

CALL TO ORDER

Mayor Schroder called the meeting to order at 5:30 p.m. in the Council Chambers with all members present except Councilmember DeLaney, who arrived after roll call, and Councilmember Avila Farias, who arrived at 5:48 p.m.

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

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

CLOSED SESSION (adjourn to City Manager's Office)

- A. **LIABILITY CLAIM** Pursuant to California Government Code Section 54956.95.
Claimant: Jason Rogers
Agency Claimed Against: City of Martinez

- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Initiation of litigation pursuant to California Government Code paragraph (4) of subdivision (d) of Section 54956.9 (two potential cases).

- C. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** - Pursuant to Section 54956.8 of the California Government Code.
Property: Bisio Building, 636 Ward Street.
Agency Negotiator: Alan Shear, Acting City Manager; Jeff Walter, City Attorney; Michael Chandler, Sr. Management Analyst; Veronica Nebb, Senior Assistant City Attorney.
Negotiating Parties: City of Martinez and JaBa, LLC.
Under Negotiations: Price and terms of payment.

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Rob Schroder called the meeting to order at 7:11 p.m. He reported that Closed Sessions were held with respect to Liability Claim, Claimant Jason Rogers, Anticipated Litigation, two potential cases, and Real Property Negotiations. There was nothing else reported.

PRESENT: AnaMarie Avila Farias, Councilmember, Lara DeLaney, Councilmember, Debbie M^cKillop, Councilmember and Rob Schroder, Mayor.

EXCUSED: Mark Ross, Vice Mayor (*arrived at 8:42 p.m.*)

ABSENT: None.

PRESENTATION(S)

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Reserved only for those requesting to speak on items not listed on the Agenda.

Mike Benson gave a brief overview of California's history and noted that Martinez was established on April 1, 1876, and became the County Seat in 1851 with only 200 registered voters. Today Martinez enjoys a population of over 36,000. He expressed a Happy Birthday to the City of Martinez.

John Mead expressed his frustration with the street lighting at Chilpancingo and Oakland, which has been broken for the past two years, and at Chilpancingo and Lake Ridge Drive, which has been broken for five years; there is also a light pole missing on the curve. He requested the lights be replaced in a timely manner and not years after being reported. Public Works Director Scola reported that there had been problems with PG&E, but the first location is scheduled for replacement next week. Mr. Scola stated he was not aware of the second light pole. He asked Mr. Mead to contact him for a status update.

Gary Frietas stated he does not feel the Pine Meadow referendum is an appropriate use of the City's time and money. He stated that the Council was elected to make these decisions.

Mike Alford commented on an incident after the last Council meeting and encouraged the public to respect the Council even if they disagree.

Kristin Henderson announced that the Downtown Historical Post Office will be funded for repairs. She provided a history of her efforts nominating the Post Office and compiling the Multiple Property Submission and reviewed the local and national sources she used.

Julian Frazer expressed his support of the Multiple Property Submission and stated the Council should not send a letter to the State Office of Historic Preservation, since the submission can be added to later. He also spoke on the incident after the last Council meeting and defended his actions.

Mayor Schroder reported that he received a letter from the State Office of Historic Preservation stating that the Boreland home was being submitted. He noted the State does not notify jurisdictions about multiple property submissions.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
 1. Motion approving City Council Minutes for February 18, 2015. [M.Cabral]
 2. Motion approving Check Reconciliation Register dated 03/19/15. [C.Spinella/2.1.1]
 3. Motion adopting Ordinance 1385 C.S. amending the Martinez Municipal Code, Title 2, Administration and Personnel, Chapter 2.04.050 Powers and Duties of the City Manager. [M.Cabral/04.01.00 & 43.02.00]

4. Resolution No. 032-15 authorizing the Assistant City Manager to execute a reimbursement grant agreement with State Department of Resources, Recycling and Recovery (CalRecycle) in the amount of \$92,987 for the FY 2014-15 Beverage Container Recycling Grant Program. [M.Chandler/30.14.04]
5. Resolution No. 033-15 authorizing the Mayor to execute a Lease with the Martinez Yacht Club. [M.Chandler/14.02.01]
6. Resolution No. 034-15 rejecting all bids for the Hillside Reservoir Access Improvement Project. [T.Tucker/15.04.01]
7. Resolutions related to the Susana Park and Mountain View Park Project:
[T.Tucker/11.08.00&11.16.00&10.05.03]
 - A. Resolution No. 035-15 accepting bids for the Susana Park and Mountain View Park Renovation Project and awarding the construction contract to Suarez & Munoz Construction Inc. of Hayward in the amount of \$1,225,438.50 and allocating \$550,000 of Measure H funds, \$50,000 of Park Dedication funds and \$220,000 of Gas Tax funds to Account No. C5025.
 - B. Resolution No. 036-15 rejecting all bids for the Susana Park and Mountain View Park Restroom ADA Improvements Project and declaring that the project can be performed more economically by hourly labor, or the materials or supplies can be furnished at a lower price in the open market.
 - C. Resolution No. 037-15 authorizing the City Manager to execute an amendment to the consultant services agreement with Kluber and Associates, Inc. for an additional \$42,930 to provide construction phase services.
8. Resolution No. 038-15 authorizing the City Manager to: [T.Tucker/6.7.17/06.01.10]
 - A. Execute an agreement for consultant services with LCC, Inc. in the not to exceed amount of \$387,526 to perform an alignment study and alternative analysis; and
 - B. Execute a Memorandum of Understanding (MOU) with Contra Costa County setting forth agency goals and expectations with respect to the implementation of the alignment study and alternative analysis, subject to approval of the City Attorney as to form.

Councilmember DeLaney requested that Item #7 be removed and Mayor Schroder requested that Item #3 be removed from the Consent Calendar.

On motion by Lara DeLaney, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Item A and Items #1 and #2, Item #4 through #6 and #8 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Rob Schroder, Mayor.

Item #3, Ordinance 1385 C.S:

Mayor Schroder explained the change in the reporting structure stating the Chief of Police will now report to the City Manager. He suggested that in the future the Code could be modified to require the City Manager to hire the Chief of Police instead of the Council, as is commonly done in other jurisdictions.

Mayor Schroder opened Item #3 for public comment.

Richard Verrilli expressed concern about the change. He stated few City Managers are qualified to oversee the unique challenges in the selection of the new Chief and in the day-to-day work of the Police Department, and was concerned that the Chief's position may be weakened.

Mike Alford expressed support of Acting Chief Ghisletta and the current Department staff.

Gary Frietas stated the current supporting structure is working fine and does not need to be changed.

Seeing no further speakers, Mayor Schroder closed public comment on Item #3.

On motion by AnaMarie Avila Farias, Councilmember, seconded by Debbie M^cKillop, Councilmember, to approve Ordinance 1385 C.S. amending the Martinez Municipal Code, Title 2, Administration and Personnel, Chapter 2.04.050 Powers and Duties of the City Manager. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Rob Schroder, Mayor.

Item #7, Resolutions related to the Susana Park and Mountain View Park Project:

Councilmember DeLaney asked why the bids were rejected for the restroom ADA improvements but accepted for the renovation project, when both were over the engineer's estimates. City Engineer Tim Tucker stated only two bids were received for the restroom improvements, and there were other issues with the low bid. Staff felt there was less risk for the City to reject both bids. Councilmember DeLaney asked why the projects were bid separately, and Mr. Tucker explained it was staff's experience, contractors skilled in landscape improvements do not manage building and plumbing projects well. The ADA improvements needed were minor, and it was believed they could be done more efficiently through a separate contract. The City will paint and perform other items in the bathrooms using City staff.

Councilmember DeLaney asked for an explanation of the amendment authorizing an additional \$42,930. Mr. Tucker stated this is a usual practice to have a separate agreement with the same contractor for administrative work. Councilmember Avila Farias stated this is an important practice to provide continuity and oversight of the project.

Mayor Schroder opened Item #7 for public comment.

Mike Alford asked if this is the same contractor who worked on the bocce court and noted there had been problems with that contractor.

Seeing no further speakers, Mayor Schroder closed public comment on Item #7.

On motion by Lara DeLaney, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve **Resolution No. 035-15** accepting bids for the Susana Park and Mountain View Park Renovation Project and awarding the construction contract to Suarez & Munoz Construction Inc. of Hayward in the amount of \$1,225,438.50 and allocating \$550,000 of Measure H funds, \$50,000 of Park Dedication funds and \$220,000 of Gas Tax funds to Account No. C5025; and **Resolution No. 036-15** rejecting all bids for the Susana Park and Mountain View Park Restroom ADA Improvements Project and declaring that the project can be performed more economically by hourly labor, or the materials or supplies can be furnished at a lower price in the open market; and **Resolution No. 037-15** authorizing the City Manager to execute an amendment to the consultant services agreement with Kluber and Associates, Inc. for an additional \$42,930 to provide construction phase services. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Rob Schroder, Mayor.

PUBLIC HEARING(S)

9. Public hearing to consider a resolution to establish facility reservation fees for Holiday Highlands Park, increase the deposit amounts for park rentals, and increase Youth Sports Fees in the Schedule of Fees for City Services. [P.Lorick/2.2.3]

Recreation Supervisor Patty Lorick presented the staff report. She noted Holiday Highlands was recently remodeled and the renovations have been very successful and popular. The facility fees will help to mitigate the negative impact of parties on the neighborhood residents. Ms. Lorick noted that a prohibition on the use of inflatable jump houses would come before the Council in the future.

Mayor Schroder asked for more detail on the prohibition of jump castles. Sr. City Attorney Veronica Nebb stated her office has been working with the Parks Department to suggest that change, along with a more detailed review of the current park rules. After it is discussed with the Parks, Recreation, Marina and Cultural Commission (PRMCC), it will come before the Council.

Ms. Lorick stated that the increase in deposit amounts will help the City better recoup cleanup costs without significant out-of-pocket costs to residents. She clarified the formula is based on individual picnic area capacity, not park capacity.

Ms. Lorick reviewed the costs to the City to provide facilities for youth sports leagues and the funds spent on park and field renovation. She noted the youth sports fees have not increased in 21 years, and the fees will remain lower than those of neighboring cities. She added that the adult fee is no longer necessary, a fact that was overlooked when the resolution was prepared, and staff is recommending it be removed at this time.

Mayor Schroder opened the Item for public comment.

Lea Burnstein, a resident of the Holiday Highlands area, thanked the Council for giving attention to this issue. She asked about enforcement of the rules and how complaints would be handled. Ms. Lorick stated if reports were received that the renters had brought in too many people or

otherwise violated the rules, they could lose their deposit. Chief Ghisletta further stated that residents should call the police with complaints of excessive noise, and if the party was out of control, the police would address it. Ms. Lorick noted alcohol is allowed with a reservation, but hopefully with the smaller parties it should not get out of control.

Sylvia Agresta, Holiday Highlands area, listed several problems she had seen in the park, including loud music, people bringing in their own barbecues and tables and leaving trash behind. She stated the problems started, since the park had been renovated. She also asked for lighting to be placed around the park at night.

Kathy Harris, Holiday Highlands area, raised a concern with music being played containing obscenities.

Chris Gonzales, Holiday Highlands area, asked the Council to consider prohibiting jump castles at this park. He noted the generators used tend to be very loud. He also suggested that amplified music be prohibited entirely. He thanked the Council for addressing this issue.

Mike Alford agreed with the residents and urged the Council to consider their concerns and keep the park appropriate for the neighborhood.

Esther Lopez, Holiday Highlands area, raised a concern with the public consumption of alcohol. Ms. Lorick stated alcohol would only be allowed with a permit. She noted the same rules apply at other parks and it has not been an issue. The permit system allows the City to keep track of who is there and apply consequences appropriately if there are complaints. Ms. Nebb stated staff would work with the Police Department and the PRMCC to improve communication and enforcement of rules.

Julian Frazer asked if there would be scholarships for low-income families in the youth sports fees. Ms. Lorick stated the City and most of the leagues have scholarship programs.

Monica Agle, Holiday Highlands area, stated the residents had not expected this to be an issue when they moved in because it was just a small neighborhood park.

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

Councilmember DeLaney asked about enforcement if people show up without making a reservation. Ms. Lorick stated that as the fees become publicized, people will know they have to have a reservation and will be less likely to just show up; in addition, they will have to leave if someone arrives with a reservation. Ms. Nebb noted that currently, a facility reservation is required for parties of more than 30 people. She stated this is another item staff will address with the PRMCC.

Councilmember DeLaney felt strongly a reservation should be required for any use of these tables to prevent people from showing up and commandeering the space, particularly since if they have not made a reservation, addressing complaints will be much more difficult.

Councilmember Avila Farias stated she felt this is an appropriate action for the Council to take. She stated that in her experience, the parks self-regulate; there is such high demand in the renovated parks that parties who show up without a reservation are usually unable to find a spot. She added that she agreed it might be helpful to consider different rules for smaller parks. Ms. Lorick also suggested the bathrooms could be locked on weekends and a key given with the reservation.

Councilmember M^cKillop asked if the permits were required to be posted. Ms. Lorick stated there would be a sign stating the areas are available for reservation, and the parties would have to carry the permit with them. Staff can also provide them with a sign to place on the table in the morning. Councilmember M^cKillop suggested if the permit is displayed showing the number of people, residents can feel more comfortable calling the police if they know there is a violation.

Councilmember M^cKillop asked if people could rent small areas in the big park without having to pay the full increased deposit. Ms. Lorick stated they would have to pay the full deposit, but it would be returned to them if the park was left clean.

On motion by AnaMarie Avila Farias, Councilmember, seconded by Debbie McKillop, Councilmember, to approve Resolution No. 039-15 establishing facility reservation fees for Holiday Highlands Park, increasing the deposit amounts for park rentals, and increasing Youth Sports Fees in the Schedule of Fees for City Services. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Rob Schroder, Mayor.

CITY MANAGER

10. Receive and file report on Contra Costa County Sanitation District No. 6 (SD-6).
[T.Tucker/30.05.02]

Vice Mayor Ross arrived at 8:42 p.m.

City Engineer Tim Tucker provided a PowerPoint presentation on the Sanitary District SD-6 (Stonehurst Sanitary Sewer System). He reviewed the location of the District and stated with the annexation of the Stonehurst area, the City Council will be filling the role of District Board and the City will take over management of the District. County and City staff will continue to work together during the transition, and staff will provide regular reports on the transition process. Mr. Tucker reviewed the history of the District and the discontinued plan to recycle the water, the condition of the system, current challenges and long-term options. The City's goal is ultimately to connect to the Central Sanitary District and have it take over management of SD-6.

Councilmember DeLaney asked about the possibility of recycling the water, and Mr. Tucker stated that had been considered, but the cost of needed improvements is the main obstacle.

Senior City Attorney Veronica Nebb provided information about the legal process of the Council taking action as the District Board.

The Council discussed the background, the options for the sewer system and accepted the report.

11. Direct staff to write a letter of support for AB 428 (Nazarian) Income Tax Credits: Seismic Retrofit. [A.Shear/41.01.01]

Acting City Manager Alan Shear presented the staff report. He explained the details and the requirements of the tax credit, noting the bill's author had indicated the bill may be amended to broaden the building eligibility requirements.

Councilmember DeLaney stated this is an encouraging bill but requested the letter of support ask for specific amendments to be more helpful to City's residents. She stated she felt the City should support the bill regardless. She noted allowing tax credits for past improvements in 2015 may also be helpful to Napa residents in the wake of the earthquake. Mayor Schroder agreed and added Vallejo was also damaged.

Mayor Schroder opened the Item for public comment.

Mike Benson asked if this would be applicable to the downtown buildings. Mayor Schroder stated it would be if the amendments proposed by the City were accepted.

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

Councilmember Lara DeLaney stated the Chamber of Commerce will distribute information about the bill to its members. Mayor Schroder suggested inviting Main Street Martinez to do the same.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Vice Mayor, direct staff to write a letter of support for AB 428 (Nazarian) Income Tax Credits: Seismic Retrofit with amendments. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor.

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

Acting City Manager Alan Shear reported staff has learned the Contra Costa Transportation Authority (CCTA) has given the City a grant to provide limited volunteer dial-a-ride services for seniors for appointments and grocery shopping. City Engineer Tim Tucker will be providing a staff report to accept the grant and enter into an agreement with CCTA. The services would begin in the fall.

Councilmember DeLaney asked if this was the same project that had been reported in the City newsletter recently, since the reporting implied it was a shuttle service. Mr. Tucker clarified there is another County Connection bus service for all Martinez residents, which would also provide service to seniors.

CHIEF OF POLICE

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

Interim Chief Eric Ghisletta reported that there was a fabulous response from Public Works, Building, Fire Services, and the Police on Monday's tragic incident at Shell Avenue; he was truly grateful for all the support from the community. Eight Officers from San Ramon and Walnut Creek responded within 30 minutes to assist with the investigation.

He further reported on Friday night at Morello and Hwy 4, there was the automobile accident, which resulted in the death of a pedestrian. Again, other jurisdictions responded to help. He noted that police worked together with the junior high school to notify the community about Thursday's stabbing incident.

Interim Chief Ghisletta stated that tomorrow at the Mayors' Conference, County Health Services will announce a National Campaign Called "Zero 2016." Seventy-one counties throughout the nation will be working on this campaign to eliminate veterans' homelessness by December 2015. Martinez will be working with Contra Costa County on this campaign.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

14. Consider reappointment of Richard Evans to the Contra Costa Transportation Authority, Citizen's Advisory Committee for a four year term. [M.Cabral/6.7.1]

On motion by Rob Schroder, Mayor, no second required to approve reappointment of Richard Evans to the Contra Costa Transportation Authority, Citizen's Advisory Committee for a four year term. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Vice Mayor; Rob Schroder, Mayor.

CITY COUNCIL

15. Council Subcommittee Reports.

Councilmember DeLaney reported on the Historic Train Depot Ad Hoc Committee meeting that she and Councilmember Avila Farias attended on March 30th. Representatives of the Martinez Arts Association and Martinez Historical Society attended and a draft plan from the Historical Society was discussed, as well as suggestions from the Arts Association. Vice Mayor Ross asked if there was a timeframe for the plan, and Councilmember DeLaney stated the Committee hoped to move forward within a month after receiving cost estimates. Vice Mayor Ross stated he would like to see some space given to the Arts Association. Councilmember Avila Farias noted the planned improvements will allow the building to be available for several different opportunities. She looked forward to discussing a variety of options with the Council.

Councilmember DeLaney reported on the Public Infrastructure/Franchise Subcommittee meeting that she and Vice Mayor Ross attended on March 31st. Staff presented the possibility of including a food scrap recycling program in the waste management program. Staff will be bringing a consultant to advise on the cost and benefits of such a program. The Subcommittee envisions the program beginning in January 2016.

Mayor Schroder reported on the Budget Subcommittee that he and Vice Mayor Ross attended on March 31st. Staff reported on fee schedules and revenues and recommended a small increase, less than the consumer price index. Mayor Schroder stated the proposal will be coming before the Council. The Subcommittee discussed building permit costs, amphitheatre registration fees, and discounts for seismic retrofits and solar power upgrades.

16. City Council Comments.

Councilmember AnaMarie Avila Farias expressed her appreciation to staff for organizing the budget workshop last Saturday. She announced that the League of Cities will be hosting its annual fundraiser Bocce Tournament in Livermore on April 23. The cost is \$99 per person. Councilmember Avila Farias noted she attended the vigil of Lindsay Combs and requested letters of condolences be sent to the families with respect to all the incidents. She also thanked Interim Chief Ghisletta and his staff for all the challenges they faced these last few days. She acknowledged the presence of the new neighborhood Police Officer in the John Swett neighborhood, which was much needed. She also requested an update on the status of the General Plan.

Councilmember Debbie M^cKillop clarified that Mr. Frazer was not rude or disrespectful to her after the last Council meeting. She attended Swan Day, which was a wonderful event. Councilmember M^cKillop expressed her sympathy to the Combs family for the loss they suffered. She expressed her appreciation to Interim Chief Ghisletta for all his actions in the tragic events that occurred this past week.

Vice Mayor Mark Ross was thankful for the opportunity to hold the budget workshop and expressed his appreciation to the entire staff for attending. He commented that it has been a rough week for the community, but Martinez is blessed weeks like these don't come too often. He expressed hope for the City's recovery.

Councilmember Lara DeLaney stated that it did seem like the worst week ever, but she felt reassured by the exemplary response of City staff and the Police Department; and felt proud of the residents for their loyalty and support to the community. Councilmember DeLaney requested information on the effect of Governor Brown's directing cities and agencies to implement mandatory water use reductions.

Councilmember DeLaney commented on the issue of the quality of postal service in Martinez. She put together 10 pages of comments that she has received for her colleagues to review and noted it also includes an anonymous letter from employees of the Post Office. She received a couple of phone calls as well. Councilmember DeLaney stated that the issues of mail delivery, carrier delivery and services at the branches are very serious and may need to go to a higher level of our Congressional representatives. Vice Mayor Mark Ross thanked Councilmember DeLaney for bringing this issue forward. He stated that he also received complaints and agreed the problem needs to be addressed. Councilmember DeLaney stated that she will be bringing a letter forward at the next meeting for Council consideration.

Mayor Schroder announced the Bay Area Craft Beer Festival, sponsored by Main Street Martinez, on April 18th at Waterfront Park. He stated that the St. Baldricks event had a great turnout and raised over \$21,000. He also expressed his appreciation to Acting City Manager Alan Shear for his service and leadership, especially over the last six months. Mr. Shear thanked the Council and staff for their support. Mayor Schroder stated the new City Manager Rob Braulik will begin April 6th.

ADJOURNMENT

Adjourned at 9:45 p.m., *in memory of Lindsay Combs*, then to a Regular City Council Meeting on April 15, 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 – 5/20/15