

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

Mayor Rob Schroder called the Meeting to order at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

- A. Presentation of Certificates of Recognition to former Park, Recreation, Marina, and Cultural Commissioners John Fuller and Gay Gerlack; and former Contra Costa Transportation Agency Citizens Advisory Committee Member Richard Evans.

Mayor Schroder, on behalf of the City Council, read and presented "Certificates of Recognition" to Richard Evans, John Fuller and Gay Gerlack. He expressed his appreciation to Brian Killian, former Design Review Committee member, who served from October 2014 through June 2016, but could not be present.

- B. Proclamation proclaiming November 2016 National Hospice Palliative Care Month.

Councilmember Debbie M^cKillop, on behalf of the Mayor and City Council, read and presented the Proclamation to Beverly Maechling, Hospice of the East Bay.

Ms. Maechling expressed appreciation for the proclamation and announced the 30th Annual Tree of Lights event to be held on November 12th on Morello Avenue. She also introduced Committee members Irene Merkel, Jim Fredericks, and Marlene Haws and recognizing their work with the Tree of Lights event. She also noted that Martinez has a higher degree of involvement with the Tree of Lights than any other city.

- C. Canine Presentation – Police Department.

Commander Eric Ghisletta provided background on a community fundraiser to purchase a new canine for the Department. He noted the fundraising was started by two individuals, Seth Kozlowski and Lenore Delfino. He also reported that over \$13,000 was raised and additional funds came in later so the department was able to get a second dog. Commander Ghisletta presented Officer Tom Brenig and his K9 "Brute" and discussed Brute's background, temperament, training, and skills.

D. “2016 Recycling Champions Eco Awards” with Republic Services.

Assistant to the City Manager Michael Chandler provided a summary of the recognition program for local businesses, briefly discussing last year's program and changes made this year. He noted that this year three were being recognized with Eco Awards and one individual award for the Cool California Challenge. He also indicated that their trophies were made from recycled materials. He turned to Marie Knutson of Republic Services to make the presentations.

Ms. Knutson stated she was honored to present the Eco Awards to businesses that do so much to save the environment. The 1st place award was given to Loaves and Fishes. She commended Loaves and Fishes for their leadership and their programs, noting they have more items leaving their building through recycling than they do in the garbage. David Gerson, Loaves and Fishes, recognized and thanked his staff for their efforts. He noted they keep having to order more recycling bins and there is little trash left over.

Ms. Knutson recognized the 2nd place winner, Barrelista Coffee House. She noted they also have more recycling than trash leaving their business and expressed appreciation for their efforts toward reuse of their products, including art in front of the store that is made from recycled materials, and progress toward becoming a green business. Owner Arash Pakzad accepted the award.

Ms. Knutson recognized the 3rd place winner, John Swett Elementary School. She commented on their proactive approach, noting they already had a program in place before she ever visited their school. She commended the Green Team of students from the school and their work with teachers and other students, as well as school staff and parent volunteers, ensuring recycling efforts are successful. Head Custodian Denise Palowski accepted the award.

Mayor Schroder recalled the Cool California Challenge sponsored by Energy Upgrade California - the goal of the challenge was for Martinez residents to help the City save energy, conserve water, and reduce greenhouse gas emissions. He stated the City was in sixth place, with 150 participants who earned close to 300,000 points by tracking and reducing their energy use and vehicle miles traveled. Steve Grubka was recognized as the top point earner with 16,274 points, and received an award for his individual efforts.

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

Gabriel Lemus, Chair of Contra Costa Council on Homelessness, announced Hunger and Homeless Awareness Week beginning November 12th. Mr. Lemus provided updates on homeless issues throughout the County, noting there are approximately 1000 homeless individuals living on the streets throughout the County. He also reported that in the last 5 years, there has been a 90% increase in homelessness for seniors and 35% increase in families with children. He urged cities to expand their outreach efforts, partner with other cities, or contact landlords to discuss types of rental programs to assist in sheltering individuals. He indicated there is a newly created housing fund which can help those who are transitioning out of homelessness.

David Gerson, Loaves and Fishes, commented that when they moved to their new location, there was some controversy expressed from the Senior Center across the street, but changed their minds and have now partnered with them. The facility shares food with the Senior Center and in turn, they organized a volunteer team that comes in once a month to cook and serve food. Mr. Gerson also stated he meets with Chief Sappal on issues especially those regarding the homeless. He thanked the Council and hoped that Loaves and Fishes is an asset to the community.

Richard Verrilli expressed concerns about inaccuracies in an article written by Mr. Wainwright that was published in the Gazette. Mr. Verrilli clarified certain aspects of the article regarding an affordable housing contribution made by AnaMarie Avila Farias.

Doug Van Raam asked why the City does not take efforts to restrict the sale of alcohol or cigarettes which causes more harm than Marijuana. He explained his friend was able to buy a lot of alcohol and consumed it, which caused him to commit suicide. He also informed the Council that he bought the name, "City of Martinez," and if the City wants to use his name, he is more than willing to allow that, but there needs to be a discussion.

Julian Frazer expressed his viewpoint on the \$40,000 voluntary fee requested from AnaMarie Avila Farias and her husband Isidro Farias, indicating there were many conditions placed on their property including the affordable housing fee. He thought it was inappropriate that one of the persons involved in the project was also on the Planning Commission who dealt with staff. He also expressed concern with the way the City handles the garbage franchise, indicating that residents are not required to do composting. Mr. Frazer further expressed concern with the Campbell Theater and found it interesting that a couple of Councilmembers tried to reconsider a motion, which only shows they are neophytes. He explained that the issues should have been raised when the City entered into the agreement with the Willows. He added that Onstage is a very good organization as they came in to help the City. He indicated he was very disappointed with Vice Mayor Avila Farias and Councilmember M^cKillop.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
 - 1. Motion approving Council Minutes of September 21, 2016. [M.Cabral]
 - 1.A. Motion denying Claim against the City by Brandy LaBrie, #16-09. [M.Cabral]
 - 2. Motion approving Check Reconciliation Register(s) dated 10/20/16. [C.Mosser/2.1.1]
 - 3. Motion accepting the Cash and Investment Report ending in September 30, 2016. [C.Mosser/2.1.1]
 - 4. Motion introducing an Ordinance amending Title 15, Buildings and Construction of the Martinez Municipal Code and adopting by Reference the 2016 California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, and the California Green Building Standards Code; and set a Public Hearing on November 16, 2016, to adopt same - CEQA exemption pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3). [D.Salts/9/16/02]

5. Resolution No. 089-16 authorizing destruction of City files pertaining to Community Development and Human Resources Division. [M.Cabral/40.10.01]

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

On motion by Lara DeLaney, Councilmember, seconded by Debbie M^cKillop, Councilmember, to approve Item A and Items #1 through #5 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

PUBLIC HEARING(S)

6. Conduct a public hearing for urgency ordinances pertaining to Marijuana Cultivation and Proposition 64 and adopt the following: [J.Walter/9.10.02&09.04.04.30]
 - A. Interim ordinance imposing a moratorium on the outdoor cultivation of nonmedical marijuana and make findings that said adoption is exempt under CEQA.
 - B. Interim ordinance imposing moratorium on the indoor cultivation of nonmedical marijuana, except under certain circumstances, and make findings that the adoption of said ordinance is exempt under CEQA.
 - C. Interim ordinance regulating the indoor cultivation of medical marijuana and make findings that said adoption is exempt under CEQA.

Police Chief Manjit Sappal provided the staff report, discussing the work of the City Council Public Safety Subcommittee, current legislation, the pending measure (Proposition 64) before California voters, and related actions the City can and/or should take regarding medical and recreational marijuana. He also reviewed the proposed ordinances.

Mayor Schroder discussed the League of California City meeting he and City Manager Brad Kilger attended in Long Beach, CA, with one of the topics being Proposition 64. He also commented on public areas banned from smoking, which will include recreational marijuana if it becomes legal. He promised to share written information on the issue and apologized for not having it available for this meeting.

Councilmember Ross questioned whether recreational use will legally be possible the next day, since the Secretary of State has to certify the results. Mayor Schroder said nevertheless there will be some that will start smoking it immediately. Councilmember Ross expressed concern about Martinez' older housing stock and the potential for fire from high powered lights that are needed for indoor grows, not to mention safety for the neighbors who choose to grow it outdoors should someone try to steal it.

Public Works Director Dave Scola commented on regulations regarding updates to electrical systems in homes, which will require permits and inspection of the new fixtures. Councilmember Ross suggested an educational campaign to ensure public awareness, and Mr. Kilger agreed.

Senior City Attorney Veronica Nebb noted that the proposed ordinance requires compliance with California Building, Electrical, and Fire Codes. Mr. Kilger pointed out that these ordinances do not require a permit for indoor or outdoor cultivation because of the staffing that would be necessary to handle the issuance of the permits and compliance requirements.

Councilmember DeLaney expressed concern about the maximum wattage of lights used for the growing and how well aware the public will be of the practical impacts of those limits, as well as requirements for ventilation and filtration systems. Mr. Scola confirmed that staff has information already available.

Mayor Schroder opened the public hearing.

Richard Verrilli asked whether the location of marijuana grows will be available to the public. Mayor Schroder said no, and noted the current ordinance bans outdoor growing of medical marijuana, and is still in force. He was unsure that the City could collect that information without raiding people's homes. Mr. Verrilli indicated he was more concerned about the police having the information, so they are aware when they are called to a home for another reason. He congratulated Councilmember DeLaney for bringing the issue up a few months ago, which has enabled the City to be on top of things now with these ordinances.

Attorney Ashley Bargenquast commented on her professional knowledge of compliance issues and said she thought outdoor cultivation should be allowed, and explained the advantages of outdoor growing. She also encouraged the City to consider allowing commercial cannabis activity in the City, both medical and nonmedical. She noted there is plenty of time to discuss the issues, as State licenses will not be available until 2018.

Tom Greerty expressed appreciation to Ms. Bargenquast for joining the discussion. He indicated he disagreed with her regarding outdoor growing and was appreciative that the proposed ordinances do not allow it. He discussed the end of Prohibition in the United States and the licensing and regulation of the manufacturing and sale of alcohol, and commercial taxation that resulted. He expressed concern that the use of marijuana will go up with the passing of Proposition 64 and potential health risks that could follow, which he regrets because California currently has the lowest smoking rate in the country. Mayor Schroder clarified that Proposition 64 will allow for private indoor cultivation for personal use, and the City cannot prohibit that.

Cristina Davis pointed out that cannabis is a summer crop, so there won't be immediate growing starting the day after the election even if it passes. She discussed her own garden where she grows vegetables and admitted she and her husband considered getting medical cannabis for their daughter when she was sick with cancer, but thankfully it was avoided. She expressed opposition to the ordinance(s) because she was concerned that the Council is trying to regulate the potential out of existence, in direct conflict with public opinion.

Doug Van Raam discussed his issues with the control of the old jail property, which he thought would be ideal for growing marijuana, as well as concerns about the address of 650 Pine Street (which appears to no longer exist). He reiterated his earlier statements that he has bought rights to the name "City of Martinez," which he indicated would trade to the City in return for the old jail property. He stated he would donate the marijuana grown to patients at the Veterans Hospital and expressed his desire to be a part of the Martinez community.

Seeing no further speakers, Mayor Schroder closed the public hearing.

Vice Mayor AnaMarie Avila Farias questioned the advisability of taking these actions a week before the election when the public will be considering the legalization of marijuana for recreational use. She was doubtful that there is an urgent need to take action and was concerned about the accuracy of the predicted impacts that are the basis for the proposed ordinances. She questioned why staff discouraged the Public Safety Subcommittee from additional discussions of the issue a few months ago, yet now this is before the Council as "urgent." She thought a public dialog process would have been a better forum for drafting the ordinance. She also asked how many other cities are taking similar action a week before the election.

Chief Sappal explained that when the Subcommittee was considering potential changes to the City ordinance, Proposition 64 was not on the ballot or details of what it would include. He added as well that not taking action now could limit what action the City will be able to take if Proposition 64 carries; the proposed ordinances are consistent with the City's current policies, they are not intended to be permanent and can be updated after the fact.

City Manager Kilger noted there are about a dozen cities in the Bay Area that have taken similar action in the last two weeks. He also pointed out that many times when legislation is enacted at the state level, cities find out the implications after the fact; this is a rare occasion to ensure local control by taking proactive steps beforehand.

Councilmember M^cKillop echoed Vice Mayor Avila Farias regarding the past work of the Public Safety Subcommittee and whether passing an urgency ordinance was the best course of action in this situation. She appreciated staff's response to their concerns, but wished the issue could have been handled differently.

Councilmember DeLaney thanked staff for their investigation of the issues and expressed support for the urgency ordinance to buy additional time to review and consider the potential components that should be included. She indicated her agreement with the ban on outdoor cultivation, but was supportive of allowing medical marijuana dispensaries in Martinez.

Councilmember Ross agreed and reminded the Council that Martinez had a similar process with medical marijuana and initially passed a moratorium on the number of dispensaries to allow for a comprehensive, public process in developing an ordinance that fits Martinez uniquely.

Mayor Schroder said he agreed with all three ordinances and pointed out it is important that Martinez have consistency in its regulations for recreational cannabis since there currently is a ban on outdoor growing for medical use. He reviewed the process followed for medical cannabis and pointed out the Council at that time was unanimous in its support for those policies.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve Interim Ordinance No. 1396 C.S. imposing a moratorium on the outdoor cultivation of nonmedical marijuana and make findings that said adoption is exempt under CEQA. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Interim Ordinance No. 1397 C.S. imposing moratorium on the indoor cultivation of nonmedical marijuana, except under certain circumstances, and make findings that the adoption of said ordinance is exempt under CEQA. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Interim Ordinance No. 1398 C.S. regulating the indoor cultivation of medical marijuana and make findings that said adoption is exempt under CEQA. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

CHIEF OF POLICE

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

Chief Sappal was happy to report three new hires: Stacy McPherson, Police Assistant, worked in the Sheriff's Office in Probation; Lorraine Hargrave, Records Clerk, came from City of San Francisco as a dispatcher and City of Vacaville Police Department; and Tatiana Montano, Police Officer, who was a dispatcher for City of Concord and went to the City of Stockton as a Police Officer.

CITY MANAGER

8. Climate Action Plan & Sustainability Programs Recap. [M.Chandler/30.08.00]

Assistant to City Manager Michael Chandler presented the staff report discussing key projects for the program, the successful organics recycling collection for residential and commercial customers, the CalRecycle Beverage Grant, the new bottle and can recycling cubes distributed in local parks and the downtown, the CYES program, electric vehicle charging station(s), additional educational opportunities through the schools, and the next steps. He also responded to questions from the Council regarding the composting program and the number and location of the charging stations.

The report was accepted by the Council with appreciation and commendation for the work accomplished.

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

Assistant to the City Manager Michael Chandler reported that due to accessibility, safety, and traffic noise, the Veterans Commission made a recommendation to the Park, Recreation, Marina & Cultural Commission (PRMCC) to consider moving the Memorial Day and Veterans Day events to the Ignacio Plaza (City Hall), from the "All Veterans Memorial" location. The PRMCC approved the request; staff will be informing the public and local newspaper(s).

Mayor Schroder noted he has attended many events at the All Veterans' Memorial and he acknowledged there were challenges with the site.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

10. Council Subcommittee Reports.

11. City Council Comments.

Councilmember Lara DeLaney announced the Soroptomist Club Bingo Bash is this Saturday, November 5th at 6:30 p.m. at the IBEW Hall on Arnold Drive; she urged the public to attend.

Councilmember Mark Ross took the opportunity to express how remarkably civil the candidates running for local office have been and commended all the participants.

Mayor Rob Schroder adjourned in memory of Martinez native and resident Patricia Bayless who passed away on October 12th. He noted Pat owned and operated Lasting Impressions Preschool for 18 years and was a graduate of Alhambra High School Class of 1965. She married Paul Bayless and raised their three sons Willy, Sean, and the late Jimmy Bayless in Martinez.

ADJOURNMENT

Adjourned at 9:00 p.m. *in memory of Patricia Bayless*, then to a Regular City Council Meeting November 16, 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 – 12/7/16

I. CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL

Mayor Rob Schroder called the meeting to order at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

A. California Youth Energy Services 2016 Program Recap.

Assistant to the City Manager Michael Chandler provided history on the program indicating this was the third year and acknowledged the following sponsors: Tesoro funded \$10,000, Republic Services funded \$5,000, Contra Costa Water District provided in-kind support, and the Boys & Girls Club provided use of their learning center to house the Energy Specialists. He introduced Molly McCobb, Regional Manager of Rising Sun Energy Center.

**Vice Mayor Avila Farias arrived at 7:06 p.m. and was seated at the dais.*

Ms. McCobb discussed the program and provided a Services Impact Report for the 2016 program, including impacts on the young people employed by the program and demographics of the people served. She reviewed the training that Rising Sun provides for young adults ages 15 to 22, who reach out to the community offering no-cost Green House Calls, and noted they received positive feedback from clients this year. She reported that 37,998 homes were served in 20 cities throughout the Bay Area, including 175 homes in Martinez. She added that at each Green House Call, energy specialists checked homes for efficiency, installed energy and water saving equipment, and provided personalized recommendations for additional potential savings. Ms. McCobb expressed her appreciation to the City and the program sponsors.

Mayor Schroder expressed appreciation for the program and the City's involvement. He noted that plans are already underway for next year.

Councilmember DeLaney was also supportive of the program and the benefits to the City and to the young people being employed by Rising Sun. She noted there are only a limited number of cities and students selected for the program, and was grateful Martinez was included as a partner.

Councilmember M^cKillop echoed other comments in appreciation of the program. She asked whether some of the youth employees were returning from the previous year, which Ms. McCobb confirmed. Ms. McCobb briefly discussed the different positions that were included.

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

Patty Lorick, Martinez Park and Recreation Supervisor, provided the Council holiday kits for the Holiday Frolic opening on Friday, December 2nd from 3:00 - 9:00 p.m. She explained the lights in each kit advertise the children's Light Parade and encourage the public to participate; adding that participants must call and reserve "lights" in order to walk in the parade. Ms. Lorick also announced the Ugly Sweater Contest to be held at 7:30 p.m. at Barrelista Coffee House, and urged the public to attend and bring a canned or boxed food item for the Food Bank. She noted that volunteers are still needed if anyone is interested.

Councilmember DeLaney expressed her appreciation to Ms. Lorick and staff for this event and all they do for the City. City Manager Kilger thanked Patty, Barbara, and the rest of the staff for their work on a wonderful Veterans Day Ceremony.

Vice Mayor Avila Farias also acknowledged staff's efforts and commented that the City is definitely the place to come to in Contra Costa County. She was especially appreciative of the holiday activities for families.

Marlene Lerner Biglay, Martinez Dog Park Committee, asked for an update regarding the budget for the dog park at the Berthers and Yacht Club parking lots. She also agreed Patty Lorick deserved praise for all she does for the City.

Jackie Johnston stated she was glad to see some decisions have been made regarding the dog park at the October 19th meeting and encouraged the Council to keep moving forward. She noted that the dog park group is willing to work with the City to build the dog park.

CONSENT CALENDAR

Councilmember DeLaney requested Item #1 be removed as she was not in attendance at the October 19th meeting and would recuse herself from that vote. Councilmember Ross requested Item #3 be removed from the Consent Calendar for further discussion.

- A. Motion waiving reading of text of all Resolutions and Ordinances.
 - 1. Motion approving Council Minutes of October 19, 2016. [M.Cabral]
 - 2. Motion approving Check Reconciliation Register(s) dated 11/04/16. [C.Mosser/2.1.1]
 - 4. Resolution No. 090-16 authorizing the City Manager to execute amendments to the consultant services agreement for the Martinez Intermodal Facility, Phase III project with NV5, Inc. (aka Nolte Associates, Inc.), dated May 21, 2012, most recently amended June 16, 2015, for an additional \$215,858 for design phase and construction oversight services. [T.Tucker/6.7.0]
 - 5. Resolution No. 091-16 rescinding and replacing the City's Policy against Discrimination and Harassment in the Workplace with the Policy against Harassment, Discrimination, and Retaliation. [M.Chandler/4.5.00]

Mayor Schroder opened public comment on Consent Calendar Items #A, #1 #2, #4 and #5.

John Stevens spoke on Item #5, Harassment, Discrimination, and Retaliation Policy, expressing appreciation that Martinez's policies are more progressive than most cities and City employees are treated better than those in other jurisdictions. He also thanked Mr. Kilger for taking on the review and update of City employee policies.

Seeing no further speakers, Mayor Schroder closed public comment on Consent Calendar Items #A, #1, #2, #4 and #5.

On motion by Mark Ross, Councilmember, seconded by Debbie M^cKillop, Councilmember, to approve Item #1 (Council Minutes) of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor. Abstain: Lara DeLaney, Councilmember.

On motion by Lara DeLaney, Councilmember, seconded by Debbie M^cKillop, Councilmember, Item #A and Items #2, #4, #5 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

3. Motion authorizing the Mayor to sign a response letter to the Contra Costa County Grand Jury Report No. 1614, outlining specific findings and recommendations on "Where we Live? The Affordable Housing Waiting List is Closed." [J.Reese/6.01.09]

Councilmember Ross commented on the importance of the report as a step in the right direction towards solving the regional housing crisis. He was appreciative of the recommendations in the report and efforts to find more affordable housing options. He suggested the report be put on the City's website.

Mayor Schroder opened and closed public comment on Item #3 of the Consent Calendar with no speakers coming forward.

Councilmember DeLaney noted there is a survey included in Appendix 1, but did not see the City's response to the survey. She said she would like to see how the City answered those questions, and also noted that the City currently has a housing fund that was established in 2006 with a balance of \$350,000.

Councilmember Ross questioned whether the City developed a housing ordinance.

Vice Mayor Avila Farias pointed out that the City has not met their affordable housing goals yet, in terms of number of units. She expressed that the City and the County have a lot of work to do still in regards to affordable housing. Mr. Kilger acknowledged there is more to be done for the City on behalf of affordability.

Councilmember Ross asked whether recommendation #2 should clarify that although the City does not yet have an inclusionary ordinance, it does have the Housing Fund.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, authorize the Mayor to sign a response letter to the Contra Costa County Grand Jury Report No. 1614, outlining specific findings and recommendations on "Where we Live? The Affordable Housing Waiting List is Closed" *as amended*. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

PUBLIC HEARING(S)

6. Conduct a public hearing on the Waterfront Park Renovation Project and consider the following: [T.Tucker/10.05.03&11.05.13]
 - A. Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Waterfront Park Renovation Project; and
 - B. Motion approving the Waterfront Park Improvement Project.

City Engineer Tim Tucker provided a PowerPoint presentation discussing the project team, CEQA (California Environmental Quality Act) process, public comment period, findings, potential environmental impacts, recommended mitigations, site plan, and action(s) requested tonight from the Council.

Mayor Schroder commented on the original area of the Waterfront Park all the way to the railroad, as well as lighting issues that have been debated for 30 years. He asked whether the impact on homes up the hill would be lessened because of distance, which Mr. Tucker confirmed.

Mayor Schroder also asked about noise impacts and Mr. Tucker discussed the later hours of play because of the proposed lighting. He reviewed some of the proposed mitigations as well, and explained that the light will go off automatically at 10:30 p.m., therefore, noise from that point on will be lessened. In response to a further question from Councilmember Ross, Mr. Tucker confirmed there are parking lot lights to ensure that participants can get safely to their cars.

Councilmember Ross asked about comparisons of the field lights with a bright residential porch light and Mr. Tucker deferred to the consultant team.

Ron Zeiger, P.E., Dillingham Associates electrical engineer and lighting specialist, discussed the lighting levels from residential homes, streetlights, proposed levels for the ball fields, and proposed mitigations. Councilmember Ross asked about affects on migratory birds and Mr. Zeiger noted the issue was from predatory birds and nesting sites.

Councilmember M^cKillop asked whether there was a way to design the poles to reduce perches for birds and resultant droppings. Mr. Tucker explained there was some concern about impacts to the field mice from the predators, but it was concluded the light poles are far enough away from the marsh and there should be no increased risk for the mice.

Mayor Schroder opened the public hearing.

Paul Craig (who also submitted a letter from himself and Kate Cox) noted that the Martinez General Plan states the waterfront is to remain unimproved and devoted to open space, which the Mitigated Negative Declaration reiterates. However, the subsequent plan for the park goes in exactly the opposite direction. He expressed concern that the poles will be visible all year round; and the lights on the poles will be visible from all areas in the City. He asked the Council to deny the proposal.

Kate Cox asked whether the Negative Declaration was correct when it stated the lights will be on until 11:00 p.m. Mr. Tucker acknowledged that was the original time on the Draft Negative Declaration, but later versions changed the time to 10:30 p.m. Ms. Cox commented on the noise impacts from the PA system that is currently used in the horse area of the park and was especially concerned about the impacts if another were to be installed at the ball field because of the proposed hours and potential for year-round use.

Christina Reich questioned whether the dog park was going to be included, noting it is not shown in the plans.

Seeing no further speakers, Mayor Schroder closed the public hearing.

Vice Mayor Avila-Farias asked whether Mr. Craig's comments had been addressed. Mr. Tucker deferred to the consultant team. Shanna Guiler, Associate/Environmental Planner, responded to Mr. Craig's comments about the stated intent for development at the park. She noted that the park is already there and so they did not consider renovations to violate the City's General Plan. She expressed that the same is true of the light poles - which they will be visible, but there are already other existing amenities in the same area. She explained further that they will not block the view nor degrade the scenic aspects.

Councilmember DeLaney asked about the proposed colors for the light poles and whether the colors can be chosen to match the existing environment. Mr. Tucker indicated that could be considered. Hai-Ping Mo, Landscape Architect, briefly commented on the colors of the light poles. Mr. Kilger reiterated that staff will look into the issue further.

Mr. Zeigler discussed the impacts of the brightly-lit grass in stark contrast to the unlit marsh area. He confirmed that it will be most evident from the homes that look down on the park and will be different from the existing night-time view. However, he indicated that he did not consider the glare from the grass to be a harsh look, nor will there be much reflected light. He acknowledged there could be a corona effect in some weather conditions that will occasionally make the lights more visible from far away.

Vice Mayor Avila-Farias asked why the Council should move forward on the proposal tonight if there is going to be additional vetting on the issues. Mr. Kilger explained tonight is the last time environmental impacts will be considered and if approved, the CEQA process will be completed and a final environmental report will be issued. In addition, he explained the environmental process needs to be completed. Mr. Tucker further added that completion of the environmental process will allow the City to complete its application to the East Bay Regional Parks District (EBRPD) for Measure WW monies to fund the project.

Councilmember DeLaney mentioned she was confused by the second action, which is approval of the Waterfront Park Improvement Project, and Mr. Tucker clarified there has to be a project in order for the environmental review to take place.

Mayor Schroder commented on the length of the process thus far, including approval by the Parks, Recreation, Marina and Cultural Commission (PRMCC) and the EBRPD. He discussed technological improvements that have improved lighting options overall and acknowledged there will be some impacts, but was confident the proposed mitigations will be effective. He indicated his support for the project.

Councilmember Ross said he approved of the environmental review and mitigation measures, as well as the project description. He noted these approvals would not keep the City from being able to tweak the project further as needed in the future, in relation to the lighting and a possible sound system.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 092-16 adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Waterfront Park Renovation Project; and motion approving the Waterfront Park Improvement Project. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

7. Conduct a public hearing and adopt Ordinance No. 1399 C.S. amending Title 15, Buildings and Construction of the Martinez Municipal Code and adopting by Reference the 2016 California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code, and California Fire Code as ratified; and make findings that said action is exempt under CEQA pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3). [D.Salts/9.16.02]

Public Works Director Dave Scola presented the staff report, discussing the different aspects of the California Code, including building, plumbing, electrical, mechanical, green building standards, and fire codes. He indicated each City is required to meet state regulations, whether passing their own versions or adopting state standards.

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

On motion by Debbie M^cKillop, Councilmember, seconded by Mark Ross, Councilmember, to approve Ordinance No. 1399 C.S. amending Title 15, Buildings and Construction of the Martinez Municipal Code and adopting by Reference the 2016 California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code, and California Fire Code as ratified; and make findings that said action is exempt under CEQA pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3). Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie M^cKillop, Councilmember; Mark Ross, Councilmember; AnaMarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

CHIEF OF POLICE

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

Chief of Police Manjit Sappal announced that the Martinez Lions Club will be presenting the Officer of the Year Award to Officer Miles Williamson on Thursday, November 17th at the Shell Clubhouse. He expressed his appreciation to the Lions Club for their support and for hosting the dinner as they do every year. He also announced the Civilian Employee of the Year Award to be presented to Dispatch Supervisor Josie London.

Chief Sappal mentioned the Contra Costa County Emergency Medical Services Award which was inscribed to the Martinez Police Department and will be presented to Sgt. Fred Ferrer for his life saving efforts at Forest Hills pool. He added this is the first annual survivors reunion, which recognizes Contra Costa County citizens who have had a near death experience in the last year, but were rescued by public safety personnel.

CITY MANAGER

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

City Manager Brad Kilger said he continues to be very impressed with the work of City staff on the many special events in the City. He noted he attended his first Veterans Day ceremony, and complimented the Martinez community on the event. He is also looking forward to the Holiday Frolic. He announced that his City Manager's Report can be viewed on the City's webpage and encouraged the public to sign up to obtain copies. In the meantime, his office is attempting to get information out to the community in a timely manner.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

10. Council Subcommittee Reports.

11. City Council Comments.

Vice Mayor AnaMarie Avila Farias complimented staff for a successful Veteran's Day ceremony. She indicated that the new location was much better and accommodates a higher attendance.

Councilmember Debbie M^cKillop echoed Vice Mayor Avila Farias' comments on a wonderful Veteran's Day ceremony and expressed appreciation to the Veteran's Commission for all their efforts, as well as the public for attending. Councilmember M^cKillop informed staff that if the City had interest, the person who set up the PA system said he could expand the system so that attendees can hear better.

Councilmember Lara DeLaney commented that she read the October 19th minutes and commended the minutes clerk for excellent work. While reading the dog park issue, she suggested looking at the horseman's arena as a future location for a dog park. She noted it would be a great dual-use for horses and dogs since the arena is not used as much by the Horsemen's Association.

Councilmember DeLaney congratulated Councilmember Ross on his re-election, newly-elected Councilmember Noralea Gipner, City Treasurer Carolyn Robinson, and City Clerk Gary Hernandez on their re-election. She thanked the community for supporting Measure D, the half-cent sales tax for the street and road maintenance improvements, and thanked Michael Chandler, Cindy Mosser, Tim Tucker, Kathy DeVries, and Rica Guidry for their efforts as well as Brad Kilger for his leadership.

Councilmember Mark Ross echoed Councilmember DeLaney's comments and thanked the voters for passing Measure D. He noted that residents of Martinez have always been very cognizant of the needs of the community. He expressed his appreciation to the citizenry for allowing him to serve for another term. He thanked Mayor Schroder and Councilmember DeLaney for serving on the fundraising committee for Measure D. Mr. Kilger clarified that the fundraising committee had nothing to do with the Council ad hoc committee which was responsible for providing information to the public regarding the measure.

Councilmember Ross noted that when bond measures are approved, there is often a delay in the money becoming available for use. He suggested the City consider lending money to begin the implementation of Measure D. He reported that the District Attorney expressed that PG&E light pole #1489 illuminates the street, but not the parking lot where employees from the District Attorney's office park, which is very dark and unsafe. He thought it would be a good project for Measure D funding.

Mayor Rob Schroder stated he was very pleased that Measure D passed and expressed congratulations to the newly elected and re-elected officials. He stated that the Council reorganization will be held on December 7th and Councilmember M^cKillop will be Vice Mayor. He also indicated the Committee appointments will be made at the second regular meeting in December. Mayor Schroder reminded everyone of the upcoming opening of the ice rink. He noted he was adjourning this meeting in memory of Daniel Chase who passed away on September 17th in Los Angeles, leaving behind his wife of 56 years - Dr. Constance E Chase. He added that Mr. Chase worked in many diverse fields which eventually led to Waters Moving and Storage, where Dan worked the last 20 years of his life. He noted Dan is also survived by his 5 children (Joseph, Daniel, Emily, Mary Anne & Allison) and 2 grandchildren (Chloe & Mia) and will be dearly missed.

ADJOURNMENT

Adjourned at 8:39 p.m. *in memory of Dan Chase*, then to a Regular City Council Meeting on December 7, 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 – 12/7/16