

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

Mayor Schroder called the meeting to order in the Council Chambers at 7:03 p.m.

PRESENT: Lara Delaney, Councilmember, Janet Kennedy, Councilmember, Michael Menesini, Councilmember, Mark Ross, Vice Mayor, and Rob Schroder, Mayor.

EXCUSED: None.

ABSENT: None.

**PRESENTATION(S)**

A. Swearing in of Reserve Police Officers Jeffrey David Boyce and Matthew Castillo.

Chief Gary Peterson introduced Officers Boyce and Castillo and described their backgrounds. Deputy City Clerk Mercy Cabral swore in the Officers. Officer Boyce was pinned by his father Walter Boyce and Officer Castillo was pinned by his father Monte Castillo.

The City Council expressed their congratulations.

B. Proclaiming September 21st as "Tesoro's Day for Kids."

Tuong Truong, Director of the Boys and Girls Club, was presented the Proclamation. Mr. Ken Dami, Tesoro Refinery, indicated that it is a privilege to work with Mr. Truong and help support the children of the Boys and Girls Club by providing a safe haven after school. Mr. Truong expressed his appreciation to the Council and Tesoro for their support. The Day for Kids is this Friday, September 21, and it will be a fantastic day filled with activities and toys.

C. Proclaiming October 2012 as "Domestic Violence Awareness Month."

Mayor Schroder read the Proclamation and directed staff to mail it to STAND.

D. Status Report on 610/630 Court Street.

Mr. David Fischer, Southport Land & Commercial Co., provided an update on the progress of the buildings on Court Street. He described the process for the seismic retrofit for 630 Court Street, which will begin as soon as the Martinez Art Gallery moves into 610 Court Street. Mr. Fischer stated the drawing and permits have been issued for 610 Court Street; however, the electrical system is not up to code and will need to be replaced. He indicated that the Southport Board of Directors provided more funds so that an elevator can be installed in 610 Court Street. He also noted that in the process of reviewing the shaft for the elevator, it was discovered that the floor between the first and second story is solid concrete, the roof is concrete and the beams that support the structure are staggered; and a Civil Engineer has been hired to design a system to cut into the beams and concrete. Mr. Fischer noted that he hopes to have this work done by November 2012.

Mayor Schroder asked about the reglazing of the windows. Mr. Fischer stated that all the windows on 630 would be removed completely and redone. Councilmember DeLaney asked about the tenancy considerations, and Mr. Fischer stated he had already received several inquiries, but was unable to give firm answers because the timeline and many engineering questions were still not settled. He invited members of the Council to tour the building and see the progress.

The Council thanked Mr. Fischer for his update.

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

Carolyn Boone Duncan announced the Home Tour on Saturday, October 13, from 10:00 a.m. to 4:00 p.m. For more information, members of the public can visit the Tour's website at [www.martinezhometour.com](http://www.martinezhometour.com). Ms. Duncan thanked the Tour's sponsors including Shell Refinery, S&S Solutions, Cole Real Estate, Shell Chemical Co., Hagins Automotive, Allied Waste, Kinders, and Shell Western States Federal Credit Union.

Mike Alford reiterated his comments regarding the article in the Contra Costa Times by Lisa Vorderbrueggen, which he said contained many untruths. He also commented on the conversion of two-way streets downtown.

Tim Platt requested that the North Pacheco Certification of Election be removed from the Consent Calendar.

**CONSENT CALENDAR**

**MOTION WAIVING READING OF TEXT OF ALL RESOLUTIONS AND ORDINANCES.**

1. Motion approving City Council Minutes of August 15, 2012. [M.Cabral]
3.
  - A) Resolution No. 105-12 of intention to amend the contract between the City of Martinez and the California Public Employees' Retirement System (PERS) to enter into a 1% cost sharing agreement (PERS Section 20516) applicable to the 3% @50 formula (PERS Section 21362.2) and the 3% @55 formula (PERS Section 21363.1) for safety members. [A.Shear/4.5.13]
  - B) Introduce PERS Ordinance amending contract between PERS Board of Administration and the City of Martinez.
4. Resolution No 106-12 approving the revised agreement between the City and the Martinez Bocce Federation for use of the Bocce Complex at Waterfront Park. [M.Austin/11.05.08]

Councilmember DeLaney requested that Item #2 be removed from the Consent Calendar.

On motion by Mark Ross, Vice Mayor, seconded by Lara Delaney, Councilmember, to approve Items #1, #3 and #4 of the Consent Calendar. Motion passed: 4 - 0. Absent: Michael Menesini, Councilmember; Rest: Ayes.

2. Motion certifying the election results of August 28, 2012, for the City of Martinez, Measure T, Special Election. [M.Cabral/40.20.10]

Councilmember Mark Ross provided a brief update on what was discussed from the last meeting, and explained why it had been carried over to this meeting.

Mayor Schroder stated that he had talked to the County Clerk, and Councilmember Menesini had spoken to an attorney in election law. From these conversations it seems that the final result of the election is a tie, which means that the measure failed to pass. The City can make another application to LAFCO in twelve months.

Mayor Schroder opened the Item for public comment.

Tim Platt commented on Councilmember Menesini's statements at the previous meetings, stating that there was no way to know whether the invalid ballot was a yes or no vote, and either way the measure failed to pass. He also stated the votes were not counted in order; and therefore, it was incorrect to say the first votes cast were nos. Mr. Platt requested the Council correct these errors and apologize to the public. He requested the Council honor the vote of the North Pacheco residents.

*\*Councilmember Michael Menesini entered and was seated at 7:38 p.m.*

Mike Alford thanked the Mayor for explaining the results and agreed with Mr. Platt's statements. He requested the Council be transparent and listen to the wishes of the people.

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

On motion by Lara Delaney, Councilmember, seconded by Michael Menesini, Councilmember, to approve certifying the election results of August 28, 2012, for the City of Martinez, Measure T, Special Election. Motion unanimously passed 5 - 0.

## **PUBLIC HEARING(S)**

5. Continued public hearing Verizon Wireless Application: consider adoption of a resolution and conditions of approval denying an appeal and approving requested Use Permit and Design Review application, Permit #12PLN-0002, for installation of a new co-located wireless telecommunications facility by Verizon Wireless on an existing PG&E tower located on a private residential lot at 814 Carter Acres Lane. [A.Mepani/09.06.01.42]

Associate Planner Anjana Mepani presented the staff report. She explained that Verizon had conducted further review of alternative sites, and the City had engaged RCC Consultants to conduct a separate review. Verizon continues to believe that the site under consideration is the least intrusive and most feasible means to fill the gap in coverage, and the RCC analysis concurs. Verizon contacted East Bay Regional Park District, who responded that a wireless tower would have negative impact on the quality of recreational experience in the parks. Verizon also contacted PG&E about the possibility of adding attachments to the tower, and PG&E would not allow it.

Councilmember DeLaney asked how RCC Consultants was selected. Ms. Mepani stated that the City had contacted several firms to ask if they would do a peer review. Two firms had been interested, but one had a conflict of interest because it does other work with Verizon.

Councilmember Kennedy noted that one of the materials in the staff report referred to an alternative site on Briones Road that some of the neighbors had visited.

Mayor Schroder opened the Item for public comment.

Sandy Dax read a letter from Joanne Young, stating that the additions to the tower would lower the value of the surrounding properties because they would cause problems for people with environmental sensitivities; and that the neighbors should have had the opportunity to approve it before the lease was signed. The letter requested that alternative sites be explored.

Christine Scharmer suggested that Verizon use two alternative sites to fill the coverage gap, and that Verizon would be able to afford the extra cost. She also brought up the PG&E tower on Briones Road. She objected that Verizon's report had only been provided to the appellants six days before the meeting, which did not give them enough time to fully review it.

Simone St. Clare stated from her experience in real estate that cell towers decrease property values in neighboring areas. She objected to Mr. Albritton's letter implying that the extension would be below the existing structure, and stated that because the planned structure would be significantly different, the discrimination argument would not apply. She stated that if the Council rejected the appeal, the appellants would file an injunction against Mr. Hanson in Superior Court.

Paul Albritton, Counsel for Verizon, stated that he felt the procedural appeal had been dealt with at the July meeting. He described the alternatives analysis that had been completed, including six additional sites. The conclusion was that this was the most viable and least intrusive site. He stated that the sites suggested by the appellants were too high and would interfere with the network. In addition, multiple sites would have more impact on the environment and the neighborhood. Mr. Albritton stated that the site on Briones Road was outside the coverage area and inside a park near a trail, and was also too high. He noted that the emissions on the ground from the tower would be far below the federal standard, and federal law would prevent a decision made on the basis of impacted property values. He stated that the City would have to provide substantial evidence in favor of upholding the appeal on a land-use basis or would be discriminating against Verizon. He requested that because of the concurring analysis provided by the outside firm, the City deny the appeal and approve the application.

Vice Mayor Ross asked how the towers that were too high would conflict with the network. Steffano Iachella, Verizon RFD Engineer, explained that higher towers would interfere with signals sent by towers several tiers away, which degrades the network. Vice Mayor Ross asked about the possibility of using two towers, and Mr. Iachella stated that both of the towers suggested were too high as well. Mr. Albritton added that the environmental impacts would be more significant, and that requiring the use of two towers would constitute dictating the type of technology used by Verizon to fill the coverage gap.

Mike Alford asked if Verizon could use a site on the same Briones trail, but lower. He also commented on the danger of emissions from the tower.

Paul, whose last name was not stated, commented on another tower on Briones trail that could be used.

Ken Bartalsol stated that Verizon should have been pursuing multiple sites to have a backup plan in case the site on Carter Acres Road did not work out.

Paul Albritton stated that all the elevations were listed in the alternatives analysis. He noted that Verizon had considered all the sites suggested by the community but could not continue to wait. Verizon had been working for two years to secure this site and did not have a backup plan. He added that because the PG&E tower was already there, the addition would not have any further impact on the property values.

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

Councilmember DeLaney asked why a distributed antenna system was not considered as part of an alternatives analysis. Greer Price, RCC Consultants, stated that type of system was only feasible in certain settings, such as a dense urban area with more traffic. The type of antenna used in this system would only cover a few blocks, so many more of them would be needed. Councilmember DeLaney stated she would like the City to consider this in order to be more responsive to technology changes.

Paul Albritton stated that distributed antenna systems had been discussed at the July meeting, and are intended for urban areas where a higher call capacity is needed for smaller coverage areas. It would not provide enough coverage to fill the gap. He added that kind of system was just as controversial because of the cabling needed and the impact on more nearby residents.

Councilmember Kennedy asked whether the elevation of the Briones site given in the alternatives analysis was from the top of the towers. Mr. Albritton said it was the base elevation, and an extension would not be able to be placed lower than the top because of the tower configuration. He added that Briones Regional Park would probably not allow a facility so close to a trail.

Vice Mayor Ross stated that he was sensitive to the nearby residents' concerns, but he was also concerned about providing enough coverage to ensure emergency service to the entire area.

Councilmember Kennedy stated that she was not satisfied with the alternatives investigation during the first presentation, but she felt the additional investigation was sufficient. She said that because of the recent disconcerting fires, she would support denying the appeal to ensure enough cell coverage in the area.

Councilmember DeLaney expressed sympathy with Verizon's desire to offer more coverage and with the residents' need for safety; however, she was not satisfied with the alternatives analysis. She suggested that a different site could be used, supplemented by a distributed antenna system.

Councilmember Menesini stated he empathized with the residents concerned about the property values, but since the coverage was needed and it did not appear there was a viable alternative, he would support the application.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Vice Mayor, to approve Resolution No. 107-12 and conditions of approval denying an appeal and approving requested Use Permit and Design Review application, Permit #12PLN-0002, for installation of a new co-located wireless telecommunications facility by Verizon Wireless on an existing PG&E tower located on a private residential lot at 814 Carter Acres Lane. Motion passed 4 - 1. No: Lara Delaney, Councilmember; Rest: Ayes.

## **CITY MANAGER**

6. Authorize staff to move forward to accept plan from CCCTA to maintain new Transit Hub Lot and receive \$25,000/year compensation and adopt the following:  
[T.Tucker/03.03.00&06.07.01]
- A. Resolution No. 108-12 authorizing the City Manager to sign a Cooperative Agreement No. 4-2427 between the City of Martinez and the State of California acting through its Department of Transportation (CALTRANS) for construction of the Pacheco Transit Hub/Park and Ride.
- B. Resolution No. 109-12 authorizing the City Manager to sign an Agreement between the City of Martinez and the State of California acting through its Department of Transportation (CALTRANS) for Maintenance of the Pacheco Transit Hub/Park and Ride lot at the State Route 680/State Route 4 Interchange.
- C. Resolution No. 110-12 authorizing the City Manager to sign an agreement for Civil Engineering Consultant Services for Right-of-Way, Bid and Construction Support, with NV5 not to exceed \$70,000.

City Engineer Tim Tucker presented the staff report. He explained that County Connection proposes to reconstruct the existing park & ride facility located in the northwest area of the I-680/SR-4 interchange on Blum Road in Pacheco. He discussed the purpose and importance of the project, where the funding would come from, and the City's responsibilities for the management and maintenance of the project. Mr. Tucker reviewed the requirements and provisions of the three agreements.

Councilmember Kennedy asked about the timeline of the project, and Mr. Tucker stated it was finishing plan check by CALTRANS and addressing a few final comments. Mr. Tucker thanked City Attorneys John Abaci and Jeff Walters for their hard work on the project. Mr. Walters noted that CALTRANS was expediting the process because new specifications would mean a significant cost increase for the project, which is unfortunate because not all the factors have been settled yet, including the budget. Mr. Tucker stated there was some protection for the City included in the Cooperative Agreement. Mr. Walters suggested including a clause that the signing of the agreements was contingent on the funding being to the City's satisfaction.

Mayor Schroder noted this was based on a similar project recently completed at DVC, and CCCTA had experienced trouble with the management of the project, which is why they now sought a partnership with the City.

Councilmember DeLaney thanked staff for ensuring the protections were included. She asked whether the City had sufficient resources to handle the project management, and who would be in charge of it. Mr. Tucker stated the City had successfully managed many similar projects, and expressed confidence staff could handle it, since no other projects were currently ongoing.

Vice Mayor Ross commented this was a great project and would have an important impact. He asked about liabilities on a project managed by the City outside the City limits. Mr. Walters stated there was no property owner liability, but there may be liability due to lack of oversight.

Mayor Schroder opened the Item for public comment.

Tim Platt asked whether the project was still contingent on the area being annexed. He expressed concern about exposing the City to risks through extra costs and delays. He requested that the City be allowed to finally approve the agreements once they were completed, and that the maintenance agreement be reviewed again.

Mike Alford concurred with Mr. Platt's comments, and asked why the time frame was so important. He suggested that the City take more time on the agreements because of the liability issue and because the annexation had not gone through. He expressed concern with the City spending resources on this when it was not inside the City limits.

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

Mayor Schroder pointed out that this project would not use City money and that the City would be paid to manage this project, since it had the requisite time and expertise. He added that the project was not contingent on being inside the City limits but on being inside the City's sphere of influence. He stated this was important for area transportation.

On motion by Mark Ross, Vice Mayor, seconded by Lara Delaney, Councilmember, to approve Resolution Nos. 108-12, 109-12, and 110-12 authorizing the City Manager to sign agreements between the City and CALTRANS to construct, maintain, and provide civil engineering consultant services for a new Transit Hub Lot; *contingent upon the funding and authorizing the City Manager and City Attorney to negotiate and execute the completion of the contract to the City's satisfaction.* Motion unanimously passed 5 - 0.

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

City Manager Philip Vince announced the 50th Anniversary of the Benicia Martinez Bridge on Monday, September 24, 2012, at 10:30 a.m., at the Vista Point area on the Benicia side of the bridge. He thanked Vice Mayor Ross and Assistant City Manager Alan Shear for assisting in this project.

## **CHIEF OF POLICE**

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

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

### **CITY COUNCIL**

9. Council Subcommittee Reports.

Mayor Rob Schroder reported that he, Councilmember Menesini, City Manager Phil Vince and City Attorney Veronica Nebb met with Tony Loforte and his partner Dino Gerosolimo regarding a future restaurant on the Marina. Mayor Schroder indicated that the City was willing to assist Mr. Loforte and Mr. Gerosolimo with the different regulatory agencies. Mayor Schroder noted that it was decided to build the restaurant on the old Albatross site and that the City could not commit any funding toward the project; however, it could assist in other ways such as sales tax deferment, waiving or reducing fees, etc. He indicated an ad hoc meeting will be scheduled for next Thursday, and at some point it will be brought to the Council for further discussion and possibly to negotiate a lease.

10. City Council Comments.

Councilmember Janet Kennedy spoke on Economic Development Corporations, which are featured in an interesting article in the latest *Western Cities* magazine. She also congratulated Councilmember DeLaney on her engagement with Mark.

Councilmember Lara DeLaney reported out on the League of California Cities Conference providing post-redevelopment tools. She indicated that there are three bills currently on the Governor's desk that would provide some tools: Two bills focus on infrastructure financing districts and a third, SB 1056, recreates project areas and restricts the use of tax increment. She reported that the County is in favor of all three bills. She noted that she provided information to the City Manager from the conference, along with some information on marinas from a coastal expert.

Vice Mayor Mark Ross reported that there is a somewhat dangerous situation at the bus shelter on Pacheco Blvd next to the Mexican Restaurant and two light poles on Pine Street are out, in addition to other concerns which he would provide to Public Works. He mentioned that he asked the Mayor to put winter hours for the pool on the October agenda. Mayor Rob Schroder noted that Cookie Telles was scheduled to talk at the second meeting in October and she would likely discuss that topic.

Mayor Schroder also reported out on the League of California Conference, providing information regarding the new legislation on the Pension Reform, especially noting that not all of the ramifications of the legislation are fully known. Mayor Schroder asked that information on the effect of Pension Reform be placed on a future agenda. Mayor Schroder announced the Italian Street Painting Festival this weekend; and on Saturday, September 29, the Chamber will be hosting Martinis on the Plaza.

Councilmember Kennedy announced the Martinez Education Foundation Run on Sunday, October 7, with the Pasta Feed on Saturday.

**ADJOURNMENT**

Adjourned at 9:15 p.m. to a Regular City Council Meeting on October 3, 2012 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 -10/17/12