

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. in the Council Chambers with all members present except Vice Mayor Menesini, who was upstairs, and Councilmember Avila Farias, who arrived shortly after roll call.

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

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

CLOSED SESSION (Adjourn to City Manager's Office)

- A. PUBLIC EMPLOYEE APPOINTMENT pursuant to California Government Code section 54957. Title: Interim City Manager

PUBLIC EMPLOYMENT, pursuant to California Government Code Section 54957.
Title: Interim City Manager

- B. CLOSED SESSION ITEM ADDED FROM SPECIAL MEETING AGENDA: (Posted at 1:00 p.m. on January 21, 2014)

Closed Session pursuant to California Government Code section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Mayor Rob Schroder

Unrepresented Employee: Deputy Director of Strategic Planning & Community Development; Interim City Manager

RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL

Mayor Schroder reconvened the meeting at 7:05 p.m. He reported that Closed Session was held regarding Conference with Labor Negotiations with respect to Interim City Manager, Public Employee Appointment, Public Employment, Title, Interim City Manager; there was nothing to report out. He noted that there is an Item on Consent Calendar and will be discussed at that point.

Mayor Schroder invited Eagle Scout Kaleb Bateman to lead in the pledge of allegiance.

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

EXCUSED: None.

ABSENT: None.

PRESENTATION(S)

A. Proclamation recognizing Kaleb Bateman, Eagle Scout.

Mayor Schroder commented on his own experiences with Scouting, including the achievement of reaching Eagle Scout, and the benefits of Scouting. On behalf of the City Council, Mayor Schroder read and presented a proclamation to Kaleb Bateman recognizing his achievement in reaching Eagle Scout. Mayor Schroder thanked Vice Mayor Menesini for attending the Eagle Scout award ceremony, since he was unable to be there.

B. Martinez Chamber of Commerce and Main Street Martinez Mid-Year Update.

Mayor Schroder noted that Main Street Martinez would not make their presentation, which has been postponed to February due to John Curtis, President of Main Street Martinez, being ill.

Adam Hoffert, President, and John Stevens, CEO, of the Martinez Chamber of Commerce discussed collaborative efforts with Main Street Martinez and City staff member Anna Gwynn Simpson. He also reviewed their recent accomplishments including past events, Visitor's Center services, outreach educational services, and he reviewed the results of a Guest Survey of attendees at Martinez on the Plaza Gala, as requested by the City. Mr. Hoffert announced their future events as well.

The Council expressed their appreciation for all of the Chamber's efforts and their great events.

C. 2013 Rankin Aquatic Center Review.

Recreation Supervisor Patty Lorick provided a PowerPoint presentation reviewing the 2013 Season Summary for the Rankin Aquatic Center, including the financial report (expenses and revenues), and participation in activities (recreational swim time, parties, swim lessons, lap swims, water aerobics and pool parties). Ms. Lorick reported that for 2013, fees collected were \$32,393, as compared to 2012, when total fees collected were \$30,661.

Ms. Lorick reviewed the participation of the Community Swim Team, the Mermaids, and the classes and water safety programs taught. She also discussed the amount of advertising conducted, rescues and assists, first aid reports, decrease in emergencies resulting in ambulance services, increased aquatic staff (45 personnel total), Junior Lifeguards and the Mermaids. Ms. Lorick also reviewed the hiring process, safety training and certification. She announced that May 31st will be opening day for the upcoming season.

Ms. Lorick further provided a brief preliminary analysis for extending pool hours through October.

Mayor Schroder asked how other municipalities with year round pools deal with hiring and financial issues for the off-season, which Ms. Lorick discussed. Mayor Schroder indicated he would like to take the next step and do further analysis on the potential extension of the season.

Vice Mayor Menesini agreed with Mayor Schroder, and he suggested partnering with private groups to find ways to extend the season.

Councilmember DeLaney expressed appreciation for the thorough report. She wondered why the numbers for adult programs declined, when all other areas of participation increased. Staff reported that it could be the time and the weather. Councilmember DeLaney stated that she also supported extending the pool season through October, even if doing so requires some subsidy from the General Fund (which hasn't been necessary thus far).

Councilmember Ross stated that he supported the extension as well, and he expressed confidence that it could be done. He commended Ms. Lorick for her efforts.

Councilmember Avila Farias indicated she wished to explore the funding options further, and she encouraged late hours to accommodate working families. If not extending the season, she suggested looking at options for extending the hours. Ms. Lorick noted that one more family swim night has been added, and she reviewed the current pool schedule.

Cookie Telles, Mermaids, expressed her appreciation to the Council for their interest and support. She discussed the supportive role of the Mermaids and their desire for expanding the pool services, especially given the wonderful asset that the improved pool has been. She questioned the cost effectiveness of continuing to operate the new improved pool under the same model as was followed with the older pool. On behalf of the Mermaids, she asked the City to extend the season into October.

Mayor Schroder noted for the record that he had received a text from Deanna Dugman supporting more pool hours.

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

Henry Benton questioned why City Manager Philip Vince left the City. He questioned how the Council was planning to restructure the City. Mayor Schroder indicated that there was no restructuring planned and that Mr. Benton may be referring to Item 9.1 of the agenda. Vice Mayor Menesini noted that the City had a Strategic Plan and had not changed it. Mr. Benton question why the Hidden Lakes Park project was behind schedule and over budget. Mayor Schroder stated that the project is under budget and that Hidden Lakes Park was almost complete and on schedule.

Douglas S. Van Raam spoke about the marijuana ordinance discussed at the last Planning Commission meeting. He stated that it was recommended to reduce the number of plants allowed per household, which is not the right thing to do. He urged the Council not to support the marijuana ordinance in its current form when it comes before the Council. He noted that inside growing is much more expensive and six plants are just too few.

Richard Verrilli expressed concerns regarding an ad for qualifications for housing at Berrellesa Palms, which was very discouraging. He felt that the requirements for qualifying are too stringent - you have to be at risk of homelessness, have a disability, eligible for skilled nursing care but can live independently. He reminded the Council that the consultants have told the City that there was not the level of residents to support downtown businesses and that more middle class residents were needed.

Michael Alford agreed with Mr. Verrilli's comments and stated that Berrellesa Palms is a glorified homeless shelter. He further stated that the Council had said it would be strictly a senior citizen housing project.

CONSENT CALENDAR

- A. Motion waiving reading of text of all Resolutions and Ordinances.
 - 1. Motion approving the City Council Minutes of December 4, and 18, 2013 and Special Council Minutes of January 16, 2014. [M.Cabral]
 - 2. Motion rejecting Claim against the City by Weitzman, D Anne & Keith, #13-05. [M.Cabral]
 - 3. Motion approving Check Reconciliation Registers dated 12/19/2013 and 01/09/2014. [C.Spinella/2.1.1]
 - 4. Motion accepting the City's December 31, 2013 Quarterly Cash and Investment Report. [C.Spinella/2.1.1]
 - 5. Motion adopting Ordinance 1376 C.S. amending the Martinez Municipal Code Title 8, Health and Safety, Chapter 8.19, Recycling of Construction and Demolition Waste; and adopt findings and exemption from the provisions of the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3).[M.Chandler/9.10.00]
 - 6. Resolution No. 001-14 authorizing destruction of records pertaining to the Finance and Personnel Divisions of the Administrative Services Department. [M.Cabral/40.10.01]
 - 7. Resolution No. 002-14 authorizing the City Manager to execute Master Cooperative Agreement No. 27C.01 between the Contra Costa Transportation Authority and the City of Martinez for the San Francisco Bay Trail Phase II, Berrellesa Street Project. [T.Tucker/3.4.10]
 - 9. Resolution No. 004-14 authorizing the City Manager to execute a standard consultant agreement in an amount not to exceed \$155,000 for consultant services with Kluber and Associates for the ADA and Playground Improvement Project design (Susana Street Park and Mt. View Park). [T.Tucker/10.05.03]

Councilmember DeLaney requested that Items #8 and #9.1 be pulled from the Consent Calendar.

Mayor Schroder opened public comment on Consent Calendar Item A, Items #1-7 and Item #9.

Regarding Item #5, Richard Verrilli asked for clarification on the fees charged. Senior Management Analyst Michael Chandler explained that the provision was already in the ordinance, and only one hour was charged (\$120), for admin processing of the application. He acknowledged that the hourly rate had increased, and there was a deposit required as well.

Michael Alford commented on Item #9 and the fact that Kluber & Associates had been awarded another contract recently. Mayor Schroder confirmed that there had been an open bidding process for the contract. He added that Kluber & Associates is a Martinez business, and the owner is a Martinez resident.

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

On motion by Lara DeLaney, Councilmember, seconded by Michael Menesini, Vice Mayor, to approve Item A, Items #1 through #7 and Item #9 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

8. Resolution No. 003-14 approving Subdivision 9089 "The Paseos" Final Map, and authorize the City Manager to execute the Subdivision Improvement Agreement, and authorizing the deposit of special development fees into the appropriate accounts. [T.Tucker/13.9089]

Councilmember Ross recused himself from the item, since he sold a property near the subject property, and he left the dais.

Councilmember DeLaney commented on additional fees charged for this project - an in lieu fee for a contribution to the affordable housing fund, and a public recreation fee. She expressed concern about the affordable housing fee as a condition of approval, noting that the City has no program for management of the fees, although the intention is there. She also was concerned that some applicants have had the fee waived, which means the requirement is not equally applied.

Assistant City Attorney Veronica Nebb clarified that the final map stage would not be the point at which fees should be waived, since the developer did not object to the fee earlier in the process; and in fact, the developer has already paid the fee.

Councilmember Avila Farias reviewed the history of the affordable housing component, noting that there was an inconsistent process early on and that a subcommittee had worked for six months to try to develop an inclusionary housing ordinance. She agreed with Councilmember DeLaney that the fees have been charged inconsistently, but noted it was not the will of the Council to adopt a strictly equitable policy as of yet.

Councilmember DeLaney said she thought it was time to develop a clear and fair policy. Mayor Schroder agreed, but expressed concern about additional delays to this project while the policy is being reviewed and established.

Ms. Nebb indicated that consideration of the policy could be agendaized for a future meeting and, if the Council wishes, adjustments can be made for any projects affected by the inequitable application thus far.

Mayor Schroder thought the suggestion Ms. Nebb made was a good one, agreeing that there needs to be more discussion and consideration of an inclusionary requirement.

Mayor Schroder opened public comment on the item.

Donald Pallotta, Parks, Recreation, Marina & Cultural Commission (PRMCC), discussed funds that the Arts & Library Commission (now merged with the Parks Commission into one) used to have authority to allocate for projects throughout the City, but now that has been given back to the Council. He expressed agreement with Councilmember DeLaney that these funds could be earmarked for PRMCC projects rather than having the money go into a special fund that few people are aware of. He discussed potential projects that the funding could help, with PRMCC oversight.

Kristin Henderson said she was surprised the funds were already assigned to something, since the Council seems to have its own vision for the downtown and how things should be done.

Michael Alford asked whether fees previously collected would be refunded back to the developers since the Vista Del Sol project (associated with Councilmember Avila Farias) had its fees waived. He questioned why it was not done more equitably. He expressed concern about the way the issue has been handled thus far.

Harlan Strickland commented on changes being made to the Howe Road industrial area, the push for housing in the downtown area, and other instances where land is being taken from manufacturing uses and turned into housing, at the expense of area jobs.

Richard Verrilli commented on the contribution made by Councilmember Avila Farias (at that time not a Councilmember) and her husband in developing a quality housing development (Casa del Sol) on a previously rundown lot and the improvement it brought to the downtown. He noted that at the City Council meeting, Councilmember Ross mentioned the proposed affordable housing fee (which had not been adopted by the City yet), and the applicants voluntarily agreed to pay the fee, in order to facilitate the approval by the Council. He indicated that the only reason they did not was because the market took a downturn and made their project difficult to sell. He did not think they should be penalized for circumstances beyond their control.

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

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 003-14 approving Subdivision 9089 "The Paseos" Final Map, and authorize the City Manager to execute the Subdivision Improvement Agreement, and authorizing the deposit of special development fees into the appropriate accounts. Motion unanimously passed 4 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. Abstain: Mark Ross, Councilmember.

Councilmember Ross returned to the dais.

9.1 Motion approving employment agreement employing Anna Gwyn Simpson as Interim City Manager. [R.Schroder/17.00.01]

Mayor Schroder reviewed the timeline and actions of the Council leading to the employment of Ms. Simpson as Interim City Manager. He explained that Assistant City Manager Alan Shear had declined the possibility of serving as Interim City Manager, and he clarified that there is no

set standard for the process of hiring a City Manager, much less an Interim City Manager. He explained why he recommended Ms. Simpson for Interim City Manager, and he confirmed that the hiring of a permanent City Manager would be much different and more extensive.

Councilmember Ross explained his concerns with the process thus far, adding that it is important for the public to understand the process as well. He noted that the hiring of a permanent City Manager is most important and has great implications for the City and should be done with transparency and diligence. He also indicated he would be voting against the motion to approve Ms. Simpson as Interim City Manager, primarily because he was not aware of her qualifications.

Vice Mayor Menesini stated that he thought the process followed had been as transparent as possible, with proper notice being made of the Closed Session meetings. He agreed with Councilmember Ross about the importance of the hiring process for City Manager and was confident it will be conducted in accordance with the Brown Act and will be an open process. He indicated his support for the Mayor's recommendation for Ms. Simpson to serve as Interim City Manager, and he thought it would be in the best interests of the City. He also reviewed Ms. Simpson's qualifications and experience (including what she accomplished in the last six months with the City), which he said made her more than qualified for this post.

Mayor Schroder opened public comment on the item.

Richard Verrilli expressed concern about the fact that the Council is divided 3:2 on this issue; he thought support of the full Council would be crucial to ensure Ms. Simpson's success.

Rebecca Brown clarified that her comments were reflections on the process, not on Ms. Simpson's qualifications. She stressed the importance of a clear, consistent, rigorous process that demonstrates due diligence to ensure both excellence and fairness. She asked the Council to continue with Mr. Shear as Acting City Manager until a permanent replacement is found.

Harlan Strickland expressed regret that Mr. Shear had said he didn't want the position of Interim City Manager; he felt Mr. Shear was competent and capable to serve until a permanent City Manager is found. He also expressed concern as to why Phil Vince left the position. He was also concerned that Ms. Simpson did not have the necessary experience for the job. He thought there needs to be a deadline by which the Council will have hired a new City Manager.

Michael Alford discussed the public's right to know more information about Ms. Simpson, her qualifications, her past work history with Councilmember Avila Farias, and why Mr. Vince left - if the Council is truly interested in a transparent process. He was concerned with the emphasis the Council seems to be putting on housing in the downtown with no concern for bringing more businesses to the City.

Robert Perry asked for information about the position Ms. Simpson was hired to do and whether similar positions exist in other jurisdictions. Mayor Schroder, Vice Mayor Menesini, and Councilmember Avila Farias confirmed that many cities have positions related to community economic development. Councilmember DeLaney clarified, however, that the title Deputy Director of Strategic Planning and Community Development was unusual, as well as her current job description. Mr. Perry had other questions about her past experience, the hierarchy of

positions, and other employees that could've been selected for the position of Interim City Manager, which members of the Council addressed. Mr. Perry expressed concern about inequalities in the process.

Kristin Henderson noted that Mr. Perry was the one who prepared Councilmember Avila Farias campaign materials. She commented on Mayor Schroder's record of making decisions without consulting the public or the legislative body, and those decisions favor the same certain people in the City each time. She discussed what the City Code has to say about the hiring process. If Councilmembers DeLaney and Ross were not made aware of Ms. Simpson's qualifications, Ms. Henderson was concerned that the Brown Act was violated, since three of the Council seem to have decided in advance what action they wanted to happen. She was also concerned about the ultimate effect of the General Plan update and the emphasis on more housing. Mayor Schroder assured the public that the Closed Session discussions among the Council were free and very spirited.

An unidentified speaker asked that the Council not lose sight of the fact that Ms. Simpson is possibly very qualified for the position. She agreed that more discussion and a more transparent process is always best, but she was concerned that the City could lose a young, energetic, very capable person with a strong vision for the City.

Harriett Burt expressed concern about the fact that it seems the full Council was not given the opportunity to interview Ms. Simpson and hear from her about her qualifications, experience, and vision for the City. She thought Mr. Shear was eminently qualified to serve as Interim City Manager. She expressed confidence in Ms. Simpson's capabilities for the job she was hired to do and might be equally qualified for the proposed position. She was concerned, however, that the Council process has raised questions that the public has a right to have answered.

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

Councilmember Ross responded to Mr. Verrilli's concerns about unity among the Council by saying that regardless of how this vote comes out, he would work to support whoever is in the position of Interim City Manager. He also expressed appreciation to Mr. Shear and Ms. Simpson for the grace they have shown in a difficult situation.

Councilmember DeLaney noted that her concerns with the appointment of Ms. Simpson to the position was not how it will affect her personally, but rather the impact it will have on the City. She expressed concern about Ms. Simpson's qualifications; and the seriously flawed process under which she was selected. She noted that she and Councilmember Ross were denied the opportunity to see Ms. Simpson's resume or interview her, and she was concerned as to why the other three members of the Council were advocating for her appointment without the support of the whole Council. She indicated her opposition to the appointment was not a gender issue or a personality issue, but about having someone in place who the entire Council does not believe to be the best and the brightest candidate for such a critical position. She discussed the chain of events leading to Mr. Shear's withdrawing from consideration, and she expressed concern about the appearance of cronyism, patronage and potential corruption, as well as impacts on the City's reputation and future well-being. She urged the citizens of Martinez to consider the situation carefully at the next election.

Vice Mayor Menesini disagreed sharply with allegations made by Councilmember DeLaney regarding the process and why Mr. Shear withdrew his name from consideration. He chided her for misrepresentations and mis-statements, and he reiterated that the entire Council was present and involved at the Closed Session discussing Ms. Simpson's appointment to the position. He expressed his continued support for the Mayor's recommendation.

Councilmember Avila Farias agreed with Vice Mayor Menesini that the process followed was no different from the earlier process of selecting Mr. Shear to serve in the role he has been, and it was his decision to step down. She briefly commented on the work that Ms. Simpson has done during her short time with the City and expressed confidence in her abilities to act as Interim City Manager. She also expressed regret for the inaccurate and negative comments made by Councilmember DeLaney. She expressed concern as well about the fact that the Closed Session process was violated when another Councilmember reached out to her, outside the public process, in an effort to sway her vote away from Ms. Simpson. She indicated strong support for the decision to appoint Ms. Simpson as Interim City Manager, in the best interests of the City.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve employment agreement employing Anna Gwyn Simpson as Interim City Manager. Motion passed 3 - 2. Yes: AnaMarie Avila Farias, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember; Mark Ross, Councilmember.

The Council recessed at 9:20 p.m. and returned to the dais at 9:33 p.m. with all members present as indicated.

PUBLIC HEARING(S)

10. Public hearing to consider the Planning Commission's unanimous recommendation for approval of the proposed Zoning Code amendments and introduce the draft ordinance amending Chapters 22.04 (Definitions), to provide definitions for bars and restaurants and 22.16 (Permitted Uses and Conditional Uses), to provide conditional use permit regulations for bars and restaurants serving alcohol (other than beer and wine), and to clarify the inclusion of restaurants serving only beer and wine as permitted uses in commercial districts; repealing Urgency Ordinance No. 1371 which extended interim restrictions on development of bars within the downtown established by Urgency Ordinance No. 1369, and finding that the adoption of the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15061(b)(3) and 15305. [C.Simon/9.4.4.32]

Senior Planner Corey Simon presented the staff report, providing background information, including Planning Commission input and support. Councilmember Ross asked if a bar that offers microwaved food would qualify as a restaurant and be exempt from the regulations for bars. Mr. Simon reviewed the standards that differentiate the two uses.

Councilmember DeLaney asked how a theatre that offers a concessionary beer or wine would be classified. Mr. Simon noted that concession sales are usually ancillary to another use, so they shouldn't be affected by the ordinance.

Mayor Schroder asked, and Mr. Simon confirmed, that establishments serving only beer and wine would not be subject to the same requirements as those serving hard liquor.

Mayor Schroder opened the public hearing.

John Stevens, Chamber of Commerce, noted that the Planning Commission did a good job in evaluating the ordinance and worked hard to develop an easily understood and easily applied ordinance. He also gave a brief report of input from the Chamber members to the proposed ordinance and noted that the primary concern was with language in the ordinance that could be subject to interpretation and thus potentially applied inconsistently.

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

Councilmember DeLaney commended the Planning Commission for their efforts with the ordinance, particularly the two special meetings that were needed to accommodate the timing of the ordinance and their work to ensure that it facilitates the application process for businesses seeking beer/wine sales with food, but not hard liquor. She indicated her support for the ordinance.

Vice Mayor Menesini also commended the Planning Commission's work. He added that unfortunately, it is difficult to find an ordinance without some language that is subject to interpretation. He was supportive of the ordinance as well.

Councilmember Avila Farias echoed Councilmember DeLaney and Vice Mayor Menesini and indicated her support also.

Mayor Schroder expressed appreciation for the ordinance as a way to resolve some difficult existing issues and especially for the fact that the proposed process is not unduly burdensome for beer/wine sales. He also thanked Mr. Simon for his work on the ordinance.

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, introduce an ordinance amending Chapters 22.04 (Definitions), to provide definitions for bars and restaurants and 22.16 (Permitted Uses and Conditional Uses), to provide conditional use permit regulations for bars and restaurants serving alcohol (other than beer and wine), and to clarify the inclusion of restaurants serving only beer and wine as permitted uses in commercial districts; repealing Urgency Ordinance No. 1371 which extended interim restrictions on development of bars within the downtown established by Urgency Ordinance No. 1369, and finding that the adoption of the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15061(b)(3) and 15305. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

11. Public hearing to introduce an Ordinance amending Title 10, Vehicles and Traffic, by adding Chapter 10.38 to the Martinez Municipal Code establishing Fees and Parking Regulations for City owned electric vehicle parking charging stations.

[M.Chandler/02.02.04]

Sr. Management Analyst Michael Chandler provided a PowerPoint presentation, including a brief discussion of the background of the electric vehicle charging stations, startup costs, locations, a summary of the proposed fees, cost basis, and cost recovery estimates.

Mayor Schroder commented on an article in the Contra Costa Times that indicated that, throughout the bay area, it can be difficult to find a charging station.

Councilmember Ross suggested that the charging station in front of City Hall have a fee of seventy-five cents or a dollar, as it is almost always occupied. He also noted that there is funding available from the Air District for installing more stations.

Councilmember DeLaney agreed with Councilmember Ross that the fees should be higher. She asked how the 4-hour limit would be enforced and if signage would be added to inform the public of the costs. Mr. Chandler said yes, there would be additional signage, and enforcement would be the same as for any parking regulations.

Councilmember Ross asked if those who park in the spaces longer than needed to fully charge the vehicle can be tracked and charged for using the space overtime. Mr. Chandler said yes, it can be monitored and ticketed, just like any parking meter. He discussed with the Council sample language for the signage.

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

Councilmember DeLaney said she thought parking rates should be increased for all the stations. Consensus was reached to increase fees to one dollar for short and long term parking.

On motion by Mark Ross, Councilmember, seconded by Lara DeLaney, Councilmember, introduce an Ordinance amending Title 10, Vehicles and Traffic, by adding Chapter 10.38 to the Martinez Municipal Code establishing Fees and Parking Regulations for City owned electric vehicle parking charging stations and *to increase fees to one dollar for short and long term parking*. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

CITY MANAGER

12. Marina Dredge Pond Use Mitigation Plan Update. [M.Austin/14.01.00&14.05.05]

Mitch Austin, Contract Recreation Manager, provided a PowerPoint presentation reviewing dredge and mitigation plan update for the future use of Pond #2, purpose and goals, mitigation monitoring, improvement estimates, key considerations, removal of the pickleweed, and next steps in the process.

Mayor Schroder asked for clarification on the pickleweed removal and timing with the spraying, which Mr. Austin discussed.

Councilmember DeLaney asked about the difference between pickleweed, which has been mentioned before, and pepperweed, which had not. Mr. Austin explained that pepperweed is an invasive species that does not support the habitat for the salt marsh harvest mouse, and it also suppresses the natural habitat. Councilmember DeLaney noted that removing the pickleweed will change the habitat for other species, even as it improves the habitat for the mouse.

Councilmember Ross asked about implications of the drought on the regrowth of pickleweed in mitigated areas. Mr. Austin clarified that it is the removal of the pickleweed that is considered a mitigation success, not its regrowth.

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

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

Acting City Manager Alan Shear reported that on Tuesday the City began using a new recreation software whereby the public can sign up for classes online. Mr. Shear stated that on Tuesday he attended the Board of Supervisors meeting regarding the appeal of the County's Planning Commission decision to approve the land use permit for Phillips 66 Propane Recovery. He indicated that the Board continued the item to April 1, and directed their staff to follow up on issues raised by the community and the two appellants. In addition the Board specified that staff research the issues raised in the City's letter specifically the safety, transport and storage of fuel and/or their byproducts in/through downtown Martinez; and hopefully they will be updating their EIR to address the issues raised.

CHIEF OF POLICE

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

Chief of Police Gary Peterson reported that he attended Sgt. Dave Mathers graduation from the Sherman Block Leadership Institute, a 10-month program focused on leadership, ethics and decision-making.

Chief Peterson also noted that Captain Eric Ghisletta has been appointed as chair of the Contra Costa County's Chief Second in Command Group. He added that this group deals with policy issues relating to county-wide police matters.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

CITY COUNCIL

15. Water Conservation Measures - Information and discussion as requested by Councilmember DeLaney. [C.Kania]

Water Treatment Superintendent Chris Kania provided an oral presentation regarding the City's Water Conservation Program, in response to the current drought. He indicated that he had updated the City's website regarding the City's program and the department will be sending letters to residents encouraging them to conserve water and informing them of programs being offered through Contra Costa Water District. Mr. Kania also reviewed Contra Costa Water District's rebate programs.

Mayor Schroder asked whether there was any indication that the Water District is going to institute water rationing in the City. Mr. Kania said not at this time, but it might happen if the drought continues. He also noted that Martinez is already doing a good job with conserving.

Councilmember DeLaney observed that the City is not in the first year of drought; it's been longer than that. Mr. Kania responded that it is only the first year because the Governor just now declared it a drought. Councilmember DeLaney thanked him for the valuable information he presented.

Public Works Director Dave Scola noted that Mr. Kania has been doing a great job since he joined the City three months ago.

16. Appointment of Mayor Schroder to the Board of Directors for the Martinez Chamber of Commerce and Main Street Martinez. [41.02.00]

Mayor Schroder stated that he attended his first Martinez Chamber of Commerce meeting this afternoon, and further stated that he will be the Chamber Liaison for this year, which he was requested to do by Chamber President Adam Hoffert.

Councilmember Ross stated that unfortunately he could not attend the Chamber meetings since they conflicted with the Air District meetings.

17. Council Subcommittee Reports.

Mayor Schroder reported out on the Marina Subcommittee Closed Session meeting that he and Vice Mayor Menesini attended on January 17th. Mayor Schroder indicated that they reviewed the first draft of the legislation that is being sponsored by Senator Lois Wolk regarding the Marina, which is due to be introduced on January 24th. He discussed the purpose of the legislation, to convert the marina land from a lease with the state to a land grant to the City in perpetuity. In response to a question from Councilmember Ross, Mayor Schroder briefly reviewed the legislative process.

18. City Council Comments.

Councilmember Mark Ross expressed his appreciation to Alan Shear for the work that he has done.

Councilmember Lara Delaney echoed Councilmember Ross' comments and stated that Mr. Shear has conducted himself flawlessly.

Mayor Rob Schroder also thanked Mr. Shear for his grace and his service to the City. He announced that the meeting was being streamed live on the City's website. Mayor Schroder adjourned the meeting in honor of Dominic Klapperich, who passed away from cancer, and Sergeant Tom Smith, the BART Officer, who was accidentally shot by a coworker.

Vice Mayor Michael Menesini also requested that they adjourn in memory of Bill Glass, an attorney, who attended a historical court and argued that Martinez was truly the home of the Martini. He was also the voice of Cal Bears in announcing football and basketball games.

ADJOURNMENT

Adjourned at 10:34 p.m. *in memory of Dominic Klapperich, Sergeant Tom Smith and Bill Glass*, then to a Regular City Council Meeting on February 5, 2014 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 – 2/19/14