avila Farias asked that this issue be revisited in the future to ensure better financial sustainability and reduce the need for mid-year budget adjustments.

Vice Mayor Menesini suggested the City staff work on policies for employment contracts so this does not happen again.

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Vice Mayor, to approve Resolution No. 078-14 amending the fiscal year 2013-14 Budget and approving a Budget Adjustment in the amount of \$204,000. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. Absent: Mark Ross, Councilmember.

## **PUBLIC HEARING(S)**

## **CITY MANAGER**

8. Motion directing staff to bring before Council for consideration at the July 16, 2014 meeting 6-month extensions to the City's lease and sublease agreements with the Bisio Trust and Onstage Repertory Theater, respectively, for use of the Premises located at 636 Ward Street, and amend the FY 2014-15 Budget with a budget transfer from Unassigned Fund Balance in the amount of \$27,822. [AG.Simpson/9.12.07]

Assistant City Manager Alan Shear presented the staff report. He explained the history of the City's lease and sublease on the property and highlighted the success of the Onstage Repertory Theater and the improvements planned by the theater company. Staff is proposing a lease extension to allow the improvements to be completed and to begin exploring other options such as the City purchasing the property.

Mr. Mark Hinds, Onstage Repertory Theater, stated the theater's audience has nearly doubled and a packed fall season is planned.

Mayor Schroder asked for details on the planned improvements. Mr. Hinds stated that some of the seating would be improved and the sound booth would be moved to improve the audience's experiences. He added Onstage has already spent about \$4,000 on repairs to the building and is in the process of building a movie screen.

Councilmember DeLaney asked about audience numbers. Mr. Hinds stated that average attendance has increased from about 30 people per show to over 50.

Mr. Shear noted that the actual budget impact was expected to be less than the \$27,822 requested because it would be offset by revenue generated by the theater.

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve direction to staff to bring before Council for consideration at the July 16, 2014 meeting 6-month extensions to the City's lease and sublease agreements with the Bisio Trust and Onstage Repertory Theater, respectively, for use of the Premises located at 636 Ward Street, and amend the FY 2014-15 Budget with a budget transfer from Unassigned Fund Balance in the amount of \$27,822. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. Absent: Mark Ross, Councilmember.

Councilmember DeLaney stated she appreciated Onstage's good financial management and its success in bringing people downtown, but she was concerned about the amount of money spent on the lease over the years. She suggested the City pursue other options at the end of the six-month extension.

Vice Mayor Menesini agreed and stated it would bring more stability if the building was a City facility.

Councilmember Avila Farias expressed concern about the sustainability of the City's support of artistic programs and hoped there would be a more viable plan in the future.

9. Consider a resolution approving the Economic Stimulus Program, and direct staff to negotiate an agreement(s) relating thereto with qualifying business(es) for consideration of Council approval at subsequent meeting(s). [AG.Simpson/9.19.00]

Interim City Manager Simpson presented the staff report. This program will provide incentives to certain businesses in order to stimulate existing businesses and encourage the creation of new ones, and to diversify the City's tax base. She explained the types of business and industry that would be targeted by the program and the qualifications that would have to be met. She also reviewed the requirements and the stipulations built into the agreements to protect the City. Mayor Schroder noted this program was modeled after one recently approved by the Fairfield City Council, and many other neighboring cities have one as well. The program applies only to "business to business" operations and retail companies would not be included.

Councilmember DeLaney asked for a clarification of the \$200,000 threshold. Ms. Simpson clarified that the program only applies to companies generating at least \$200,000 in revenue for the first 18 months 50% of all sales tax would be rebated, and from then until the end of the agreement, 50% of the tax on all revenue above \$200,000 would be rebated. Councilmember DeLaney asked why no distinction was made between existing businesses and new businesses, and Ms. Simpson stated there are only two businesses in the City that currently meet the criteria. One is already involved in a sales tax sharing agreement with the City, and the other has indicated it may be moving soon.

Councilmember DeLaney asked how the plans for tax base expansion would be submitted and evaluated. Ms. Simpson stated it would be worked out with the companies and stipulated in the individual agreements, which would come before the Council for approval. Councilmember DeLaney asked how the end date was determined and Ms. Simpson stated staff felt five years would be a good trial period for the program, and the agreements could be extended if successful.

Mayor Schroder opened public comment on the Item.

Mike Alford provided suggestions of companies the City could pursue agreements with, which would not only bring in business-to-business industry but would have the potential to attract retail stores as well and help keep residents shopping in the City.

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

Vice Mayor Menesini stated he does not support sales tax sharing programs because it harms the ability of businesses to compete in a level playing field. Unfortunately Martinez has to be able to compete with other cities that are drawing away businesses using this tactic. He suggested that the vetting process for the agreements should be transparent and public.

Mayor Schroder expressed hope that the program would be successful in attracting new businesses.

Councilmember DeLaney stated she could not support the program with no threshold for the first 18 months, since it is important to preserve the City's tax base, especially if they are not generating enough revenue to be valuable to the City. She suggested a one-time rebate would be better for existing businesses.

Vice Mayor Menesini stated that different businesses will be in different situations, and it is important for the program to reflect that by being flexible.

Mayor Schroder noted only one existing business would be able to take advantage of the agreement, and it is possible that without the program the City might lose all of its revenue if the entire business ends up relocating. The benefit of a program like this is creating economic activity and attracting more businesses.

Councilmember Avila Farias expressed support of the program in order to ensure the City stays competitive. She appreciated that the Council would have to approve all agreements in order to protect the City's interests.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Consider a resolution approving the Economic Stimulus Program, and direct staff to negotiate an agreement(s) relating thereto with qualifying business(es) for consideration of Council approval at subsequent meeting(s) and any agreement proposed to be entered into through this program come before the City Council. Motion passed 3 - 1. Yes: AnaMarie Avila Farias, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember. Absent: Mark Ross, Councilmember

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

Interim City Manager Simpson encouraged the public to attend the 4th of July event in Martinez.

## **CHIEF OF POLICE**

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

Acting Police Chief Eric Ghisletta stated that the 4th of July Parade will be at 10:00 a.m. downtown with fireworks at dusk. He encouraged the public to be patient because the parking is limited. He emphasized that private fireworks are illegal and hazardous. The Fire Department is reporting fire conditions right now that are similar to late September. Chief Ghisletta reminded the public to use good judgment and enjoy the 4th.

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

### **CITY COUNCIL**

12. Council Subcommittee Reports.

13. City Council Comments.

Councilmember Lara DeLaney urged the Council to take up the "Crude by Rail" issue to draw more attention to information about the transport of dangerous substances in Martinez. She stated that the transport of hazardous materials by rail is vastly increasing, and the City needs to be prepared for any type of emergency. She expressed concern as well about the need to preserve at least some of the stone benches at Susana Park and remove some of the obstacles for the sake of public safety. Councilmember DeLaney wished everyone a wonderful and safe 4th of July and hoped all would take advantage of the pancake breakfast at Roxx on Main Street at 9:00 a.m.

Councilmember AnaMarie Avila Farias stated that the Public Safety Subcommittee is addressing the Crude by Rail issue, and meetings have been scheduled in the coming weeks with input from Acting Chief of Police Ghisletta. The Committee will be attending a training and will hopefully have an update for the Council thereafter. Councilmember Avila Farias stated she will share the concerns over Susana Street Park with the landscape architect and City Engineer Tim Tucker to see if the Parks, Recreation, Marina and Cultural Commission can reconsider the design.

Vice Mayor Michael Menesini agreed that the Council needs to be a strong advocate for public safety and noted one challenge is that the City is not always notified when hazardous materials are passing through. Vice Mayor Menesini confirmed that both Acting Chief Ghisletta and the Fire Chief are working on improving this communication. He thanked Barbara Kapsalis for her comments and pictures of Susana Street Park, but also noted he understands the reason behind the design to improve access to the stage. He also expressed appreciation for the Chamber of Commerce's work as an asset to the community. Vice Mayor Menesini expressed strong disagreement with Councilmember DeLaney's comments on the Police Chief selection process. He expressed his opinion that the selection of a Police Chief is an important task that should be taken seriously and politics should not be involved.

Mayor Rob Schroder wished all a wonderful and safe 4th of July.

## **ADJOURNMENT**

Adjourned at 8:50 p.m. to a Regular City Council Meeting on July 16, 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 – 9/3/14

## **CALL TO ORDER**

Mayor Schroder called the meeting to order in the Council Chambers at 6:30 p.m. in the Council Chambers with all members present except Vice Mayor Menesini, who was excused, and Councilmember Avila Farias, who arrived shortly after roll call.

## **PUBLIC COMMENT (Closed Session Items Only)**

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

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9 of the California Government Code: One potential case.

## **RECONVENE - PLEDGE OF ALLEGIANCE - CALL TO ORDER**

Mayor Schroder reconvened the meeting at 7:06 p.m. in the Council Chambers with all members present except Vice Mayor Menesini, who was excused. Mayor Schroder indicated that a Closed Session was held regarding Conference with Legal Counsel, one potential case; there was nothing to report.

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. Certificate of Recognition to Rachael Ford, former Planning Commissioner.

On behalf of the City Council, Mayor Schroder presented a Certificate of Recognition and expressed appreciation to Rachael Ford, former Planning Commissioner, for her public service.

Ms. Ford expressed her appreciation to the Planning staff especially Corey Simon, Senior Planner; Veronica Nebb, Sr. City Attorney; Anna Gwyn Simpson, Interim City Manager; and the City Council for appointing her and giving her the opportunity to serve. Ms. Ford stated that she and her husband have moved to Oakland, but she looks forward to seeing what happens to Martinez in the future.

- B. Presentation from the Martinez Historical Society.

John Curtis, President of the Martinez Historical Society, announced that the Society is republishing “*Martinez*,” a book originally published in 1986. He noted that the Council received a copy. He introduced members of the Historic Society present: Harriett Burt, Paul Krantz, Gay Gerlack, Cathy Ivers, Kathy Yates and Marlene Haas. Mr. Curtis provided a PowerPoint presentation displaying pages from the book and reviewed past books that were published and a new postcard book in development titled “*Mail from Martinez*.” He encouraged the public to visit the Martinez Museum and noted that proceeds from the books help support the Museum.

C. Presentation from PG&E regarding their "NERC Alert Program."

Tom Guarino, Senior Government Relations Representative of PG&E, provided a presentation on PG&E's project on the North American Electric Reliability Corporation. He introduced several colleagues working on this project.

Mike Nyer reviewed the Martinez 115 KV-Tower Maintenance Work Project stating that they will be assessing all of its high-voltage transmission lines, verifying the distance from the lines to the ground, and repairing and bringing towers into current compliance. He listed specific repairs and updates that will need to be made to towers in Martinez. Ten towers will be worked on using helicopters or cranes, and each location should take two days to complete. He added there should be no impact on service to residents. Mr. Nyer stated that PG&E has sent out information to the public and he provided contact information for questions or concerns: Denise Conway, Customer Outreach Specialist, (415) 314-7953 or D3CU@pge.com.

Councilmember DeLaney asked what hours the crews would be working, and Mr. Nyer stated they would be working during the day between seven and five.

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

Amy Durfee, Martinez Environmental Group, spoke on the crude by rail issue. She displayed a map of crude oil derailment risk zones in Martinez, where trains come through every seven to ten days. She requested that the Public Safety Subcommittee and Council take urgent action on this issue and stated that waiting to respond until after a disaster will be too late. Ms. Durfee requested an expert from the group be invited to speak at the next Public Safety Committee meeting or Council meeting.

Jim Neu, Martinez Environmental Group, asked when the latest minutes from the Public Safety Committee will be on the website. He asked for the date of the September meeting and staff stated they will provide him with that information.

Tom Griffith, Martinez Environmental Group, discussed a recent *Time Magazine* article on crude by rail dangers. He cited statistics on rail accidents and resource conservation.

Bill Nichols, Martinez Environmental Group, spoke on the dangers to citizens of train derailment and urged the Council to take a stand on this issue.

Nancy Peacock, Martinez Environmental Group, expressed strong concern that the City Council has not taken this issue seriously. The Bakken crude oil is going through Martinez in tanker cars designed for Karo syrup. Ms. Peacock stated other local cities and officials at all levels have formally expressed their concerns about these dangerous trains.

Julian Frazier expressed his concern with Bakken oil and the environmental costs associated with retrieving it. He urged the Council to direct staff to be proactive and thoroughly research risks. He stated the refineries should pay for police and fire protection against the risk of derailment and explosion.

Councilmember Avila Farias encouraged the public to attend the next Public Safety Subcommittee meeting in September.

Brian Danley, engineer, expressed concern with the potential for erosion and maintenance costs associated with the proposed disc golf project.

Warren Rose spoke on the proposed disc golf in Hidden Lakes Park. He stated that this sport is an invasive and dangerous sport, which would damage the wildlife in this open space area.

Connie Whiting expressed pride in the Hidden Lakes open space area and suggested that the open space by Kaiser be used for disc golf instead.

Susan Bleakley stated that disc golf is not compatible with the Hidden Lakes open space.

Mary Ann Fakharzadeh expressed concern with the disc golf project and stated residents should quietly and respectfully share the open space with the wildlife without disturbing them. She added the area is part of the Pacific Fly-Way.

George Currea commented on negative impacts associated with disc golf parks including parking impacts, garbage overload and out-of-order restrooms. He commented on the incredible wildlife in the open space area.

Cathy Malkin commented that the Hidden Lakes open space is the heart and soul of Martinez and expressed concern for wildlife and public safety. She requested that the Council consider other options for the disc golf park.

Michelle Danley spoke against the development of disc golf in Hidden Lakes open space.

Mike Alford agreed with the others in not putting disc golf in the Hidden Lakes Park and suggested that the disc golf be located at Waterfront Road. He agreed with the concerns about the Bakken crude oil.

## **CONSENT CALENDAR**

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

1. Motion approving the City Council Minutes of June 18, 2014. [M.Cabral]

2. Motion approving Check Reconciliation Registers dated 06/30/14 and 07/10/14.  
[C.Spinella/2.1.1]
3. Motion accepting the Quarterly Cash and Investment Report ending June, 30, 2014.  
[C.Spinella/2.1.1.]
4. Motion approving the contract with Bob Murray & Associates to assist in recruiting, interviewing and selecting a qualified individual to serve as the permanent City Manager.  
[J.WALTER/42.06.00]
5. Resolution No. 080-14 approving the General Obligation Bond Tax Rate for the Fiscal Year 2014/15 property tax roll and directing submittal to Contra Costa County.[C.Spinella/02.09.00]
6. Resolution No. 081-14 accepting the Nancy Boyd, Cappy Ricks and Hidden Valley Parks Improvements Project per contract documents and instructing the City Clerk to file a Notice of Completion. [D.Salts/11.06.00/ 11.17.00/ 11.03.00/10.05.03]
7. Resolution No. 082-14 authorizing the City Manager to execute an agreement in an amount not to exceed \$405,586 for consultant services with Dillingham Associates for the design of Waterfront Park. [T.Tucker/10.05.03&11.05.13]
8. Martinez Intermodal Facility, Phase 3, and Alhambra Creek Bridge and Ferry Street Enhancements Project No. C6006: [T.Tucker/6.7.0]
  - A. Resolution No. 083-14 amending the agreement with Nolte Vertical Five (NV5) for final design and UPRR/utility coordination for the remaining parking lot improvements, Alhambra Creek bridge and Ferry Street enhancements in the not-to-exceed amount of \$420,878, subject to funding appropriation approval from Contra Costa Transportation Authority.
  - B. Resolution No. 084-14 authorizing the City Manager to execute a Cooperative Agreement between the Contra Costa Transportation Authority and the City of Martinez, subject to the review of the City Attorney.
9. Water Treatment Plant (WTP) Electrical Power Distribution System Upgrade:  
[T.Tucker/15.06.13]
  - A. Resolution No. 085-14 accepting bids for the Water Treatment Plant Electrical Power Distribution System Upgrade, Project No. C7037 and awarding the construction contract to Blocka Construction, Inc. in the amount of \$2,394,260, and allocating an additional \$1,596,300 of Water System funds to Account No. C7037, and closing Accounts C7013, C7040 and C7046.
  - B. Resolution No. 086-14 authorizing the City Manager to execute an amendment to the consultant services agreement with Carollo Engineers, Inc. for construction phase services for the Water Treatment Plant Electrical Power Distribution System Upgrade, Project No. C7037 in the not to exceed amount of \$318,400.

- C. Resolution No. 087-14 authorizing the City Manager to execute a consultant services agreement with Transdyn, Inc. to prepare and modify the Water Treatment Plant system necessary for the completion of the WTP Electrical Power Distribution System Upgrade, Project No. C7047 in the not to exceed amount of \$99,600.
  
- 10. Lease Agreement with Contra Costa Community College District and Sublease Agreement with Martinez Historical Society at 1005 Escobar Street: [M.Chandler/05.21.00]
  - A. Resolution No. 088-14 approving a First Amendment to Lease Agreement with the Contra Costa Community College District for use of the property and parking lot located at 1005 Escobar Street in exchange for the City's leasing to the District use of the City's parking lot located north of Marina Vista Avenue, and authorizing the Mayor to execute same; and
  - B. Resolution No. 089-14 approving a First Amendment to Sublease Agreement with the Martinez Historical Society for use of the property located at 1005 Escobar Street as the Martinez Museum, and a First Amendment to Consent to Sublease with the Contra Costa Community College District and Martinez Historical Society, and authorizing the Mayor to execute same.
  
- 11. Resolution No. 090-14 finding personal property located at 115 Tarantino Drive 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 Liz Martin doing business as Pink Depford Design Studio, for the amount of \$250 under the terms and conditions of the Bill of Sale. [M.Chandler/11.05.12]
  
- 12. Lease and Budget Transfer and Sublease Amendments for 636 Ward Street Campbell Theater: [M.Chandler/9.12.07]
  - A. Resolution No. 091-14 approving a First Amendment to Commercial Lease Agreement with the Bart and Jane Bisio Revocable Trust ("Bisio Trust") for use of the Premises located at 636 Ward Street and authorizing the Interim City Manager to execute same, and amend the FY 2014-15 Budget with a budget transfer from Unassigned Fund Balance in the amount of \$27,822 as amended changing the description of the Bisio Trust to JaBa LCC.
  - B. Resolution No. 092-14 approving a First Amendment to Commercial Sublease Agreement with Onstage Repertory Theater ("Onstage") for use of the Premises located at 636 Ward Street and authorizing the Interim City Manager to execute same.
  
- 13. Resolution No. 093-14 supporting the submittal of a grant proposal to Contra Costa Transportation Authority to complete a marketing and fiscal analysis of the Priority Development Area. [D.Tasini/09.01.07]

Mayor Schroder opened Items #A and #1-13 for public comment.

Julian Frazer spoke on Item #4 and asked about the amount of the contract with Bob Murray & Associates. He stated there is normally an outside application process for City Manager but it should be completely different when hiring a Chief of Police, because bringing someone new in is a sign that something is wrong with the department. Mayor Schroder stated the amount of the contract is \$24,000.

Richard Verrilli asked for clarification on Item #13, Priority Development Area. Project Manager Dina Tasini provided a brief overview of the suggested proposal for a consultant to analyze the implementation of the Downtown Specific Plan. Councilmember DeLaney asked for the timeline for the application and awarding process. The proposal is due this week and the timeline could be as long as two years depending on the scope of the project.

Kathy Ricker spoke on Item #12, Campbell Theater Lease and Sublease, encouraging the Council to support this item.

Ruth Shumae urged the Council to extend the Campbell Theater lease and support local theater.

Kevin Taylor spoke in support of the Campbell Theater.

Mark Hinds gave a brief update on the Theater's activity and thanked the Council for its support.

Mike Alford commented that it is encouraging to see the community involved with the Campbell Theater.

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

On motion by Mark Ross, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Item #A and Items #1 through #13 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

14. Approve the Memorandum of Understanding with Loaves and Fishes of Contra Costa.  
[AG.Simpson/19.03.29]

Councilmember Ross recused himself due to his conflict of interest as representative of the seller of Rebecca's Lodge of Martinez in the transaction to transfer the building to the buyers. Councilmember Ross left the dais.

Interim City Manager Anna Gwyn Simpson presented the staff report. She reviewed the mission and work of Loaves and Fishes, the planned use of the building, and the Memorandum of Understanding to address the public's concerns with the organization's impact in the local community.

Mayor Schroder asked if the other tenants fell under the same use category as Loaves and Fishes, and Ms. Simpson stated it does; however, the other tenant does not serve food.

David Gerson, Executive Director of LFCC, thanked City staff for their work on the MOU. He expressed confidence that LFCC would be a benefit to the community and provided details on the organization's services, the people served, and possibilities for future expansions and community event opportunities.

Councilmember DeLaney asked if Item #3b of the MOU could be expanded to restrict loitering on surrounding property. Mr. Gerson stated LFCC would be happy to post such a policy but enforcement would be a challenge. He added this has not been a problem at LFCC's current location. Councilmember DeLaney asked if Item #5 could be expanded to include LFCC employee presence after meal times as well, and Mr. Gerson agreed someone would be on the property for 15 minutes to close the dining room. Mr. Gerson also provided details on where the available parking will be located.

Mayor Schroder asked about building improvements needed. Mr. Gerson stated the building would be gutted to bring the restrooms and kitchens up to code, and offices and a reception area would be created. The meals will be cooked in LFCC's commercial kitchen in Pittsburg and delivered. He stated culinary classes or volunteer groups would sometimes meet in the kitchen to cook and serve food. LFCC will also work with food entrepreneurs to make locally grown food accessible to the community.

Senior City Attorney Veronica Nebb noted that several of the future uses discussed by Mr. Gerson are not currently permitted by the Use Permit and would require discretionary approval from the Council; the Council's discussion and approval of the MOU does not imply approval for each use mentioned by Mr. Gerson.

Mayor Schroder opened the Item for public comment.

Larry Risner, past president of the Senior Center, expressed concern that there would be no enforcement of the MOU and that members of the community were not involved in creating the final drafts of the MOU. He stated the Senior Center has concerns, which are not addressed by the MOU, including the parking situation.

Sandra Benabou, representing Ms. Levine, owner of 811 Ferry Street, commented on the detrimental impact on the central business district caused by loitering or litter. She expressed concern that Ms. Levine had not been given an opportunity to comment beforehand. She suggested that a security guard or cameras be utilized when the dining room is not open and that a way be provided for businesses to discuss future issues with LFCC.

John Ebrahimi, Copper Skillet, expressed concern about parking, loitering and litter, and the way businesses had been informed of the proposal.

Mike Alford expressed concern that LFCC staff and the police would not be able to adequately control the impact on the business area.

Arash Pakead stated he approved of the idea of a professional culinary kitchen but noted that FDA regulations would be stricter. He suggested that a location other than downtown would be more appropriate. He requested a provision for enforcement of the MOU.

Kathi Curry asked that the policy about parking permits be revised since parking at the Senior Center is only allowed when the member is currently at the Center.

Richard Verrilli expressed concern about adequate supervision and security presence after mealtimes. He asked the Council to reconsider the location of LFCC.

Marlene Haas, Boardmember of LFCC, stated that LFCC had started talking to business owners as soon as an offer had been made on the building. She agreed parking is difficult in downtown but asked why LFCC should be held to a higher standard than other businesses. She stated there will be staff at the building all day. She agreed there had been issues in the past at LFCC's other locations but those issues have been addressed. LFCC is willing to meet with its neighbors to discuss and resolve problems as they come up. She added LFCC will be serving and meeting the needs of people who are already residents of the area and will not bring in people who are not already there.

Claudine Thomas asked for provisions to enforce the MOU. She suggested a shower room be included in the renovation of the building.

Mr. Ebrahimi expressed concern about conflicting information he stated was given by LFCC.

Mr. Gerson provided history of LFCC and noted that several community members and former Chief Gary Peterson and former City Manager Phil Vince had worked together for two years to find an appropriate location close to LFCC's current location. He noted LFCC's volunteers had not had problems with the guests of LFCC and stated he felt the new location would be a good use of the building and a valuable addition to the community. He added he would be happy to meet with members of the community to discuss their concerns.

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

Mayor Schroder stated that LFCC is a wonderful organization that provides a needed service to low-income, as well as homeless, residents. He said he felt the location was wrong and would negatively impact the revitalization of downtown. He added that the Council does not have the right to deny them the use of the building since it is allowable by current zoning.

Mayor Schroder agreed with concerns of the public with regard to the MOU not being enforceable and asked staff about the Council's options if there was a consistent problem. Ms. Nebb stated the City would have the usual recourses to abate a public nuisance. The MOU is intended to outline and avoid what the City considers to be public nuisance in order to bypass argument about that if it becomes an issue. Staff's original intent was for it to be a binding agreement and avoid the necessity to bring a public nuisance abatement action against LFCC. However, with the current MOU the City retains the power to keep a strong police presence and an aggressive eye on the situation to address issues immediately.

Councilmember DeLaney agreed LFCC is a good organization but expressed concerns about the location and the organization's impact on downtown. She agreed a stronger agreement would be preferable.

Councilmember Avila Farias stated Martinez faces unique obstacles in cultivating a healthy downtown and supporting local small businesses. She expressed concern about existing nuisance issues and felt strongly that the City needs to update use ordinances and do a better job enforcing ordinances in downtown. Councilmember Avila Farias stated she was not particularly worried that the people served by LFCC would cause significant problems but felt the communication process with the community could have been much better. She asked LFCC to have further discussions and outreach with members of the community and work on the MOU. She stated she was not in support of including a shower room in the building.

Mr. Gerson expressed willingness to work further with staff on the MOU.

Item continued to the next meeting of September to discuss the MOU issues with businesses.

*\*Council recessed at 9:47 p.m.*

*\*Council reconvened at 9:56 pm. with all members present.*

15. Grand Jury Reports: [A.Shear/06.01.09]

- A. Motion to approve and authorize the Mayor to sign the attached response letter to the Grand Jury Report #1403, "Training City Personnel in Reporting Child Abuse" by the 2013-2014 Contra Costa Grand Jury.
- B. Motion to approve and authorize the Mayor to sign the attached response letter to the Grand Jury Report #1404, "Planning for Technology" by the 2013-2014 Contra Costa Grand Jury.
- C. Motion to approve and authorize the Mayor to sign the attached response letter to the Grand Jury Report #1405, "The Public Records Act" by the 2013-14 Contra Costa Grand Jury.

Assistant City Manager Alan Shear presented the staff reports for Items #A, #B, and #C.

He noted that Item #A addressed the City's training of personnel, who are mandatory reporters, in their responsibilities for recognizing and addressing suspected child abuse. Mr. Shear reviewed the report and stated the City has implemented all recommendations. Councilmember Avila Farias asked about the policies and procedures for reporting, and Mr. Shear stated they are included in the employee manual, including specific lists of personnel and volunteers to whom the policy applies. In response to further questions from Councilmember Avila Farias, Mike Chandler discussed how and when employees will receive instruction, and he indicated that specific steps to take were included as well.

Councilmember Avila Farias asked about information provided to temporary employees, particularly Park & Recreation summer help, and Mr. Chandler confirmed they would receive training as well.

Mr. Shear continued his report with a discussion of Item #B, which deals with effective and economic use of technology, with the recommendation for implementation of a strategic technology policy. He confirmed Martinez does not yet have such a policy, so analysis will be done to determine the necessity. He added that the second recommendation includes identification of potential technology projects, and Martinez has begun budgeting for such projects. He indicated that the third recommendation, to identify future technology needs, has also already been implemented in the Personnel and Police Departments.

Regarding the third recommendation for Item #B, Councilmember DeLaney asked about specific budgeted items that have been proposed and/or implemented. Mr. Shear acknowledged there were no items proposed yet for the next budget cycle but he was confident there would be some identified and budgeted through the budget process.

Councilmember Avila Farias commented that as the City implements its new Strategic Plan Update, ensuring updated information software and qualified staff would be important as well.

Councilmember Ross added that planning for technology upgrades should be an ongoing budget item.

Mr. Shear also discussed recommendations under Item #C, regarding public information requests, including employee training and posting of specific City documents on the City's website.

Mayor Schroder opened public comment on Item #15A-C.

Regarding Item #15C, Richard Verrilli asked whether the City intends to update its policies to coincide with the County's ordinance. He thought it important that Martinez have the most open policies.

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

On motion by Lara DeLaney, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve and authorize the Mayor to sign the attached response letter to the Grand Jury Report #1403, "Training City Personnel in Reporting Child Abuse" by the 2013-2014 Contra Costa Grand Jury. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve and authorize the Mayor to sign the attached response letter to the Grand Jury Report #1404, "Planning for Technology" by the 2013-2014 Contra Costa Grand Jury. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve and authorize the Mayor to sign the attached response letter to the Grand Jury Report #1405, "The Public Records Act" by the 2013-14 Contra Costa Grand Jury. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

16. Review and discuss City Council compensation with respect to the Grand Jury Report No. 1104 "Elected Board Membership." [A.Shear/06.01.09]

Assistant City Manager Alan Shear presented the staff report, including background from the 2011 Grand Jury recommendations regarding all areas of compensation for elected officials, regular review of those areas and levels of compensation.

Mayor Schroder asked about contributions to medical insurance. Mr. Shear said it was only to be reported by Councilmembers who took office since the provision was added so, therefore, only Councilmember Avila Farias was affected.

Mayor Schroder opened public comment on the Item.

Mike Alford asked for details on the amount of compensation received by the Councilmembers, and Mayor Schroder said \$7,200 annually plus medical benefits similar to what City employees have. Mayor Schroder also confirmed that the City has already been reporting the compensation on a regular basis and no changes were proposed.

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

Mayor Schroder commented on differences between the City's policies and those of the City of Concord. He did not think Martinez compensation amounts were excessive.

Councilmember DeLaney agreed they were not excessive, but she discussed the need to regularly review and analyze the policies to ensure they are reasonable.

Councilmember Avila Farias agreed with Mayor Schroder. She commented on the number of hours that the Mayor dedicates to the City, and she said she would like to see how Martinez compares with other jurisdictions in regard to what is included as "compensation." She recommended inclusion of travel reimbursement in the budget, when it is related to City business.

17. Discuss and provide direction to staff on Project Labor Agreements for the Waterfront Park Improvement Project. [AG. Simpson/10.05.04]

Interim City Manager Simpson presented the staff report, discussing the purpose and benefits of the agreements.

Councilmember DeLaney asked why the City is considering this on a single project basis, rather than enacting it to apply to all projects that meet certain thresholds, which would simplify the administrative process. Mayor Schroder pointed out that the Waterfront Park project is the only major project that the City will have in the near future.

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

Senior City Attorney Veronica Nebb asked if there was a specific threshold amount or should staff set one. Mayor Schorder said he did not have any amount in mind. He suggested looking at other jurisdictions.

Ms. Simpson asked whether planning for the Waterfront Park project should wait until this issue is settled. Public Works Director Dave Scola noted that the construction documents were prepared already, but no amount was set yet. He questioned how changes to this policy might affect the bid process.

Ms. Nebb said she thought it could be as much as a two-month delay.

Following further brief discussion, the Council directed the City Manager and Senior City Attorney Nebb to use a blanket Project Labor Agreement for all projects, provide a specific threshold, with this item brought back to the Council in August at a Special Meeting, if needed.

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

Interim City Manager Simpson reminded the public that the Parks, Recreation, Marina and Cultural Commission will be conducting a Disc Golf Workshop on Wednesday, January 23rd at 6:30 p.m. in the Council Chambers.

**CHIEF OF POLICE**

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

Acting Chief Ghisletta announced the 4th Annual Sergeant Brian Carter Memorial Blood Drive on Friday, July 18<sup>th</sup> from 10:00 a.m. to 3:00 p.m. in the Council Chambers. Drop ins are welcomed or you can make an appointment on line at [www.bloodheroes.com](http://www.bloodheroes.com), sponsor code is SBCMBD.

He reminded the public that National Night Out will be Tuesday, August 5th. Larger events will be held at Les Schwab, the Marina and Creekside Church. There will also be smaller events throughout the neighborhoods.

**APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

20. Appointments to Commissions: [M.Cabral16.00.04/16.06.01/16.07.01]

- A. Motion approving appointment of Gabriel Lemus to the Planning Commission for a four year term.

On motion by Rob Schroder, Mayor, no second required, to approve appointment of Gabriel Lemus to the Planning Commission for a four year term. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

- B. Motion approving appointments of David Jackson and Richard Philbrook to the Veterans Commission for a four year term.

Mayor Schroder discussed the openings and the candidates, noting that Mr. Jackson lives in Lafayette but works for the Veterans Administration in Martinez, which qualifies him to serve. He opened public comment on the appointments.

Gay Gerlack commented on her work with Mr. Jackson through the American Legion and his dedication and hard work. She indicated her strong support for his appointment.

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

On motion by Rob Schroder, Mayor, no second required, to approve appointments of David Jackson and Richard Philbrook to the Veterans Commission for a four year term. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

## **CITY COUNCIL**

21. Resolution 094-14 approving the establishment of the Transpac Transportation Partnership and Cooperation Joint Powers Authority, and authorize the Mayor to execute the Joint Powers Agreement on behalf of the City. [M.Ross/06.07.03]

Senior City Attorney Veronica Nebb presented the staff report, discussing the purpose of the Agreement, past history, and proposed changes under the new agreement.

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

As a member of the Council Subcommittee on this matter, Councilmember Ross expressed support for the Agreement as the best option for the City at this time.

On motion by Mark Ross, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution 094-14 approving the establishment of the Transpac Transportation Partnership and Cooperation Joint Powers Authority, and authorize the Mayor to execute the Joint Powers Agreement on behalf of the City. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

22. Council Subcommittee Reports.

Mayor Schroder reported out on his and Vice Mayor Menesini's attendance at the Marina Subcommittee, Closed Session, on Tuesday, July 8th, to discuss strategy for an upcoming meeting with State agencies (Department of Finance, Department of Parks & Recreation, and State Resources Agencies). The purpose of the meeting with the state agencies was to begin discussion of possible renegotiation of the City's loans, and he reviewed some issues raised.

Councilmember DeLaney asked if Mayor Schroder could give a synopsis of what the City is requesting, but Mayor Schroder said he could not because negotiations are ongoing.

In response to a question from Councilmember Ross, Mayor Schroder confirmed Senator Wolk's bill was discussed, related to formation of a public lands trust for the marina lands. He also indicated that the City Manager or City Attorney would be happy to review the City's position with any Councilmembers.

23. City Council Comments.

Councilmember Mark Ross requested that the Public Safety Subcommittee receive a copy of the Rail Yard Lease Agreement to see if there are any provisions pertaining to safety and security. Mayor Schroder noted that that property is leased by the City from State Lands, which will be part of the land grant, assuming that it is approved.

Councilmember AnaMarie Avila Farias noted that the Public Safety Subcommittee would be meeting in September and also with the rail administration.

Councilmember Lara DeLaney announced the Meals-on-Wheels fundraiser on Friday at the Shell Club House at 6:00 p.m.

Mayor Schroder wished Vice Mayor Menesini a happy birthday. He indicated that he will be will be on vacation for a week and Councilmember Ross will be Acting Vice Mayor. He noted that the 4th of July parade was great and thanked Leanne Peterson, Steve Lesher, Marty O, Cathy Ivers and all volunteers. He added that they will adjourn the meeting in honor of Frank Walsh, long-time Alhambra High School Principal and Kiwanis Club member.

## **ADJOURNMENT**

Adjourned at 10:48 p.m. *in memory of Frank Walsh*, then to a Summer Recess during the month of August and reconvene to a Regular City Council Meeting on September 3, 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 – 9/3/14

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present except Councilmember Avila Farias who arrived shortly after roll call.

## **CLOSED SESSION (Adjourn to City Manager's Office)**

Pursuant to California Government Code Section 54957:  
PUBLIC EMPLOYEE APPOINTMENT -- Title: Interim Chief of Police  
PUBLIC EMPLOYMENT -- Title: Interim Chief of Police

Mayor Schroder indicated that the Council will discuss Item #1, Appointment of Acting Police Chief Eric Ghisletta as Interim Police Chief and those matters as listed on the agenda in Closed Session.

The Council adjourned to the City Manager's Office.

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

Mayor Schroder called the meeting to order at 7:30 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)**

No comments made.

## **CITY MANAGER/CITY COUNCIL**

1. City Council consider the following:
  - A. Appointment of Acting Police Chief Eric Ghisletta as Interim Police Chief through December 31, 2014.
  - B. That during this period of interim service that the Chief shall report to the City Manager rather than the City Council.
  - C. That staff be directed to draft a proposed code amendment that would make permanent the modification of the reporting relationship between the Police Chief and City Manager positions.
  - D. Direct staff to draft an agreement for services to be returned for Council action on September 3, 2014.
  - E. The Interim Chief will continue to staff the Public Safety Subcommittee of the City Council.

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Appointment of Acting Police Chief Eric Ghisletta as Interim Police Chief through December 31, 2014; during this period of interim service that the Chief shall report to the City Manager rather than the City Council; that staff be directed to draft a proposed code amendment that would make permanent the modification of the reporting relationship between the Police Chief and City Manager positions; direct staff to draft an agreement for services to be returned for Council action on September 3, 2014; and the Interim Chief will continue to staff the Public Safety Subcommittee of the City Council.

Councilmember DeLaney questioned the adoption of Item #1C, proposed code amendment that would make permanent the modification of the reporting relationship between the Police Chief and City Manager. She agreed with the recommendation, however, she thought that it would be approved at a later date. Mayor Schroder clarified that they agreed to approve the recommendation immediately. It would not change how the Police Chief is hired, but would change the reporting process at this point. Vice Mayor Menesini stated that it was his understanding as well; and it was important that they move forward with this principle.

Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

## 2. City Council/Manager Comments.

Mayor Schroder expressed his congratulations to Interim Chief Ghisletta.

Councilmember Ross echoed the Mayor's comments and asked about the bench in the Council Chambers. Vice Mayor Menesini stated that it is one of the original benches from the old train depot and apparently someone donated it to the Martinez Historical Society.

Councilmember DeLaney congratulated Interim Chief Ghisletta and stated that it was well deserved and looked forward to his continued excellent service.

Mayor Schroder clarified that part of the recommendation was that a contract be negotiated with Interim Chief Ghisletta and be brought back to the next meeting of September 3rd.

Vice Mayor Menesini expressed his congratulations noting that he has worked very hard for this and that he will be a great Interim Chief and hopefully a permanent Chief.

## **ADJOURNMENT**

The meeting adjourned at 7:36 p.m. to a Special City Council Meeting (Closed Session) on August 27, 2014 at 6:00 p.m. at City Hall in the City Manager's Office, 525 Henrietta Street, Martinez, CA.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk - 9/3/14

**CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers.

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

EXCUSED: AnaMarie Avila Farias, Councilmember.

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.

**A. CLOSED SESSION (Adjourn to City Manager's Office)**

Pursuant to California Government Code Section 54957:

PUBLIC EMPLOYMENT – Title: City Manager

PUBLIC EMPLOYEE APPOINTMENT – Title: City Manager

The Council reconvened at 6:30 p.m. with all members present as indicated. Mayor stated that direction was given to the City's recruiter Mr. Bob Murray, of Bob Murray and Associates; and there was nothing further to report.

**2. City Council Comments.**

There were no comments made.

**ADJOURNMENT**

The meeting adjourned at 6:30 p.m. to a Regular Council Meeting September 3, 2014 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk - 9/3/14