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

Mayor 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 McKillop, Councilmember, Mark Ross, Councilmember, Anamarie Avila Farias, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

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

Richard Verrilli expressed a joyous New Year and fantastic holiday acknowledging the Council’s hard work and staff’s efforts over the past year. He encouraged the Council to publish the implementation of Measure D; the Council said they could and had faith in the public. He further stated that staff stepped up to the plate and the citizens’ support came through in a big way. He also recognized Councilmember AnaMarie Avila Farias’ accomplishments, noting she would be missed.

Melissa Mohoi expressed appreciation for the City moving forward with the pop-up dog park and for Councilmember Avila Farias' help, and asked about the timeline of the implementation. City Manager Kilger stated staff has completed analysis of the temporary site and City Engineer Tim Tucker will be setting up a meeting with the group to discuss the analysis. A schedule has not yet been developed since Measure D took precedence.

CONSENT CALENDAR

Mayor Schroder noted that Item 5, Resolution certifying election results was amended to include Measure D (last line).

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

1. Motion approving City Council Minutes of November 2, and November 16, 2016. [M.Cabral]

2. Motion rejecting Claim against the City by Kristin Henderson, Claim #16-19. [M.Cabral]

3. Motion approving Check Reconciliation Register(s) dated 11/17/16 and 12/1/16. [C.Mosser/2.1.1]

4. Motion waiving parking meter fees in the downtown during the holiday season from December 19, 2016 through January 2, 2016. [B.Kilger/8.4.0]
5. Resolution No. 093-16 certifying election results of November 8, 2016 Consolidated General Election as amended. [M.Cabral/40.20.00]

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

II. CITY COUNCIL - Departing Remarks.

Former Councilmember AnaMarie Avila Farias thanked the residents of Martinez for the honor of serving the community that has given so much to her over the years. She assured the public she was not saying goodbye, but opening a new chapter in her life and service to the City. She thanked her family and her children for their support and encouraged them to give back to their communities in the future. She also commended City staff for their dedication and for the work they do to support elected officials, noting it has been an honor working with them in her different capacities.

Former Councilmember Avila Farias reviewed the many accomplishments to be proud of and the progress the City has made over the last four years. She felt very confident leaving the dais because of the strong leadership and looked forward to the next generation of City leaders. She further wished Noralea Gipner and her family the best in this endeavor and assured Councilmember Gipner of her willingness to help and support in any way needed.

Mayor Schroder read and presented to AnaMarie Avila Farias, on behalf of the City Council, a proclamation for her community service as Councilmember from November 2012 through November 2016, and proclaimed December 7th as AnaMarie Avila Farias Day. Mayor Schroder presented a commemorative gift and Deputy City Clerk Mercy Cabral presented her with flowers. Ms. Avila Farias stated it has been a pleasure and expressed her appreciation to her colleagues for the enlightening dialogue.

Councilmember Ross expressed his appreciation for Ms. Avila Farias' public service to the community and the betterment of their hometown, and the sacrifice of hours away from her family.

Councilmember McKillop thanked Ms. Avila Farias for her guidance, mentoring, and all her contributions to the City, especially of her advocacy of getting involved in the community, which led Councilmember McKillop to run for Council. Councilmember McKillop expressed her appreciation for Ms. Avila Farias, valuing her friendship and wished the best in her future endeavors.

III. NEWLY ELECTED OFFICIALS

A. Swearing in of elected City Officials.

City Clerk Richard G. Hernandez; City Treasurer Carolyn Robinson; Councilmember Noralea Gipner; and Councilmember Mark Ross.

Deputy City Clerk Mercy Cabral swore in re-elected City Clerk Richard Hernandez.
City Clerk Hernandez swore in re-elected City Treasurer Carolyn Robinson. City Treasurer Robinson thanked the citizenry for their support. She stated the City's finances are in great shape especially compared to other cities in the Bay Area and expressed appreciation to staff and the City Council. She expressed her gratitude to the City leaders and City workers who make the City's success and stability possible.

City Clerk Hernandez stated that he never volunteers for more than what his wife can do and thanked his wife for all her support and expressed his appreciation to Deputy Clerk Cabral.

City Clerk Hernandez swore in newly elected Councilmember Noralea Gipner.

City Clerk Hernandez swore in re-elected Councilmember Mark Ross.

IV. **ROLL CALL (with new members)**

   Lara DeLaney, Councilmember  
   Noralea Gipner, Councilmember  
   Mark Ross, Councilmember  
   Debbie McKillop, Councilmember  
   Rob Schroder, Mayor

6. Opening Remarks by Newly-Elect City Officials: (City Clerk Hernandez, City Treasurer Carolyn Robinson, and Councilmembers Gipner and Ross.

Councilmember Noralea Gipner thanked her fellow candidates for a clean, civilized, and friendly race. She also thanked her husband and sons for all their help during the campaign, her consultant Cliff Whitman for his guidance, her committee Donna Allan, Ken Dothee, Tamara Gerlack, Clare Harhurst, Olivia Rossi, Stacy Carver (sister in-law and Treasurer) who kept her honest and out of jail, Mark Hughes for campaign management skills, and the canvassers and fundraisers; it was truly a team effort. She further thanked those who endorsed and donated to her campaign making this possible. Finally, to those who voted for her, she felt honored and humbled to be given this trust. She expressed her sincere love for Martinez and discussed some of her goals to help improve the City and stand up for the common good. She stated it takes the whole community to be unified toward a common goal in order to make it happen. She urged everyone to start coming to Council meetings to be informed all the time, not only when there is a problem. She urged the community to get involved. Councilmember Gipner thanked the community again for their support and for the love shown to her throughout the campaign.

Councilmember Ross congratulated Councilmember Gipner and commended her for her trust and belief in the importance of the community. He thanked the other worthy competitors for an honest race and displaying a civil example. He thanked his wife Diane for her indulgence, commended all those who perform public service, and looked forward to working with his colleagues.

**PUBLIC HEARING(S)**

**CHIEF OF POLICE**

7. Chief of Police Comment(s)/Update(s)/Report(s).
CITY MANAGER

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

CITY COUNCIL

9. Appointment of Councilmember Debbie McKillop as Vice Mayor for the year 2016-2017. [M.CABRAL/41.02.01]

Mayor Schroder reviewed the process for selecting the Vice Mayor.

On motion by Rob Schroder, Mayor, no second required adopt Resolution No. 094-16 appointing Councilmember Debbie McKillop as Vice Mayor for the year 2016-2017. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Debbie McKillop, Councilmember; Mark Ross, Councilmember; Anamarie Avila Farias, Vice Mayor; Rob Schroder, Mayor.

10. City Council Comments.

Councilmember Lara DeLaney congratulated the newly elected officials and looked forward to the future ahead as the City has fantastic staff and community. Although there are challenges, she stated she is eager to get busy and get working and make positive things happen for the community. She also thanked the community and wished Happy Holidays to everyone.

Councilmember Mark Ross thanked all those who supported him and stated he looked forward to working with the new team.

Councilmember Noralea Gipner thanked all her supporters and stated she will work very hard for the City.

Vice Mayor Debbie McKillop congratulated Gary Hernandez, Carolyn Robinson, Noralea Gipner, and Mark Ross. She emphasized the importance of teamwork and stated not everyone will agree at times, but as long as it is handled professionally, everyone can get the job done. She thanked staff for the wonderful Holiday Frolic and the Ice Rink. She wished happy birthday to Councilmember Lara DeLaney and Suzanne Schroder.

Mayor Rob Schroder stated he was looking forward to the next two years with new staff on board and that he will be making some standing committee appointments on December 21. He will be looking at the committees in general to see if changes need to be made to improve their efficiency. He announced upcoming sessions in early 2017 to look at goals and priorities. He also announced the Downtown Ice Rink at the corner of Marina Vista and Ferry Street and directed the public to www.downtownholidayonice.com.

Mayor Schroder reviewed Measure D, the half-cent sales tax to take effect beginning in 2017 for the next fifteen years, which will be tripling the pavement fund to be used only for road improvements. He thanked the "Coalition to Fix Martinez Roads in Favor of Measure D," which raised $2,607.50 in excess funds. Mayor Schroder announced $607.50 will be donated to Christmas for everyone and presented a check to Mary Perez. He presented a check for the remainder to the City Manager to help implement Measure D. Lastly, Mayor Schroder announced
that the Shoreline Park has now been renamed to the Ted and Kathy Radke Martinez Shoreline Park.

**ADJOURNMENT**

Adjourned at 8:00 p.m. to an Adjourned Regular City Council Meeting on December 14, 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 – 1/18/17
I. CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California. All members were present except Vice Mayor McKillop who arrived shortly after roll call.

II. PUBLIC COMMENT (Comments are limited only to closed session)

There being no comments made, the Council adjourned to Closed Session in the Board Room.

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

Mayor Schroder reconvened the meeting at 7:00 p.m. in the Council Chambers. He stated there were two items under Closed Session; one was held regarding Anticipated Litigation, one case, and direction was given to legal counsel returning to Closed Session regarding Initiation of Litigation, one case, after the meeting.

PRESENT: Lara DeLaney, Councilmember, Noralea Gipner, Councilmember, Mark Ross, Councilmember, Debbie McKillop, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

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

CONSENT CALENDAR

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

1. Motion rejecting City Claim against the City by Cherie Shaw, #16-20. [M.Cabral]
2. Resolution No. 095-16 approving the City to comply with the terms of Surplus Land Act-Assembly Bill 2135 as it exists now or may be amended in the future. [T.Tucker/5.10.00]

3. Resolution No. 096-16 approving destruction of records pertaining to the Finance Division. [M.Cabral/40.10.01]

On motion by Debbie M'Killop, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Item #A and Items #1 through #3 of the Consent Calendar. Motion unanimously passed 4 - 0. Yes: Lara DeLaney, Councilmember; Noralea Gipner, Councilmember; Debbie M'Killop, Vice Mayor; Rob Schroder, Mayor.

PUBLIC HEARING(S)

4. Extending Urgency Ordinances Pertaining to Marijuana Cultivation and Proposition 64: [M.Sappal&J.Walter/9.10.02&09.04.04.33]

A. Adopt Ordinance No. 1400 C.S. extending interim Ordinance No. 1396 C.S. imposing a moratorium on the outdoor cultivation of nonmedical marijuana, approving the issuance of the Gov’t Code sec. 65858(d) report and making findings that said adoption is exempt under CEQA.

B. Adopt Ordinance No. 1401 C.S. extending interim Ordinance No. 1397 C.S. imposing moratorium on the indoor cultivation of nonmedical marijuana, except under certain circumstances, approving the issuance of the Gov’t Code sec. 65858(d) report and making findings that the adoption of said ordinance is exempt under CEQA.

C. Adopt Ordinance No. 1402 C.S. extending interim Ordinance No. 1398 C.S. regulating the indoor cultivation of medical marijuana, approving the issuance of the Gov’t Code sec. 65858(d) report and making findings that said adoption is exempt under CEQA.

City Manager Brad Kilger and Chief of Police Manjit Sappal presented the staff report. Chief Sappal reviewed the provisions of the interim ordinances and explained the need to extend them, as well as the department's plan to explore the implications of Proposition 64 and develop a permanent ordinance.

Councilmember Gipner asked for clarification on the implications of Proposition 64. Chief Sappal stated that cities may not ban the indoor cultivation of nonmedical marijuana, but they may regulate it, which is the purpose of the ordinances under discussion.

Councilmember DeLaney asked why the Ordinance referred to a "moratorium" on indoor cultivation. City Attorney Jeff Walter stated the wording of the Ordinance is in line with State law and it is a moratorium except under certain circumstances.

Mayor Schroder noted that all outdoor cultivation had previously been banned by the Council.

City Attorney Jeff Walter noted there are nineteen different types of licensing the State may be prepared to issue for different commercial activities related to marijuana. He provided different examples and noted that these would be a resource for the City to adopt if it chooses to.
Mayor Schroder opened public comment on the Item.

Timothy Byars stated a majority in Contra Costa County voted for Proposition 64. He expressed doubt that not extending the interim Ordinances would endanger public health and emphasized the importance of allowing Martinez residents to have access to marijuana from safe and reliable sources.

*Councilmember Ross joined the dais at 7:18 p.m.*

Thomas Greerty expressed support for the proposed Ordinances as a prudent course that will allow the City time to develop suitable regulations.

John Stevens asked the Council to consider what would happen between the expiration of the extended Ordinances and the issuance of the State's new regulations. He also requested the Council to consider regulations on the safe dispensation of nonmedical marijuana.

An unidentified female speaker stated she was considering relocation in the near future and that safe and reliable access to marijuana is a priority for her. She appreciated the Council's effort to consider this discussion with the best interests of the community in mind and shared some resources she had brought.

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

Mayor Schroder reiterated that the goal of the interim Ordinances is to standardize the regulations that are currently in place for medical and nonmedical marijuana. He noted the City would have to implement regulations by January 1, 2018, or the regulations established by the state would automatically go into effect.

City Manager Kilger stated the Council has the option to extend the Ordinances one more time to see what the State's regulations are before deciding on its own regulations.

Councilmember DeLaney noted Contra Costa County has adopted a similar interim Ordinance while it examines these issues. She expressed support for the well-regulated retail dispensing of marijuana, but stated she was opposed to outdoor cultivation.

Councilmember Ross thanked the speakers for their comments. He expressed support for this action as a prudent step to allow the City to research guidance from other municipalities. He requested the City release information on safety considerations. Chief Sappal stated the City released information after the November meeting at which the interim Ordinances were adopted. He encouraged residents to contact Public Works and City staff would be happy to conduct a free safety inspection. City Manager Kilger agreed safety would be a consideration in the researching of the regulations.

Vice Mayor McKillop thanked Chief Sappal and City Manager Kilger for their input. She agreed there are many important issues to take into consideration and stated the importance to take time in fully understanding these issues and educate the public. She thanked the speakers for their comments and commended staff on the strategy developed.
Councilmember Gipner stated she supported liberalization of marijuana and was not as concerned about outdoor cultivation, but was willing to wait and see what the State adopted.

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, to approve Ordinance No. 1400 C.S. extending interim Ordinance No. 1396 C.S. imposing a moratorium on the outdoor cultivation of nonmedical marijuana, approving the issuance of the Gov’t Code sec. 65858(d) report and making findings that said adoption is exempt under CEQA. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Noralea Gipner, Councilmember; Mark Ross, Councilmember; Debbie M’Killop, Vice Mayor; Rob Schroder, Mayor.

On motion by Mark Ross, Councilmember, seconded by Debbie McKillop, Vice Mayor, to approve Ordinance No. 1401 C.S. extending interim Ordinance No. 1397 C.S. imposing moratorium on the indoor cultivation of nonmedical marijuana, except under certain circumstances, approving the issuance of the Gov’t Code sec. 65858(d) report and making findings that the adoption of said ordinance is exempt under CEQA. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Noralea Gipner, Councilmember; Mark Ross, Councilmember; Debbie M’Killop, Vice Mayor; Rob Schroder, Mayor.

On motion by Noralea Gipner, Councilmember, seconded by Debbie McKillop, Vice Mayor, to approve Ordinance No. 1402 C.S. extending interim Ordinance No. 1398 C.S. regulating the indoor cultivation of medical marijuana, approving the issuance of the Gov’t Code sec. 65858(d) report and making findings that said adoption is exempt under CEQA. Motion unanimously passed 5 - 0. Yes: Lara DeLaney, Councilmember; Noralea Gipner, Councilmember; Mark Ross, Councilmember; Debbie M’Killop, Vice Mayor; Rob Schroder, Mayor.

CHIEF OF POLICE

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

CITY MANAGER

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

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

7. Council Subcommittee Reports.

Councilmember Lara DeLaney announced a Franchise/Public Infrastructure Subcommittee meeting to be held on Thursday, December 15th at 2:00 p.m.

Mayor Schroder reported out on his and Councilmember Ross' attendance on the Budget Finance Subcommittee meeting held today, Wednesday, December 14th. He stated the Subcommittee met with the City's auditors and provided a brief overview of their report. The full report will be reviewed by the Council at its next meeting.
8. City Council Comments.

Mayor Rob Schroder announced he would be adjourning the meeting in memory of David La Schell, retired City employee, who passed away on December 7, 2016. Mayor Schroder commented on his life and employment with the City.

The Council adjourned at 7:45 to Closed Session.

CLOSED SESSION

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

Mayor Schroder reported that direction was given to legal counsel.

ADJOURNMENT

Adjourn at 8:45 p.m. in memory of retired City employee, David La Schell, then to a Regular City Council Meeting on December 21, 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 – 1/18/17