

**CALL TO ORDER**

Mayor Rob Schroder called the meeting to order at 5:00 p.m. in the Council Chambers with all members present except Councilmember Avila Farias, who arrived shortly after roll call.

**PUBLIC COMMENT (Comments are limited only to items listed under closed session).**

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

**CLOSED SESSION (adjourn to City Manager's Office)**

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

PUBLIC EMPLOYMENT - Title: City Manager

PUBLIC EMPLOYMENT APPOINTMENT - Title: City Manager

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

Mayor Schroder reconvened the meeting at 6:11 p.m. He stated that Closed Session was held with respect to Public Employment, Title, City Manager and direction was given to the City's negotiator.

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

EXCUSED: None.

ABSENT: None.

**PRESENTATION(S)**

- A. Sculpture of Joe DiMaggio, "Home Town Hero Project."

Mario Chiodo and Francine Agapoff gave their background and experience in creating history-telling monuments and provided a PowerPoint presentation, illustrating Mr. Chiodo's work throughout the United States. Mr. Chiodo showed drafts for a sculpture of Joe DiMaggio.

Councilmember Avila Farias stated she is familiar with Mr. Chiodo's work and it is very impressive. She suggested he contact the Martinez Historical Society for more ideas.

The Council thanked Mr. Chiodo for expressing his interest in working on this project and stated the Council would be honored to work with him when it is ready to move forward.

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

No comments made.

**CONSENT CALENDAR**

- A. Motion waiving reading of text of all Resolutions and Ordinances.
1. Motion approving City Council Minutes for the Regular Meeting of December 3, and Special Meeting of December 16, and 18, 2014. [M.Cabral]
  2. Motion approving Check Reconciliation Registers dated 12/18/2014 and 01/08/2015. [C.Spinella/2.1.1]
  3. Resolution 001-15 consenting to the inclusion of properties within the City's jurisdiction in the California HERO Program to finance distributed generation renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure and approving an amendment to a certain Joint Powers Agreement related thereto. [M.Chandler/30.09.00]

On motion by Mark Ross, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Item #A and Items #1 through #3 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor.

**PUBLIC HEARING(S)**

**CITY MANAGER**

4. Consider a resolution allocating \$24,605 from the General Fund Unassigned Fund Balance to Main Street Martinez for the production of two events at the Martinez Waterfront Amphitheater; and direct staff to work with the City Attorney to negotiate an agreement with Main Street Martinez for said production. [A.Shear/17.06.29]

Acting City Manager Alan Shear presented the staff report. He reviewed the success of the Blues by the Bay Festival funded by the City in May 2014 and the Council's direction to issue a Request for Proposal (RFP) to procure a producer for a concert series in 2015. The RFP was released in October and the proposals were reviewed by the Concert Ad Hoc Committee. As a result of that process, Prime Time Entertainment is proposing to work through Main Street Martinez on two events in May 2015. Mr. Shear reviewed the stipulations of the proposed agreement and noted that \$14,605 of the requested funds represented the profit from the 2014 event.

Councilmember Avila Farias stated she was happy that staff had looked for an outside producer so staff resources were not used for the event. She noted there had been some concern last time that the event was not actually profitable because staff time had been used, and asked how that would be managed this time. Mr. Shear stated it would be similar to other events put on by Main

Street Martinez and the Chamber of Commerce in that staff would review event applications and other materials, but would not be involved in the logistics. Councilmember Avila Farias expressed concern that other private entities would want to bypass event fees by working through Main Street Martinez, and Mr. Shear stated it is a unique event because of the City's involvement.

Vice Mayor Ross stated he approved of this process for producing events and asked for more details about the second day's event. Councilmember DeLaney also asked if the second day's costs were included in the budget. Mr. Shear stated that staff was still in the process of identifying participants for the second day and that the City would not move forward with the second day unless partners were identified to help reduce the cost. Councilmember DeLaney stated she looked forward to working with Main Street Martinez on these events.

Mayor Schroder stated the City has a good relationship with Main Street Martinez and works well together on these projects. He stated he is happy to see the Amphitheater being used.

Councilmember Avila Farias stated she looked forward to supporting the project with Main Street's leadership.

On motion by Mark Ross, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 002-15 allocating \$24,605 from the General Fund Unassigned Fund Balance to Main Street Martinez for the production of two events at the Martinez Waterfront Amphitheater; and direct staff to work with the City Attorney to negotiate an agreement with Main Street Martinez for said production. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor.

Councilmember DeLaney expressed her appreciation to staff in getting the Request for Proposal out and she thanked Main Street Martinez and Prime Time for submitting their proposal.

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

#### **CHIEF OF POLICE**

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

Interim Chief of Police Eric Ghisletta stated that the increase in Doug Stewart's homeless outreach in October and November was a successful effort. The Department is currently revisiting the idea and is securing three additional days a week for the Homeless Outreach to patrol strictly in Martinez. This effort will help provide much needed resources to Martinez residents.

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

7. Consider Appointments to the Citizens' Oversight Committee (Measure H Bonds): Brian Eychner, Member of the Parks, Recreation, Marina & Cultural Commission; and Nat Rojanasathira, Richard Patchin and David Little, Members at Large, for a two year period. [M.Cabral/16.17.17]

On motion by Rob Schroder, Mayor, no second required to approve Appointments to the Citizens' Oversight Committee (Measure H Bonds): Carolyn Robinson, City Treasurer; Brian Eychner, Member of the Parks, Recreation, Marina & Cultural Commission; and Nat Rojanasathira, Richard Patchin and David Little, Members at Large, for a two year period. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor.

## **CITY COUNCIL**

8. Discussion of, consideration of and possible action regarding Muir Land Trust request for \$262,500 from the City towards the acquisition of 44 acres known as West Hills Farm.  
[A.Shear/07.02.09]

Mayor Schroder referenced the presentation given at the last meeting by Linus Eukel of Muir Heritage Land Trust. He noted the request is being considered at this special meeting since the next meeting is likely to require a great deal of discussion.

Linus Eukel, Muir Heritage Land Trust, stated that he appreciated the Council's consideration, and further stated that this acquisition is a living monument to the Martinez Community.

Mayor Schroder asked about the anticipated timeline, and Mr. Eukel stated he expected to close the sale between March and May.

Vice Mayor Ross stated he felt this would be a valuable addition to the Martinez community.

Councilmember DeLaney asked how access to the land would be provided to the public. Mr. Eukel stated there is some access through Mount Wanda currently, and there are a few other possibilities but he would have to work with the National Park Service to secure them at a later date.

Mayor Schroder opened the Item for public comment.

Ted Radosevich urged the Council to support the acquisition and noted that the National Park Service would soon be taking over management of the neighboring land to provide more access.

Evelyn Centeno asked the Council to move slowly to study this purchase and consider if the funds could be better spent on services the City needs.

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

Mayor Schroder stated he supported the acquisition, but the Council would need to consider at what funding level to support it and where the funding should come from.

Councilmember Avila Farias asked if an appraisal of the property was required. City Attorney Jeff Walters stated it is not required, but suggested Mr. Eukel could explain how the value was determined. He stated the agreement between the City and Muir Land Trust could include the purchase agreement's stipulations. The agreement could also include a management clause to

address issues of access and a conservation easement to ensure it was maintained as an open space for the City. Councilmember Avila Farias asked if annexation was planned in the future. Mayor Schroder stated it was not necessary because it is in Martinez' sphere of influence, but it could be pursued in the future.

Mr. Eukel stated that the appraisal of the land had been conducted by appraisers experienced in working with open space land, and the appraisal has been reviewed by State agents. He agreed to provide a copy to the Council.

Councilmember Avila Farias stated she felt the acquisition was important, but she had concerns with the availability of funds and the City's ability to provide needed support in the areas of public works and policing. She stated she would like to take more time with the purchase.

Councilmember DeLaney stated she supported the acquisition of open space property. She stated the concerns about the City's resources are valid; however, she noted the use of Measure WW funds was appropriate since those cannot be used for the City's other needs, and since the Measure WW funds have to be allocated by 2018.

Vice Mayor Ross stated he agreed other needs should be addressed but that the City also has a responsibility to use the Measure WW funds. He stated it would take time to identify, vet, and appraise other properties, and this acquisition is at a good price.

Councilmember McKillop stated she supported the acquisition and noted that a second access from Alhambra Valley would make it more available to the community. She agreed the Council has other priorities as well, but felt that this is an important opportunity that should not be overlooked.

Mayor Schroder asked for more time to review the request and the funding to ensure the Council could be in agreement.

On motion by Rob Schroder, Mayor, seconded by AnaMarie Avila Farias, Councilmember, continue the item requesting \$262,500 from the City towards the acquisition of 44 acres, known as West Hills Farm, to a meeting to be held before the end of the month. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor.

9. Discuss and if the City Council directs staff to conduct a recruitment for a permanent Chief of Police, consider the following options: [A.Shear/04.05.00]
  - A. Motion to direct personnel staff to perform the recruitment; OR
  - B. Motion to direct staff to solicit proposals from recruiting firms to perform the recruitment, with a not-to-exceed budget of \$25,000.

Acting City Manager Alan Shear presented the staff report, discussing the options before the Council in terms of the proposed recruitment for a permanent Chief of Police - whether to have City personnel staff conduct the recruitment or to hire an outside firm to handle the effort.

Mayor Schroder asked how an outside recruiting firm would handle a search that includes consideration of internal staff. Mr. Shear reviewed the process that would be followed for each recruitment, including advertisement, screening of applications, establishment of eligibility list of qualified applicants, interview board, and extending the offer.

Mayor Schroder asked what additional services an outside firm might provide. Mr. Shear commented on the resources and connections that a professional recruitment firm would have, as well as providing the administrative work.

Mayor Schroder also asked, and Mr. Shear confirmed that there are firms that specialize in recruiting for public safety positions.

Councilmember Avila Farias expressed that she would like to see consistency in the process and use a recruitment firm. She indicated that would be easier on staff and not overload or distract them from other tasks.

Vice Mayor Ross said he didn't think that the cost of hiring a recruitment firm was a good use of City's funds. He also thought it would be a more transparent process if the recruitment is handled in-house.

Mayor Schroder opened public comment on the item.

Regarding Item 8, Evelyn Centeno asked why there was no Measure WW funding remaining for park improvements. Regarding the recruitment for a permanent police chief, she stated that she thought an open, broad recruitment would allow for more candidates to apply and the best one to be selected. She also thought the Interim Chief should be allowed to apply. She commented that safety is a constitutional right, so Martinez citizens should have the best possible chief. As to whether City staff should handle the recruitment, she asked about their skills, abilities and knowledge to handle the recruitment for such an important position.

Michael Benson spoke in support of Interim Chief Eric Ghisletta, his abilities and character. He questioned whether a \$25,000 recruitment from an outside agency would result in the best candidate being selected. He also discussed his experience with the CERT under Chief Ghisletta.

Richard Verrilli commented on the advantages from competition in the sports arena. He agreed that Acting Chief Ghisletta was a good candidate for the permanent job, and he was confident that Chief Ghisletta would be a strong contender in either recruitment processes. He thought, however, that the City should do whatever it can to ensure a fair, equitable process. He thought an outside agency should handle the recruitment, and \$25,000 was a reasonable price.

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

Councilmember Avila Farias clarified that this is not about the current Chief and his qualifications, but about having a fair, consistent hiring process.

Councilmember DeLaney said she did not see why the City should spend the \$25,000 for an outside firm to handle the recruitment when there is already a very qualified candidate in the position temporarily. She recommended that the City's very capable staff handle the recruitment.

Vice Mayor Ross noted that the process will be the same whether the City does the recruitment or an outside agency. He agreed that the City needs to ensure a fair, open process, especially in view of how a recent recruitment was handled. He did not think the City should spend \$25,000 to hire an outside firm that will do exactly what City staff would do.

Councilmember McKillop said she had confidence in Chief Ghisletta, but based on her experience with law enforcement recruitments, she thought an outside recruiter would result in a cleaner process where everyone can have confidence in the process.

Mayor Schroder noted there are three recruitments that the City Council oversees - City Manager, City Attorney and Police Chief, and he commented on the politics that are often involved with the Council having that authority. He acknowledged the financial aspect, but ultimately he agreed that spending the \$25,000 for the recruitment is not unreasonable to ensure a fair, balanced process.

Vice Mayor Ross said even though he stated his position earlier, to keep the recruitment in-house, for the good of the Council and the community, he will vote in favor of an outside recruiter.

On motion by AnaMarie Avila Farias, Councilmember, seconded by Debbie McKillop, Councilmember, direct staff to solicit proposals from recruiting firms to perform the recruitment for Chief of Police, with a not-to-exceed budget of \$25,000. Motion passed 4 - 1. Yes: AnaMarie Avila Farias, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember.

10. Council Subcommittee Reports.

11. City Council Comments.

Mayor Schroder stated that he attended the East Bay Regional Parks meeting in Oakland, when the City's representative from District 7, Diane Burgess, former Councilmember of Oakley, was sworn in. He noted that Ms. Burgess grew up in Martinez and went to Alhambra High School. Mayor Schroder stressed the importance of a good relationship with the Parks Board because their approval is required for anything the City plans for the Waterfront.

He requested that the meeting adjourn in memory of David Giberti, and he provided a brief review of his life.

## **ADJOURNMENT**

Adjourned at 7:57 p.m. *in memory of David Giberti*, then to a Regular City Council Meeting on January 21, 2015 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 – 02/18/15