Regular Meeting
October 19, 2016
Martinez, CA

I. CALL TO ORDER

Mayor Rob Schroder called the meeting to order at 6:05 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, with all members present except Councilmember DeLaney, who was excused and 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 the Board Room.

III. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

A. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One potential case.

B. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One potential case.

IV. RECONVENE – PLEDGE OF ALLEGIANCE – ROLL CALL

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers and reported that a Closed Session was held with respect with to Legal Counsel--Anticipated Litigation. He noted that direction was given to legal counsel.

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

EXCUSED: Lara DeLaney, Councilmember.

ABSENT: None.

PRESENTATION(S)

A. Presentation by New Leaf Collaborative.

Dr. Rona Zollinger, New Leaf Collaborative (NLC), reviewed their mission statement. She indicated that NLC receives funds from the City of Martinez, Martinez Unified School District, and other agencies and sponsors to provide educational services for Martinez schools focusing on water quality and conservation, and beverage container recycling.

Susie Hammond, NFC Business Director, reviewed the mutual goals, educational plan for high school learning, community science workshops and the rainwater catchment system maintenance, and integrated pest garden, etc.

Tina Wong, NFC Ecoliteracy Peer Mentors, explained that their students are trained to teach ecology lessons to elementary school students through the District. Ms. Wong noted that last year, they taught 1,866 students and reviewed the highlights of the program.

Shelby Botan and Jose Pratt, students of NLC, spoke on their experience in the program and provided a skit on "trash, compost, and landfill."

Dr. Zollinger summarized the Integrated Watershed Education Plan from 2015-16 and the goals for 2016-17. She thanked Mike Chandler, Assistant to the City Manager, for the recycling funds and Tim Tucker, City Engineer, for the watershed funds.

Councilmember M^c^Killop thanked those who participated in the presentation including the students who shared the skit. She noted she studied environmental science when she was in college (30+ years ago), but it was not supported then like it is now. She was appreciative that young students are being taught the important lessons on recycling/environmental issues.

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

Tom Lewis provided an update on the Bay Area Air Quality Management District's recent board meeting. He noted they already passed the monitoring of fence line emissions from the refineries and now they are deliberating on how to move forward on capping or limiting green house gasses and other toxins. He urged the Council to support Councilmember Ross and the Board in trying to keep the air as clean as possible.

Robert Moseley questioned the Mayor's recent support for current Supervisor Glover (not from Martinez). He did not understand why he wouldn't support Vice Mayor Avila Farias who is running for Supervisor and is from Martinez and works for the public good. He commented on actions by the Mayor that he thought were not in the best interest of the City and others that should have been supported, but weren't. Mayor Schroder replied that each member of the Council is free to make their own decisions about who to support. Mayor Schroder added that the mailer in question was not done with his authorization and the information about a $40,000 fee was inaccurate because the Council voted to waive the fee.

Norman McDonald asked to know the status of the red curb painting on Shell Avenue. City Engineer Tucker indicated that the parking signs were tweaked and made more visible and recommended the curb not be painted red because of traffic hazards that could be dangerous to employees who have to maintain it. Mr. McDonald disagreed and insisted on the curb to be painted red. He noted it is not a money issue, but a safety one. City Manager Brad Kilger expressed his agreement with the actions taken by staff, but indicated if the Council wishes them to do differently, they would follow their direction. Chief Sappal stated that parking enforcement will be made and if illegal parking is observed, citizens can call the Police Department. Councilmember Ross explained no further action can be taken by the Council at this time, but the Council will follow up with staff and perhaps agendize the item for a future meeting. Mr. McDonald also expressed concern about traffic backing up from D Street when school is in session.

Joel Corral spoke on the political flyers that he received presented by the Mayor and two Councilmembers concerning AnaMarie Avila Farias. Mr. Corral asked for the documentation and answers to his questions regarding the $40,000 that supposedly was pocketed and why the Council didn't fight to get the money back. If this is not accurate information, he questioned why the statement was made. He noted he contacted Vice Mayor Avila Farias' campaign committee regarding the bankruptcies and they claim there is no truth. He asked the Council to provide documentation to the citizens. Mr. Corral mentioned he finds it disturbing why some would demean Ms. Avila Farias' job as a Program Analyst for the Housing Authority. He didn't understand why her dedication of 25 years in finding affordable housing for those less fortunate makes her not qualified to work as a supervisor.

Mayor Schroder reiterated that he had no knowledge of the mailer until it arrived in his mailbox and will write a letter to the editor or otherwise make a public statement to that effect.

Councilmember Ross agreed the wording in the mailer was incorrect. Vice Mayor Avila Farias did not profit at the expense of the City - fees that had been earlier imposed were waived by the Council. He also indicted he, nor the Mayor, had anything to do with the mailer and asked that any copies on the counter be removed as political discussions are not allowed during election times.

Gus Kramer expressed appreciation for Mayor Schroder and Councilmember Ross clarifying their lack of involvement with the mailer, but noted it might have been better if they had made immediate public statements to that effect. Mr. Kramer thanked Dave Scola and Tim Tucker for making long-needed improvements to West Arlington Way. He also pointed out that Vice Mayor Avila Farias increased the assessed value of the property that she developed and thus increased revenue to the City. He noted that in all his years as a County employee, he never seen a worse Supervisor than the one the Mayor endorsed.

Rich Verrilli commended Vice Mayor Avila Farias for taking a neglected site and putting 8 beautiful homes on it and noted that the downturn in the economy had its impacts on them as well. He encouraged Mayor Schroder and Councilmember Ross to consider following up their disavowal by considering legal action toward whoever issued the erroneous document. He discussed some of Supervisor Glover's accomplishments during his 16 years in office.

Isidro Farias, husband of Vice Mayor Avila Farias, read a statement regarding the mailer and the actions of Mayor Schroder and Councilmember Ross in presenting inaccuracies to the public. He reviewed the history (as recorded in City public files) regarding their housing development particularly regarding the purported affordable housing fee, and read from relevant City Council minutes. Mayor Schroder again expressed his regret at the mailer using his name in the inaccurate statements.

Councilmember Ross acknowledged the accuracy of Mr. Farias' statement and he agreed with the rest of the Council to release them from the $40,000 voluntary affordable housing contribution in view of the economy at the time, and the family's positive contribution to the City.

Gary Freitas commented on the importance of honesty in the public process. He also noted there has been too much lying by public speakers impugning the character and motives of others.

CONSENT CALENDAR

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

1. Motion approving Council Minutes of September 7, 2016. [M.Cabral]

2. Motion approving Check Reconciliation Register(s) 09/08/2016; 09/22/2016; 10/06/2016. [C.Mosser/2.1.1]

3. Motion accepting the City's Real Property Surplus list. [T.Tucker/5.10.00]

4. Resolution No. 086-16 authorizing the City to join the California Enterprise Development Authority (CEDA) as an Associate Member and authorizing CEDA, through Figtree Financing, to offer their program and levy assessments within the City of Martinez. [M.Chandler/30.09.00]

5. Resolution No. 087-16 allocating $10,000 of Water funds for the Martinez Unified School District's New Leaf Water Conservation and Rainwater Harvesting collaboration. [T.Tucker/ 6.10.01&15.02.01]

6. Resolution No. 088-16 authorizing City Manager to submit a grant application to Contra Costa County for Park Impact and Park Dedication Funds in the amount of $350,000 for Waterfront Park Tot Lot area Restroom and Improvements. [T.Tucker/11.05.07]

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

On motion by Mark Ross, Councilmember, seconded by Debbie M^c^Killop, Councilmember, to approve Item #A and Items #1 through #6 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: Debbie M^c^Killop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

PUBLIC HEARING(S)

CHIEF OF POLICE

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

CITY MANAGER

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

City Manager Brad Kilger introduced Anne Cardwell, new Assistant City Manager. Ms. Cardwell stated she came from the City of Benicia and was very excited to be here. She further stated she looked forward to working with the Council and staff.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

9. Consider and approve the timeline/workplan for Alhambra Highlands negotiation process. [J.Jakel&V.Nebb/9.05.01.30]

City Manager Kilger presented the staff report, giving an overview of past actions by the Council, the appointment of consultant Jim Jakel (whose work as a consultant has included this project), the draft workplan developed by Mr. Jakel and Assistant City Attorney Veronica Nebb, and the period within which the process needs to be completed, although he indicated there is the possibility of an extension of time. Mayor Schroder added that there are various options in the agreement that allow for the extension, which is not uncommon for a project of this type. He thanked Mr. Kilger and his staff for the summary report and anticipated timeline for the future.

Vice Mayor Avila Farias thanked staff as well, acknowledging the timeline, but expressing the hope that it will require a shorter amount of time than anticipated. She also requested updates be given to keep the Council on point regarding the status and any issues that may arise. She asked that a process be developed to allow for public involvement, especially the Alhambra Highlands Citizen Committee. Overall, she was glad to see the progress finally being made. Mr. Kilger said he would be glad to give updates as the Council wishes, although he would rather the first one not be until December. He also agreed to look at the process closely to see where the community involvement would fit.

Vice Mayor Avila Farias noted there may be ways for the Citizen Committee to provide assistance to staff in the process, given their experience and knowledge of the area. She expressed concern that past discussions by the Council have not always been done in public and she wanted to be sure there is a more open process from this point on. Mr. Kilger replied that during the negotiation and funding processes, there are issues that require the Council to meet and discuss the project in private; but as soon as it is possible, the process will become more public. He suggested the second meeting in December as the date for the first report to the Council. Mayor Schroder observed that the first December meeting would be the Council reorganization meeting, so the second meeting would be better for the update on the project.

Councilmember Ross said he would like to discuss the project with Mr. Kilger before the December meeting and asked how best to handle it. Mr. Kilger said if the Council wants and the City Attorney agrees, he could put a closed session item on the agenda for a meeting between now and the second December meeting for discussion.

Councilmember McKillop agreed with Vice Mayor Avila Farias' comments regarding the importance of meeting the timeline, even though there is some flexibility and potential to extend the dates if necessary. She also expressed support for an action plan and for having as much public involvement in the process as possible.

Mr. Kilger thanked Mr. Jakel for the work that he contributed to the process thus far.

Mayor Schroder opened public comment on the Item.

Mandy Mauerman, Martinez resident, thanked the Council for their support and efforts to have a plan in place to help save the hills. She indicated the Alhambra Hills Open Space Committee is ready and willing to assist as needed.

Jill Penman, Martinez resident, expressed her support for the plans and goals that have been developed for the preservation of the hills and the legacy the project will be for future generations. She commented on the time that has been spent on the project and said she was encouraged by the information presented tonight.

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

On motion by AnaMarie Avila Farias, Vice Mayor, seconded by Debbie McKillop, Councilmember, to approve the timeline/workplan for Alhambra Highlands negotiation process. Motion unanimously passed 4 - 0. Yes: Debbie McKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

10. Prioritizing potential dog park location(s) and direct staff to return 1) for final selection of future dog park site after preliminary design and cost analysis is completed for each site and 2) with preliminary funding recommendations and maintenance costs. [T.Tucker/11.01.00]

City Engineer Tim Tucker presented the staff report, discussing background history on the issue, current goals, potential sites for a dog park, evaluation of each site, and next steps in the process.

Mayor Schroder asked for more information on the Berthers site and the Waterfront Road open space, which Mr. Tucker discussed. Mayor Schroder commented on the many issues involved in making a decision as a Council including public input, regulatory issues, environmental issues, and parking, grading, drainage, etc. He expressed concern that actions taken related to a dog park site to not limit the Council with regard to development of a master plan for the Marina & Waterfront.

Mayor Schroder expressed his preference for the Yacht Club site, the Berthers site, or the Alhambra Avenue Detention Basin.

Councilmember Ross agreed with Mayor Schroder, although he acknowledged there could be some potential BCDC (Bay Conservation & Development Commission) issues with sites too close to the water. He also asked whether the spoils basin was considered, and Mr. Tucker reviewed some of the concerns with that site. Commissioner Ross commented that developing a dog park should be simple, not complicated and favors a quicker process rather than a fancier one. He also noted there are some opportunities for public/private sponsorships.

Vice Mayor Avila Farias said she would like to hear public comment before making her own remarks.

Councilmember McKillop indicated she was interested in public comment also. Although she appreciated the work done by staff, she wanted to hear the public's reactions and priorities, as well as staff's evaluation of the issues raised by Mayor Schroder and Councilmember Ross. She thought it was important to have a site near the waterfront, but away from the downtown too. She liked Berthers, but expressed concern about that site and Waterfront Road from a public safety standpoint (crime).

Mayor Schroder opened public comment on this Item.

Marlene Lerner Bigley, Martinez resident, indicated her support for a dog park in Martinez, but she agreed that a remote location ("in the boonies") was a not a preferred site. She thought the Yacht Club or Berthers would work; however, she was concerned about the length of time it has taken and will take to make the dog park a reality.

Kristina Reicht was also concerned about using a remote site. As the owner of a small dog, she was especially concerned about potential toxins. She commented on the timing it has taken for this process to date with nothing finalized. She noted the citizens group would even settle for a temporary site while considerations continue for a final, best site.

Melissa Mohoi asked about Item #6 on the Consent Calendar, regarding a grant application for improvements to the Waterfront Park area. She asked why those improvements were not covered by Measure H. She also asked why the area next to the soccer field wasn't considered, and discussed different aspects of the dog park that volunteers are willing to help with including fencing, sod, benches, etc. She expressed frustration with the process, sites that were chosen and evaluated, and others that should've been considered but were not.

Regarding Item #6, Mayor Schroder explained that the remaining funds from Measure H were already being used for ball fields, which is why the grant application is being made.

Michael McGrath expressed appreciation for the work that has gone into the process thus far. He disagreed with Councilmember Ross, however, that quicker was better than fancier - he believes a project worth doing is worth doing right. He thought the Waterfront Park is too far, the Detention Basin doesn't have enough parking and no bathrooms, but the Berthers site would work. He also expressed willingness to help in any way, even digging ditches if necessary, to get the job done.

Rob Prolek expressed his support for the Waterfront Park, given the variety of activities there already, not to mention the many dog owners who already bring their dogs.

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

Councilmember Ross asked about the use of the soccer field and Mr. Tucker confirmed it is used for soccer practice and baseball. He explained the field was not considered because the goal has been to find a site that will not displace other activities. Councilmember Ross commented on the size of the soccer field. He also asked about the horseman's facility and Mr. Tucker explained that East Bay Parks' staff indicated it has been relocated once and they don't want to do it again.

Councilmember Ross expressed that it would be good to get a site up sooner, but not like the ones that are used for competitions. However, after getting one completed, it would always be possible to add another one later with more features.

Vice Mayor Avila Farias expressed appreciation for all the work done by the dog park supporters. She thought a downtown site would be best, probably the Yacht Club parking lot area because it won't be part of the Master Plan area. She didn't think the Waterfront Open Space had much support; and although the Berthers site might work temporarily, she was concerned that it will need to be considered as a prime location under the Master Plan process. For long-term, however, she thought the Yacht Club parking lot would be best, and the final park should be done well and done right even if can't be done quickly. Her third choice would be the Detention Basin.

City Manager Kilger agreed it would be good to have a short-term option as well as a long-term. He acknowledged there are issues to resolve with any of the sites and indicated that forming a nonprofit to manage the financing might be best. He discussed how to approach the temporary use of the Berther site if that's how the Council sees it, and acknowledged the competing issues with the Marina Master Plan.

Mr. Tucker summarized the Council comments: they prefer the Yacht Club site, but were concerned about the permitting and the time involved; Berthers' site could work temporarily, but acknowledged the Master Plan process may eventually choose a different use.

Mayor Schroder mentioned a third site, the detention basin, outside the Marina area.

Councilmember McKillop admitted she had no experience with getting permits, etc. from regulatory agencies, but indicated she would be willing to try if pointed in the right direction. She thought it was important to get things going on that end and felt the Yacht Club site was preferable.

There was discussion between staff and the Council regarding a potential timeline and permitting requirements for the different options.

On motion by AnaMarie Avila Farias, Vice Mayor, seconded by Debbie McKillop, Councilmember, to approve moving forward with the Berthers' parking lot as a temporary pop-up dog park, while at the same time, begin the process of working with other agencies in obtaining permitting for a permanent dog park at the Yacht Club parking lot, as well as entertaining a third dog park site at the Alhambra Basin. Motion unanimously passed 4 - 0. Yes: Debbie McKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

11. Consider and accept report on the status of the Campbell Theater. [M.Chandler/9.12.07]

Assistant to the City Manager Michael Chandler presented the staff report reviewing the history of the Theater, legal issues that arose, advice given by the City Attorney regarding the options the City should take, and the current status of the City's relationship with the Theater.\

Mayor Schroder opened public comment on the Item.

Noralea Gipner expressed concern about the City spending money on the Theater when there are other, more important needs.

John Stevens, a supporter of the arts, expressed concern about the ineffective way the Theater has conducted its business. He urged the Council not to approve any more funds for the Theater.

Courtney Masella-O'Brien also agreed that the City should step out of the process; she did not think there was a cost benefit for the City to continue to spend money in this area.

Mark Hines, Boardmember of Onstage and manager of the Campbell Theater, reminded the Council that the issues raised tonight are no different than before and the Theater has honored its commitment to the City and to the community. He did not think it was wise for the City to even consider not following through with the lease.

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

Mayor Schroder pointed out that this is an informational item only and no action is to be taken by the Council at this time. He acknowledged it has been difficult to wait over a year while the legal issues were settled, but was not supportive of reconsidering the item.

Vice Mayor Avila Farias noted she did not vote for the City to enter into an agreement with the Theater given the serious infrastructure needs, staffing, and organizational issues facing the City. She thought there were other ways the City could support the arts.

Vice Mayor Avila-Farias moved to have the item re-agendized and considered again at a future meeting. Councilmember M^c^Killop seconded the motion.

Councilmember Ross disagreed, noting that the Marina will be operating as a business in a lease with the City and it is a greater risk to the City than a lease with the Campbell Theater. He commented on the benefit that the Theater brings to the downtown — to businesses and to the community as a whole.

Councilmember M^c^Killop agreed the arts should be supported in Martinez, but voted against the lease because of the conditions. She agreed with Vice Mayor Avila Farias that it should be reconsidered.

Vice Mayor Avila Farias said the public should be involved in any discussions about the Theater. Assistant City Attorney John Abaci explained that a motion for reconsideration of the item should have been done on the following meeting after the approval. Vice Mayor Avila Farias expressed frustration that she was not aware of the terms or the status of the Theater entity and why would it not be possible to reconsider it now.

Mr. Abaci said her concerns were a legal issue, not a procedural one; staff was not prepared to address the issue now.

Mayor Schroder pointed out that with two Councilmembers in favor of the Vice Mayor's motion and two opposed, the motion fails anyway.

Report accepted and filed.

12. Council Subcommittee Reports.

13. City Council Comments.

Councilmember Debbie McKillop reported on the City Employee Appreciation Breakfast held recently. She commended those involved in organizing and planning the event and recognized all staff for the work they do every day on behalf of the City. She mentioned the ribbon-cutting for the Hidden Lakes soccer fields and indicated how nice it was to see something completed and people enjoying the new facilities. Councilmember McKillop stated she looks forward to the day that there can be a ribbon-cutting for the golf course.

Vice Mayor AnaMarie Avila Farias also commended the organizers of the annual City Employee Appreciation Breakfast and expressed appreciation to all staff, especially those celebrating milestone years with the City.

Councilmember Mark Ross acknowledged staff as well for all their hard work done willingly and pleasantly. He especially appreciated the fact that they help the Council look good too.

Mayor Schroder noted that Martinez hosted the Contra Costa Mayors Conference last week in these Chambers with a dinner reception held in the plaza. He commented that he heard many positive remarks about the event and the City and was proud to be the Mayor. He thanked everyone involved with the event, as well as all the hardworking City staff. He indicated that the meeting would adjourn in memory of three individuals: Jackie Heath, Arna Segerquist Morse, and Paul Wilson. Mayor Schroder and Councilmember Ross reviewed the accomplishments of each.

ADJOURNMENT

Adjourned at 9:50 p.m. *in memory of Martinez residents Jackie Heath, Arna Segerquist Morse, and Paul Wilson*, then to a Regular City Council Meeting November 2, 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 – 11/16/16