

CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Rob Schroder called the meeting to order at 7:07 p.m. in the Council Chambers.

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

EXCUSED: Lara DeLaney, Vice Mayor.

ABSENT: None.

PRESENTATION(S)

- A. Community Emergency Response Team (CERT) Certificates presented by Chief of Police Gary Peterson and CERT Director Brian Lindbloom.

Chief Gary Peterson stated that it has become a tradition to award certificates and acknowledge CERT graduates at a Council meeting. Chief Peterson noted that the new graduates have completed the required training to become disaster service workers. Mr. Brian Lindbloom provided a brief description of the CERT Program. They presented the CERT graduates with "Certificates of Completion." Mayor Schroder expressed congratulations to all the graduates.

- B. Proclamation honoring Catalina Torres - a Fallen Hero.

Mayor Schroder, on behalf of the City Council, presented Mrs. Torres and her family a proclamation honoring her daughter Catalina Torres, who was involved in many causes to free society of violence and lost her life on September 6, 2008, while defending others in a domestic violence incident.

Councilmember AnaMarie Avila Farias summarized the Proclamation in Spanish for the benefit of the Torres Family. Mrs. Torres expressed her appreciation to the Mayor and Council and to all those who have supported her over the past years.

**Councilmember Mark Ross arrived at 7:20 p.m.*

- C. Proclamation recognizing the Celebration of the United States Power Squadrons' of 100 Years of Service to the Boating Community.

Mayor Schroder, on behalf of the City Council, read and presented a proclamation to Marta Van Loan honoring the U.S. Power Squadrons. Ms. Van Loan noted that the local Power Squadron covers all of Contra Costa County and beyond, and she pointed out that the boating education, training and other services are offered at no cost.

- D. Swearing in Ceremony of Lieutenant Lisa Maloney and Sergeant Clarence Moore.

Chief Gary Peterson welcomed the friends and families of Lt. Lisa Maloney and Sgt. Clarence Moore; the Chief recognized the members of the department, City staff, and retired Chief Mike Taylor. Chief Peterson introduced Lt. Maloney and Sgt. Moore and described their backgrounds.

Swearing in was performed by City Clerk Richard Hernandez. Lt. Maloney was pinned by her husband Ralph Maloney and Sgt. Moore was pinned by Ms. Jean Brooks. The Council offered their congratulations.

E. Astound Presentation on Cable TV and Internet Services in Martinez.

Doug Schulz, Vice President of Operations for Astound, gave a brief overview of the Company. He described the construction project currently in Martinez and in the unincorporated area of Contra Costa County. Mr. Schulz indicated that the project started in June 2013 to provide 50 miles of new fiber optic cable network to 6000 homes and business. The project is 50% complete, and completion is targeted for spring 2014.

**ADJOURN TO THE BOARD OF DIRECTORS: ALHAMBRA CEMETERY
ASSOCIATION - NOVEMBER 20, 2013**

Mayor Schroder called the meeting of the Board to order at 7:45 p.m. in the Council Chambers.

PRESENT: AnaMarie Avila Farias, Board Member; Michael Menesini, Board Member; Mark Ross, Board Member; Rob Schroder, Chair
EXCUSED: Lara DeLaney, Vice Chair
ABSENT: None

A. Resolution of the Board of Directors of the Alhambra Cemetery Association directing and requesting that the City Council of the City of Martinez appropriate funds from the Alhambra Cemetery Trust Fund for improvements to the Alhambra Cemetery and authorizing the expenditure thereof. [P.Lorick/5.22.00]

Acting City Manager Alan Shear presented the staff report, including a history of the cemetery from 1871 to the present, City ownership of the cemetery, needed maintenance/improvements recommended by the Alhambra Cemetery Association, and financial issues.

Councilmember Avila Farias asked about impacts to the tombstones from tree roots and questioned the advisability of adding more trees. Recreation Supervisor Patti Lorick explained that the new trees are proposed for along the street, not in the cemetery itself. Councilmember Avila Farias asked for more information about the proposed retaining wall, which Ms. Lorick discussed.

Councilmember Ross discussed needed repairs that were apparent at past Veterans Day activities, and Ms. Lorick noted that many of them have already been completed.

Councilmember Avila Farias agreed that the City has done a good job thus far.

Chair Schroder opened public comment on the item.

Mike Alford suggested that some cost-savings might be realized by using prisoners from the jail in a work release program.

Douglas Van Raam indicated he has worked in landscaping out-of-state and would be willing to do the work on the retaining wall if the City wants to hire him.

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

Councilmember Menesini commented on the historic value of the cemetery and expressed appreciation for the proposed work.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approve Resolution No. 13-01 of the Board of Directors of the Alhambra Cemetery Association directing and requesting that the City Council of the City of Martinez appropriate funds from the Alhambra Cemetery Trust Fund for improvements to the Alhambra Cemetery and authorizing the expenditure thereof. Motion unanimously passed 4 - 0. Lara DeLaney, Excused; Rest, Ayes.

ADJOURN/RECONVENE AS CITY COUNCIL

The meeting of the Board of Directors of the Alhambra Cemetery Association adjourned, and the meeting of the City Council reconvened at 7:58 p.m.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Reserved only for those requesting to speak on items not listed on the Agenda.

Doug Sibley introduced a new Pastor from the United Methodist Church, Pastor Faasisila, who comes from the Shoreview United Methodist Church in San Mateo and is looking forward to working with the City where the Church can have a positive impact. Pastor Faasisila stated that it was a privilege to be at the meeting and able to introduce himself. He indicated that he would like to serve the City and the community. The Council welcomed Pastor Faasisila to Martinez.

Douglas Van Raam expressed concern with a parking ticket he received in front of the Post Office, with no clear posting of the parking limitations. Chief Peterson indicated that if he wanted to dispute the citation the process was written on the back. When Mr. Van Raam stated that he had already missed the deadline, Chief Peterson asked Mr. Van Raam to see him after the meeting.

Vickie Gordon spoke on behalf of the Community College District, and she thanked the Council for waiving the refundable event fee. She welcomed the Council and the community to participate in a celebration of the 65 years of service to the Contra Costa County Community with a free afternoon showcase celebration on Saturday, December 7, 2013 from noon to 4:00 p.m. The event will take place at Universal Sports Academy, 330 Ferry Street. Ms. Gordon said that the District would provide a table so that City staff could showcase the City. The Council commended the College District for its service to the community.

Mike Alford commented that the Gazette's newspaper racks have been broken into a few times, and he wants to make sure the Council and the police are aware so that it doesn't happen when political campaigns are on-going.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
 - 1. Motion rejecting Claim against the City by Leroy Scheff, #13-20; Kyle Bott, #13-21; and Kevin Rabon, #13-25. [M.Cabral]
 - 2. Motion approving Check Reconciliation Register(s) dated 11/07/13. [C.Spinella/2.1.0]
 - 3. Resolution No. 108-13 approving destruction of records pertaining to the City Clerk's Office and Finance Division. [M.Cabral/40.10.01]
 - 4. Resolution No. 109-13 appropriating funds from the Alhambra Cemetery Trust Fund for improvements to the Alhambra Cemetery and authorizing the expenditure thereof. [P.Lorick/5.22.00]

On motion by Mark Ross, Councilmember, seconded by Michael Menesini, Councilmember, to approve Items #A and #1 through #4 of the consent calendar. Motion unanimously passed 4 - 0. Lara DeLaney, Excused; Rest, Ayes.

PUBLIC HEARING(S)

- 5. A. Introduce an ordinance repealing and reenacting Martinez Municipal Code Chapters 15.04, 15.05, 15.07, 15.16, 15.20, 15.24, and 15.28 , adopting by reference the 2013 Building Standards Code, Title 24 California Code of Regulations, including Parts 1 and 2 Building Code, Part 4 Uniform Mechanical Code, Part 5 Uniform Plumbing Code, Part 3 National Electrical Code, Part 9 International Fire Code, Part 11 International Green Building Standards Code and Part 2.5 International Residential Code with amendments; and adopting findings and an exemption from the provisions of the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3); and [D.Salts/9.16.02]
- B. Schedule a public hearing for December 4, 2013 to adopt same.

Deputy Director of Public Works Don Salts presented the staff report, discussing State legislation updating the California Building Code. He also reviewed some of the new provisions. Mayor Schroder asked, and Mr. Salts confirmed that the proposed changes to Martinez Municipal Building Code were based on the state standards, which were based on changes to national and international standards.

Councilmember Ross asked about the solar heating, roof-mounted solar water-heating structures, electric vehicle plug-ins, and when the new Code will take affect, which Mr. Salts discussed.

Mayor Schroder opened the public hearing.

Mike Alford asked about CEQA (California Environmental Quality Act) exemptions, and Mr. Walter explained that adopting the revised Code sections will not have an impact on the environment, but future projects will not be exempt from CEQA.

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

Councilmember Menesini asked why the entire Code is being repealed and subsequently reenacted. Mr. Walter explained that when comprehensive changes are proposed it is easier to handle it that way rather than piecemeal. Councilmember Menesini also asked, and Mr. Salts confirmed, that the proposed ordinance is a template from past updates, with the assistance of the City Attorney. He added that the new codes will become State law in January 2014, and that the only changes from the State regulations that staff has proposed are administrative in nature.

In response to a further question from Councilmember Menesini, Mr. Salts discussed how the new regulations might affect the rebuilding of a structure in the downtown damaged by fire.

Councilmember Menesini questioned how many State lawmakers (who enacted the State Code changes) actually know and understand the implications of the language that is now being proposed for Martinez. Councilmember Avila Farias noted that with the improvements in technology and the expertise of the professionals in the industry, she was confident that the new provisions will be for the betterment of the City, especially compared with the minimal requirements in third world countries.

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve introduction of an ordinance repealing and reenacting Martinez Municipal Code Chapters 15.04, 15.05, 15.07, 15.16, 15.20, 15.24, and 15.28, adopting by reference the 2013 Building Standards Code, Title 24 California Code of Regulations, including Parts 1 and 2 Building Code, Part 4 Uniform Mechanical Code, Part 5 Uniform Plumbing Code, Part 3 National Electrical Code, Part 9 International Fire Code, Part 11 International Green Building Standards Code and Part 2.5 International Residential Code with amendments; and adopting findings and an exemption from the provisions of the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3); and scheduling a public hearing for December 4, to adopt same. Motion unanimously passed 4 - 0. Lara DeLaney, Excused; Rest, Ayes.

CITY MANAGER

6. Report on Contra Costa County Planning Commission's action on a Land Use Permit application by Phillips 66 Company to implement and construct a Propane Recovery Project and the adoption (certification) of the Final Environmental Impact Report and related findings; consider and possibly take action to direct staff to file an appeal of same. [A.Shear/06.01.00]

Acting City Manager Alan Shear presented the staff report, discussing the County's Planning Commission hearing related to modernization of its existing Phillips Refinery in Rodeo, with no intensification of use proposed. He also summarized concerns raised by the public at the hearing as well as the Commission's approval of the project.

Dina Tasini, Contract Planning Manager, noted that the meeting was held at 4:00 p.m., and in attendance at the meeting were Citizens for a Better Environment, the Sierra Club and several attorneys.

Councilmember Menesini asked about potential increase in the rail transport of propane through downtown Martinez. Ms. Tasini indicated it was an issue raised in the City's comment letter regarding the EIR, and related mitigation measures were discussed in response to those comments. Councilmember Menesini asked how long a period the propane tankers will be in downtown Martinez, and Ms. Tasini responded that it was not addressed specifically. He asked if it would be possible to get the answers, and Ms. Tasini said she would contact County staff for the information. Councilmember Menesini also expressed concern as to whether any of the tankers would be stored in the switching yard for any period of time, what safety measures/training would be provided, and whether any of the trains would be automated.

Councilmember Avila Farias noted that she had also attended the meeting, at least through the presentation by Phillips 66. She added that the new state-of-the-art equipment that will be used was impressive, but she was concerned about the increased impacts to Martinez from the increase in transport. She indicated she had asked the Phillips 66 representatives to consider coming to a future Council meeting to discuss the issues further.

Councilmember Ross acknowledged the importance of the issues raised by Councilmember Menesini, and he also commented on rail safety issues from the current level of hazardous material transport through the City and whether the rail lines have been adequately maintained/upgraded to deal with those cargos.

Mayor Schroder stated that it is very likely that the approval granted by the County would be appealed at least by some of the environmental groups, and perhaps the Council should consider whether the City should join in the appeal. Councilmember Menesini strongly expressed that the City should.

Councilmember Avila Farias said she would support participation in the appeal if it seems prudent, but she would like further discussion with Phillips to see if the questions/issues raised by the Council could be addressed.

Councilmember Ross discussed his role in serving on the air quality board and safety requirements enacted to protect air quality. Councilmember Menesini noted his primary concern is the safety of Martinez residents.

Ms. Tasini asked for clarification on how/if/when the City can join an appeal raised by another body, which City Attorney Jeff Walter discussed, specifically concerning the deadline for appeals and possible actions that the Council could take tonight.

**Councilmember Mark Ross recused himself from further discussion and action on the item because of a conflict with his position on the Air District Board and left the dais.*

Councilmember Menesini requested that an Ad Hoc Committee be created to review the appeal process and options for either appeal or making comments on the Phillips 66, Propane Recovery Project, and appoint Mayor Schroder and Councilmember Menesini to the Ad Hoc Committee.

Mayor Schroder opened public comment on the item.

Mike Alford asked for clarification on where the proposed modernized holding tank would be located (Rodeo, CA) and whether rail tanker cars will be stored in Martinez (full or empty). He commented on an earthquake fault that should be considered as well because it runs close to the switchyard in Martinez. He expressed appreciation to Councilmember Menesini for bringing the safety issues to the attention of the Council and the public.

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

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve creation of an Ad Hoc Committee to review the documents, appeal process and discuss with staff options for either appealing or commenting on the Phillips 66, Propane Recovery Project, and appoint Mayor Schroder and Councilmember Menesini to the Ad Hoc Committee; and if there is a fee for the appeal, to authorize payment. Motion passed 3 - 0. Lara DeLaney, Excused; Mark Ross, Councilmember, Recused; Rest, Ayes.

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

Acting City Manager Alan Shear noted that at the last Council meeting, Council directed staff regarding the Plastic Bag Ban Ordinance, to reach out to other agencies for cost share of the CEQA compliance and at the Contra Costa County City Managers' meeting; the City of Walnut Creek asked if any other cities would like to share in the costs. Three cities expressed interest: Martinez, Brentwood and Pleasant Hill, in sharing costs with Walnut Creek.

Councilmember Menesini reported that Safeway had been using only paper bags the last time he was there, but it was not due to the potential ban on plastic bags, but because they had run out of them. Mayor Schroder said he has noticed how many people are consistently using reusable bags.

Mayor Schroder also indicated that one councilmember from Walnut Creek is trying to gather signatures in support of overturning the ban on smoking in public areas.

CHIEF OF POLICE

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

Chief Peterson reported that Officer Jim Chase has announced his intention to retire at the end of the year after 24 years with the City and 32 years in law enforcement.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

9. Council Subcommittee Reports.

Councilmembers Avila Farias and Ross announced that the Annexation Subcommittee had met and was bringing an item forward to the December 4th meeting.

Councilmember Menesini noted that due to concerns raised at the last Public Safety Subcommittee meeting, Chief Peterson will be looking at crisis intervention training. Chief Peterson stated that he will be sending officers to a Mental Health Refresher course for Law Enforcement.

10. City Council Comments.

Councilmember AnaMarie Avila Farias thanked staff for a very nice Veterans Day Ceremony and the community for attending.

ADJOURNMENT

Adjourned at 9:10 p.m. to a Regular City Council Meeting on December 4, 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 12/18/13