

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Vice Mayor Mark Ross called the meeting to order at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez.

PRESENT: AnaMarie Avila Farias, Councilmember, Lara DeLaney, Councilmember, Debbie M^cKillop, Councilmember, and Mark Ross, Vice Mayor.

EXCUSED: Rob Schroder, Mayor.

ABSENT: None.

PRESENTATION(S)

- A. Presentation by Contra Costa Water District, Director John Burgh, regarding Water Supply and Operations.

Vice Mayor Ross stated that the presentation will be made later during the meeting.

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

Kevin Ballard brought up a traffic issue caused by a blind intersection on Shell Avenue and Terrace Way. He stated Chief Ghisletta had let him know the Traffic Safety Committee would address the issue. He encouraged them to place "No Parking" signs to improve the situation.

Mike Alford echoed Mr. Ballard's concerns and expressed appreciation for staff's awareness and attention to the issue.

Richard Verrilli announced he attended the Air Quality Management District meeting and was surprised the meeting was not taped. Vice Mayor Ross expressed his surprise as well. He reported this is an ongoing hearing that would place new rules to reduce oil refinery emissions by 20%.

Julian Frazer commented on the traffic impact of new developments and urged the Council to consider safety issues. He noted residents have brought up these concerns before developments are built and asked the Council to ensure all comments are heard and taken into account before making a decision.

Timon Phillips, member of the Design Review Committee, reviewed his comments from the Committee meeting on the Pine Meadow development. He discussed ideas with Ms. Dean and felt that the City had missed a potential opportunity for that property.

Presentation by Contra Costa Water District

Director John Burgh reviewed the District's mission statement and completion of the Los Vaqueros expansion. He stated the District's water rates have stayed under inflation over the last fifteen years. He thanked the Council for its support of the Los Vaqueros project, which has helped greatly during the drought. The District has asked customers for a voluntary 15% reduction in usage and the public has responded very positively. Mr. Burgh reviewed other conservation efforts and programs. For more information, the public may visit www.ccwater.com or call 925-688-8000. He noted the District does not advise City planning committees on land use and development.

Councilmember DeLaney thanked Mr. Burgh for the presentation and for his efforts in conservation and keeping rates low. She asked if there were plans to expand Los Vaqueros further. Mr. Burgh stated the most recent Environmental Impact Report had allowed for more expansion, but the financing did not allow it. One possibility is renting some of the capacity to other districts in the regions in exchange for sharing in the cost of further expansion.

Councilmember Avila Farias thanked Mr. Burgh and asked staff to look into the landscape replacement program and help to provide information to residents.

Councilmember M^cKillop thanked Mr. Burgh for his stewardship.

Vice Mayor Ross thanked Mr. Burgh for the District's continued partnership with Martinez.

Item pulled out of order

12. Receive and file Clerk's Certificate to Referendum against Resolution No. 009-15; and take action to either: [M.Cabral/40.20.11]
 - (a) Repeal Resolution No. 009-15;
 - (b) Submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at the November 8, 2016 regular municipal election and adopt resolution calling for said election;
 - (c) Submit Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at a special municipal election (to be held at least 88 days after the order calling for the election) and adopt resolution calling for said election;
 - (d) Hold Resolution No. 009-15 suspended until repealed by the City Council or submitted to the voters of the City of Martinez for adoption or rejection at a regular or special election; or
 - (e) Continue the matter to a future council meeting.

City Attorney Jeff Walter provided the staff report. He stated the petition to allow a public vote on the Pine Meadow development has been certified by the County Elections Department and listed the Council's options to respond to the referendum.

Councilmember Lara DeLaney asked if the project could be reintroduced at a later date if the Council chose to repeal the Resolution. Mr. Walter stated the same Resolution may not be re-adopted within 12 months, but, if the project was essentially different, it could be reintroduced earlier. The developer could also submit an initiative petition, which if approved by the Council or the voters, could not be rejected by a referendum. Vice Mayor Ross clarified any reintroduction of the project would require essentially the same rezoning Resolution, so the initiative would be the only option in the first 12 months.

Vice Mayor Ross opened the Item for public comment.

Vic Ramamurthy commented on the importance of open space in Martinez and suggested the land could be used for something that would benefit the community.

Heather Ramamurthy commented on the geographic potential of Martinez and asked the Council to take a lead in maintaining and promoting the natural beauty of the City.

Mark Thomson asked for the Council's leadership in coming up with a collaborative solution that met the needs of all members of the community and was the right decision for the future of the City.

Michael Benson spoke on the importance of fiscal responsibility and asked the Council to be good stewards of the community's resources.

Warren Rose stated a special election would take away resources from other important City needs.

Guy Cooper stated the City has mismanaged this process and the Councilmembers should not accept campaign donations from developers.

Richard Verrilli stated there has been a lot of misinformation about the project, and stated the property should not be open space and the owners should be allowed to do what they want with their property. He asked the Council to send the referendum to an election and not to back down.

Robert Aue stated the infrastructure of the area is not equipped to support the new houses. He commented on the Councilmembers' campaign contributions and stated the property owner should pursue a use of the property that was in line with its zoning.

Rhonda Beatty-Gallo expressed concerns with the increasing amount of traffic in the area and the lack of funds to improve streets. She asked the Council to listen to the desires of the people living in the area.

Jon Starr stated those distributing the petition had misrepresented themselves and asked the Council to support the Deans' property rights.

Laura Dean-Ingrassia stated her family supported putting the project to a vote in the next general election. She stated the Council approved the project for good and thoughtful reasons and commented on the benefits to the community. She thanked the members of the community for their support.

Mike Alford stated the public had been misled and the Council had been elected to make these decisions in the best interest of the community. He agreed there may be a better use of the property, but stated this is not the way to make it happen.

Kathleen Heath stated the petition was created and distributed as it was for good reasons and that Friends of Pine Meadow did not want the Dean family not to make use of their property.

Jennifer Dean thanked the members of the public who withdrew their signatures from the referendum petition.

Tim Platt commented on statements made by Mayor Schroder in an editorial,¹ which he felt to be inaccurate, and invited the public to www.KeepOurOpenSpace.org for more information. He stated he felt the criticisms of the petition were unimportant as the signers were motivated by a valid desire to protect open space. He requested the Council put the question to a public vote and to protect open space throughout the City.

Christine Dean agreed open space is important to the City, but private property rights are also important. She stated her family had asked the City to buy the property, but the City was not able to and did not feel it was a good location for a park. She commented on the quality of the proposed development and the developer's efforts to meet the needs of the City and the neighboring community.

Dave Sanson stated he was confident the voters will make the right decision if the question is put to a vote. He commented on the efforts the developer had made to meet with the public and address concerns. He thanked the Council for its consideration.

Julian Frazer stated private property is important but a housing development is not possible with the way the land is zoned. He stated it is the public's responsibility to hold the Council accountable for decisions that are not for the good of the City and the referendum petition was appropriate.

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

Councilmember Lara DeLaney stated she would support the preference of both the applicant and the signers of the referendum to put the matter to a public vote in the 2016 general election.

Councilmember AnaMarie Avila Farias stated she stood by the Council's decision on the matter but agreed it should be taken to a vote of the public. She added it is unfortunate how much the issue has divided the community.

Councilmember Debbie M^cKillop agreed it should go to an election so the community members can have an opportunity to voice their opinions.

Vice Mayor Mark Ross stated the situation is unfortunate and hoped the time before the election would reduce the tensions in the community so that a collaborative solution can be achieved. He noted the City does not have the funds right now to buy the property and turn it into a usable park, so perhaps a community funding solution can be developed, if that is the will of the people.

On motion by Lara DeLaney, Councilmember, seconded by Debbie M^cKillop, Councilmember, receive and file Clerk's Certificate to Referendum against Resolution No. 009-15; and adopt Resolution No. 031-15 submitting Resolution No. 009-15 to the voters of the City of Martinez for adoption or rejection at the November 8, 2016 regular municipal election and adopt resolution calling for said election. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Vice Mayor.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
1. Motion approving City Council Minutes for February 4, 2015. [M.Cabral]
 2. Motion approving Check Reconciliation Register dated 03/05/15. [C.Spinella/2.1.1]
 3. Motion authorizing the Acting City Manager to execute a Concession Operator's Agreement with Marty Ochoa. [M.Chandler/11.05.03]
 4. Motion authorizing the Acting City Manager to execute a sixty (60) month lease agreement with Xerox for seven (7) photocopier machines at City facilities.[K.DeVries/19.03.15]
 5. Resolution No. 029-15 establishing the rate per Equivalent Runoff Unit for the Fiscal Year 2015-16 and request the Contra Costa County Flood Control and Water Conservation District to adopt an annual parcel assessment for the NPDES Program. [T.Tucker/10.06.06]
 6. Resolution No. 030-15 authorizing the Mayor to sign and enter into a Cooperative Funding Agreement between the Contra Costa Transportation Authority (CCTA) and the City of Martinez to complete a marketing and fiscal analysis of the Priority Development Area (PDA). [D.Tasini/9.19.00]

On motion by AnaMarie Avila Farias, Councilmember, 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; Debbie M^cKillop, Councilmember; Mark Ross, Vice Mayor.

Item taken out of order

11. Authorize the Mayor to sign the attached letter that advocates the United States Department of Transportation Secretary to take specific actions to improve rail safety with respect to the transport of Bakken crude oil and other hazardous materials by rail. [A.Shear/6.7.13]

Acting City Manager Alan Shear presented the staff report and reviewed the history of the issue and the City's collaboration with other entities. He reviewed the three recommendations put forward by the League of California Cities that were included in the proposed letter.

Vice Mayor Ross opened the Item for public comment.

James Neu thanked the Martinez Environmental Group for bringing this issue to the attention of the Council and the public. He suggested additions to the letter to revoke permits under the Bay Area Air Quality Management District and ensure removal of volatile chemicals before shipping. Guy Cooper thanked the City Council and the Public Safety Subcommittee for taking action on this issue. He suggested a change to the letter to accelerate the timeline of the recommendations, endorse stricter standards, and other additions.

Julian Frazer asked for additions to the letter to request shipping schedule information, first responder training funded by the industry, and the endorsement of stricter train standards.

Mike Alford commented on the issue of air quality and pollution leading to increased respiratory problems.

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

Councilmember AnaMarie Avila Farias stated she appreciated the work put into the effort. She asked if some of Mr. Neu's additions could be integrated without changing too much of the letter.

Councilmember Lara DeLaney asked about the Bay Area Air Quality Management District's permit for offloading oil in Richmond. Vice Mayor Mark Ross stated the permit is currently under consideration and he would rather see it dealt with at the District level instead of including it in the letter.

Councilmember DeLaney asked if the Public Safety Subcommittee should first approve the letter. Councilmember Avila Farias stated she did not feel that the letter's amendments needed to be reviewed by the Subcommittee prior to the Council's final approval.

By consensus the Council authorized the Mayor to sign the attached letter that advocates the United States Department of Transportation Secretary to take specific actions to improve rail safety with respect to the transport of Bakken crude oil and other hazardous materials by rail as amended and with Council's final review prior to mailing.

Item taken out of order

13. Authorize the Mayor to sign a letter requesting that the Multiple Property Documentation Form entitled Historic Resources of Martinez be returned to the State Office of Historic Preservation for review and comment by the City and the community. [D.Tasini/09.02.17]

Planning Manager Dina Tasini presented the staff report, discussing the background and the staff's recommendation for approval of the letter. She noted it may not need changes, but it would be good for the City and the citizens to see the list and to comment on it.

Councilmember DeLaney asked whether allowing the list to go forward in its current form would preclude the City from later making changes or additions. Ms. Tasini said there could only be one list for the area specified and changes/additions would not be allowed unless the area is expanded.

Vice Mayor Ross asked for clarification on the submission to the State and to the Federal government. Ms. Tasini confirmed it was submitted to the State first, then reviewed by the Historic Preservation Commission and then to the Keeper for the final determination of whether it will be added to the register. She stated that the Keeper has until March 30th to make the decision, as it was received by them in mid-February.

Councilmember M^cKillop asked what the process will be if the Council decides to ask for the list to be returned to the State Office of Historic Preservation. Ms. Tasini acknowledged it has never happened before, but she thought it would probably be a 60-day review/comment period before the State Office would have to return it to the Keeper. If comments are allowed, they may be accepted or rejected.

Vice Mayor Ross asked if it was possible that the Keeper might not allow for the return of the document, and Ms. Tasini said that was possible. In response to a further question from Councilmember Ross, Ms. Tasini discussed the next steps in determining the implications to the downtown if the document is not returned.

Vice Mayor Ross opened public comment on the Item.

John Curtis, Martinez Historical Society, asked the Council to request the opportunity to comment so the Society and other interested individuals could be involved. He recommended several experts who should be asked to participate.

Harlan Strickland encouraged the Council to view this process positively and promote Martinez's historical distinctiveness.

Julian Frazer commended Kristen Henderson on the hard work she put into the document. He urged interested individuals to submit their own work to add to this and asked the Council not to invalidate this effort.

Mike Alford expressed concern about the impact on individual property use. Ms. Tasini stated property owners would be given an opportunity to comment or object if their individual properties were nominated; however, government entities may not object.

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

Councilmember DeLaney commended the work put into the document and stated it is a tremendous effort. She stated the work will probably stand on its own, but she would appreciate an opportunity for other experts to comment. She asked that a 60 day comment period be specifically requested.

Councilmember Avila Farias agreed the document is commendable but documents of historical significance should be a community effort to ensure multiple perspectives are included and that it is cohesive with the City's vision. She noted a streamlined process of nominating individual buildings may also have an economic impact on downtown businesses.

Councilmember M^cKillop supported requesting an opportunity to comment as a courtesy to the City, even if the request is unsuccessful. She stated the document is very detailed.

Vice Mayor Ross noted letters of comment were received from William Wainwright, Kristin Henderson, Paul Crantz, Kathy Parker, the offices of Alan Waltner, Barbara Chambers, Carol Roland Nauti, Alita Little, Andrea Blackman, John Curtis, and Marlene Thompson. He stated he was impressed with the effort and enthusiasm put into this document by Ms. Henderson and he would like it to be a foundation for others to build on. He understood the community's concerns and stated he would appreciate an opportunity for the community to be involved with the process.

On motion by Lara DeLaney, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, authorize the Mayor to sign a letter requesting the Multiple Property Documentation Form entitled Historic Resources of Martinez be returned to the State Office of Historic Preservation for review and comment by the City and the community as amended *to request a 60 day comment period*. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Vice Mayor.

PUBLIC HEARING(S)

7. Public hearing to introduce an ordinance amending Title 2, Administration and Personnel, Chapter 2.04.050 Powers and Duties of the City Manager of the Martinez Municipal Code. [A.Shear/04.01.00 & 43.02.00]

Acting City Manager Alan Shear presented the staff report. Staff took the opportunity during the City Manager hiring process to review this section of the Code and recommend transitioning to a more traditional reporting structure wherein the City Manager has direct supervision over the Chief of Police and Police Department. The City Council would retain the hiring authority.

Councilmember DeLaney asked why the City Council was not included in Subsection B, and City Attorney Walter stated the Council is not considered to be employees. Councilmember DeLaney also asked that the language be made gender-neutral.

Councilmember Avila Farias noted this has been happening informally already and it has worked well.

Councilmember M^cKillop stated she supported the change and felt it would make the City's administration more streamlined and effective.

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

Vice Mayor Ross expressed some reservations with the change, but stated he supported it in order to enhance and strengthen City staff's chain of responsibility.

On motion by Lara DeLaney, Councilmember, seconded by Debbie M^cKillop, Councilmember, introduce an ordinance amending Title 2, Administration and Personnel, Chapter 2.04.050 Powers and Duties of the City Manager of the Martinez Municipal Code. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Vice Mayor.

Item taken out of order

10. Consider sending a letter to the U.S. Post Master regarding the current troubles of mail delivery in the City (Councilmember DeLaney). [41.01.00]

Councilmember Lara DeLaney stated she had heard numerous complaints from residents through email and social media about mail delivery in the City, including stolen mail, late or no delivery, and poor service at the post office.

Councilmember Avila Farias asked to see the emails and Councilmember DeLaney stated she would share them.

Vice Mayor Ross referred to emails received from the public on this issue. He suggested inviting the Postmaster to address the Council on this issue.

Vice Mayor Ross opened public comment on the Item.

Julian Frazer expressed concerns about public safety caused by protesters at the post office.

Carolyn Hill thanked Councilmember DeLaney for engaging with the community on social media and for addressing this issue. She reviewed several specific concerns, especially the condition of the Court Street Post Office.

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

By consensus, the Council directed staff to contact the Postmaster and provide them the opportunity to attend a future meeting and address the residents' concerns regarding the mail delivery and the conditions of the Court Street Post Office.

CITY MANAGER

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

Acting City Manager Alan Shear announced the annual Swan Event (Support Women Artists Now) to be held on March 28, at the Old Train Depot from 10:00 a.m. to 4:00 p.m.

CHIEF OF POLICE

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

Interim Chief Eric Ghisletta stated the City had a safe St. Patrick's Day. He commented on the Canine Fund donation jars popping up throughout the City, noting the Department is not actively soliciting, but welcomes efforts from the community. He commended specific individuals who are responsible for organizing efforts, as well as, donating their own funds. Councilmember M^cKillop commented Seth Kabosky and Lenore Delsino from the Grange Society have spoken to 4H clubs and other organizations regarding the Canine Fund.

Interim Chief Ghisletta commented on a report on social media that two police officers had littered. He stated the officers had to start a pursuit, while the items were on top of their vehicle, and went back later to locate and remove the litter.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

14. Council Subcommittee Reports.

Councilmember DeLaney announced the Council Franchise/Public Infrastructure Subcommittee meeting on March 31st at noon in the Council Chambers. She also announced that there will be an Enhanced Infrastructure Financing District Workshop on March 25th at 6:00 pm. in the Council Chambers.

15. City Council Comments.

Councilmember AnaMarie Avila Farias and Councilmember Debbie M^cKillop commended Vice Mayor Ross for successfully conducting the meeting.

ADJOURNMENT

Adjourned at 10:08 p.m. to a Special Meeting on Saturday, March 28, for a Two Year Budget Planning Session from 9:00 a.m. to 2:00 p.m. at the Senior Center, 818 Green Street; then to a Regular City Council Meeting on April 1, 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 – 5/6/15