

## **I. CALL TO ORDER**

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

## **II. PUBLIC COMMENT (Comments are limited only to Closed Session)**

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

## **III. CLOSED SESSION (Adjourn to City Manager's Office) ADDED FROM SPECIAL MEETING AGENDA**

- A. PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957:  
PUBLIC EMPLOYMENT — Title: City Manager  
PUBLIC EMPLOYEE APPOINTMENT - Title: City Manager

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

The meeting reconvened at 7:10 p.m. in the Council Chambers. Mayor Schroder reported a Closed Session was held regarding Government Code Section 54957, Title, City Manager; and direction was given to the City's negotiators.

PRESENT: Lara DeLaney, Councilmember, Debbie M<sup>c</sup>Killop, Councilmember, Mark Ross, Councilmember, Anamarie Avila Farias, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

## **PRESENTATION(S)**

A Special Proclamation was presented to Alan Shear for his tenure with the City from October 2010 through April 2016. Mayor Schroder proclaimed April 15, 2016, in the City of Martinez, Alan Shear Day. Mr. Shear expressed his appreciation to the Council for the honor, as well as his fellow department heads and the dedicated staff for their support and encouragement. He specifically commended Finance Director Cathy Spinella, IT Administrator Kathy DeVries, Assistant to the City Manager Mike Chandler and Personnel Technician Valerie Fisher. He was appreciative also to the community for allowing him to be a part. And lastly, he thanked Interim City Manager Jim Jakel for being a good mentor.

Councilmember Ross thanked Mr. Shear for his hard work, particularly in helping the City through the recession.

Councilmember DeLaney commented that Mr. Shear is a true professional, who will be missed.

A. Contra Costa County master planning efforts in Downtown Martinez and property located at 1127 and 1139 Escobar Street.

Julie Bueren, Contra Costa County Public Works Director, described their planning efforts in the downtown. Ms. Bueren noted the County Administrator's Office has just hired an Assistant County Administrator to work with her department on a vision for County facilities with downtown Martinez being a priority, as well as a new Emergency Operation Center for the County. She indicated the two parcels on Escobar Street will be demolished and turned into parking lots, which was at the request of the former City Manager in order to get rid of blight on a major entrance into the City. It also serves the County as well as future parking lots. Ms. Bueren indicated the County is looking at the possibility of renovating 651 Pine Street building or looking at something completely different since it has a \$22 million deferred maintenance bill.

Ms. Bueren commented there is a plan to demolish the old County Jail and there is an EIR that has been completed and released to the public for review with a public hearing in April, which is part of the plan in preserving properties in downtown Martinez for potential future administration complex.

Mayor Schroder discussed indications from the past that the County was considering moving their offices out of the City, and he asked whether that was a possibility and/or whether the County might be interested in a joint administration complex with Martinez. Ms. Bueren said she did not think there was a plan to move offices completely out of the City, but she acknowledged the purpose of the advanced planning effort was to consider how the County properties in Martinez can be best used. She was hopeful the City will work with the County in the development planning process.

Mayor Schroder asked about the old jail building, which Ms. Bueren discussed further.

Councilmember Ross indicated his willingness to serve on any joint planning committee with the County, and he questioned whether that can happen before demolition of any buildings. Ms. Bueren responded that the planning for the jail building has been underway for about 18 months, and confirmed there is no plan yet beyond demolition and use of the sites for parking until the plan is completed.

Councilmember DeLaney expressed hope that the building at 651 Pine does come down in the future, and she also encouraged the use of a Special Finance District to help with funding for a new parking structure.

Vice Mayor Avila Farias was appreciative of the County sharing their plans with the City, and trusted the County will continue to keep the City informed. She urged the County to think differently about the old jail building and consider ways it could still be used in one capacity or another because it is an historic building to the City. She was glad to hear the County was not moving out of the City and expressed hope the dialogue about the future will continue.

Councilmember M<sup>c</sup>Killop agreed that Martinez should be a part of the discussion, and she noted that the community values their historic heritage, which should be considered with future planning efforts.

Ms. Bueren explained that she meant no disrespect to the history of the old jail building, but it is not a building that can be remodeled easily because of the bars, etc. that remain. She also reiterated the issue of historic significance will be addressed through the EIR process.

#### B. Marina Vista Bridge Mural Proposal.

Heidi Perryman, President and founder of Worth a Dam, reviewed the history of the Martinez beavers up to present day. She indicated the Marina Vista Bridge was the best option for a beaver mural. Ms. Perryman noted Mario Alfaro is the artist and has worked well with this community. She reviewed the anticipated project schedule through completion, noting it is expected to take about a year. The cost is \$5,229, which Worth a Dam will be providing. She commented on the benefits of public art, as well as the natural wildlife that the beavers enhanced.

Artist Mario Alfaro shared his demonstration mural.

Mayor Schroder commented on his memories of the beavers' arrival and the concerns expressed by the community, as well as how well known Martinez is and now worldwide because of the beavers. He noted that support for the mural was on the Consent Calendar for this agenda.

Councilmember DeLaney thanked Ms. Perryman for the beautiful, lasting legacy that she is promoting, as well as her commitment and passion for the beavers. She expressed her full support for the mural, and thanked the artist. Councilmember Ross echoed her comments, noting the beavers are a symbol for what the City stands for.

Councilmember M<sup>c</sup>Killop also thanked Ms. Perryman for her passion and support of the beavers from their first appearance in the creek to now. She commented on the educational benefit to her family from the beavers coming to Martinez. She was appreciative of the beauty of the mural and its appropriateness for the site.

Vice Mayor Avila Farias thanked Ms. Perryman for her energy and continued efforts with habitat and wildlife preservation, as well as the annual Beaver Festival. She agreed the mural was beautiful and well-suited for the Marina Vista Bridge.

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

Eli Dominguez expressed concern about boarded up buildings in the downtown. He noted additional advertising is needed for the downtown vacancies and promotion of the businesses that are already here. He felt the City should put any excess funds into the downtown, especially since currently there is not much happening in the evening. He also expressed concern about the economy of the City.

Robert Moseley expressed his concerns regarding the disrepair of the Marina, which could result in liability for the City and should be addressed. Mayor Schroder briefly reviewed the history of the Marina, how the City came to owe so much to the State, and he summarized some of the plans that the Council has for the future of the area.

## CONSENT CALENDAR

Councilmember DeLaney requested Item #11 be pulled from Consent. Councilmember Ross recused himself from Item #2 because his parents own the building that may or may not be subject to further litigation regarding the trip and fall.

Mayor Schroder opened and closed public comment on Consent Calendar Items #1 and #3 through #10 with no speakers coming forward.

- A. Motion waiving reading of text of all Resolutions and Ordinances.
2. Motion rejecting claims against the City by Dona Kile, Claim #16-05; Elijah Dominguez, Claim #16-08. [M.Cabral]
3. Motion accepting Check Reconciliation Register(s) dated 03/17/16 and 03/30/2016. [C.Spinella/2.1.1]
4. Motion approving an amendment extending the services of the Consulting Services Agreement (Agreement) with Jim Jakel, Interim City Manager. [J.Walter/17.00.01]
5. Motion directing staff to work with the appropriate employee representatives and follow the processes outlined in the applicable Memorandum of Understanding and the Civil Service Rules, to create a job classification of Police Assistant II. [A.Shear/4.5.2]
6. Marina Vista Bridge Mural: [A.Shear/16.10.00]
  - A. Motion approving mural concept and location of the mural; and
  - B. Resolution No. 027-16 authorizing the City Manager to execute an agreement for the Design and Installation of Art Work consisting of a mural on the Marina Vista Bridge.
7. Memorandum of Understanding between the City of Martinez and Laborers' International Union of North America Local 324:
  - A. Motion approving the financial provisions agreed to in the tentative agreement reached between the City of Martinez and Laborers' International Union of North America Local 324 (Local 324) including the contract term, wages, CalPERS, long-term disability insurance, overtime and premium pays; and
  - B. Resolution No. 028-16 authorizing the City Manager to execute a Memorandum of Understanding (MOU) between the City of Martinez and the Laborers' International Union of North America Local 324 (Local 324), for the contract period July 1, 2015 through June 30, 2018. [A.Shear/4.5.7]
8. Resolution No. 029-16 authorizing destruction of City files pertaining to Finance Division, Human Resource Division and Engineering Division. [M.Cabral]
9. Resolution No. 030-16 authorizing the paying and reporting of the value of the Employer Paid Member Contributions (EPMC) for Classic Local Police Members. [A.Shear/4.5.13]

10. Resolution No. 031-16 establishing the rate per Equivalent Runoff Unit for the Fiscal Year 2016-17 and requesting 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]

On motion by Lara DeLaney, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, to approve Item A, Item #1, and Item #3 through Item #10 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Anamarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

Item 2, rejection of claims against the City.

On motion by Lara DeLaney, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, reject claims against the City by Dona Kile and Elijah Dominguez. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Anamarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

11. Resolution No. 032-16 accepting bids for the 2015-16 Pavement Rehabilitation Project (C1052) and awarding the construction contract to VSS International, Inc., West Sacramento CA, in the amount of \$759,000. [T.Tucker/12.04.45]

Councilmember DeLaney asked for further details on what the project entails, which City Engineer Tim Tucker discussed. He discussed materials to be used and how the project is planned.

Councilmember DeLaney asked about Brown Street, and Mr. Tucker said he would be meeting with Caltrans to see if it could be included, as well as Green Street and Escobar. He also discussed the anticipated timeline.

Mayor Schroder questioned why the City needs to meet with Caltrans, and Mr. Tucker reviewed various funding mechanisms that were to be used for different facets of the project.

Mayor Schroder asked about encroachment permits, which Mr. Tucker explained.

Mayor Schroder opened public comment with no speakers coming forward.

Vice Mayor Avila Farias asked if the next meeting can include information on where the City stands with the various road projects and the related funding.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 032-16 accepting bids for the 2015-16 Pavement Rehabilitation Project (C1052) and awarding the construction contract to VSS International, Inc., West Sacramento CA, in the amount of \$759,000. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Anamarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

*\*Council recessed at 8:10 p.m. and reconvened at 8:14 p.m. with all members present.*

## **PUBLIC HEARING(S)**

12. Public hearing to adopt Ordinance No. 1394 authorizing an amendment to the contract between the City Council and the Board of Administration of the California Public Employees' Retirement System (2nd reading). [A.Shear/4.5.13]

Assistant City Manager Alan Shear presented the staff report, indicating this is the second reading of the ordinance, which resulted from recent negotiations between the City and the Police Officers Association. He discussed specifics of the contract related to employee contribution to CALPERS.

Councilmember Ross commented on paragraph 5 of the contract which refers to employees of the Martinez Ferry System. He acknowledged it wasn't a crucial issue, but he thought it should be removed the next time the ordinance is amended. Mr. Shear noted that the document comes directly from PERS, with the City only making the changes necessary to comply with the negotiated sections.

Mayor Schroder opened and closed the public hearing with no speakers coming forward.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, adopt Ordinance No. 1394 authorizing an amendment to the contract between the City Council and the Board of Administration of the California Public Employees' Retirement System (2nd reading). Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Anamarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

## **CHIEF OF POLICE**

13. Discuss and authorize the reorganization of the Police Department to improve service delivery, efficiency, and enhance neighborhood policing efforts. [M.Sappal/04.08.00]

Police Chief Manjit Sappal presented the staff report discussing the organizational structure of the Police Department, the reason for the proposed changes, responsibilities of the affected positions, implementation of new software, and the staff recommendation for approval of the revised organizational plan.

Councilmember Ross expressed appreciation for the changes, which from his point of view seem to be appropriate and coherent. Mayor Schroder agreed, expressing confidence in the Chief's abilities and reasoning in this regard.

Councilmember DeLaney asked about the plan to divide the City into two sections for police responsibilities and action, specifically asking who would be assigned to each section. Chief Sappal said it had not been determined yet, but he would keep the Council updated on the progress.

Councilmember M<sup>c</sup>Killop said she was supportive of the new structure, particularly the opportunities for advancement within the Department. She commended the Chief Sappal for his strategy, thoughtfulness and vision.

Vice Mayor Avila thanked Chief Sappal for his response to questions she had prior to the meeting. She indicated her approval as well, and she suggested that the City should provide opportunities for professional development for employees citywide. She commended Chief Sappal for his emphasis on public safety issues also.

Mayor Schroder opened public comment on the item.

Eli Dominguez commented on the need for changes within the Police Department, including regular psychological review and drug-testing of the officers. He also felt they needed training in interpersonal skills.

Felix Sanchez asked whether designating two sections of the City will improve the response time for the northern area of the City, which typically has not been as fast in the southern part. Chief Sappal noted that the northern section has a much higher call volume than the southern section.

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, authorize the reorganization of the Police Department to improve service delivery, efficiency, and enhance neighborhood policing efforts. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Anamarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

#### 14. Chief of Police Comment(s)/Update(s).

Chief Sappal reported that the Department received a \$1000 donation from the Contra Costa County Kennel Club for the Canine program, and with all the donations received in the last year for the Canine program, two more canines can be purchased and added to the patrol force. He stated a map that coincides with the Neighborhood Policing Areas has been posted on the City's website and is interactive; if an address is entered, it will bring up the officer and supervisor including their contact information.

Councilmember DeLaney commented on past discussions of the possible formation of a joint powers agency for taxi regulations, but she noted that the City is not contemplating oversight of Uber or Lyft services now or in the future. Chief Sappal clarified the discussion from a previous meeting regarding the formation of a JPA for taxi regulations, and it did not include Uber or Lyft.

### **CITY MANAGER**

#### 15. Presentation introducing Contra Costa County's plans to study the implementation of Community Choice Aggregation (CCA) and provide direction to staff. [M.Chandler/30.08.00]

Assistant to City Manager Michael Chandler presented the staff report, introducing the concept of Community Choice Aggregation (CCA) and how it might be of benefit to the City.

Jason Crapo, Contra Costa County Deputy Director Department of Conservation and Development, reviewed how cities and counties can work together to become the default electricity providers for their jurisdictions in offering energy from renewable sources and frequently more economically than PG&E.

Seth Baruch, consultant (LEAN Energy US), made a presentation regarding the industry itself, basic program mechanics, a sample energy bill, the three programs available in California, renewable energy sources, financial performance over time, local climate action plans, potential risks and mitigations, and potential advantages from the program.

Mayor Schroder asked how homes that already have solar panels would be affected by the program. Mr. Baruch said it shouldn't affect existing systems at all. In fact, he explained that many CCAs have rate structures that favor those with solar panels.

Mayor Schroder asked what other energy types qualify as renewable sources, which Mr. Baruch reviewed. He also discussed companies in California that are providing renewable, clean energy.

Councilmember Ross said he was supportive of the concept, based on information he has seen through his work with the Air Quality Board. He thought that proceeding with a study of the options was reasonable. He asked about PG&E's net rate structure and how long it would apply. Mr. Baruch said he thought it would be in effect until 2018 or 2019.

Councilmember DeLaney said she was interested in moving forward as well, but she asked about the potential "exit" fee. Mr. Baruch discussed the methodology for calculating the fee and the charges that are assessed monthly to cover the cost. Councilmember DeLaney asked whether individual communities can opt out of the program, just as individuals can. Mr. Baruch said yes, although he acknowledged the agreement is structured so that there is a fee to do so. He cautioned the City to consider the prospect carefully because it should be viewed as a long-term commitment.

Mr. Crapo continued the presentation with a discussion of what is happening at the County level, other jurisdictions in the County, and his request for Martinez to participate in the study as well as monetarily. He noted that the County will be having a technical study done and has already had several public meetings. He reviewed responses received from cities in the County, what the technical study will cover, including comparison of CCE alternatives and further community outreach. He concluded with a review of the next steps in the process.

Mayor Schroder asked about Walnut Creek and Lafayette pursuing MCE even though they are also participating in the County's study. Mr. Crapo explained the two actions (consideration of joining MCE and consideration of the County's study) were made at the same time, but ultimately they decided to join MCE. Mayor Schroder confirmed with Mr. Chandler that choosing to join MCE is an option for Martinez as well.

Mayor Schroder asked if the staff recommendation includes authorization of an amount not to exceed \$15,000 for Martinez to contribute to the study. Mr. Chandler said yes.

Councilmember Ross expressed support again for participating in the study.

Vice Mayor Avila Farias asked how many cities have said no thus far, and Mr. Crapo said three. He added that five jurisdictions are in MCE and six have committed to the technical study, with only a few undecided. Vice Mayor Avila Farias asked about the anticipated timeline, which Mr. Crapo reviewed.

Vice Mayor Avila Farias acknowledged this is a complex issue, and she admitted she was not quite comfortable committing to the expense during a time when the City is in transition with no permanent City Manager. She was supportive in concept, however.

Interim City Manager Jim Jakel pointed out that the Council could approve the idea in theory but allow the new City Manager to "pull the trigger" on it after he/she is hired. Councilmember DeLaney considered his suggestion an excellent idea. She was supportive of the technical study, and she expressed full faith and confidence in County staff's abilities to do the research and analyze the data collected.

Councilmember M<sup>c</sup>Killop expressed appreciation for the presentation and for the concept. She asked about the jurisdictions which declined to join with the County and the reasons they cited. Mr. Crapo said the reasons were either because they had decided to commit to another group or because they did not have the financial resources to participate. Councilmember M<sup>c</sup>Killop said she thought it was at least worth taking part in the technical study to see whether it would benefit the Martinez community.

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

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve implementation of Community Choice Aggregation (CCA) and provide direction to staff up to \$15,000. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Anamarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

#### 16. City Manager Comment(s)/Update(s).

Interim City Manager Jim Jakel announced the City has recruited Cindy Mosser as the new Finance Manager, who will start on April 25th. Mr. Jakel stated he will be attending his second meeting with a private ferry service operator and other jurisdictions that have marinas tomorrow in Antioch to discuss the possibility of operating a ferry service, which is too important to wait for the new City Manager.

Interim City Manager Jakel indicated during this time of transition, Manjit Sappal, Dave Scola, and Mike Chandler have all privately indicated they were more than willing to step up to the plate and do whatever is asked of them and the rest of the staff will too. He was confident there was nothing to worry about, and he was confident staff will do a great job.

Vice Mayor Avila Farias asked the status of the Marina summary. Mr. Jakel stated it will be brought to the Council at the first meeting in May. Mayor Schroder commented he was writing an article for the Friday "Contra Costa Times" about the Marina and its history.

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

### **CITY COUNCIL**

17. Consider establishing a Dog Park AdHoc Committee and appointing Councilmembers DeLaney and M<sup>c</sup>Killop thereto. [41.02.00]

Mayor Schroder discussed the use of Subcommittees during his tenure with the Council, both adhoc and standing. He noted he had thought it would be helpful to create another Subcommittee to consider this issue and make recommendation back to the Council, but Councilmember M<sup>c</sup>Killop had another idea. He deferred to her to explain her suggestion.

Councilmember M<sup>c</sup>Killop committed on the long-term consideration that has already been given to the dog park idea, both through the PRMCC (Parks, Recreation, Marina and Cultural Commission) and through the community members who passionately support formation or designation of a dog park in Martinez, and she thought it was time to have a formal discussion by the Council and take a vote on the concept.

Vice Mayor Avila Farias agreed it is time for the Council to receive staff's recommendation on the concept and give direction to staff regarding whether to proceed with a dog park, preferably within the next 45 days. She expressed appreciation for the many members of the community who come and speak in support, as well as assisting with research, etc.

Councilmember DeLaney indicated she has been supportive of the concept, and she was more than ready for the Council to finally make a decision; noting the Council has heard plenty already about the idea and it is time to act.

Councilmember Ross agreed as well that another study is not necessary nor another subcommittee. He was supportive of moving forward in the process.

Mayor Schroder asked, and Mr. Jakel confirmed it could be included on the next agenda as a consent item, authorizing staff to explore the concept and make recommendation to the Council regarding potential sites, funding options and design elements.

Councilmember M<sup>c</sup>Killop reminded the Council that the dog park supporters have indicated their willingness to help with fundraising and other steps in the process.

Mayor Schroder opened public comment on the item.

Robert Moseley expressed his support for a dog park in the downtown area, especially because of high density housing with less green space for the residents, as well as to assist senior citizens and others with limited resources.

Christina Reick expressed her appreciation and yelled out a big thank you.

Jackie Johnston was appreciative of chance to serve on the Dog Park Committee and the leadership of Lonnie Karste, the chance to dream and consider how and where a dog park could be placed and other details. She indicated willingness to help in whatever way possible.

Eli Dominguez said he thought the Marina could be a potential location for a dog park since many people walk their dogs there already or Rankin Park. He agreed it is time to take action on the idea.

Marlene Bigley noted that most supporters want the location to be near the downtown in the northern part of the City and accessible for everybody. Mayor Schroder said it is important to consider all possible locations.

Mike McGrath thanked the Council for their consideration, and he was appreciative of the Council deciding to proceed. He was supportive, but he also wants a thoughtful process so the end result will be the best dog park in the County or even the State.

Melissa Mohoi also thanked the Council for their support of such an important need.

An unidentified speaker off-mic expressed her support as well.

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

Mr. Jakel commented on the challenges and complexities still to be faced, but he was grateful that everyone was excited and in agreement.

Councilmember Ross commented on the agility community that might have some ideas on how to incorporate some of their priorities in the design of the facilities.

Item to create an Ad Hoc Committee was tabled. It was decided to move forward with a recommendation from staff with a formal vote in pursuing this concept, location, and associated costs.

#### 18. Council Subcommittee Reports.

Mayor Schroder reported out on his and Councilmember Ross' attendance at the Budget Finance Subcommittee meeting held on April 6th and their review of City fees and potential changes.

#### 19. City Council Comments.

Councilmember M<sup>c</sup>Killop gave a shout out to the Martinez Recreation Division for the Easter Egg Hunt and the Mini Motorland, adding it was so cute to see so many kids having a wonderful time. She noted staff did a great job. She also announced Swan Day on Saturday, April 9, downtown and Saturday, April 16, Art Week.

Vice Mayor Avila Farias commented that Parks and Recreation are doing a phenomenal job with Spring Break activities. She requested planning the next Public Safety Subcommittee meeting for June, which Chief Sappal agreed. Vice Mayor Avila Farias noted that the Police Department received a donation from Allied to go towards the next Citizens Police Academy and noted the first graduating class should be acknowledged at a Council meeting.

Councilmember Ross requested information about the regulations on drones, if municipalities have any authority, is it a privacy issue, and can rules be implemented locally? Chief Manjit said he will take a look at it. Councilmember Ross expressed his appreciation to Mr. Shear and wished him well on his next venture.

Mayor Schroder announced the Bay Area Craft Festival on April 16, at 10:00 a.m. at Waterfront Park sponsored by Main Street Martinez. He noted he will not present for the next meeting April 20th. He wished a Happy Birthday to the City of Martinez, which was incorporated on April 1, 1876.

Councilmember M<sup>c</sup>Killop stated, while reviewing the minutes, the Council discussed the possibility of an initiative to explore opportunities for the purchase of open space and requested to place it on a future agenda. Mayor Schroder indicated there will be a couple of discussions about the possibility of placing a sales tax measure on the ballot for infrastructure, roads, and open space. He noted to check the "Pleasant Hill Record" as there will be something about the same issue.

Mayor Schroder adjourned the meeting in memory of Jeffery Forrestall, father of City employee Tiffany Forrestall, who passed away on April 4, 2016 and Ellen M. Wilson, wife of Carter Wilson, City's Cemetery Commissioner, who passed away on March 14, 2016.

#### **ADJOURNMENT**

Adjourned at 10:00 p.m., *in memory of Jeffery Forrestall and Ellen Wilson*, then to a Regular City Council Meeting on April 20, 2016 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 – 6/1/16

**I. CALL TO ORDER**

Mayor Rob Schroder called the meeting to order at 6:15 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California, with all members present.

**II. PUBLIC COMMENT (Comments are limited only Closed Session)**

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

**III. CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of California Government Code section 54956.9: one case.

B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Section 54956.9: one potential case.

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

The meeting reconvened at 7:05 p.m. in the Council Chambers. Mayor Schroder reported Closed Sessions were held regarding Conference with Legal Council, significant exposure to litigation, one case; and initiation of litigation, one potential case. Direction was provided to City's legal counsel.

PRESENT: Lara DeLaney, Councilmember, Debbie M<sup>c</sup>Killop, Councilmember, Mark Ross, Councilmember, AnaMarie Avila Farias, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

**PRESENTATION(S)**

A. Proclaiming the month of May as "Older Americans Month 2016."

Mayor Schroder read and presented a proclamation, on behalf of the City Council, to Larry Risner and Shelley Pighin, Martinez Senior Center Club, and Gina Lombardi Gravert, Martinez Senior Center Supervisor. Mr. Risner thanked the Council for their continued support for the Senior Center and Senior Center Club members. Ms. Gravert commented on the many special activities planned for the month and invited the public to attend and participate.

B. Community Groups Funding Program Awards for College Park High School for Grad Nite.

Dian Bechter received a \$500 Community Grant on behalf of College Park High School's Grad Nite Committee. She expressed her appreciation to the Council for their support, and she noted this is a safe and sober event. She also thanked the community for their participation and encouragement.

C. Summer Bike Challenge.

Assistant to the City Manager Michael Chandler presented Kirsten Riker from 511 Contra Costa to speak about a new event that will be happening in Martinez this summer.

Kirsten Riker explained 511 Contra Costa is a public agency that provides programs to help reduce traffic in central and east Contra Costa County. She announced "Bike to Work Day" on Thursday, May 12, and reported on a new program designed to encourage biking instead of driving a car called "The Summer Bike Challenge." She added that this free program encourages the public to ride their bikes to recreational destinations, including special activities and incentives such as free items and prizes to be given throughout the summer. Ms. Riker reviewed the benefits for Martinez residents and encouraged the Council and the public to participate. She noted there are challenge cards available at this meeting and at various locations throughout the City.

Mayor Schroder asked, and Ms. Riker confirmed that participation can be through everyday activities as well as the special events.

Councilmember Ross expressed appreciation for the program and for Ms. Riker's leadership. He asked whether bike helmets and bike bells would be given away, and Ms. Riker said they have already and would be again. Councilmember Ross noted there is a new bike shop in town, which should be included with the list of resources. He also suggested that future Bike to Work Days should be on May 11th (5-11) since 511 is a co-sponsor.

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

Kathy Reichert, Director for Muir District Day Camp (Cub Scouts), reported there is currently an agreement with Creekside Church to use their facility. She noted this year, Creekside has allowed the camp to have a BB Gun program, but after contacting the City, she expressed there seems to be conflicting rules about shooting sports. Ms. Reichert requested assistance to see if there could be an exception so they can have their Shooting Program and the scouts can earn their badges. Mayor Schroder indicated he would refer the matter to staff.

Mandy Mauerman requested the Council do whatever they can to save Alhambra Hills. Mayor Schroder noted the City is still in negotiations with the owners - he indicated the public will be made aware when a decision is made.

**CONSENT CALENDAR**

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

1. Motion approving City Council Minutes of March 16, 2016. [M.Cabral]

2. Motion rejecting claim(s) against the City by Kevin Stricklin, Claim #16-11. [M.Cabral]
3. Motion approving Check Reconciliation Register dated 04/28/16. [C.Mosser/2.1.1]
5. Resolution No. 036-16 authorizing the submittal of grant applications to the California Department of Resources, Recycling and Recovery ("CalRecycle") for payment programs and rescinding Resolution No. 049-10. In addition, this resolution authorizes the Finance Manager to execute all necessary forms. [M.Chandler/30.08.00]
6. Martinez Police Non-Sworn Employees' Association: [J.Jakel/4.5.6]
  - A. Motion approving the financial provisions agreed to during the negotiations process between the City of Martinez and the Martinez Police Non-Sworn Employees' Association (MPNSEA) including the contract term, wages, CalPERS, overtime, and premium pays; and
  - B. Resolution No. 037-16 authorizing the City Manager to execute a Memorandum of Understanding (MOU) between the City of Martinez and the Martinez Police Non-Sworn Employees' Association, for the contract period July 1, 2015 through June 30, 2018.

Mayor Schroder requested Item #4 be removed from Consent and heard until Vice Mayor Avila-Farias arrives.

Mayor Schroder opened and closed public comment on Consent Items #1-3, 5 and 6, with no speakers coming forward.

On motion by Mark Ross, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, to approve Item #A and Items #1 through #3, #5, and #6 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

## **PUBLIC HEARING(S)**

### **CHIEF OF POLICE**

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

Chief of Police Manjit Sappal noted the recent anniversary of April 21, 1973, when the City lost Officer Thomas Tarantino in the Line of Duty (shot and killed) while serving the community.

### **CITY MANAGER**

8. Consideration of a resolution amending the City Attorney Retainer Agreement to increase hourly rates. [J.Jakel/17.00.02]

Interim City Manager Jim Jakel presented the staff report, noting this is the first raise since 2002, other than adjustments based on the consumer price index (CPI). He also indicated the written report included a comparison with rates paid by other jurisdictions who use the services of a contract attorney. He gave an estimate of the annual cost to the City from the higher rate.

Mayor Schroder noted that Mr. Walters has been with the City since before he was mayor. He expressed surprise that there has been no increase in rates since 2002. He also was appreciative of the institutional knowledge that Mr. Walters has of the history of the City.

Councilmember Ross agreed with Mayor Schroder that the City has long benefitted from the very fair rate for such a knowledgeable attorney.

On motion by Debbie M<sup>c</sup>Killop, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 038-16 amending the City Attorney Retainer Agreement to increase hourly rates. Motion unanimously passed 4 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; Rob Schroder, Mayor.

9. Authorize the Interim City Manager and City Attorney to prepare an Access Agreement with Prop SF and Almar Marina Management Inc. ("Almar") to allow use of the Martinez Marina guest dock and a portion of the parking area for private charter ferry service from the Martinez Marina by Prop SF. [M.Chandler/14.02.12]

Interim City Manager Jakel started the presentation stating this was exciting news and a great proposal for the Marina and eventually for the entire Martinez Community. He requested Mike Chandler, Assistant to the City Manager review the details and access agreement between the City, Prop SF, and Almar.

*\*Vice Mayor Avila Farias entered and was seated at the dais at 7:30 p.m.*

James Jaber, Prop SF, discussed the benefits of the ferry service, including potential future expansion into the public sector and bringing ferry users into the underutilized area of the City.

Mayor Schroder expressed excitement at the possibilities and appreciation for Prop SF.

Councilmember Ross agreed and was grateful for the opportunity being offered to the City, he had long thought Martinez was ideal for ferry service. He also noted that a big operation was not necessary or cost effective, but a small private service was a good start. He expressed confidence as well that an operable ferry system would be beneficial to the City especially in the event of an earthquake. He noted that Martinez was originally established as a ferry stop to assist gold miners.

Councilmember DeLaney expressed appreciation for the innovative service being offered.

Councilmember M<sup>c</sup>Killop thanked Prop SF for including Martinez; she was especially grateful for the potential to expand service into the public sector in the future.

Vice Mayor Avila Farias said she was also excited about the opportunity to put Martinez back on the map and to revive a portion of its history.

Mayor Schroder opened public comment on the item.

Robert Moseley acknowledged it was exciting to think about the benefits from adding ferry service, but he had some concerns about the 5-year contract which he discussed. He also commented on the existing emergency response system.

Kathy Reichert was optimistic about potential ferry service. She discussed her involvement in teaching/leading water programs, noting her regret that even though Martinez is a waterfront City, she has to go elsewhere to hold her classes due to current conditions at the marina.

Nancy Neunan indicated that Martinez Rants and Raves was doing a live broadcast of this meeting. She shared a question regarding who will fix the pier to make it presentable for ferry use and how will it be paid for. Mayor Schroder explained minor improvements will be made, but the City is currently working on a master plan that will include the marina and waterfront area; and the City hopes to make necessary repairs when funds are available.

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

Mayor Schroder discussed the insurance provision mentioned by Mr. Moseley, noting it is not uncommon to include protection for "also insured." He confirmed the City Attorney will be reviewing the contract and other paperwork to be sure Martinez' interests are protected.

Councilmember Ross clarified his earlier comments were not related to emergency service and first responders, but to everyday transportation needs following an earthquake.

Councilmember DeLaney commented on flooding issues in the area, and she was appreciative of the City's indemnification; but she questioned whether there should be additional signage to make people aware of the potential for flooding. Mayor Schroder agreed.

Councilmember DeLaney asked whether consideration should be given for the City to share in any economic benefit to the marina resulting from the ferry service.

Councilmember Ross acknowledged there might be financial benefit to Almar, he pointed out the City will benefit when the service is established and more customers are brought. He also noted that when usage is demonstrated, there may be other funding sources for making further improvements.

Interim City Manager Jakel agreed the revenue arrangements will change when/if the public sector expansion happens. He acknowledged the City faces some risks, but the potential benefit makes it worthwhile.

On motion by Lara DeLaney, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, to approve authorizing the Interim City Manager and City Attorney to prepare an Access Agreement with Prop SF and Almar Marina Management Inc. ("Almar") to allow use of the Martinez Marina guest dock and a portion of the parking area for private charter ferry service from the Martinez Marina by Prop SF. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

4. Motion to approve appointment of Brad Kilger as the new City Manager, approve the City Manager employment agreement, and authorize the Mayor to execute same. [J.Jakel/17.00.01]

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

Interim City Manager Jakel confirmed Mr. Kilger's start date as June 13, if not sooner.

On motion by Lara DeLaney, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, approve appointment of Brad Kilger as the new City Manager, approve the City Manager employment agreement, and authorize the Mayor to execute same. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

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

Interim City Manager Jim Jakel confirmed the Council meeting of May 18th has been canceled and the next regular meeting will be June 1st. He confirmed the joint meeting with Mt. Diablo School District on May 16th at Hidden Valley Elementary at 7:00 p.m. Mr. Jakel reported Police Chief Manjit Sappal will be Acting City Manager until the new City Manager arrives.

Interim City Manager Jakel stated this was his last meeting, and said it has been a pleasure to serve the City again. He also introduced new Finance Manager Cindy Mosser, stating she is a wonderful addition to the staff. He encouraged the Council to stop by to meet her.

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

#### **CITY COUNCIL**

11. Authorize staff to proceed with the current design of Waterfront Park that includes the expansion of Field 3 for "Championship" use and the flexibility to add bleachers to accommodate approximately 600 spectators. [T.Tucker/10.05.03&11.05.13]

City Engineer Tim Tucker presented the staff report, discussing the history, current plan for the project design, estimated costs, and the usage demands Field 3 will help meet.

Mayor Schroder commented on past hopes for a minor league team to come to Martinez and expressed regret that it will not happen in the near future. He also noted that although there was public support for a dog park or a pickle ball court, the cost to amend the plan to include them was too high. He indicated his support for the plan as presented.

Councilmember Ross agreed, especially since there is still a possibility to expand Field 3 for further improvements in the future.

Councilmember DeLaney said she thought the proposed design was a good compromise as well. She questioned however, whether the composition of the field will affect future uses or be affected by them. Mr. Tucker explained how the composition will provide flexibility for the field's use. He also confirmed plans for ADA improvements for the concession stand area.

Vice Mayor Avila Farias indicated she also was supportive of the more flexible, adaptive plan, based on the future master planning for the marina and the City's future needs.

Councilmember M<sup>c</sup>Killop agreed as well that the proposal was a good compromise with room for growth in the future.

Mayor Schroder opened public comment on the item.

Kathy Reichert expressed concern about parking for the 600 spectators that the bleachers will accommodate. Mayor Schroder clarified the expanded bleachers will not be added at the current time.

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

On motion by Lara DeLaney, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, authorize staff to proceed with the current design of Waterfront Park that includes the expansion of Field 3 for "Championship" use and the flexibility to add bleachers to accommodate approximately 600 spectators. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

## 12. Council Subcommittee Reports.

Vice Mayor Avila Farias noted there will be a Public Safety Subcommittee meeting in June.

## 13. City Council Comments.

Councilmember Lara DeLaney announced the Cemetery cleanup on May 14th at 10:00 a.m.

Councilmember Mark Ross expressed his appreciation to Mr. Jakel for all his assistance and commented it has been a pleasure to work with him.

Vice Mayor AnaMarie Avila Farias thanked Mr. Jakel for his professionalism, guidance, civic duty to Martinez, and his knowledge. She asked for an update on the Alhambra Highlands. Mr. Jakel stated the City is still involved in the negotiation process, and indicated in the Closed Session the Council has allowed him the opportunity to work on special projects through June 13; he will be following up on this item and a few others.

Councilmember Debbie M<sup>c</sup>Killop stated she felt privileged to work with the legendary Jim Jakel and hopes there is room for him to come back in some capacity. She noted he has been instrumental in the short time he has been with the City and has done so much. Councilmember M<sup>c</sup>Killop gave a shout out to all those who participated in Earth Day, which she stated was a wonderful event.

Councilmember DeLaney asked staff if the City is on track with some of the public works projects such as the Berrellesa Street Bridge project and road work. Deputy Public Works Director Don Salts stated that there is a ground breaking ceremony on May 20th at 10:00 a.m.

He also reported that staff has met with VSS International, who is the contractor for the 2015-16 Paving Rehabilitation Project, which will begin on May 17th. He further indicated that patch paving has already started in anticipation for the next phase and described the process. Mr. Salts noted information and locations of the projects are listed on the City's website. City Engineer Tim Tucker stated the City will be going out to bid on a \$2 million Water Replacement Project very soon.

Councilmember DeLaney asked if water conservation is still needed and Deputy Public Works Director Salts stated yes, the project that was mentioned at the last meeting is still in process and we should be able to bring our system back and online at the end of next week.

Councilmember Ross wanted to know about the Center Avenue overpass. Mr. Tucker stated he will be taking handicap ramp drawings to Caltrans and as soon as the encroachment permit is received, staff will make new handicap ramps this summer.

Mayor Rob Schroder expressed concern about the banners at Court Street, Pine Street, Center Avenue, and at entry ways in different parts of the City, which were installed about 12 years ago, but are now torn and tattered. He requested they all be taken down until the time comes when the City starts talking about economic development, when another banner program can be considered. Mayor Schroder asked Council to consider doing some polling with respect to a sales tax measure for the November ballot for infrastructure repair. He also stated that he intended to make Commission appointments in June, and asked the Council to send the spreadsheet back with their comments as soon as possible. Mayor Schroder also expressed his appreciation to Mr. Jakel, agreeing it has been great, he has a wonderful demeanor and he thanked Mr. Jakel for all he has done for the employees.

## **ADJOURNMENT**

Adjourned at 8:17 p.m. to a Regular City Council Meeting on June 1, 2016 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 – 6/1/16