

CALL TO ORDER

Mayor Schroder called the meeting to order at 6:00 p.m. with all members present except Councilmember Ross who arrived shortly after roll call.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the California Government Code.

Agency Designated Representatives: Joe Wiley, Wiley, Price and Radulovich;
June Catalano, City Manager;
Lianne Marshall, Administrative Services Director;
Richard Pearson, Community Development Director
Employee Organization: Public Employees Union, Local #1

RECONVENE – PLEDGE OF ALLEGIANCE – ROLL CALL

The meeting reconvened at 7:15 p.m. Mayor Schroder reported that a closed session was held and direction given to City negotiators. Nothing else was reported.

PRESENTATION(S)

1. Presentation of Department of Alcoholic Beverage Control grant to the Martinez Police Department

Item continued.

2. Swearing in of Police Officer Jason Rodgers

Chief of Police David Cutaia introduced Police Officer Rodgers and briefly reviewed his background. After the Deputy City Clerk performed the swearing-in, Mayor Schroder and the Council welcomed Office Rodgers to the City.

Chief Cutaia also introduced Officer Rodgers' training officer, who pinned the badge on him.

3. NEIGHBORHOOD ISSUES AND CONCERNS

Mayor Schroder welcomed the residents present, noting that 4,578 questionnaires were mailed to area residents with 21 returned. He introduced City Manager June Catalano, who offered contact information for citizen use. She also reviewed City departmental functions and introduced staff.

Chief of Police David Cutaia reviewed concerns submitted (abandoned vehicles, fireworks, boat, RV and motorcycle regulations, moving violations, speed limits, noise issues, speed bumps and traffic signs) pertaining to the Police Department and provided answers and/or suggestions to alleviate problems. He also responded to questions from the public in attendance.

Chief Cutaia indicated that staff will review the speed limits on Morello (south of the trestle) and Muir Road toward Kaiser Hospital in response to community concerns.

Community Development Director Richard Pearson reviewed the functions of the Department and introduced members of his department (Engineering, Planning, Recreation & Senior services).

City Engineer Tim Tucker reviewed the duties of the Engineering Division. He also reviewed concerns submitted by residents (pot holes, paving concerns, and creek erosion problems). In response from the public question, Mr. Tucker reported on the newly formed Flood Subcommittee.

Deputy Community Development Director Albert Lopez reviewed the Planning Division functions and updated the community on development in the area, explaining the type of housing proposed and traffic impacts. He invited all those interested to come down to City Hall and review the plans. Mr. Lopez and Mr. Tucker also discussed traffic and noise issues related to proposed new developments.

Deputy Director of Parks and Community Services Joann Tool reviewed functions of the division. In response to a question regarding the replacement of the play equipment at John Muir Park, Ms. Tool clarified that the equipment has never been replaced because it was unclear if John Muir School was going to expand into the park. The City is leasing the park area from the School District.

In response to a question from Councilmember Wainwright, Mr. Tucker discussed park maintenance issues. City Manager Catalano added that the City has a new system on the website called "City Assist", which allows City staff to respond to citizen complaints and requests for information and/or services and allows for tracking the progress of the complaint/request.

Mike Alford asked about video of this meeting, and Ms. Catalano indicated the City is not able to videotape neighborhood meetings at this time. Mr. Alford noted that a local channel has indicated willingness to tape Council meetings wherever needed. He said he would provide the information to staff.

Building Director Dave Scola reviewed the functions of the department (building, code enforcement and solid waste & recycling). He also reviewed the concerns submitted (too many cats, abandoned vehicles, weeds on private property) pertaining to Code Enforcement. Mr. Scola reviewed the latest solid waste and recycling program recently adopted by the Council, and State regulations. In response to a citizen's comment, he indicated that staff will review an auto repair business operating from a residence at the end of Donegal. Chief Cutaia discussed the code enforcement process, noting that towing from private property is much more difficult than towing from public streets.

Ms. Catalano also commented on the confidentiality of using the web page to report violations.

Councilmember Wainwright asked about citations for trash accumulation, and Mr. Scola reviewed some of the regulations, definitions, and processes.

Administrative Services Director Lianne Marshall reviewed the functions of the department (Computer Services, Finance, and Personnel). Following her presentation, Ms. Catalano commended all the department heads for their work, and she thanked the public for their participation in the process.

PUBLIC COMMENT

Dennis Kane, resident, asked the Council to consider the establishment of a designated dog park, mentioning various other jurisdictions that have done so. Mayor Schroder asked Ms. Catalano to refer the matter to the Park and Recreation Commission.

John Phelps asked if the Police Department could patrol the entire area of Morello School and the park on a more frequent basis. Chief Scola discussed staffing constraints and ways that citizens can help by reporting unusual circumstances.

Paul Wilson spoke about the Shell incident of November 8, and asked the status of the Citizen's Advisory Committee report. City Engineer Tim Tucker noted that the final report should be finished by September, now that they have received the soils analysis report. He also stated that members of the public can contact Cathy Ivers at Shell Oil for a copy of the soils report.

Councilmember Wainwright confirmed with the audience that the Shell sirens can be heard in this neighborhood. Councilmember Ross asked and it was confirmed that residents received phone calls from the County as well, when incidents occurred.

Mike Alford also asked about the status of the Shell Citizens Advisory Report, as well as the membership of the committee, which Mayor Schroder reviewed. Councilmember Ross gave additional information.

CONSENT CALENDAR

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

Mayor Schroder opened public comment on Items #1, #2, #3, and #6. There were no comments made.

1. Motion approving City Council Minutes of June 7, 2006. [M.Cabral]
2. Motion approving Check Reconciliation Register(s) dated 06/26/06, 06/30/06, 07/06/06, and 07/07/06. [C.Heater/2.1.0]
3. Motion approving the Cash and Investment Summary for June 2006. [C.Heater/2.1.0]

6. Motion approving the plans, specifications and estimates for the Alhambra Avenue Improvements, John Muir Parkway to Macalvey Drive project, and authorizing staff to advertise for construction bids. [T.Tucker/12.04.39]

On motion of L. DeLaney, seconded by J. Kennedy, the Council unanimously approved Items #1, #2, #3 and #6 of the Consent Calendar.

4. Motion to continue the findings of an appeal of the Planning Commission's approval of a 42-unit townhouse development (requiring a general plan amendment, vesting tentative map, planned unit development, and design review approvals) on a 3.3 acre parcel located on Arnold Drive at Sunrise Drive and Pacheco Blvd to the meeting of July 24, 2006; Applicant: Black Mountain Development and Loving & Campos Architects. [C.Simon/09.05.01.26]

Councilmember Ross stated he had a conflict of interest and recused himself from the discussion and vote.

Mayor Schroder opened public discussion.

David Piersall commented on the Planning Commission's discussion of a possible inclusionary ordinance, and he suggested that the appeal of the Black Mountain development should be denied.

There being no more speakers, Mayor Schroder closed public discussion.

On motion of L. DeLaney, seconded by J. Kennedy, the Council voted to continue Black Mountain Development and Loving & Campos Architects by the following vote: Abstain: Mark Ross, Councilmember; Rest, Ayes.

5. Motion approving enhancements to existing September 11th memorial site located at the Intermodal station at the northern terminus of Estudillo Street. [T.Tucker/6.17.03]

Councilmember Ross requested that this item be continued to the next meeting so that he could discuss the matter with Darin Peterson of the Contra Costa Fire Department.

There were no public comments.

On motion of M. Ross, seconded by L.DeLaney, consideration of the enhancements to the September 11th memorial site was continued to the meeting of July 24th.

7. Resolution accepting bids for the 2005-06 Cape Seal Project and awarding the construction contract to Bond Blacktop, Inc. (Continued from 7/5/06 meeting) [T.Tucker/12.05.00]

Councilmembers Ross and Wainwright voluntarily recused themselves from the discussion and vote, due to a conflict of interest, allowing Councilmember Kennedy to remain and participate in spite of living within 500' of one of the streets to be paved.

An unidentified speaker said he hoped a better job would be done this year than was done previously on Palisades Court. Mr. Pearson said a new product was being used that should have greater durability.

On motion of L. DeLaney, seconded by J. Kennedy, the Council adopted Resolution No. 069-06 accepting bids for the 2005-06 Cape Seal Project and awarding the construction contract to Bond Blacktop, Inc. by the following vote: Abstain: Mark Ross, B.Wainwright, Councilmembers; Rest, Ayes.

8. Resolution accepting the ADA Accessibility Improvements at the Kiwanis Youth Center per contract documents and instructing the City Clerk to file a Notice of Completion.
[D.Salts/5.14.04]

Councilmembers Ross and Wainwright recused themselves from the discussion and vote because of a conflict of interest.

There were no public comments.

On motion of J. Kennedy, seconded by L. DeLaney, the Council adopted Resolution No. 070-06 accepting the ADA Accessibility Improvements at the Kiwanis Youth Center by the following vote: M.Ross, B.Wainwright, Abstaining; Rest, Ayes.

PUBLIC HEARING(S)

9. Public hearing to consider Landscaping and Lighting Assessment District, 1979-3 (LL2) Village Oaks Terrace: [T.Tucker/10.02.34]
 - a. Motion ordering any changes in improvements, report, diagram, or assessments.
 - b. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - c. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of L.DeLaney, seconded by J. Kennedy, the Council unanimously ordered any changes and improvements and adopted Resolution No. 071-06 for LLAD 1979-3, Village Oaks Terrace. Resolution overruling protests was not needed.

10. Public hearing to consider Landscaping and Lighting Assessment District, 1981-3 Muir Station Park: [T.Tucker/10.02.15]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of B. Wainwright, seconded by J. Kennedy, the Council unanimously ordered any changes and improvements and adopted Resolution No. 072-06 for LLAD 1981-3 Muir Station Park. Resolution overruling protests was not needed.

11. Public hearing to consider Landscaping and Lighting Assessment District, 1983-3 Vista Oaks: [T.Tucker/10.02.22]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of J. Kennedy, seconded by L. DeLaney, the Council unanimously ordered any changes and improvements and adopted Resolution No. 073-06 for LLAD 1983-3 Vista Oaks. Resolution overruling protests was not needed.

12. Public hearing to consider Landscaping and Lighting Assessment District, 1988-1 The Center Martinez: [T.Tucker/10.02.31]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of B. Wainwright, seconded by J. Kennedy, the Council unanimously ordered any changes and improvements and adopted Resolution No. 074-06 for LLAD 1988-1 The Center Martinez. Resolution overruling protests was not needed.

13. Public hearing to consider Landscaping and Lighting Assessment District, 1994-1 Creekside: [T.Tucker/10.02.36]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of J. Kennedy, seconded by L. DeLaney, the Council unanimously ordered any changes and improvements and adopted Resolution No. 075-06 for LLAD 1994-1 Creekside. Resolution overruling protests was not needed.

14. Public hearing to consider Landscaping and Lighting Assessment District, 1997-1 Brittany Hills: [T.Tucker/10.02.37]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of L. DeLaney, seconded by M. Ross, the Council unanimously ordered any changes and improvements and adopted Resolution No. 076-06 for LLAD 1997-1 Brittany Hills. Resolution overruling protests was not needed.

15. Public hearing to consider Landscape and Lighting Assessment District, 2000-2 Terra Vista: [T.Tucker/10.02.40]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of B. Wainwright, seconded by J. Kennedy, the Council unanimously ordered any changes and improvements and adopted Resolution No. 077-06 for LLAD 2000-2 Terra Vista. Resolution overruling protests was not needed.

16. Public hearing to consider Landscape and Lighting Assessment District, 2001-1 Alhambra Estates. [T.Tucker/10.02.41]
 - A. Motion ordering any changes in improvements, report, diagram, or assessments.
 - B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2006-07 fiscal year.
 - C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

Mayor Schroder opened the public hearing. There being no speakers, the public hearing was closed.

On motion of L. DeLaney, seconded by J. Kennedy, the Council unanimously ordered any changes and improvements and adopted Resolution No. 078-06 for LLAD 2001-1 Alhambra Estates. Resolution overruling protests was not needed.

CITY COUNCIL

17. City Council comments.

Mayor Schroder postponed this item until the end of the meeting.

CITY MANAGER

18. Emergency Preparedness Report.

Chief of Police Cutaia discussed recent changes to federal requirements for training and emergency response programs. He also discussed training for the citizen emergency response team (CERT).

Mayor Schroder stated that a presentation was made at the Mayors Conference regarding emergency preparedness, including the use of citizen emergency response teams and Red Cross training. Councilmember Kennedy expressed support for the training, noting that the city of Berkeley supplies emergency kits to each neighborhood.

Councilmember Wainwright asked about FEMA funds approved for the City as a result of the flooding earlier this year. Staff said it was approximately \$200,000.

Councilmember Wainwright asked where the closest siren was for this neighborhood, which Chief Cutaia provided. Chief Cutaia also noted that there would soon be another siren for the Hidden Valley area.

An unidentified speaker noted that the Martinez School District was working on the CERT program as well.

Mike Alford asked Chief Cutaia about terror threats for area bridges and how the public can help. Chief Cutaia commented on the need for vigilance by the public. Mr. Alford asked about a recent incident at Shell, and Chief Cutaia said there was a small spill that was completely self-contained.

19. Comments/Update.

No comments made.

APPOINTMENT(S)

20. Reappointment to the Contra Costa County Library Commission. [16.31.00]

Mayor Schroder acknowledged Ms. Fuller for all her efforts on the Commission since November 2004 and announced that there was also a vacancy for the alternate position.

Mayor Schroder nominated, and the Council unanimously approved reappointment of Kathy Fuller to the Contra Costa County Library Commission.

17. City Council Comments

Councilmember Ross announced tomorrow will be the 5th “Spare the Air Day” and encouraged the public to conserve energy.

ADJOURNMENT

Adjourned at **9:40 p.m.** *in memory of Abby Ardebili*, owner of Victoria’s Café, then to an Adjourned Regular Meeting on July 24, 2006, at 7:00 p.m. in the Council Chambers, 525 Henrietta Street, Martinez, CA.

Approved by the City Council,
Rob Schroder, Mayor

Mercy G. Cabral, Deputy City Clerk – 9/13/06