

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 5:45 p.m. in the Council Chambers with all members present except Councilmember Avila Farias and Vice Mayor Menesini.

## **PUBLIC COMMENT (Closed Session Items Only)**

No comments made; Council adjourned to the City Manager's Office.

## **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL-- ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code subdivision (b) of Section 54956.9: (One potential case)
- B. CONFERENCE WITH LEGALCOUNSEL -- ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code paragraph (4) of subdivision (d) of Section 54956.9 (One potential case)

*\*Vice Mayor Menesini arrived at 6:40 p.m.*

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

Mayor Schroder reconvened the meeting at 7:00 p.m. He noted that a Closed Session was held regarding Conference with Legal Counsel, Exposure to Litigation, one case; and Initiation of Litigation, one case; and he reported that direction was given to legal counsel.

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 proclaiming April 1st as "National Service Recognition Day."

Vice Mayor Menesini presented the proclamation to Mayor Schroder and the City Council. He also commented on the increasing importance of volunteerism to the community.

Regarding volunteerism, Councilmember DeLaney announced the Downtown Cleanup on Saturday, April 5th.

B. Presentation by Southport Land Development - Update on 610 and 630 Court Street.

David Fisher, owner of Southport Land Commercial Company, provided an update on the progress at 610 and 630 Court Street buildings. He indicated that if the public was interested in seeing pictures of the buildings, they are on the company's website at [www.southport-land.com](http://www.southport-land.com). He acknowledged that progress on the buildings has been slow, but he indicated that the work being done is of high quality.

*\*Councilmember Avila Farias arrived at 7:15 p.m.*

Mr. Fisher also reviewed the restoration process thus far, including unexpected challenges and achievements. Mayor Schroder asked about the anticipated timeline, which Mr. Fisher discussed.

Mayor Schroder asked about plans for the other historic building that Mr. Fisher had mentioned, and Mr. Fisher confirmed that they hoped to restore it at the location where it is now being stored. He also reviewed the planned order for the tasks remaining for 610 and 630 Court Street, as well as the possibilities for a restaurant use. Public Works Director Dave Scola confirmed that the restaurant use is allowed, but the question is whether there is a business that would like to put a restaurant there.

The Council thanked Mr. Fisher for the update.

C. Calvary Temple Event "Convoy of Hope - East Bay."

Carey Gregg from Calvary Temple introduced Sonnie Tandberg and Bryan Elizarraraz to speak about their plans for "Convoy of Hope", an event that will be held on Saturday, April 5, at Rio Vista Elementary School in Bay Point. She indicated it will be a free event that will hopefully be a day of relief and hope to the community. She also discussed the many services that will be provided, i.e., medical, job assistance, counseling, free lunch, and free groceries.

Mr. Elizarraraz stated that the Church is planning a day that will impact the community; there are many who are hurting from lost jobs, homes, and finances, and they need hope. He indicated that there will be a kid zone, entertainment and a bike will be given away every 20 minutes. He encouraged the Council and the public to spread the word. Ms. Tandberg provided statistical information on those they have assisted in the past, she named the organizations that will be represented, and she gave some history on the Calvary Temple.

Vice Mayor Menesini commended them for their plan and efforts to provide relief to those in need. He discussed similar programs in Alameda County, the City of San Francisco, and also assistance for veterans.

Councilmember DeLaney commented on services available through Contra Costa County, and she indicated she would pass along the information about the Convoy of Hope to the networks she is aware of that offer services to veterans, homeless, and those who have been incarcerated and are now re-integrating with the community.

Councilmember Ross also commended them for the services they are offering.

Councilmember Avila Farias agreed as well. She commented on difficulties for Martinez residents to participate because Bay Point may be too far for them. She asked if there were plans to make the event countywide. Ms. Tandberg responded that she has been trying to get County Connection involved perhaps in offering discounted transportation to the event. She noted that Calvary Temple has members from all over the bay area, and attendance at this event has been equally broad-based.

Councilmember Avila Farias discussed events organized by Supervisor Federal Glover with similar goals and suggested there could be opportunities to partner together in the future. She indicated she would share contact information with them as well.

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

Timothy May, Masonic Lodge, spoke about the Bags for Kids Program, which has been in existence since 1996. He explained that the Masonic Lodge would like to purchase every second grader in Martinez a backpack with supplies for the upcoming school year. He added that the Masonic Lodge will be fund raising for this project, and he urged the community to donate to the cause.

Phillip Ciaramintaro, Friends of the Fishing Pier, commented on the dilapidated fishing pier, and he informed the public that Friends of the Fishing Pier will be raising funds to improve the fishing pier. He requested that he be added to the next agenda for discussion and presentation. Mayor Schroder directed him to the City Manager.

Jamie Fox spoke about the Alhambra Highlands Development and noted he is working with a group that is trying to purchase the property. He noted that many areas have significant slopes which would require a lot of grading. He urged the Council to make some corrections. He showed a slide on Alhambra Avenue that has a 2 to 1 slope and is experiencing some slippage from the hill, and he pointed out areas in the proposed development that similarly have a 2 to 1 slope. He asked that the City not issue a grading permit since the project does not comply with City code. Councilmember DeLaney asked that the City Attorney look at the information presented by Mr. Fox to see whether there are other possibilities for the site.

Bill Nichols addressed the Alhambra Highlands issue and asked the Council to do what they can to preserve the Alhambra Hills, especially considering the heritage of John Muir in Martinez. He urged the Council to consider partnering with state parks, national parks, Earth First, and any other organization that cares about preserving open space.

Rich Verrilli spoke on electronic delivery of nicotine. He asked if the City's smoking ordinance includes ecigarettes and expressed concern about health impacts on the younger generation. Councilmember Ross said Martinez' ordinance did include ecigarettes, and was the first in California to do so.

Greg Stauffelback complained about the spoils and construction debris left by the contractor on the Hidden Valley Park project. He noted that much of the debris has recently been revealed since the recent rains. He requested that the contractor be fined and not allowed to work on any future City projects. He also wanted to know the status of the bathrooms near the bocce courts at

Waterfront Park. Public Works Director Dave Scola indicated that the project has been awarded to Romtec. City Engineer Tim Tucker indicated that Romtec was a subcontractor on the previous project and did an admirable job.

Mike Alford spoke on the company, E3, working on the water/air technology, and stated that this company wants to make Martinez a poster city for their technology, especially since Martinez was John Muir country. He urged the Council to take advantage of their interest. Mayor Schroder indicated that he had the material from Talbot Howard and is in contact with him.

Gay Gerlack encouraged the Council to review Jaime Fox's information. He has provided a gate way in perhaps stopping the development on the hills. She asked the Council to contact Congressman Miller to assist and request his support to save the hills.

### **CONSENT CALENDAR**

- A. Motion waiving reading of text of all Resolutions and Ordinances.
  - 1. Motion approving the City Council Minutes of February 19, 2014. [M.Cabral]
  - 2. Motion approving Check Reconciliation Register(s) dated 03/06/2014. [C.Spinella/2.1.1]
  - 3. Motion to accept the Housing Element Progress Report - 2013 Annual Update, as per Government Code Section 65400 requiring submittal to the State Department of Housing and Community Development (HCD) by April 1st of each year; and authorize staff to submit the report to State Department of Housing and Community Development (HCD). [C.Simon/09.02.05]
  - 4. Motion directing staff to use Bidder Pre-qualification process for the Water Treatment Plant Electrical Upgrade Project; AND adopt a Resolution 028-14 authorizing the Interim City Manager to execute a \$59,000 amendment to the consultant services agreement with Carollo Engineers for additional design and bid phase support services for the Water Treatment Plant Electrical Upgrade Project. [T.Tucker/15.06.13]
  - 5. Resolution No. 029-14 authorizing the Interim City Manager to execute an amendment to an agreement for consultant services with Carollo Engineers in the not to exceed amount of \$393,800, to provide additional design and bid phase support services for the Water Treatment Plant (WTP) Seismic and Structural Upgrade Project. [T.Tucker/15.06.01]

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

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve to Item #A and Items #1 through #5 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.

Item #11 taken out of order.

Adopting a Resolution supporting the efforts of the Northern Waterfront Initiative; and direct the Interim City Manager to assign staff to continue participation in the regional collaborative work group. [A.G. Simpson/41.01.00]

Rich Steithel, Contra Costa County Department of Conservation and Development, commented on the importance of the ongoing collaborative efforts of the cities involved. He also provided a fact sheet on the Waterfront Initiative, including contact information for the agencies involved. Mayor Schroder expressed support for the effort, not just for recreational waterfront uses, but also the importance of industrial aspects and potential jobs.

Councilmember DeLaney expressed appreciation for the leadership shown by the County and Supervisor Glover. She also asked for updated information on the application for national designation of the bay area as a manufacturing corridor, which Mr. Steithel reviewed.

Councilmember Ross noted the importance of clean water for manufacturing uses. Mr. Steithel agreed and indicated there has already been discussion with the sanitary districts and the agricultural districts.

Councilmember Avila Farias expressed support as well and appreciation to Ms. Simpson for putting Martinez at the forefront as the first City to approve the resolution.

Vice Mayor Menesini commented on the many issues facing the Initiative, and he wished them success in their efforts.

Mayor Schroder opened public comment on the item.

Mike Alford shared information regarding E3 with Mr. Steithel, since clean water is their area of expertise.

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

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, to approve Resolution No. 030-14 supporting the efforts of the Northern Waterfront Initiative; and direct the Interim City Manager to assign staff to continue participation in the regional collaborative work group. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

## **PUBLIC HEARING(S)**

6. Public hearing to introduce an ordinance amending Title 22, Chapter 22.41, Medical Marijuana Dispensaries to amend the Title and add Sections 22.41.025 and 22.41.065 relating to Cultivation of Medical Marijuana, and finding that the adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15304 and 15061(B)(3).  
[C.Simon/E.Ghisletta/V.Nebb/9.4.4.30]

Senior City Attorney Veronica Nebb presented the staff report, providing background information on the proposed ordinance, concerns about public safety with outdoor cultivation, efforts of the Public Safety Subcommittee and staff to find a compromise between those concerns and the needs of those who use the product medicinally, and the Planning Commission's 3:2 vote to recommend approval of the proposed ordinance. She also reviewed the provisions of the ordinance.

Mayor Schroder clarified the Police Department's inability to enforce federal law regarding the legality of marijuana cultivation and use. He also confirmed with Ms. Nebb the City's ability to approve cultivation, with zoning limitations and/or other restrictions on the grow.

Councilmember Ross questioned the accuracy of some of the wording in the proposed ordinance regarding the public benefit to the public welfare from the regulation of the cultivation. Ms. Nebb indicated the statements he was referring to were part of the General Plan analysis presented by staff

Mayor Schroder noted there was one minor clerical correction, and Ms. Nebb cited several typographical errors.

Councilmember Ross also expressed concern about which neighborhoods would be affected, and without knowing that, he questioned how the analysis could be done. Vice Mayor Menesini explained that the purpose of the ordinance was to limit "industrial" growing of marijuana, since industrial uses are not allowed in residential areas. Vice Mayor Menesini added that a majority of the voters of the State, even those from Martinez, had approved the medical use of cannabis. Mayor Schroder opened the public hearing.

Richard Verrilli commented on the difference in medical use and recreational use, and efforts to increase the beneficial effects while reducing the negative effects. He felt that until the medicinal variety is perfected, recreational marijuana should not be allowed as a substitute. He also noted that it is legal for jurisdictions to ban the cultivation of marijuana altogether.

Tom Greerty commented on unintended negative effects that result for the neighbors of the marijuana grower, from odor to public safety threats and security issues. He was not opposed to the use of medicinal marijuana, but did not think the Council should approve the growing of it in the City.

Kit Greerty expressed concern about the ease with which a medical marijuana card can be obtained, the increase in residential burglaries in homes where marijuana is grown, and the reckless endangerment of children and the elderly if cultivation of marijuana is allowed. She urged the Council to not allow growing of marijuana in residential areas.

Georgia Gibblin indicated there were many questions that need to be answered before this is allowed. She asked particularly about the enforceability of the ordinance. She also agreed with earlier speakers that what is being grown is usually not for personal use, and the growers stand to make a profit from their plants. She thought it was appalling that the Council was even considering this.

Carol Jensen noted that her brother had been shot over one marijuana plant (not six) that he was growing, and he died as a result. She asked the Council to consider an outright ban instead. She clarified that it is not compassionate to bring such risks to the City's welfare and to legitimate businesses.

Nathan Jensen echoed earlier speakers in expressing concern about increased crime and public safety risks from allowing marijuana growing within the City. As John Muir's home, he also thought Martinez needs to be a safe place for visitors and residents to be able to enjoy the natural resources the City has.

Robin Houdashell commented on federal laws restricting the use, possession and growth of marijuana, regardless of what states resolve. She read excerpts from the federal statutes stating there is no recognized medical marijuana nor is it legal for doctors to prescribe it. She urged the Council to uphold federal law and ban the growing of marijuana in the City.

Mike Alford pointed out that no one present in the audience supports the growing of marijuana in the City. He agreed that it constitutes a public safety risk, and the Councilmembers are supposed to serve and protect the citizens of Martinez. He asked the Council to uphold federal law and vote against this proposal.

(First name inaudible) Zachery discussed his health issues with neurofibromatosis and the relief that marijuana brings to his constant pain. He noted that using marijuana has made his life manageable and enabled him to be a successful business owner and able to provide for his family. He also pointed out that illegal pharmaceutical drugs are of far more value and more likely to be stolen than marijuana.

Gay Gerlack expressed that medical marijuana is available over the internet and from other sources, and she was opposed to the City allowing marijuana cultivation. She also pointed out that the Planning Commission's recommendation for approval by a vote of 3:2 in favor is not strong support.

Russ Holt commented on the strong odor from marijuana, which can be quite offensive to neighbors. He was opposed to legalizing its cultivation.

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

Mayor Schroder noted that after Proposition 215 was passed, Martinez was the first city to enact an ordinance regulating marijuana dispensaries, which is so strict there are none in the City. He reiterated his earlier remarks that only the federal government can enforce federal law, and he thought it should be regulated like any other pharmaceutical with controlled dosages, etc. He also commented on the current situation in the City with no regulations regarding the growth of marijuana and the fact that an individual can collect multiple cards authorizing the use and growing of a virtually unlimited amount. He supported the proposed ordinance as the first step to control and limit the growth of marijuana for personal medical use. He also expressed concern about the risks of allowing only indoor cultivation.

Councilmember Avila Farias also expressed support for the ordinance, briefly commenting on the process that the Public Safety Committee followed, which led to this proposal that she thought represented a good compromise. She agreed that the proposed ordinance is better than no regulation at all. She also pointed out that the Public Safety Subcommittee will continue to monitor the situation, and changes can be made to the ordinance if it seems necessary. She invited the public to continue to attend those meetings and be a part of the process.

Councilmember Ross said he thought the City should begin with a total ban on cultivation and loosen the regulations as needed in the future. He predicted that the use/possession/cultivation of marijuana will eventually be a non-issue as voters in the State seem to support legalization. He did not think this ordinance will solve the problem; in fact, it will likely create more problems. He asked the three Councilmembers in support of the ordinance to consider indoor growing only.

Councilmember Avila Farias responded that it would have been helpful if Councilmember Ross had expressed those concerns three months ago, rather than waiting until the work had been done by staff and the Subcommittee resulting in this proposal.

Councilmember Ross noted he could not attend the Subcommittee meetings due to Brown Act restrictions; he had waited to see what the Subcommittee would propose, but these regulations were not acceptable to him.

Vice Mayor Menesini commented that the medical marijuana issue seems to excite passion on both sides. Although he acknowledged there were anecdotal stories about increased crime/home invasions, etc, it was not something he has seen in his experience with law enforcement and the criminal justice system. He added that what the Public Safety Subcommittee had intended to address was industrial grows (up to even 300 plants) in a residential area. He also noted that the Police Chief had indicated his support for the ordinance, and even the Democratic Party had recently added a plank to its platform in support of medical marijuana. He reiterated that the voters in Martinez had voted in support of Proposition 215, which allows for medical marijuana use. Ultimately, he expressed that this ordinance represents a fair compromise, and as Councilmember Avila Farias had said, the situation can be monitored for future changes if needed.

Councilmember DeLaney thanked the public for coming and expressing their thoughts. She expressed compassion toward anyone who is suffering and needs medicinal marijuana, but she agreed with Councilmember Ross and would be voting against the ordinance.

On motion by Michael Menesini, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, introduce an ordinance amending Title 22, Chapter 22.41, Medical Marijuana Dispensaries to amend the Title and add Sections 22.41.025 and 22.41.065 relating to Cultivation of Medical Marijuana, and finding that the adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15304 and 15061(B)(3). Motion passed 3 - 2. Yes: AnaMarie Avila Farias, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor. No: Lara DeLaney, Councilmember; Mark Ross, Councilmember.

## **CITY MANAGER**

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

Interim City Manager Anna Gwyn Simpson reported that the food truck event that was held last Saturday at the Marina was a success and will happen again every Saturday between 11:00 a.m. and 3:00 p.m. She encouraged everyone to attend.

## **CHIEF OF POLICE**

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

## **APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES**

### **CITY COUNCIL**

9. Authorizing the Mayor to sign a letter in support of Assembly Joint Resolution 39 - Public Channel Funds. [M.Chandler/41.01.00]

Assistant City Manager Alan Shear presented the staff report, discussing the background of public, educational and government channels and funding for the same. He also discussed legislation from 2006, which assigned control of those funds to the Public Utilities Commission (PUC) and the potential loss of control and/or funding for the City's government access "City Channel" when the current franchise agreement with Comcast expires in 2021. He noted that Assembly Joint (AJ) Resolution 39 will restore some control back to the local agencies.

Councilmember DeLaney noted that the County has also issued a letter in support of AJ 39.

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

On motion by Lara DeLaney, Councilmember, seconded by Mark Ross, Councilmember, authorize the Mayor to sign a letter in support of Assembly Joint Resolution 39 - Public Channel Funds. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

10. Authorizing the Mayor to sign a letter in support of Senate Bill 848 (Wolk), the Safe Drinking Water, Water Quality & Water Supply Act. [A.Shear/41.01.00]

Assistant City Manager Alan Shear presented the staff report, explaining how the proposed legislation will provide funding to address the situation in the delta, insure safe drinking water, increase flood safety, and insure adequate water supply throughout California.

Councilmember DeLaney noted that the County Board of Supervisors supports this legislation as well.

There was no public comment on the item.

On motion by Michael Menesini, Vice Mayor, seconded by Lara DeLaney, Councilmember, authorize the Mayor to sign a letter in support of Senate Bill 848 (Wolk), the Safe Drinking Water, Water Quality & Water Supply Act. Motion unanimously passed 5 - 0. Yes: AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Mark Ross, Councilmember; Michael Menesini, Vice Mayor; Rob Schroder, Mayor.

12. Council Subcommittee Reports.

13. City Council Comments.

Councilmember Avila Farias expressed her appreciation to Interim City Manager Simpson for bringing the Food Trucks to Martinez. She added that she and her family enjoyed the food, and there seemed to be a great turnout.

Councilmember Mark Ross asked if the City was going to be a part of Earth Day activities. Interim City Manager Simpson confirmed that the City will have a booth, provide a workshop and will be handing out recycled bags to Martinez residents.

Councilmember Lara DeLaney stated that, given the many comments received regarding the grading moratorium on the Alhambra Highlands that is about to expire, and the fact that there has not been much progress to date on the acquisition of land for open space, she requested the Council to reconsider allocating funds for an appraisal of the land. She indicated that they have not been able to get Muir Heritage Land Trust to begin the acquisition process. She also indicated that the City Attorney has contacted the attorney for the developer; however, there has been no discussion of a price.

Councilmember Ross suggested adding this to the next agenda under closed session to discuss other options and/or legalities. Senior City Attorney Nebb clarified that the request for funds would have to be in open session.

Vice Mayor Menesini recollected that at a prior meeting, the Council agreed to expend funds for an appraisal, but nothing happened further. Senior City Attorney Nebb briefly discussed the many meetings held with their legal counsel and that the owner took the position that the property was not actively for sale. She expressed that they would not place a price for the property, but acknowledged that if an actual written offer was received from anyone, they would react to that written offer. Mayor Schroder agreed to place it on the agenda and directed Ms. Nebb to advise staff as to placement on the agenda.

Councilmember Lara DeLaney stated that she has recently received a request from a mother whose son is an Army Specialist and is returning home from Afghanistan on August 15th and she is requesting the Council's support in welcoming him back home to Martinez. Mayor Schroder indicated that there is an organization that already takes care of those requests. Councilmember Avila Farias indicated that Bryan Welden, Operation Welcome Home, will notify the Mayor for the next welcome home project.

Mayor Rob Schroder stated that the Food Truck event was fantastic and was well attended. He was given some suggestions from other attendees, which he passed along to staff. He noted that the food truck event will be there every Saturday except for the day of the King of the County Barbecue and the May 10th concert. Mayor Schroder announced that the St. Baldrick's event sponsored by Creek Monkey Tap House raised \$20,000.

## **ADJOURNMENT**

Adjourned at 9:43 p.m. to a Regular City Council Meeting on April 2, 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 – 4/16/14