

## **CALL TO ORDER**

Mayor Schroder called the meeting to order at 6:10 p.m. in the Council Chambers with all members present except Councilmembers Avila Farias and Menesini.

## **PUBLIC COMMENT - (Closed Session items only)**

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

*\*Councilmember Avila Farias arrived at 6:15 p.m.*

## **CLOSED SESSION (Adjourn to City Manager's Office)**

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Cal. Gov't Code section 54956.9(a).  
Name of case: In re Petition in Bankruptcy filed by The Benefactors dba the Willows Theatre Company, N. District Cal. Case No. 12-48964.
  
- B. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code.  
Agency Designated Representatives: Philip Vince, City Manager; Alan Shear, Asst. City Manager.  
Employee Organization: Laborers International Union of No. American, Local #324.

*\*Councilmember Menesini arrived at 6:45 p.m.*

*\*Mayor Schroder left the meeting at 6:45 p.m.*

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

Vice Mayor Lara DeLaney reconvened the meeting at 7:05 p.m. in the Council Chambers. She indicated that Mayor Schroder was at Vicente Briones High School Graduation and would return as soon as possible. Vice Mayor DeLaney indicated that a closed session was held with respect to Conference with Legal Counsel, Existing Litigation regarding the Willows Theatre Bankruptcy and reported that direction was given to legal counsel; with respect to Conference with Labor Negotiations she reported that direction was provided to the City's negotiators.

PRESENT: AnaMarie Avila Farias, Councilmember, Michael Menesini, Councilmember, Mark Ross, Councilmember, Lara DeLaney, Vice Mayor, and Rob Schroder, Mayor.  
EXCUSED: None.  
ABSENT: None.

## **PRESENTATION(S)**

- A. Proclamation recognizing "June 5 - 7, 2013 as Dave Silvera Days" in recognition of his 34 years of service at Alhambra High School.

Vice Mayor DeLaney read and presented the proclamation to Mr. Silvera. He expressed his appreciation to the Council for the recognition and to all those who have supported him during the past years, including his family, coworkers, and community. He expressed how rewarding it has been to see his students grow up and be part of the City's legacy.

- B. Swearing in of Police Officer Jeffrey Boyce.

Chief Gary Peterson introduced Officer Jeffrey Boyce and described his background and experience. The swearing in was performed by City Clerk Richard Hernandez.

Officer Boyce was pinned by his father Walter Boyce. The City Council congratulated Officer Boyce.

- C. Presentation of Chief's Commendation to Detective Patrick A. Salamid.

Chief of Police Gary Peterson provided brief details of the case (child abuse). He described Detective Salamid's dedication to the case, how his professionalism, skill and tenacity resulted in charges being filed, and why his actions were worthy of a "*Commendation.*" Detective Salamid was presented the *Chief's Commendation.*

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

Chief Gary Peterson reviewed the goals of the CERT Program and the training content, and acknowledged the volunteers and graduates for their commitment and involvement. Director Lindbloom also congratulated the graduates and acknowledged their hard work, particularly in the CERT Disaster Drill. He thanked the other volunteers for their help in putting on the drill. Chief Peterson and Director Lindbloom presented the CERT graduates with "*Certificates of Completion.*"

## **PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)**

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

Bijan Mizani introduced himself and provided information about his solar business. Vice Mayor DeLaney requested that he leave his information so that staff can follow up with him.

Doug Ross expressed concerns on some of the conditions and hazards in the Alhambra Way neighborhood, from Linden Lane, along Alhambra Way and up to Nobb Hill. He expressed concern about the flooding on Alhambra Way, traffic hazards at several intersections, and lack of paving on Linden Lane. The Council thanked Mr. Ross for his input. City Engineer Tim Tucker stated Linden Lane is on the paving list and staff is taking steps to alleviate problems in the meantime.

Mike Alford expressed his concerns on the Laurel Knolls Development and encouraged the City to follow the wishes of the public.

## **CONSENT CALENDAR**

Councilmember Mark Ross noted that he had a conflict of interest with respect to Item #5, Crown Castle License, due to the proximity of his property; and recused himself from that Item.

1. Motion waiving reading of text of all Resolutions and Ordinances.
2. Motion approving City Council Minutes of May 1, and May 15, 2013. [M.Cabral]
3. Motion rejecting Claim(s) against the City by Kristin Henderson, #13-14. [M.Cabral]
4. Motion approving Check Reconciliation Register(s) dated 05/16/2013 and 05/30/2013. [C.Spinella/2.1.0]

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, to approve Items #1 through #4 of the Consent Calendar. Motion unanimously passed 4 - 0. Mayor Schroder, Absent; Rest, Ayes.

5. Resolution No. 047-13 authorizing the City Manager to execute a Site License Agreement with Crown Castle GT Company, LLC for operation of a Cellular Transmission Tower on city property at 2241 Harborview Drive. [M.Chandler/19.03.06]

On motion by Michael Menesini, Councilmember, seconded by AnaMarie Avila Farias, Councilmember, Resolution No. 047-13 authorizing the City Manager to execute a Site License Agreement with Crown Castle GT Company, LLC for operation of a Cellular Transmission Tower on City property at 2241 Harborview Drive. Motion passed 3 - 0. Councilmember Ross, Recuse; Mayor Schroder, Absent; Rest, Ayes.

## **PUBLIC HEARING(S)**

6. Public hearing to consider amending the Schedule of Fees for City services:
  - A. Resolution establishing a new user permit fees for Large Events. [M.Chandler/2.02.00]

Sr. Management Analyst Michael Chandler provided a PowerPoint presentation reviewing the Large Events fees, the proposed fee structure and the City's cost basis, and a comparative survey with neighboring cities.

*\*Mayor Schroder arrived at 7:50 p.m.*

Vice Mayor DeLaney asked about cities not listed in the comparative survey. Mr. Chandler stated that staff had surveyed the closest cities and focused on obtaining as many details as possible, instead of surveying more cities. Councilmember Menesini asked about the financial benefits of these types of events to the business community, and Mr. Chandler stated there had not yet been a full assessment of that aspect. Councilmember Menesini suggested staff follow

through with an analysis and ensure the City will not discourage events. He also requested the resolution clarify that the fee rules would not infringe on the freedom of assembly and protected speech.

Mayor Schroder opened the Item for public comment.

Dick Evans asked about insurance for the events, which Mayor Schroder briefly explained.

Mike Alford agreed that the effect of the resolution on political events should be clarified.

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

Vice Mayor DeLaney noted that the goal of the fees was to recover the cost of staff time and managing the facilities. She felt the fee structure was reasonable, although the resolution could be clarified.

The Item was continued and staff directed to clarify the definition of a special event; articulate public rights to assembly, protected speech, and political rallies; and clarify which nonprofits could be exempted.

B. Resolution establishing an Engineering Commercial/Site Development Stormwater Plan Review Fee, and a Stormwater Facilities Inspection Fee. [T.Tucker/02.02.10]

City Engineer Tim Tucker presented the staff report and explained the regulations, the inspection requirements, and the fee schedule to recover the City's costs. He indicated that the new resolution is consistent with other development fees.

Councilmember Menesini asked about the inclusion of single-family homes, and Mr. Tucker clarified it was targeted to commercial facilities, and the size requirement would exclude all but the largest homes. Remodeling and additions would not fall under the new requirements.

On motion by Lara DeLaney, Vice Mayor, seconded by AnaMarie Avila Farias, Councilmember, to approve Resolution No. 048-13 to establish an Engineering Commercial/Site Development Stormwater Plan Review Fee, and a Stormwater Facilities Inspection Fee. Motion unanimously passed 5 - 0.

7. Continued from meeting of May 15th. Public hearing closed. Consider and possibly take action relating to an Amendment to the General Plan and Zoning Map, Planned Unit Development, and PUD Plan and Vesting Tentative Map for development of up to 80 attached single family homes and 2 Single Family homes; and possible adoption of a Resolution to exempt the project from California Environmental Quality Act (CEQA) and deny project (370 Muir Station Road, Laurel Knolls). [D.Tasini/9.3.11]

Mayor Schroder stated the public hearing was closed; however, if any new information is provided, he will open the hearing to address the new information. Councilmember Avila Farias stated for the record that she and Councilmember Menesini watched the meeting as directed by the City Attorney in order to participate in tonight's decision.

Contract Planning Manager Dina Tasini presented the staff report. She reviewed additional documents from staff and the applicant on grading costs, pedestrian walkways, runoff detail, and possible improvements. Vice Mayor DeLaney asked about the impact of staff's suggested changes on the number of units, and Ms. Tasini stated it would be 4-5 fewer units than the applicant's most recent proposal. The Council discussed with Ms. Tasini possible rearrangements to reduce the massing, the cost of grading and the impact on the nearby neighborhood. Ms. Tasini clarified that the current options being presented to Council had not been shown to the applicant, although certain aspects had been discussed.

Mayor Schroder opened public comment on the Item.

Mike Alford commented on the difficulty of ensuring pedestrian safety without widening the lanes, and suggested reducing the number of units.

Doug Ross commented on traffic and safety and encouraged the Council to deny the project.

Jeff Stakelbach requested the Council not make a decision until all the details are settled, so that the public understands the project.

Lori Austin asked the Council to consider the impact of the development on the existing neighborhood. She also requested more information before a decision was made.

Louis Parsons, Discovery Builders (applicant), commented on the grading, noting that their goal was to work within the existing topography as much as possible. He commented on the traffic studies and other analysis that had been done and noted that they were committed to ensuring pedestrian safety. He renewed their commitment to working with City staff to make the project acceptable.

Councilmember Menesini thanked Mr. Parsons for resolving the disagreement with the church.

Vice Mayor DeLaney asked for Mr. Parson's input on some of staff's suggested changes, and Mr. Parsons said they could consider them. Vice Mayor DeLaney suggested the inclusion of a community garden.

A resident of the neighborhood asked that the City communicate more with nearby residents.

An unidentified speaker requested that the zoning not be amended and the project be denied.

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

Councilmember Menesini commented that the project had potential and could be beneficial to the community, but supported tabling the project until staff could work out more of the issues with the applicant. He supported the inclusion of a community garden. Councilmembers Avila Farias and Ross agreed the project should be tabled for issues to be addressed. Councilmember Ross commented that it is important to continue communicating with residents of the neighborhood.

Vice Mayor DeLaney concurred with the majority of the previous comments, but suggested that the project should go back to the Planning Commission for its input, since there had been significant changes. Councilmember Menesini felt that the Council had spent enough time and understood the project enough that it could be moved forward.

Mayor Schroder thanked staff and the applicant for their hard work on the project.

The Council selected Option 3, and directed the applicant and staff to make further revisions and return before the summer break, and to conduct another workshop so that the community can have a chance to comment before the Item comes back to the Council.

## **CITY MANAGER**

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

City Manager Philip Vince noted that staff is working on improvements in City Hall. Public Works has completed the preparation for painting of the Historic Train Depot, which will be painted by Shell volunteers.

## **CHIEF OF POLICE**

### 9. Chief of Police Comment(s)/Update(s)/Report(s).

Chief Peterson updated the Council on the Remote Access Network meeting he attended. He described the makeup and purpose of the RAN Board. He reported that the RAN Board approved the budget encumbering \$3.3 million. Chief Peterson passed around a new fingerprinting device, of which the Police Department now has 7. Councilmember Ross asked about DNA swabbing and Chief Peterson noted that this is usually done at the jail. Councilmember Menesini discussed a new court case impacting forcible blood draws.

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

### 10. Planning Commission Appointments:

- A. Motion reappointing Commissioner Jeffrey Keller to the Planning Commission for a four year term.

On motion by Rob Schroder, Mayor, no second required reappoint Commissioner Jeffrey Keller to the Planning Commission for a four year term. Motion unanimously passed 5 - 0.

- B. Motion appointing Dwayne Glemser to the Planning Commission for a four year term.

On motion by Rob Schroder, Mayor, no second required appoint Dwayne Glemser to the Planning Commission for a four year term. Motion unanimously passed 5 - 0.

## **CITY COUNCIL**

### 11. Council Subcommittee Reports.

12. City Council Comments.

Vice Mayor Lara DeLaney encouraged the public to vote for the City of Martinez, which is in the running for a revitalization project in the downtown; Benjamin Moore will be donating a paint project of three streets to about 20 cities across the country. The website is [paintwhatmatters.com](http://paintwhatmatters.com) and residents can vote once each day until June 30th. If the City does win, she hopes the City can match the three streets.

Councilmember Mark Ross requested that as the economy continues to improve, a policy be created for allocating a percentage of unbudgeted revenue towards reducing pension obligations above the City's yearly arc.

Councilmember Michael Menesini announced that his daughter graduated from the 8th grade and made it onto the All Stars softball team.

Mayor Rob Schroder congratulated the graduates from Vicente Briones High School and Alhambra High School. He congratulated his stepdaughter Sophie Hatch, who graduated from Alhambra; his daughter Sarah Schroder, who graduated from Chico State; and his wife Suzanne, who received her master's degree from St. Mary's College.

**ADJOURNMENT**

Adjourned at 9:45 p.m. to a Regular Meeting on June 19, 2013 at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez California.

Approved by the City Council,

Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 7/10/13