

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 6:10 p.m. in the Council Chambers with all members present except Councilmembers Avila Farias and Menesini who were upstairs.

## **PUBLIC COMMENT (comments are limited only to items listed on the agenda)**

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

## **CLOSED SESSION**

- A. With respect to an item of business to be discussed in closed session pursuant to Cal. Government Code Section 54957. Public Employment: Title: City Manager

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

The meeting was reconvened at 7:00 p.m. in the Council Chambers.

**PRESENT:** AnaMarie Avila Farias, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.

**EXCUSED:** None.

**ABSENT:** None.

Mayor Schroder reported out from closed session, noting that they had met per Government Code Section 54957, Public Employment regarding City Manager, and there was nothing to report.

## **PRESENTATION(S)**

- A. Proclamation recognizing the 45th Anniversary of Eden Housing.

Mayor Schroder, on behalf of the City Council, read and presented the proclamation to Jim Kennedy, member of the Board of Directors of Eden Housing. Mr. Kennedy thanked the City for the recognition. He also introduced Diane Shelton, Property Manager for the Riverhouse and Emerson Arms apartments in Martinez.

- B. Proclamation declaring November 2013 as "Pancreatic Cancer Awareness Month."

Mayor Schroder, on behalf of the City Council, read and presented the proclamation to Kathleen Wilkie and Cookie Tellas of Pancreatic Cancer Action Network. Ms. Wilkie expressed appreciation to Mayor Schroder and the Council for their assistance in raising awareness of pancreatic cancer. She also encouraged use of their website for anyone diagnosed with pancreatic cancer.

C. Proclamation declaring November 2013 as "National Hospice/Palliative Care Month."

Mayor Schroder, on behalf of the City Council, read and presented the proclamation to Kathryn Kavanagh, Marlene Haus, Irene Merkel and Marie Knutson of Hospice of the East Bay. Ms. Kavanagh discussed the work of the organization, the annual Tree of Lights on Morello Avenue, and the Hospice thrift store. She also indicated that this year's Tree lighting is in honor of the Kinder family for all they do to support Hospice fundraising events. Ms. Merkel added that brochures are available that discuss the work of Hospice of the East Bay. Ms. Kavanagh thanked the Chamber for their assistance and to Reba Bower of Community Focus for the ads promoting Hospice events.

D. Update on the Joltin Joe.

Ray Ranieri, Sons of Italy, introduced Rick Aldridge, lead carpenter on the Joltin Joe Project, who assembled a team of volunteer carpenters and undertook the task of refurbishing the Joltin Joe. He also thanked Senior Management Analyst Michael Chandler and Public Works Director Dave Scola for their assistance. Mr. Ranieri provided some history on the Joltin Joe, which was donated by the family of Joe DiMaggio to the City of Martinez. With time, the Joltin Joe was in disrepair, and fundraising/repairs began over three years ago. He acknowledged that there is more work to be done, and additional funds are greatly needed.

Rick Aldridge described the Wooden Boat Regatta event in Lake Tahoe. A PowerPoint showing the progress of the Joltin Joe was also provided. Appreciation was expressed to Public Works Superintendent Bob Cellini and some of his crew in taking the boat to and from Lake Tahoe and to Les Schwab Tires for providing new tires for the boat. The public was encouraged to visit the Joltin Joe's progress at the Kenney Building located at the waterfront. Mr. Rainieri stated that November 2014 will be Joe DiMaggio's 100th birthday, and he was hopeful the project could be completed and displayed for that day.

Mayor Schroder commented on the amount of work that has been accomplished already. He asked for specifics about fundraising, which Mr. Ranieri reviewed. Mayor Schroder also asked about storage of the boat, and Mr. Ranieri discussed environmental impacts and other considerations.

Vice Mayor DeLaney thanked Mr. Ranieri, the Sons of Italy and other volunteers for their work thus far. She suggested that fundraising for the boat's rehabilitation would make a good "kickstarter" project, allowing for online donations.

Councilmember Ross echoed Vice Mayor DeLaney in expressing appreciation for the work being done. He also noted that it is not too soon to begin discussions about where and how the boat will be stored long term. Mr. Aldridge agreed, suggesting the old train station in conjunction with the Historical Society.

E. Presentation on the Watershed Interpretive Panels.

Mitch Avalon, Chair of the Alhambra Watershed Council, expressed his appreciation to the City especially City Engineer Tim Tucker, and he introduced Lisa Anich, Watershed Coordinator for the Resource Conservation District.

Ms. Anich indicated that this was a collaboration project and expressed her appreciation to the City, East Bay Regional Park District and the Friends of the Alhambra Creek with funding from the Contra Costa Fish and Wildlife Propagation Fund. She reviewed the Alhambra Watershed Council's mission statement, history, plans, and past and present projects. She noted that in 2012 the Friends of Alhambra Creek and the City of Martinez agreed to fund two additional panels: Main Street Plaza (at Alhambra Creek) and a second panel at Martinez Regional Shoreline to expand the message that the Carquinez Strait connects Alhambra Creek to the Pacific, Alhambra Creek is influenced by tides, Martinez is subject to flooding and the importance of the Alhambra Creek Improvements.

Ms. Anich expressed appreciation to the panel committee and all the project participants/supporters, as well as Tim Tucker and the City. She invited everyone to a dedication ceremony on Sunday, November 24th, at Main Street Plaza.

Mayor Schroder expressed support for interpretative panels, especially in the downtown to present the City's history. He noted that Tahoe City has a very good Interpretative Walk that brings the past to light.

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

Theresa Nelson thanked the Council and staff for repairing her street, Gilrix Drive.

Richard Verrilli talked about a trip he took and saw the home of Joe DiMaggio. He remarked about clean water and an exhibition at the Oakland Museum; he is interested in the controversy on free speech rights and was concerned about the procedure. He does not believe that anyone should be removed from the Chambers based on the content of the person's speech. Specifically, he does not agree with Mr. Alford's comments or the way he presents the facts, but he does have a right to his three minutes.

Mike Alford stated that Carol Hatch came up to him at a restaurant and told him that she did not like what he says about the Mayor. Ms. Hatch mentioned his record. Mr. Alford stated he had an arrest record in 1969. He has never denied it and will save his questions for the election debate.

Michael (last name not stated) spoke how Medical Marijuana has helped him with PTSD. He stated that urban farmers help people who need it medically, and most of the drugs made do not produce a high. He urged the Police to catch the bad guys who act irresponsibly.

Josh Mill spoke about the article in the Gazette in which he is pictured growing the marijuana. He indicated he began growing it to help his mother with fibromyalgia. He addressed the allegations stated in the article by Ms. Giblin. Mr. Mill stated that the Fire Department declared their refuse burning legal, and he wanted everyone to be informed of the truth.

Seeing no further speakers, Mayor Schroder closed public comment.

**CONSENT CALENDAR**

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

1. Motion approving the City Council Minutes of October 2 and October 16, *as corrected* and Special meeting of October 18, 2013. [M.Cabral]
2. Motion approving Check Reconciliation Register(s) dated 10/24/13. [C.Spinella/2.1.0]
3. Motion adopting Ordinance 1373 C.S. authorizing an amendment to the contract between the City of Martinez and the California Public Employees' Retirement System (CalPERS) to enter into a 2% cost sharing agreement (PERS Section 20516) for classic local police members. [A.Shear/2.1.1]
4. Motion adopting Ordinance 1374 C.S. amending Title 8, Health and Safety, Chapter 8.50, Section 8.50.050, of the Municipal Code relating to the timing of submission of construction drawings for the Seismic Hazard Retrofit Program for Unreinforced Masonry Buildings. [D.Scola&A.Simpson/9.16.05]
6. Resolution No. 104-13 authorizing investment of City monies in Local Agency Investment Fund, and rescinding Resolution No. 101-77. [M.Cabral/2.1.0]
7. Resolution No. 105-13 authorizing the Acting City Manager to execute a contract with Maze & Associates for audit services for Fiscal Years 2014, 2015 and 2016. [C.Spinella/17.02.02]
8. Resolution No. 106-13 authorizing the Acting City Manager to amend a consultant services agreement with Zumwalt Engineering Group for on-call civil engineering and project management services. [T.Tucker/17.06.28]

Vice Mayor DeLaney requested that Item #5 be pulled from the Consent Calendar. Mayor Schroder requested that Item #9 be pulled as well.

Mayor Schroder opened public comment on Items #1-4 and #6-8 of the Consent Calendar.

Mike Alford asked for more information about Item #6, which Finance Manager Cathy Spinella discussed.

Seeing no further speakers, Mayor Schroder closed public comment on Items #1-4 and #6-8 of the Consent Calendar.

Vice Mayor DeLaney noted an error to the minutes of October 16th Item #12, Page 6, which should state "...for partnering with *Republic Services*", not Public Services.

On motion by Lara DeLaney, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Item #A, Items #1 through #4 and #6 through #8 of the Consent Calendar, with the correction to the Minutes. Motion unanimously passed 5 - 0.

5. Motion to receive and file the Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2013. [C.Spinella/2.1.0]

Vice Mayor DeLaney commended the Finance Department for their work on the CAFR and all the associated reports. She noted that the Council Budget Subcommittee did review the report, and she added that the City's financial state is very good with a healthy unrestricted reserve fund balance. She expressed that she and Councilmember Avila Farias thought it would be good for the City to develop policy related to the reserve fund, and they will be making recommendations along that line in the future.

Vice Mayor DeLaney also discussed Marina costs, costs for participating in the Sheriff's gun buy-back program, and the equipment replacement fund, making suggestions regarding the latter two.

Councilmember Ross also expressed appreciation for the good report, noting that the City has had many good years in terms of its financial health. He questioned why the Marina loans were included as footnotes in this year's report when they had not been in previous years. Auditor Tim Krish explained that it was elevated due to the large deficit of four million dollars, and because it was in technical default for not making the principle payment.

Councilmember Menesini thanked Ms. Spinella for her work and the excellent report. He acknowledged the importance of full disclosure, but he noted that the City's General Fund is not liable for the monies spent on behalf of the Marina Enterprise.

Councilmember Avila Farias echoed earlier comments about the good report and the City's overall financial well-being. She noted there had been some discussion in the Budget Subcommittee regarding staffing issues and ways the City can do more with less. She also commented that the Marina debt is something outstanding that needed to be noted in the report. Mr. Krish added that it was the City that entered into the loan agreements with the State, and the Marina Enterprise Fund is not a separate entity from the City. Councilmember Menesini referred him to the City Attorney regarding the legal ramifications.

Mayor Schroder opened public comment on Item #5.

Mike Alford discussed his past concerns about the Marina loans and conversations he had with representatives from the Department of Boating & Waterways regarding liability. He was appreciative of the full disclosure on Marina loans in this report and that an auditor was here and making note of the Marina debt. He also noted that City staff didn't sign the loan documents, but Councilmembers did. He urged the Council to take responsibility for their actions and take better care of City business.

Mayor Schroder clarified that the Marina loans were taken out from the 1950s to the 1980s, not recently.

Seeing no further speakers, Mayor Schroder closed public comment on Item #5.

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, receive and file the Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2013. Motion unanimously passed 5 - 0.

9. Resolution No. 107-13 accepting bids for the Bus Stop Improvement Project and awarding the construction contract to ABSL Construction of Hayward California in the amount of \$62,824.75 and allocating \$27,000 of Gas Tax funds to Account No. C6010. [T.Tucker/6.7.1&12.13.00]

Mayor Schroder asked which bus stops are proposed for improvement, and City Engineer Tim Tucker reviewed the locations and the types of improvements proposed.

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

On motion by Lara DeLaney, Vice Mayor, seconded by Michael Menesini, Councilmember, to approve Resolution No. 107-13 accepting bids for the Bus Stop Improvement Project and awarding the construction contract to ABSL Construction of Hayward California in the amount of \$62,824.75 and allocating \$27,000 of Gas Tax funds to Account No. C6010. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

10. Motion directing staff to complete the required CEQA review and draft an ordinance to ban the distribution of single-use plastic bags and polystyrene foam food and beverage containers. [T.Tucker/10.12.02]

City Engineer Tim Tucker presented the staff report, discussing the state requirement to reduce trash that eventually finds its way to public waterways, past trash reduction efforts, stores that will be affected, a fee requirement for use of paper bags, exemptions to the requirement, fines for noncompliance and the anticipated implementation steps. Mr. Tucker noted that the City already has a ban on polystyrene containers that will need to be updated; and he commented on correspondence received from groups opposed to the polystyrene ban.

Mayor Schroder acknowledged that letters and emails have been received on both sides of the issue, from residents, small business owners and environmentalists. He also noted that there has been discussion among mayors' groups, and he commented on Pittsburg's ban that was not received well, primarily, because there was no outreach to business owners during the drafting of the ordinance. He expressed support for moving forward with the proposed ordinance, particularly with a phased approach. He thought it especially important to enact the ordinance at the same time as other cities in Contra Costa County for consistency.

Vice Mayor DeLaney indicated her agreement with the Mayor, but she asked how the level of fees was determined for the use of paper bags. Mr. Tucker explained the bag fee helps cover the cost of paper bags, which range from ten to twenty cents each.

Councilmember Ross said he supported the concept as well, in view of environmental concerns; although he acknowledged there were some environmental impacts from using cloth bags.

He suggested a lower fee for the use of paper bags graduated over time, but with a cap on the fee.

Senior City Attorney Veronica Nebb noted that it might be premature to set the amount of the fee for use of paper bags because there are some environmental impacts and some costs associated with shipping the bags and cutting trees to make the paper, which is why the offset fee is proposed. She added that the City might be able to share the environmental process with other cities and/or the county. Mayor Schroder agreed, noting that there are other cities considering the issue as well.

Councilmember Menesini commented on changing philosophies, remembering a time when paper bags were discouraged but plastic was preferred. He indicated his support for the ordinance. He asked for more information on the financial impacts to different grocery stores in the area, especially because they serve as anchors for other businesses.

Councilmember Avila Farias indicated her support as well, noting her concerns that the outreach/education process be a positive one, that a memorable replacement product (featuring John Muir) be done, perhaps even involving major stakeholders, and that small businesses not be left out either.

Councilmember Ross agreed that coordination with other jurisdictions would be helpful, and Mayor Schroder discussed involvement with the mayoral and city management organizations.

Mayor Schroder opened public comment on the item.

Richard Verrilli said he wished this could have happened years ago, reducing impacts of used plastic bags on the oceans. He suggested some type of joint advertising on development of specific bags for City/merchant promotion.

Mike Alford said he didn't think now was a good time to implement such a policy, but studying the possibilities was important. He commented on the high prices charged for garbage service and irresponsible use/disposal of plastic bags. He also discussed negative impacts from implementing a new governmental control, including increased costs to the consumer.

Cookie Tellas agreed that even though she owns reusable bags, she often forgets to bring them to the store with her - charging 25 cents per paper bag will motivate her to remember them. She suggested talking to store headquarters rather than store managers.

CeCe Selgren discussed cost-savings to the City from working toward a zero-trash goal, particularly lower maintenance costs for storm drain cleanouts. She added that Contra Costa County is the last class 1 community to implement this policy. She encouraged the Council to pursue regional implementation.

Mitch Avalon noted that the Alhambra Creek watershed will appreciate a ban on plastic bags; and he added that source control is the most efficient way to manage trash. He also discussed information presented by the California Grocers Association on the relatively painless transition, although he acknowledged that education on the process would be helpful. Seeing no further speakers, Mayor Schroder closed public comment on the item.

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, direct staff to complete the required CEQA review and draft an ordinance banning the distribution of single-use plastic bags and polystyrene foam food and beverage containers. Motion unanimously passed 5 - 0.

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

Acting City Manager Alan Shear announced some good news indicating that the City was selected for the California Youth Energy Services Internship Program with the Martinez Unified School District. The program supplies 8 local youth with paid training and employment over a 7 week period of summer 2014. The youth Energy Specialists receive essential training to provide "Green House Calls" to 200-250 homes in Martinez helping residents save money and energy through education and direct installation of energy-and water-saving measures. The cost of the program is about \$20,000 and will not impact the General Fund, because staff will solicit donations through corporate sponsors.

**CHIEF OF POLICE**

12. Chief of Police Comment(s)/Update(s)/Report(s).

Chief of Police Gary Peterson passed along Detective Patrick Salamid's appreciation for the Council's presence at last night's Officer of the Year Dinner. He also announced that Irene Merkel was the Civilian Employee of the Year, and a luncheon was held in her honor this afternoon.

**APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

13. Motion approving the following reappointments to City Commissions:

- A. Reappointment of Harlan Strickland and Gina Zagotta to the Cemetery Commission for a four year term.

Vice Mayor DeLaney commended Ms. Zagotta on her advocacy for the picnic tables and efforts to ban plastic flowers at the cemetery, and she indicated she would have to abstain from the vote. Councilmember Menesini expressed appreciation to Mr. Strickland and the Clampers for their annual cleanup of the cemetery.

On motion by Rob Schroder, Mayor, no second required, reappoint Harlan Strickland and Gina Zagotta to the Cemetery Commission for a four year term. Motion approved 4 – 0 by the following vote: Abstain, Lara DeLaney, Vice Mayor; Rest, Ayes.

- B. Reappointment of Denise Sanchez Cannon, Vito Magliano and Anthony Semenza to the Civil Service Commission for a four year term.

On motion by Rob Schroder, Mayor, no second required, reappoint Denise Sanchez Cannon, Vito Magliano and Anthony Semenza to the Civil Service Commission for a four year term. Motion unanimously passed 5 - 0.

- C. Reappointment of Sandra Minjack Evans and Ingemar Olsson to the Veterans Commission.

On motion by Rob Schroder, Mayor, no second required, reappoint Sandra Minjack Evans and Ingemar Olsson to the Veterans Commission. Motion unanimously passed 5 - 0.

## **CITY COUNCIL**

### 14. Council Subcommittee Reports.

Councilmembers Avila Farias and Menesini reported out on the Council's Public Safety Subcommittee meeting held on November 4th, indicating that they discussed the medical marijuana issue, and they hoped to make a recommendation soon. She thanked the Police Chief for his work preparing for the meeting. Councilmember Menesini added that this was a particularly important issue from a mental health standpoint.

Councilmembers Avila Farias and Menesini also reported out on the Historic Train Depot Utilization Ad Hoc Committee, noting that they went on a tour to Danville's train station. The next meeting would be held sometime in December.

Councilmember Avila Farias and Vice Mayor DeLaney reported out on the Finance Subcommittee, briefly mentioning the audit process presented earlier.

Mayor Schroder and Councilmember Menesini reported out on the meeting of the Martinez Shoreline Joint Planning Agency with East Bay Regional Park District, noting they had discussed the issue of large gatherings at Waterfront Park and a newly proposed approval process and provision for appeals. They also discussed the Zocchi property parking lot and potential construction of a bridge from Berrellesa to the property, realignment of the access point at Ferry Street and the third phase of the Intermodal Station, which would include a pedestrian bridge.

### 15. City Council Comments.

Vice Mayor Lara DeLaney thanked staff for completing the paving on Arnold and Gilrix. She indicated that another resident has complained that his street, Buckley, did not get paved but they thought it was on the list for paving. She requested that staff keep track of Buckley. She also expressed appreciation to the Veterans Commission for arranging the Veterans Day Ceremonies beginning at Alhambra Cemetery (Carquinez Scenic Drive) at 10:00 a.m. and at the All Veterans Monument at 11:00 a.m. (Alhambra Avenue and Berrellesa Street).

Councilmember Mark Ross expressed his congratulations to Detective Salamid, Officer of the Year, and Irene Merkel, Civilian of the Year. He expressed his regrets that he will not be able to attend the Veterans Day Celebration or the Hospice Tree of Lights because it will be his anniversary week. He also announced that it was the start of the "Spare the Air" season, and he urged everyone to be aware of the warnings.

Vice Mayor DeLaney noted that she will not be in attendance for the November 20th Council meeting due to a County work commitment.

Councilmember Michael Menesini indicated that the Veterans Monument lists War World I, World War II, Korea and Vietnam, and it should be updated to include the past current conflicts.

Councilmember AnaMarie Avila Farias expressed appreciation to Public Services Director David Scola and his crew for installing lighting at the Catholic cemetery and kudos to the Park & Recreation Department for a phenomenal Day of the Dead event. She indicated that it was important that Martinez shows the cultural side of its community.

## **ADJOURNMENT**

The meeting adjourned at 9:46 p.m. to a Regular City Council Meeting on November 20, 2013, 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 – 12/04/13