

**I. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL**

Mayor Rob Schroder called the meeting to order at 6:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, California.

PRESENT: Rob Schroder, Mayor, Mark Ross, Councilmember, AnaMarie Avila Farias, Councilmember, Lara DeLaney, Councilmember, and Debbie M<sup>c</sup>Killop, Councilmember.

EXCUSED: None.

ABSENT: None.

**PRESENTATION(S)**

**A. Swearing in of Police Officers Angel Cesar Ramos and Ariel Russell.**

Chief Manjit Sappal introduced Officer Angel Cesar Ramos and provided a brief background. His daughter Cassandra pinned his badge. Officer Ramos thanked the Chief, the Department, and his family for being supportive. Chief Sappal introduced Officer Ariel Russell and provided a brief background. Her husband Erik pinned her badge. Officer Russell stated it was an honor to be part of the Department and expressed her appreciation. The Council expressed their congratulations.

**B. Proclamation proclaiming November 2015 National Hospice Palliative Care Month.**

Mayor Schroder, on behalf of the City Council, presented a proclamation to Kathryn Kavanagh and Irene Merkel.

Ms. Kavanagh thanked the Council for their support. She spoke about Hospice Tree of Lights for 2015 and welcomed the public to attend the events. Martinez' Tree of Lights will be held on Saturday, November 7th at 5:00 p.m.

**C. Presentation by City Treasurer-Measure H Annual Update.**

City Treasurer Carolyn Robinson provided a Measure H annual update and noted the balance of funds as of September 30th is \$5,394,000. She reviewed the improvements to Mountain View Park and Susana Street Park, which have been recently completed. She discussed projects still under design, Hidden Lakes Soccer Field and Waterfront Park, and reviewed completed projects. During the past year, the Committee has met and reviewed the expenses and projects funded by the bond, and based on the documents submitted by staff, the City expended bond proceeds only for the purposes set forth in the ballot measure. Remaining projects proposed to be completed are Alhambra Foothill, Golden Hills, Highland Avenue, John Muir, and Morello Parks.

City Treasurer Robinson stated at this time, there is a restricted fund balance of \$5,739,198 and \$5,000,000 of bond money remains authorized, but unissued. She stated in accordance with the provisions for Measure H, the City certifies the park bond money has been spent as designated by the bond.

Councilmember Lara DeLaney requested a copy of the report. Ms. Robinson indicated it should be in the Council's packet, which Mayor Schroder confirmed.

D. Ygrene Pace Presentation.

Senior Management Analyst Michael Chandler stated Ygrene is another Property Assessed Clean Energy (PACE) provider like California First and HERO projects previously introduced to the Council. He introduced Steven Kinderman who described Ygrene's history, programs, and qualifying properties and projects. Ygrene offers a financing program designed to make payments affordable for an assortment of energy efficiency, renewable energy, and water conservation measure projects.

Mayor Schroder asked if earthquake retrofit is part of the program, and Mr. Kinderman stated it is.

Councilmember DeLaney asked how Ygrene is distinguished from other PACE providers. Mr. Kinderman stated that charges to homeowners are assessed as annual assessments and not as a large tax lien. Mr. Kinderman provided a brief explanation of how the borrowing limits and interest rates are determined.

Councilmember M<sup>c</sup>Killop asked about Ygrene's planned community outreach and education. Mr. Kinderman stated the company markets through contractors and direct mail marketing.

Councilmember Avila Farias asked why homeowners would use Ygrene if they have enough equity for other financing options. Mr. Kinderman stated the tax structure of the program is more attractive to residents. Councilmember Avila Farias asked for more information about how Ygrene practices responsible lending, which Mr. Kinderman provided.

The Council directed staff to bring forward a resolution authorizing Ygrene as a PACE provider in the City. Councilmember DeLaney requested more information on the background of the company be provided.

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

Jackie Johnston stated the Dog Park group attended the Parks, Recreation, Marina and Cultural Commission meeting and was well received. She asked the public for support and to follow them on Facebook. Ms. Johnston suggested Waterfront Park as a location for a dog park.

Sherri Lee spoke on reasonable housing accommodations. She has been looking, but cannot find any place and will be evicted very soon. Ms. Lee requested assistance. Councilmember Avila Farias requested her phone number to see what she could do to help.

Steven Young complained about cars spinning and racing down the road to the Marina. He expressed concern about safety if the issue is not addressed.

Tim Platt requested the Council to extend the deadline for comments to the General Plan and Environmental Impact Report (EIR) Update to allow more time for community education and engagement.

Julian Frazer requested Council take public comments under Subcommittee Reports, which the Council denied. Mr. Frazer stated he has followed the issue of vagrancy activities downtown for many years. He noted about 1998 code enforcement was not done, and the lack of action taken by the City to mitigate undesirable individuals downtown. He stated the City is still recovering from being run down at that time. Mr. Frazer stated the flood preparation cleaning needing to be done in the creek is not due to the beavers, but the Alhambra Development removing soil, which prevents flooding. He stated the cement bottom in the canal portion of the creek at the plaza has eliminated the natural habitat for local wildlife. He urged the Council to protect the environment and criticized the General Plan Update for eliminating the regional park and the waterfront area as a natural habitat.

## **CONSENT CALENDAR**

- A. Motion waiving reading of text of all Resolutions and Ordinances.
  - 1. Motion approving City Council Minutes of September 16, 2015.
  - 2. Motion rejecting Claim against the City by Leslie Kolesa, #15-16. [M.Cabral]
  - 3. Motion approving Check Reconciliation Register 10/8/15. [C.Spinella/2.1.1]
  - 4. Motion accepting the City's Cash and Investment Report for September 30, 2015. [C.Spinella/2.1.1]
  - 5. Motion accepting the Citizens' Bond Oversight Committee Fiscal Annual Report for June 30, 2015 (Measure H). [C.Robinson/02.09.00&16.17.17]
  - 6. Motion accepting the Disposition Policy listing the annual inventory of real property owned by the City. [T.TUCKER/5.10.00]
  - 7. Resolution No. 102-15 authorizing the City Manager to execute a First Amendment to the Communications Site Lease Agreement with T-Mobile West, LLC (Harborview Reservoir). [M.Chandler/19.03.21]

On motion by Mark Ross, Councilmember, seconded by Debbie M<sup>c</sup>Killop, Councilmember, to approve Item A, and Items #1 through #7 of the Consent Calendar. Motion unanimously passed 5 - 0. Yes: Rob Schroder, Mayor; Mark Ross, Councilmember; AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember.

## **PUBLIC HEARING(S)**

### **CITY MANAGER**

- 8. Accepting the Climate Action Plan and Sustainability Programs Report. [M.Chandler/30.08.00]

Senior Management Analyst Michael Chandler presented the staff report. He recognized the City's intern Kari Edwards for her work on this plan. He reviewed the key projects included in the Plan, including CalRecycle Beverage Grant, the California Youth Energy Services (CYES) Program, Organics Recycling Collection, Cool California Challenge, Water Conservation Education, and Electric Vehicle Charging Stations. Mr. Chandler provided usage trend and statistics on the downtown electric vehicle stations.

Mayor Schroder asked about the cost of the charging stations. Mr. Chandler stated the City receives net revenue of \$1 per hour of use, after the 10% administrative charge. Mayor Schroder asked what is included in the organics recycling collection. Mr. Chandler stated it includes anything biodegradable. More information for residents will be provided at a public hearing in November.

Vice Mayor Ross commended Mr. Chandler on his efforts for the City which have made the City a leader in environmental issues.

Councilmember DeLaney asked for more information on the Cool California Challenge, including registration information. Mr. Chandler stated sign up is available now and the challenge will run through March 2016. Any Martinez resident is eligible to enroll at [www.cachallenge.org](http://www.cachallenge.org).

The Council accepted staff's report.

Mayor Schroder opened the Item for public comment.

Julian Frazer expressed concern about people stealing from recycling containers and requested some kind of enforcement. He also expressed concern about the amount of ink on paper products being recycled. He also stated road maintenance should be more directly addressed in the City's Franchise Agreement because of the significant impact of heavy garbage and recycling trucks.

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

Councilmember DeLaney noted an upcoming meeting of the Franchise Subcommittee tomorrow. Vice Mayor Ross asked how road maintenance is addressed in the Franchise Agreement. Mr. Chandler stated \$500,000 was received for road maintenance in 2011. He noted the CalRecycle grant had provided new bins which were more scavenge-proof, and new signage is being created to discourage scavenging. He added there will be outreach and education on proper disposal of inked paper.

9. Provide direction and approve conversion of two tennis courts for pickleball use: Options (A) dedicated pickleball use; or (B) multi-use courts for tennis and pickleball. [P.Lorrick/11.01.00]

Recreation Supervisor Patty Lorrick provided the staff report, discussing the background history and the request made to the PRMCC (Park, Recreation, Marina and Cultural Commission). Dylan Radke, Chair of the PRMCC, reviewed the Commission's recommendation to the Council for a joint use facility and offered to answer questions from the Council.

Mayor Schroder asked about cost considerations. Mr. Radke explained the Commission had not discussed it because pickleball supporters indicated they had some funds available for equipment, etc, and/or would be willing to help with fundraising.

Mayor Schroder asked how Cappy Ricks Park was selected for the joint use courts, resolution of potential scheduling conflicts among users, and how/if private tennis lessons are given at the courts. Mr. Radke discussed staff's awareness of the demand at various City parks, and the first come, first served use of the courts. Staff confirmed City facilities are not to be used for private lessons (for cost), but acknowledged it is difficult to monitor.

Councilmember M<sup>c</sup>Killop asked about the compatibility of the lines and striping between different activities. Mr. Radke indicated different colors can be helpful in differentiating.

Councilmember Avila Farias questioned whether colored tape for striping could be used in the beginning while evaluating actual usage. Mr. Radke said it is happening now, but there are concerns about damage from the stickiness.

Councilmember DeLaney asked staff why Cappy Ricks Park was chosen. Ms. Lorick noted it was partly based on a public meeting, which was held when the different parks were discussed and considered. She confirmed no official counts were made, only anecdotal information given.

Vice Mayor Mark Ross asked what the cost would be to establish dedicated pickleball courts. Mrs. Lorick noted the City of Santa Rosa has built such courts at a cost of \$130,000 with an EIR at an additional cost of \$150,000. Vice Mayor Ross asked about Measure H funds and the potential for a dedicated court at one of the parks still to be renovated. He also questioned whether the School District might allow interim use of its facilities.

Mayor Schroder reviewed cost estimates from the staff report, although he reminded the Council of the City's prevailing wage ordinance; Ms. Lorick confirmed the amounts listed were estimates only, not firm figures.

Councilmember DeLaney asked whether the PRMCC had considered the benefits and cost difference for a dedicated pickleball court. Mr. Radke indicated it had, in comparison with the restriping and scheduling conflicts of a shared court.

Mayor Schroder opened public comment on the item.

Karen Siemens, representing pickleball players, discussed information gathered and presented in connection with the original request for dedicated courts at Nancy Boyd Park. She provided a comparison of the striping and linage between the court types, total number of tennis courts, and economic benefits to the City from pickleball players coming to play.

Councilmember M<sup>c</sup>Killop asked if there were other court layouts than the one presented by Ms. Siemens. Ms. Siemens said "no", not without making it more difficult for one group or the other to see their lines.

Tom Peters explained there was more involved in converting a court from tennis to pickleball use than just changing the striping, as well as neighborhood issues with parking and noise impacts.

An unidentified female speaker noted there was more tennis court use in the City than most people are aware. She pointed out tennis players who voted for Measure H are somewhat territorial in regard to their playing space being changed to another use. She reviewed other places where pickleball is being played and she questioned how many of the players present tonight were Martinez residents. She also commented on cost considerations.

Mathew Pickup expressed concern about the takeover of tennis courts by pickleball players and the betrayal of the public trust for those who voted for Measure H with the promise of improved existing facilities, not conversion to other uses. He questioned the legality of the change.

Chris Havel commented on the appeal of the tennis courts to him and his family in choosing their home in Martinez. He noted that pickleball seems to be a more organized sport and as such would benefit from a designated, scheduled site rather than casual use. He asked at least one court at each park be left for tennis; and he pointed out there are fewer tennis courts in the downtown near Cappy Ricks.

Steven Young commented on the Norcal facility with indoor pickleball courts and ample parking, which would not require the takeover of existing tennis courts.

Mayor Schroder read comments from Bill Sherrard's speaker card stating at the last PRMCC meeting, it was agreed to recommend restriping the courts at Cappy Ricks for pickleball.

Barbara Bogue summarized comments she made in a letter to the Council - she noted everyone agrees both groups need dedicated courts for their use, and shared courts is less than ideal. She acknowledged pickleball was not an active use at the time Measure H was approved, but if it had been, she was confident designated courts would have been included. She also reiterated the pickleball enthusiasts are eager to partner with the City in fundraising and developing resources.

Sandy Huie commented on the need for respect, conversation and compromise between groups. She noted the City has many tennis courts already, and pickleball players only want a place of their own. She reviewed the benefits to the City from developing pickleball teams, leagues and perhaps eventually tournaments.

Addie Matton, pickleball advocate, commented on the growth of the sport across the country and cost comparisons for installing new courts versus converting or sharing tennis courts.

Tim Platt said the tennis courts at the high school are not available for current public use. He thought it would be a bad idea to take any existing tennis courts for pickleball use. He pointed out the Martinez population is increasing, but there have been no new parks in twenty years. He discussed the potential for the Pine Meadows Golf Course to be purchased and used as a new park area in the City, and the taxpayers have expressed willingness to pay higher taxes in order to do so. He asked the Council to take the lead in this regard.

Keith Park asked the Council not to change the Cappy Ricks courts to pickleball use, as there are so few tennis courts on this side of town.

An unidentified female speaker commented on the difficulty in finding any open tennis courts in town because of the popularity of pickleball and the number of courts being used for pickleball at any given time. She agreed sharing the courts with dual lineage is very confusing to the players. She asked about potential areas in existing parks where new courts could be installed and designated for pickleball.

Vicky Carney expressed understanding pickleballers need their space, especially for tournaments, etc. She commented on parking issues at the smaller parks, as well as other uses than tennis or pickleball.

Garble Burgers confirmed the high school tennis courts are not available to the public. She discussed noise impacts on neighbors near the smaller parks and cleanup is sometimes needed after a pickleball tournament.

Stan Armstrong agreed with earlier speakers about the noise impacts from pickleball.

Eric Tate noted pickleball is a growing sport, which can be enjoyed by all ages, and some school districts are including it in their curriculum now. He pointed out parking is only an issue when a park is being used, and usage is what the park was planned for.

Julian Frazer expressed concern about the taking of an existing facility for another different use, when in fact both should have their designated space. He suggested converting some of the parking at the marina into pickleball courts.

Rona Zandenelli commented on the popularity of the Cappy Ricks tennis courts for tennis play, especially in the evenings. She asked the Council to please not take away tennis courts for pickleball, but to find a place for pickleball courts to be added.

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

Mayor Schroder commented on points well made on both sides of the issue. He acknowledged Measure H was designated for improvement of existing parks, not the purchase of new property. He noted both tennis and pickleball are great sports, and he discussed information he gathered from Walnut Creek as to how they accommodated both in their parks, as well as comparing the two cities in terms of population and park facilities.

Mayor Schroder also noted he and the City Manager believed there was no reason a tennis court in a park which had been improved by Measure H could not be converted to pickleball, although Measure H money could not be used to pay for it. He did not think Cappy Ricks was the best place for pickleball; and he acknowledged parking will be an issue everywhere. He would like to see both sports accommodated.

Councilmember Avila Farias thanked everyone for coming and showing passion for their community. She was appreciative of the benefits Measure H has afforded the City, and she was confident there is some way to accommodate both groups. She indicated she would like to see more research into the possibilities of incorporating pickleball somewhere, either at the marina or Golden Hills, but would rather not use any of the existing tennis courts.

Vice Mayor Ross thanked everyone for coming as well, and he was appreciative of the respect shown to all the speakers. He also affirmed this is a good problem to have because it shows community involvement in recreation and in the public process. He suggested contacting the School District about possibly using their courts, as well as finding the money and the space to put in dedicated pickleball courts. He also asked the City Attorney what Measure H would allow in the undeveloped parks and/or existing parks have not been renovated. For the short term, he suggested one tennis court at Nancy Boyd Park and one at Cappy Ricks be shared between both uses. He encouraged everyone to work together to find a solution to benefit all residents, rather than being competitive and offended.

Councilmember DeLaney agreed working together to resolve the issue was in everyone's best interests. She expressed appreciation for both sports, and she agreed finding a way to have dedicated pickleball courts would be preferable. She also agreed a Council subcommittee would be good to explore the possibilities, and was willing to serve in that capacity.

Councilmember M<sup>c</sup>Killop thanked everyone for coming, especially those who have been standing for so long. She agreed dedicated courts for pickleball would be good, and was willing to serve on a subcommittee. She also agreed now was a time for cooperation and community, not rancor.

Mayor Schroder said it was obvious neither option was going to be approved tonight. He asked City Attorney Jeff Walter if the Council could vote to establish an ad hoc committee and appoint Councilmembers DeLaney and M<sup>c</sup>Killop who volunteered to serve. City Attorney Walter confirmed the Council had the ability to do so under Appointments on the agenda. Mayor Schroder stated hopefully the committee will be able to make recommendations in about 30 to 60 days.

Mayor Schroder noted there were other interests among the residents related to parks and recreation, including a dog park and Measure H is not available for all of them. He commented on difficulties in balancing the needs and finances of all the competing interests.

#### 10. City Manager Comment(s)/Update(s).

City Manager Rob Braulik announced there will be a Strategic Plan Workshop scheduled for Wednesday, October 28, at 6:00 p.m., and a Closed Session will be held after the meeting. He noted the Amtrak Station painting project and the creek cleanup have been completed; and the Downtown Plaza project has been started and should be completed in December.

City Manager Braulik reported on a meeting he had with staff at the County Office of Emergency Services, noting the Sherriff's Office had shared information about a Contra Costa County Community warning system; whereby residents can go to the website to learn how the warning system works and how to get better prepared for emergencies.

Mr. Braulik also reported on the results of the recent Risk Control Assessment conducted by the Municipal Pooling Authority, noting the City scored 95% on the Assessment, the highest among the 19 member agencies. Mr. Braulik recognized Michael Chandler for all his efforts, as well as Parks & Recreation, Public Works, and the Police Department.

Vice Mayor Ross asked about the work involved with the Downtown Plaza and creek project, and Mr. Braulik summarized what was proposed.

Councilmember DeLaney spoke about incorporation of a Gentleman Joe statue in the Downtown Plaza and asked for information from staff as to available spaces.

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

Mayor Schroder created a Pickleball/Tennis Courts Ad Hoc Committee and appointed Councilmember DeLaney and Councilmember M<sup>c</sup>Killop.

On motion by Rob Schroder, Mayor, no second required created a Pickleball/Tennis Courts Ad Hoc Committee and appoint Councilmember DeLaney and Councilmember M<sup>c</sup>Killop. Motion unanimously passed 5 - 0. Yes: Rob Schroder, Mayor; Mark Ross, Councilmember; AnaMarie Avila Farias, Councilmember; Lara DeLaney, Councilmember; Debbie M<sup>c</sup>Killop, Councilmember.

## **CITY COUNCIL**

### **11. Council Subcommittee Reports.**

Mayor Schroder reported out on the Budget/Finance Subcommittee meeting he and Vice Mayor Ross attended on October 13, 2015, and the review of City budget information, including the annual audit, the current surplus, and the City's reserve policy, all of which will be presented at a future Council meeting.

Councilmember Avila Farias asked about tree replacements for those affected by the PG&E pipeline project. Staff confirmed there will be a report to the Council on the issue.

Councilmember Avila reported out on the Public Safety Subcommittee meeting she and Councilmember M<sup>c</sup>Killop attended on October 19, 2015, and she reviewed the topics raised, including public safety issues and traffic enforcement.

Councilmember M<sup>c</sup>Killop commented on attendance at the meeting and invited anyone who is interested to attend in the future and/or to participate in the Citizens Academy. They both were appreciative of the leadership shown at the meeting by the new Police Chief.

Councilmember DeLaney announced the Franchise/Public Infrastructure Subcommittee meeting to be held on Thursday, October 22, at noon in the Council Chambers.

## 12. City Council Comments.

Councilmember Debbie McKillop reported out on her attendance at the League of California Cities Conference October 1st through the 3rd, which was very informative to her as a new Councilmember in understanding what the League of Cities has to offer.

Councilmember Lara DeLaney thanked the staff for their efforts for placing the Joltin Joe on display for the October 1st Rechristening event, which was a terrific success, and for taking the Joltin Joe to the Homecoming Parade.

Mayor Schroder stated Council will be going into Closed Session and will be adjourning in memory of Ray Raineri, long time Martinez resident, who was very instrumental in the renovation of the Joltin Joe from the beginning. He noted that Mr. Raineri belonged to the Sons of Italy and had been fighting his illness for many years. Mayor Schroder was appreciative Mr. Raineri was able to see the completion of the project.

## II. CLOSED SESSION (Board Room)

- A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One potential case.

Mayor Schroder reported out from Closed Session. He stated in response to the threat of litigation, the Council has decided once the public comment period of the General Plan and the EIR closes, which will be on October 29, staff will collect comments and assemble them into a list of policy decisions, to be considered by both the Planning Commission and the City Council. The policy decisions will be to consider whether or not to include those recommended changes in the General Plan, and will be supplementally analyzed by the appropriate environmental document and released again to the public for comment.

## ADJOURNMENT

Adjourned at 10:45 p.m. *in memory of Ray Raineri*, then to a Regular City Council meeting November 4, 2015 at 6:00 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 – 11/18/15