

CALL TO ORDER

The meeting was called to order at 6:00 p.m. with Councilmembers Lara DeLaney, Michael Menesini, Mark Ross and Janet Kennedy, Vice Mayor; Rob Schroder, Mayor present.

I. *CLOSED SESSION (adjourn to City Manager's Office)*

CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to California Government Code Section 54956.9(b): One potential case.

II. *RECONVENE - PLEDGE OF ALLEGIANCE - ROLL CALL*

Meeting reconvened at 7:00 p.m. with all members present. Mayor Schroder reported that a closed session was held with direction given to the City's legal counsel.

Mayor Schroder also announced that Item 11 would be moved up on the agenda.

PRESENTATION(S)/PROCLAMATION(S) -- City of Martinez Water System Master Plan Presentation.

City Engineer Tim Tucker introduced the item. Consultant Gary Dodson gave an overview of the update, reviewing the service area, historical water use, supply, needed upgrades and improvements, and future studies that should be done.

Councilmember Menesini asked about potential changes in the water filtering. Mr. Dodson discussed the possibility of expanding the carbon filtering. Mr. Tucker indicated it was a priority project.

Vice Mayor DeLaney asked about limitations to emergency water supplies. Mr. Tucker said he would have to research details of the agreement with Contra Costa Water District (CCWD).

Councilmember Menesini asked if the City is still supplying water to Port Costa, and Mr. Tucker said it was part of the City's shared water agreement. In response to a further question, Mr. Tucker confirmed the City wielded water for Contra Costa Water, not East Bay Municipal Utility District.

Councilmember Ross asked if there were any areas of the City with inadequate water pressure. Mr. Dodson mentioned some areas that have inadequate pressure. Mr. Tucker said new developments are analyzed for water service capability, and additional pumps are sometimes required.

Item #11 taken out of order.

11. Citizens' Emergency Response Team (CERT) Program Update.

Chief of Police David Cutaia presented the staff report, giving an overview of the purpose and components of the Citizens' Emergency Response Team (CERT) program, Police Department goals, CERT program history, agencies involved, citizen classes, training, funding, and next steps in the process.

Councilmember Kennedy asked how many people can be trained at one time. Chief Cutaia acknowledged there was a limit to the class size, but he couldn't say what it was. He confirmed that a commitment to the full training would be required from those wanting to be involved.

Vice Mayor DeLaney asked if there would be refresher courses for re-certification. Chief Cutaia said updated training sessions will be offered.

Councilmember Menesini expressed concern specifically about training in evacuation measures. Chief Cutaia indicated there are evacuation routes already, but he commented on difficulties with publicizing them, since different events would require different routes.

Mayor Schroder discussed the goals of the Mayors Conference for CERT training in every community, as well as participation in current Red Cross training programs.

Mayor Schroder opened public comment on the item.

An unidentified speaker asked how CERT-qualified citizens would be dispatched in an emergency situation. Chief Cutaia indicated there would be no need for dispatch coordination; CERT-trained individuals would know what steps to take without supervision by the Police Department.

Rich Verrilli asked if there would be any coordination with Civil Air patrol or citizen pilots. Chief Cutaia discussed the use of satellite phones for alternate communication, and he noted there are aviation resources (although communication might be difficult with private planes) available.

PUBLIC COMMENT (COMPLETE SPEAKER CARD AND GIVE TO CLERK)

Barbara Kapsalis congratulated the recently elected officials. She also announced First Night festivities for New Year's Eve, noting that further information can be gained from the website firstnightmartinez.org or by calling 372-8295. She commented on needed maintenance at the bus stop on Court Street across from the post office, and she asked that the newspaper racks at Starbucks be removed. Mayor Schroder said public works staff does take care of the bus stop, but further staffing may be necessary. Tim Tucker reviewed conversations he had with the Contra Costa Times personnel in efforts to remove or replace the newspaper racks. He indicated he would follow up with them again.

In response to a question from Councilmember Kennedy, Ms. Kapsalis reviewed some of the specific plans for First Night, as well as newspaper articles promoting it. Councilmember Menesini commented on the Contra Costa Times' recommendation of the event.

Mike Alford thanked the Council for the Christmas decorations and the Christmas spirit that was evident throughout the City.

Richard Verrilli also thanked the Council for the efforts made this year, and he wished happy holidays to all.

CONSENT CALENDAR

Motion waiving reading of text of all resolutions and ordinances.

Item #6 was pulled for further comments.

Mayor Schroder opened public comment on Items 1-5 and 7-9 of the Consent Calendar, with no speakers coming forward.

1. *Motion approving City Council Minutes of December 6, 2006.*
2. *Motion approving Check Reconciliation Register(s) dated 11/30/06 and 12/07/06.*
3. *Motion accepting the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2006.*
4. *Motion accepting the Financial Report for the First Quarter 2006 - 2007.*
5. *Motion approving the Arts and Library Commission's recommendation granting \$1,000 to the Martinez Opera for their production of La Traviata.*
7. *Resolution No. 107-06 accepting the 2006 Paving Project No. C1030 per contract document and instructing the City Clerk to file a Notice of Completion.*
8. *Resolution No.108-06 accepting the Alhambra Avenue Paving Project No. C1027 per contract documents and instructing the City Clerk to file a Notice of Completion.*
9. *Resolution No. 109-06 approving a Memorandum of Understanding (MOU) between the City of Martinez and the Martinez Police Non-sworn Employees' Association (MPNSEA) for the contract period July 1, 2006 through June 30, 2011, and authorizing the Interim City Manager to execute said MOU.*

On motion by Mark Ross, Councilmember, seconded by Janet Kennedy, Councilmember, to approve Items 1-5 and 7-9; motion carried 5-0.

6. *Motion accepting the Water System Master Plan Update report prepared by Dodson Engineers.*

Councilmember Kennedy noted that the Water Subcommittee had met earlier and reviewed the Master Plan Update in greater depth. She also noted that the cost estimates for the improvements were given in today's dollars, and the amounts will be greater when the projects come before the Council for future funding. She expressed appreciation for the future planning being done.

Vice Mayor DeLaney added that the staff report indicates that there are many recommended improvements over the next 15 years, and water rates (last adjusted in 2004) will need to be raised to meet some of the cost increases. She also confirmed that notices would be going out in January regarding a public hearing on rate increases to be held in February.

Mayor Schroder opened public comment on the item.

David Piersall suggested some consideration be given to consolidating the City's service with the Contra Costa Water District, which would save costs for the City in the long run.

Councilmember Menesini discussed problems that could result from the loss of local control through consolidation of services, noting as well that the rates for the City water district are less in some case than what CCWD charges.

Councilmember Ross said that Mr. Piersall's suggestion should be given some consideration, but he agreed that the City's treatment process was better than the process used by CCWD, resulting in better water.

Roger Goodwin said he thought the idea of consolidation should be considered. He expressed concern as well about protective covering for the water tanks.

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to accept the Water System Master Plan Update report prepared by Dodson Engineers; motion carried 5-0.

PUBLIC HEARING(S)

CITY COUNCIL

10. *Railroad Quiet Zones Update.*

City Engineer Tim Tucker presented the staff report, summarizing the improvements and cost considerations for establishing a quiet zone. He also discussed potential funding sources and the inclusion of safety upgrades for Phase 3 of the Intermodal Project, which could be paid for with Measure J funds. Mr. Tucker reviewed changes to federal regulations related to train horns and negative impacts to the City.

Vice Mayor DeLaney noted that the FRA website allows for some exemptions to the regulations, which she thought were worth pursuing. Councilmember Menesini suggested contacting Congressman George Miller for assistance in applying for the exemption.

Councilmember Menesini expressed concern about having access to the parking for the Intermodal Station from Ferry Street as well as Berrellesa. Mr. Tucker confirmed that access was planned from both streets, although one might be for emergency access only.

Mayor Schroder asked about the increased liability to the City from the creation of a quiet zone. Mr. Tucker indicated that any upgrades beyond the minimum would help reduce liability risks for the City. Mayor Schroder confirmed with Mr. Tucker that establishing a quiet zone would not eliminate all train noise, as trains are required to sound their horns when entering and leaving a station.

Councilmember Ross asked whether the quiet zones were only for night time hours. Mr. Tucker said there are different levels of quiet zones - either night time only, or full time. Councilmember Ross noted that the City would definitely be sued if a tragic accident happens in a quiet zone.

Councilmember Menesini commented on noise from the switch yard, especially on equipment that has not been well-maintained.

Vice Mayor DeLaney also commented on noise regulations with regard to private crossings. She asked whether regulations that refer to highway grade crossings would apply to Martinez streets. Mr. Tucker said "highway" generally means any public road.

Vice Mayor DeLaney asked about supplementary safety measures necessary to meet the risk threshold, specifically whether a wayside horn might be an option. Mr. Tucker noted that the wayside horn would sound through the duration of a train's crossing, which can sometimes be 10 or 15 minutes. Vice Mayor DeLaney asked whether the City should proceed with a diagnostic evaluation of the necessary improvements. Mr. Tucker said it had not been started yet because the Council has not given direction to do so. Vice Mayor DeLaney questioned whether some of the provisions for industrial spurs might give the City more options. Mr. Tucker indicated it could be added to the study.

Mayor Schroder opened public comment.

An unidentified speaker expressed concern about the possibility of a quiet zone, suggesting that it be put before the citizens for their input.

Mike Alford said any resident who has lived in Martinez for any length of time should know that the train horns are a normal part of life. He questioned whether instituting a quiet zone would be in the best interests of the City.

Dick Duncan commended Vice Mayor DeLaney for her diligence in researching the issue. He discussed some factors that have changed in the five years since Union Pacific took over and the expansion of the switching yard. He suggested further consideration of wayside horns, and he cautioned the Council that revitalization of the downtown will be difficult without some resolution of the train noise issue.

Paul Wilson commented on cost considerations, increased liability for the City, and the limited effectiveness from establishing railroad quiet zones. He suggested further discussions with the railroad company to resolve the matter. Tim Tucker discussed the complicated process involved in calculating the risk index, noting that Berrellesa would be a favorable location for a quiet zone since the traffic levels are low.

David Piersall asked why the risk index calculations were based on establishing a 24-hour quiet zone, when the night-time quiet zone would be more practical. Mr. Tucker indicated that a diagnostic team would consist of people from several agencies with expertise in the area, and including members of the public, would be used to study the issue. He briefly discussed the safety issues specifically associated with night-time quiet zones.

Roger Goodwin agreed a team effort would be best for fully analyzing the risk index of the various options. He also agreed that some pressure should be placed on the railroad to maintain their equipment, and appealing to Congressman Miller could be advantageous.

Seeing no further speakers, Mayor Schroder closed public comment on the item. He thanked Vice Mayor DeLaney for her research, and he proposed that the Council direct staff to take some preliminary steps in the process. He expressed considerable caution and concern about the potential risks that need to be fully investigated before implementation of a quiet zone.

Vice Mayor DeLaney mentioned several jurisdictions in the State that have recently implemented railroad quiet zones, including Richmond, Rancho Cordova, Placentia, and Sacramento. She acknowledged that it might not be possible to eliminate all the train noise, but encouraged the Council to do what it can to minimize it.

Councilmember Kennedy agreed that public safety is a concern, as is consideration of the needs of the residents. She thought the analysis should continue.

Councilmember Menesini commented on the City's past influence in resolving the issue of trains blocking intersections, expressing confidence that similar negotiations and compromise could be achieved in this instance as well. He also suggested that the City ask for some consistency among train operators in the use of their horns.

The Council directed staff to pursue the project and submit a letter to the FRA and work with Congressman George Miller.

12. *Direct staff to consider feasibility of amending the Martinez Municipal Code with respect to Vacant Structures as requested by Vice Mayor DeLaney.*

Vice Mayor Lara DeLaney presented the staff report, discussing requests from some residents to investigate City regulations regarding abandoned properties. She reviewed some provisions in the city of Antioch's abandoned building ordinance that might be useful to Martinez. She asked the Council to consider implementing the additional provisions.

Chief Building Official Dave Scola added that there are provisions in the Community Preservation ordinance regarding abandoned buildings, agreeing that changes to the definition of "abandoned" would be helpful.

Mayor Schroder opened public comment on the item.

David Piersall commented on the increasing numbers of delinquent and foreclosed properties, expressing concern that actions by the City could interfere with a mortgage company in dealing with delinquent loans.

Paul Wilson asked whether the ordinance would deal with industrial, commercial and residential properties. He was also concerned about the effects of a slow real estate market. Vice Mayor DeLaney said she thought the provisions would require that a yard be maintained and that broken doors or windows be boarded up, neither of which would interfere with the actions of a property management company.

Mike Alford questioned whether comparisons should be made with Antioch, given that they have other problems than Martinez. He asked, and Vice Mayor confirmed that maintaining active utility service would keep a building from being declared abandoned.

Seeing no further speakers, Mayor Schroder closed public comment.

Councilmember Ross expressed support for the proposed changes. Councilmember Menesini was supportive as well, noting that the policies were fairly mild and should benefit the residents of the City.

Councilmember Kennedy expressed her support also, indicating that requiring normal maintenance was reasonable.

Vice Mayor DeLaney was appreciative of Mr. Piersall's comments and encouraged him to review the final ordinance as well, to avoid unintended consequences. Mayor Schroder said he thought that the proposed changes would strengthen the code enforcement process, and improve the community.

The Council directed staff to pursue amending the Municipal Code regarding the abandoned properties.

13. *Resolution appointing a Vice Mayor for the year 2006-2007.*

Mayor Schroder reviewed the Council's practice of selecting a vice-mayor on a rotating basis, indicating it was Councilmember Kennedy's opportunity to serve at this time.

Councilmember Menesini thanked Councilmember DeLaney for her proactive service over the past year.

Mayor Schroder opened public comment on the item.

David Piersall expressed his support for Councilmember Kennedy's appointment as Vice Mayor, in view of her increased experience.

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

On motion by Michael Menesini, Councilmember, seconded by Mark Ross, Councilmember, to approved Resolution No. 110-06 appointing Janet Kennedy as Vice Mayor for the year 2006-2007; motion carried 5-0.

Vice Mayor Kennedy expressed appreciation for the opportunity, as well as for the example set by past Vice Mayors.

14. *City Council Comments.*

Councilmember Ross asked the Mayor to place on the January 17th agenda consideration of rescinding the existing redevelopment agency ordinance and introduction of a new ordinance. The Mayor and Council were supportive of the idea.

Councilmember Menesini requested that the Public Works Department repair his voting switch.

Vice Mayor Kennedy wished the public happy holidays. She also gave a brief report on the work of the Flood Subcommittee and acknowledged the groups' hard work.

Councilmember DeLaney wished the public a Merry Christmas, Hanukah, Kwanzaa and happy holidays to all and encouraged the public to attend First Night.

CITY MANAGER

15. *Comment(s)/Update(s)/Report(s).*

Nothing reported.

APPOINTMENTS TO COMMISSIONS AND/OR AGENCIES

16. *Consider appointment of to the Park and Recreation Commission.*

Mayor Schroder recommended that Gay Gerlack be appointed to the Park and Recreation Commission, to fill the vacancy created by Mark Waterman's resignation.

There was no public comment on the issue.

On motion of Rob Schroder, Mayor, no second required, the Council voted to approve appointment of Gay Gerlack; motion carried 5-0.

ADJOURNMENT

Adjourned at 9:12 p.m. *in memory of former resident Richard Carlson*, then to a Regular City Council Meeting on January 17, 2007, 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 – 1/17/07