

CALL TO ORDER

Mayor Rob Schroder called the meeting to order at 6:30 p.m. in the Council Chambers, 525 Henrietta Street, Martinez with all members present except for Vice Mayor Ross, who arrived after roll call and Councilmember Avila Farias, who arrived at 6:38 p.m.

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

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

CLOSED SESSION (adjourn to City Manager's Office)

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to California Government Code Section 54956.8. Property: Assessor's Parcel Number 376-010-005-1 Agency Negotiators: Alan Shear, Michael Chandler, Tim Tucker, John Abaci Negotiating Parties: City of Martinez and New Cingular Wireless PCS, LLC Under negotiation: Price and terms of Payment for License
- B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (One potential case).

There being no comments, the Council adjourned to closed session in the City Manager's Office.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He reported that Closed Session was held with respect to Conference with Real Property Negotiators, between the City and New Cingular Wireless PCS, LLC, and Conference with Legal Counsel Anticipated Litigation, one case; and there was nothing to report.

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. Main Street Martinez Semi-Annual Report.

Terry Edwards, President, Main Street Martinez, presented Main Street's semi-annual report. Mr. Edwards recognized the volunteers who were present, the Board of Directors and Mayor Schroder as the City's liaison. He reviewed Main Street's Four-Point Approach, which includes

Promotions (events and marketing), Design (beautification), Economic Restructuring (business recruitment and retention) and Organization (volunteer recruitment and fundraising). Mr. Edwards reviewed past events, Bay Area Blues Festival and Dia de los Muertos, which they are planning to repeat.

Candice Gliatto, Treasurer, reviewed the Economic Restructuring process and announced a new website for business recruitment, www.MartinezMeansBusiness.com. She explained the education classes, business visits and available property tour on March 27-28.

In closing, Mr. Edwards stated that the organization could not do as much as they do without the City's support. He expressed his appreciation to the Council and City staff.

The Council thanked Mr. Edwards and Ms. Gliatto for the presentation and congratulated them on their efforts. Mayor Schroder stated he is impressed by the increasing number of businesses that are involved. Councilmember DeLaney suggested providing more information about the City's Unreinforced Masonry Program on the business recruitment website.

B. Martinez Chamber of Commerce Semi-Annual Report.

Adam Hoffert, President, Martinez Chamber of Commerce, presented the semi-annual report. He recognized the Boardmembers and Director, thanked Mayor Schroder for his services last year on the Board, and welcomed Councilmember DeLaney to this year's Board. Mr. Hoffert reviewed the past 6 months' activities, including working with the City on the Plastic Bag Ban, National Night Out and Martinis on the Plaza. He noted this is the first year Martinis on the Plaza was sold out. He reviewed continuous programs, including business mixers, State of the City Breakfast, educational seminars, and a golf tournament at Pine Meadow in collaboration with Main Street Martinez. Mr. Hoffert reviewed other events such as John Muir's Birthday, Citizens of the Year Award, new event Studios on the Streets on May 9th. and King of the County Barbecue on June 20th and 21st. He congratulated Viano Vineyards, elected 2014 Business of the Year by the Board of Directors.

The Council expressed their appreciation for the Chamber's report and its work to improve Martinez.

C. 2014 Pool Season Annual Recap.

Recreation Supervisor Patty Lorick provided a recap of the 2014 pool season calendar year. She reviewed accomplishments including the California Park and Recreational Society Award of Excellence, a grant for 30 life jackets and an instructional sign for life jacket use from the Drowning Prevention of the Bay Area, increased recreational swim participant numbers, a decrease in lifeguard rescues, addition of Saturday and Sunday water aerobic classes and 22 additional family nights.

Ms. Lorick reviewed the number of participants by programs with a grand total of 39,398 patrons not counting swim meet contestants or parents of students. She indicated that the water aerobics teachers worked very hard in trying to recruit and retain students. The income for the calendar year was \$228,934 and the expenses were \$273,794. Ms. Lorick explained that due to the earthquake, the pump had to be repaired twice, extra safety lighting was installed and other repairs were made. Staffing cost is the highest expense. The City's subsidy was \$44,840 or 16.4%.

Ms. Lorick reviewed the 2015 programs, April through October. She noted that this year they started off with the Iceberg Swim. About 80 people attended and about half jumped in the water, which was 45 degrees. Ms. Lorick's final comment was that the pool would continue to operate until Sunday, November 1st; Early Lap Swimming (5:30 - 6:55 a.m. for June and July and 6:00 - 8:00 a.m. for August, September and October) will be eliminated; Adult Group Swim Lessons will be offered in the evenings and at the request of the public, staff is researching the cost for use of credit cards for admissions.

The Council congratulated Ms. Lorick on her hard work improving the program. Councilmember Avila Farias noted that members of the public love the extended season and hours and hoped the program would continue to be successful. Councilmember DeLaney commented on the Family Swim Nights and Ms. Lorick stated staff would work to improve attendance. Councilmember Avila Farias mentioned the possibility of partnering with the State to teach water safety.

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

Arash Pakzad, proprietor of Barrel Aged and Barrelista, recognized two business that recently opened or will soon open, Main Street Deli and Pacheco Bistro. He thanked Main Street Martinez and the Chamber of Commerce for all their hard work. Mr. Pakzad stated that he would like to donate money and/or items to the Aquatic Center. He thanked the Den family for committing and starting to retrofit their building in an expeditious manner. Mr. Pakzad also thanked the public for supporting his businesses and others in Martinez.

Tim Platt updated the public on the status of the referendum on Resolution No. 009-15 General Plan Amendment on Pine Meadow. He stated the petition, with between 3800 and 3900 signatures, was submitted yesterday to the City Clerk's Office. The group is waiting for County Elections to certify the signatures. He thanked the individuals that worked to gather the signatures and those who signed the petition. Mr. Platt stated that the group will now start focusing on ways to solve the Pine Meadow issue while meeting the needs of both the community and the Coward-Dean family. He invited the public to assist in that endeavor.

Geri McKillop and Richard McKillop presented themselves to the public as the parents of Debbie McKillop. Mr. McKillop stated, for the record, that the only property he owns is in Forest Hills.

Mike Alford asked Mr. Platt to be more honest and let the people know exactly what is going on. He expressed concern that this will divide the community and cost the taxpayers between \$80,000 and \$110,000 to place this on the ballot. It should be clearly stated that this is not open space, but is privately owned property. Mr. Alford pointed out that some of the people who were gathering signatures were paid and not residents.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
- 1. Motion approving City Council Minutes for the Special Council Meeting of January 13, 2015. [M.Cabral]

2. Motion rejecting Claim against the City by Brad and Sandra Leach, Claim #14-22. [M.Cabral]
3. Motion approving Check Reconciliation Register dated 02/05/15. [C.Spinella/2.1.1]
4. Resolution No. 014-15 authorizing destruction of records pertaining to the Personnel Division and the Police Department. [M.Cabral/40.10.01]
5. Motion directing staff to use Bidder Pre-qualification process for the Water Treatment Plant Seismic and Structural Upgrade Project C7042. [T.Tucker/15.06.16]
6. Resolutions directing the City Engineer to prepare the Engineer Reports and Assessment Diagrams for the following Landscaping and Lighting Assessment Districts: [T.Tucker]
 - a. Resolution No. 015-15; 1979-3 (LL-2) (Village Oaks Terrace) for Fiscal Year 2015-16. [10.02.34]
 - b. Resolution No. 016-15; 1981-3 (Muir Station Park) for Fiscal Year 2015-16. [10.02.15]
 - c. Resolution No. 017-15; 1983-3 (Vista Oaks) for Fiscal Year 2015-16. [10.02.22]
 - d. Resolution No. 018-15; 1988-1 (Center Martinez) for Fiscal Year 2015-16. [10.02.31]
 - e. Resolution No. 019-15 1994-1 (Creekside) for Fiscal Year 2015-16. [10.02.36]
 - f. Resolution No. 020-15; 1997-1 (Brittany Hills) for Fiscal Year 2015-16. [10.02.37]
 - g. Resolution No. 021-15; 2000-2 (Terra Vista) for Fiscal Year 2015-16. [10.02.40]
 - h. Resolution No. 022-15; 2001-1 (Alhambra Estates) for Fiscal Year 2015-16. [10.02.41]
7. Resolution No. 023-15 authorizing the Acting City Manager to execute the First Amendment to the License to use the Bureau of Reclamation Right-of-Way, originally dated November 19, 2004. [T.Tucker/06.05.01&15.04.09]
8. Resolution No. 024-15 delegating to the City Manager the authority to settle and compromise liability claims against the City in an amount not to exceed \$25,000 (inclusive of defense costs) and rescinding Resolution No. 071-00. [M.Chandler/02.06.02]
10. Resolution No. 026-15 authorizing the Acting City Manager to execute an agreement with Rising Sun Energy Center and the Martinez Unified School District for the California Youth Energy Services Program in Martinez. [M.Chandler/30.09.00]

Vice Mayor Ross requested that Item #9 be pulled from the Consent Calendar since he had a conflict of interest, living within 500 feet of the site.

Mayor Schroder opened Items #A, #1-#8, and #10 for public comment.

Mike Alford asked if Item #5 referred to water quality. Public Works Director Dave Scola stated it was just retrofitting the building.

Councilmember DeLaney asked that pre-qualified bidders be subject to the Project Labor Agreement established by the Council in November. Mr. Scola stated it would be included in the specifications.

Mayor Schroder closed public comment on the Items.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Item A and Items #1 through #8 and Item #10 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.

Vice Mayor Ross left the dais.

9. Resolution No. 025-15 authorizing the Acting City Manager to execute a Site License Agreement with New Cingular Wireless PCS, LLC. [M.Chandler/19.03.18]

On motion by Lara DeLaney, Councilmember, seconded by Debbie McKillop, Councilmember, to approve Resolution No. 025-15 authorizing the Acting City Manager to execute a Site License Agreement with New Cingular Wireless PCS, LLC. Motion passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Rob Schroder, Mayor. Recuse: Mark Ross, Vice Mayor

Vice Mayor Ross returned to the dais.

PUBLIC HEARING(S)

11. Public hearing to introduce an ordinance amending Title 12 of the City's Municipal Code by adding Chapter 12.31, Sidewalk Maintenance and Repair, and finding that the adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines sections 15301, 15302 and 15061(b)(3); AND adopt a resolution to approve the Sidewalk Repair Cost Sharing Reimbursement Program and allocate funding from unassigned fund balance in the amount of \$15,000 for same. [M.Chandler&T.Tucker/12.02.02]

Senior Management Analyst Michael Chandler presented the staff report, explaining existing State law regarding sidewalk maintenance obligations and the need to establish clear legal liability to the fronting property owner by adopting a local sidewalk liability ordinance. He noted that such ordinances are common in California. He provided an overview of recent sidewalk liability claims and general liability claims in Martinez and the City's liability insurance costs. He stated the number of claims in the City is above average, although the most recent year has been better. He reviewed the key provisions of the proposed ordinance.

City Engineer Tim Tucker reviewed the existing inspection and incentive programs and the proposed cost sharing program.

Mr. Chandler stated staff has tentatively scheduled a public workshop to explain the program on April 8th.

Mayor Schroder stated that this had been attempted several times but not passed. He noted homeowner's insurance will cover liability claims for sidewalk injuries, so there will be no added cost to the homeowner. It would also be covered by the liability insurance of commercial property owners or landowners.

Councilmember Avila Farias asked for a cost estimate of the most common needed repairs. Public Works Director Dave Scola stated the major cost is the removal of the concrete, which the City could provide help with as an option instead of providing funds. The rest of the work would likely cost less than \$1,000 for one section of sidewalk. Councilmember Avila Farias asked why the program was first-come, first-serve, instead of prioritizing low-income families who would need the help more. Mr. Tucker stated that if people opted for the concrete removal help, the program could serve up to 45 people a year, which is more than the number of sidewalk repair permits the City currently grants. In addition, it is a challenge to prove economic hardship. Mr. Scola stated staff does not anticipate running out of money by the end of the year, but if the program is extremely popular, staff could come back and ask for a replenishment or rethink the program.

Councilmember Avila Farias asked for the process for repairing the brick sidewalks downtown. Mr. Scola stated those are the City's responsibility and staff is working on a mechanism to provide ongoing maintenance. Councilmember Avila Farias suggested an automated tool on the website to make the process of requesting funds and logging complaints easier. Councilmember Avila Farias asked about the asphalt sidewalks in the more rural areas. Mr. Scola stated staff would investigate the complaints to verify the hazard and assist in the design process.

Vice Mayor Ross stated he felt the program was equitable and that more funds could be allocated if the program was popular. He stated this is a public safety problem that needs to be addressed. He suggested the City provide guidance to help homeowners to alleviate the tree problem leading to the sidewalk hazard. Vice Mayor Ross asked if alternate methods or materials would be allowed, and Mr. Scola stated it would be examined for compatibility in the permit process. Mr. Scola noted there would be no fee for permits or consultation from City staff.

Councilmember DeLaney noted that the purpose of the program is to assist residents, and asked if commercial properties should be eligible. Councilmember DeLaney noted that since the City is halfway through FY14-15, the funds left at the end of the year would be rolled over into the next year.

Mayor Schroder opened the Item for public comment.

Mike Alford suggested sidewalk repairs be included in a community service program to help reintegrate people back into the workforce. He stated the City should help train young people in trades in work like this.

Richard Verrilli stated he would like to see a more open discussion about the concept of shifting the liability to homeowners, since the state had left it with the City. He expressed concern about the impact on older homeowners.

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

Vice Mayor Ross stated sidewalk safety is not only a public safety issue but an economic issue for both the City and the public. The cost sharing program would help homeowners in the long run. Mayor Schroder asked if liability claims were disclosed during a real estate sale, and Vice Mayor Ross stated they should be.

Mayor Schroder stated he supported the ordinance; and it will help address a major problem on City streets. He acknowledged \$500 is not a large incentive, but the program could be expanded if this is successful.

Councilmember Avila Farias stated she supported the ordinance but was still concerned that the Council did not have a good understanding of the total cost to residents citywide. She requested more research on the staff or subcommittee level and stated she thought a mechanism for people on fixed incomes would give the program a greater positive impact.

Councilmember McKillop stated staff had done a good job putting the initial program together but agreed the program could be expanded and improved in the future, especially with such a great need throughout the City.

Councilmember DeLaney agreed the program could be expanded if there is a demand for it. She commended staff for the excellent work that had gone into the program.

On motion by Mark Ross, Vice Mayor, seconded by Lara DeLaney, Councilmember, introduced an Ordinance amending Title 12 of the City's Municipal Code by adding Chapter 12.31, Sidewalk Maintenance and Repair, and finding that the adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines sections 15301, 15302 and 15061(b)(3). Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Resolution No. 027-15 to approve the Sidewalk Repair Cost Sharing Reimbursement Program and allocate funding from unassigned fund balance in the amount of \$15,000 for same. Motion passed 4 - 1. Yes: Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor. No: AnaMarie Avila Farias, Councilmember.

CITY MANAGER

12. Discuss the Draft Updated Housing Element (2015-2023) of the City's General Plan; and direct staff to submit the document to the Department of Housing and Community Development (HCD) for certification. [D.Tasini/9.02.05]

Planning Manager Dina Tasini presented the staff report. She reviewed the process of the housing element update so far and the next steps after the Council approves submitting the document to HCD. The document must be certified in the next six months, including a 60-day review process by the HCD.

Councilmember Avila Farias asked for a summary of the Planning Commission's comments. Ms. Tasini stated the changes were mostly typographical and formatting in nature. Councilmember DeLaney asked if there was any explanation for the reduction in the requirements. Ms. Tasini stated the formulas had been changed and many cities experienced the same reduction. Councilmember DeLaney asked why it would be difficult for Martinez to meet the requirements when there are so many potential sites, and Ms. Tasini stated that not all the potential sites would be developed for affordable housing.

Vice Mayor Ross asked if the construction guidelines could include sustainability and energy efficiency, and Ms. Tasini said it could be added.

Councilmember Avila Farias suggested a little more work could be put into developing realistic and applicable goals and better utilization of the resources the City has access to. She also commented on the reference to the General Plan update and annexations. Councilmember Avila Farias noted that some of the listed underutilized sites are not buildable.

Councilmember DeLaney asked for a more detailed explanation of the progress made on code enforcement. Ms. Tasini stated the City has only one part-time staff member currently working on it. Councilmember DeLaney asked that the resources available for neighborhood improvement be updated to include the sidewalk maintenance program funds. She also asked that the City work on moving forward with an inclusionary housing ordinance and a housing fund. Councilmember DeLaney asked for more detail on the updated requirements for group homes. Ms. Tasini stated she would provide more information.

Planning Manager Dina Tasini asked that the Council contact her individually with any further comments.

Council discussed and amended the Draft Housing Element Update and directed staff to return the document back to Council with the revisions.

13. Review and consider proposals from executive search firms for recruitment of a Chief of Police. [A.Shear/04.05.00]

Acting City Manager Alan Shear presented the staff report. He reviewed the recruitment process and presented the proposals for the Council's consideration.

Mayor Schroder asked if a panel interview of law enforcement experts could be included as part of the process. Mr. Shear stated that each of the firms who provided proposals had stated the vetting process was up to the Council and they could all provide a panel if requested. Councilmember Avila Farias agreed the panel would be helpful.

Vice Mayor Ross stated he felt the current process was sufficient and that the Council was capable of making the decision. Mayor Schroder stated the Council could make a decision on the exact process later and the goal today is to select a firm.

Mayor Schroder opened the Item for public comment.

Mike Alford stated he did not feel that an outside firm was needed and that the Council should make the decision.

Richard Verrilli stated outside professional experience is important and stated he supported the idea of a panel and an open recruitment process.

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

On motion by AnaMarie Avila Farias, Councilmember, seconded by Debbie McKillop, Councilmember, to approve the selection of the executive search firm of Ralph Andersen & Associates for the recruitment of the Chief of Police. Motion passed 4 - 1. Yes: AnaMarie Avila Farias, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember.

Vice Mayor Ross requested that he would like to see the recruitment expedited, which Mayor Schroder agreed.

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

Acting City Manager Alan Shear reported that Caltrans is having lane closures, which started on Tuesday and will continue on Wednesday and Thursday nights. The closures will be one northbound lane at Marina Vista Avenue from 8:00 p.m. to 5:00 a.m.; and one northbound lane from Marina Vista Avenue to the Benicia Martinez Toll Plaza from 8:00 p.m. to 4:30 a.m. The southbound Interstate 680 off-ramp to Arthur Road will also be closed from 9:00 a.m. to 3:00 p.m. Mr. Shear reported that Caltrans will be working on off-ramps in the spring, and staff will notify the public as soon as the closures are announced.

CHIEF OF POLICE

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

16. Council Subcommittee Reports.

Councilmember Avila Farias announced that a Public Safety Subcommittee meeting will be held on February 23, and that she, Mayor Schroder and Acting City Manager Shear will be meeting with Pacific Rail on February 27.

17. City Council Comments.

Vice Mayor Mark Ross addressed his concern over rail safety. He stated that Kinder Morgan has stopped shipping Bakken crude due to the cost of transporting.

Councilmember Lara DeLaney stated that she has received many complaints about poor mail delivery by the postal service. She suggested the City contact the local postmaster and request the issue be addressed, and asked that this item be placed on the Council's agenda.

Councilmember AnaMarie Avila Farias requested a maintenance and repair plan for the Old Train Depot, as well as a maintenance plan for the parks that have been renovated with Measure H funding. Acting City Manager Alan Shear stated that he would bring the maintenance plan for the Old Train Depot at the next meeting.

Mayor Rob Schroder stated that on March 3rd he will be dying his hair bright green for St. Baldricks fundraising event. On Thursday, March 5th Martinez will be hosting the Contra Costa Mayors Conference at the new Shelby Cobra Automobile Museum on Arnold Drive; and he will be challenging the Mayors and Councilmembers to follow his example and shave their heads on March 15th at the St. Baldrick's Day event in Martinez. Mayor Schroder stated he did not believe he would have any takers, but suggested at least a donation towards the effort.

ADJOURNMENT

Adjourned at 9:43 p.m. to a Regular Council Meeting on March 4, 2015 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

Approved by the City Council,

Rob Schroder, Mayor