



**CITY OF PITTSBURG
AGENDA**

MONDAY, JUNE 7, 2004

**CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA**

**COMMISSION INTERVIEWS
5:00 P.M. – 6:30 P.M.**

**CLOSED SESSION
6:30 P.M.**

**REGULAR MEETINGS
7:00 P.M.**

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
SOUTHWEST GHAD II
CITY COUNCIL**

PRESIDING

**Aleida Rios, Mayor/Chair
Nancy Parent, Vice-Mayor/Vice-Chair
Michael Kee, Council Member/Board Member
William Glynn, Council Member/Board Member
Yvonne Beals, Council Member/Board Member**

Pittsburg City Council meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The City Council meets regularly in the Council Chambers at 65 Civic Avenue, unless otherwise noted above.

COMMISSION INTERVIEWS – 5:00 p.m. – 6:30 p.m.

1. Youth Commission
2. Recreation Commission
3. Planning Commission

AUDIENCE REMARKS

CONVENE IN CLOSED SESSION – 6:30 p.m.

- a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

Two (2) cases

- b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.9)

Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. Affordable Housing Week

COUNCIL MEMBER REMARKS – *Council Members may make brief announcements or informal comments at this time. (No Action Required)*

CITY MANAGER REMARKS – *The City Manager may make brief announcements or informal comments at this time. (No Action Required)*

CITIZENS REMARKS – *Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda calendar should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. (No action required.)*

REGULAR REDEVELOPMENT AGENCY MEETING

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a number of the Council or the public prior to the time the Council votes on the motion to adopt.*

a. **MINUTES** Dated: May 17, 2004 and May 24, 2004 (Recommend Approval)

b. **RESOLUTION 04-963** Authorizing the Executive Director to execute the Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and McGill Martin Self, Inc. in an Amount Not to Exceed \$38,900 (Recommend Adoption)

Pursuant to the Community Redevelopment Reform Act of 1993 (AB 1290), as amended by SB 732 (1994), redevelopment agencies are required to adopt a new implementation plan every five years. The Redevelopment Agency of the City of Pittsburg has chosen to retain the services of McGill Martin Self, Inc. for the preparation of the 2005-2009 Implementation Plan and Affordable Housing Plan.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: June 21, 2004

PITTSBURG POWER COMPANY MEETING

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: May 17, 2004 (Recommend Approval)
- b. **RESOLUTION 04-104** Authorizing Award of the Cape/Slurry Seal Contract (Recommend Adoption)

CAPE and Slurry Seals are preventative maintenance treatments used to extend the life of existing asphalt pavement. The 2004 CAPE/Slurry Seal Contract is funded by the reallocation of Pittsburg Power Company funds previously allocated to the Street Preventative Maintenance Account.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR SOUTHWEST GHAD II MEETING

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a number of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **RESOLUTION 04-009** Renewal of Southwest Pittsburg GHAD II
Manager/Geologist Consultant Agreement (Recommend
Adoption)

Mr. William Wigginton has provided services as the District Manager/Geologist through a consultant agreement. The current agreement expires June 30, 2004 and needs to be renewed in order to continue these services.

ADJOURNMENT OF The SOUTHWEST GHAD II MEETING

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 04-1223** Introduction of an Ordinance Amending Municipal Code, Section 10.16.190, "Maximum Weight of Commercial Vehicles in Certain Districts" (a.k.a. Overnight Truck Parking) (Recommend Open and Continue the Public Hearing)

A public hearing has been noticed to amend PMC 10.16.190 by removing overnight commercial truck parking on the south side of Power Avenue, between Railroad Avenue and Davi Avenue, and allowing overnight truck parking on the south side of California Avenue, east of Loveridge Road. Staff recommends the public hearing be opened to accept any comments from the public, then continued until the next regularly scheduled City Council meeting on June 21, 2004.

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a number of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: May 17, 2004, and May 24, 2004 (Recommend Approval)

- b. **CLAIMS** #1588A LaTonya Elaine Lea; #1588B Vernon Lee Jonson (Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)

- c. **ORDINANCE 04-1221** Amending Municipal Code, Chapters 1.04, 1.24 and 15.74 and the Addition of Chapter 15.72, to Support Code Enforcement and Provide for Recapture of Fees and Costs Necessarily Incurred in the Enforcement of the Pittsburg Municipal Code (Recommend Adoption)

This ordinance amending the Municipal Code will clarify and/or establish the City's right to recapture its expenses and attorney's fees which have become necessary in the pursuit of Code Enforcement. The ordinance also adds a new chapter providing that any new application for a permit may be denied if it is determined that the property for which the application has been submitted is in violation of local, state or federal law (including but not

limited to violations of building, grading, zoning, fire protection, safety, health, sanitation and/or flood control laws).

- d. **ORDINANCE 04-1222** Levying a Special Tax for the Fiscal Year 2004-2005 and Following Fiscal Years Solely Within and Relating to the City of Pittsburgh Community Facilities District No. 2004-01 (Recommend Adoption)

San Marco subdivision is a 639-acre residential project approved in 1993 (Planned Development zoning and tentative map for 2938 total units (1363 single-family and 1575 multi-family)). In accordance with the terms of the Development Agreement between the City of Pittsburgh and Seecon Financial & Construction Inc. a Mello-Roos Community Facilities District shall be formed to provide funding for police services in the San Marco subdivision area. This matter was considered by City Council at the February 17, 2004 meeting by Resolution No. 04-10005 and April 5, 2004 by Resolution No. 04-10036. By these resolutions City Council approved a proposed boundary map, declared its intention to establish a Community Facilities District No. 2004-01 and to levy a special tax therein to finance certain public services in and for such community facilities district and set tonight as the time for the public hearing on the formation of CFD No. 2004-01. Tonight's meeting is to adopt Ordinance No. 04-1222.

- e. **RESOLUTION 04-10083** Abandoning Proceedings in Assessment District No. 2000-01, West Leland Road Extension, Phase 1 (Recommend Adoption)

On March 20, 2000, the City Council of the City of Pittsburgh adopted its Resolution of Intention No. 00-9128 proposing to form an assessment district to be known as the "City of Pittsburgh Assessment District No. 2000-01, West Leland Road Extension – Phase 1". On June 5, 2000, following a public hearing, the City Council adopted Resolution No. 00-9170 approving a final engineer's report and assessments and ordering acquisition and/or construction of improvements. A Notice of Assessment was recorded. Since the creation of the district no bonds have been issued nor any assessments made. To avoid overlapping of assessment liens on certain property within the assessment district, staff recommends that the City Council abandon the proceedings for the District.

- f. **RESOLUTION 04-10084** Subdivision 8112, Lawlor Estates Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement (Recommend Adoption)

The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8112, Lawlor Estates, are ready for acceptance.

- g. **RESOLUTION 04-10085** Requesting the Consolidation of the Municipal Election with Other Elections to be Held on Tuesday, November 2, 2004 General Election Date for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities and Levying a Charge and Establishing Word Limitation for Candidates Statements (Recommend Adoption)

Pursuant to Elections Code Section 10400, et. Seq., the City must, at least 88 days prior to the date of the election, file with the board of supervisors a resolution of its governing board requesting the consolidation of elections and setting forth the exact form of any office to be voted upon at the election, and establishing the word limitation for candidates statements.

- h. **RESOLUTION 04-10086** Award 2004/2005 Water Treatment Plant Chemical Purchase Contracts (Recommend Adoption)

The City operates a Water Treatment Plant that utilizes large quantities of chemicals in the treatment process to clarify and disinfect raw water prior to distribution to residents of the City of Pittsburg. The Public Works Department has requested, and received bids, from chemical suppliers for these water treatment chemicals. These chemicals are necessary to maintain operations at the Water Treatment Plant and the chemical bids are ready to be awarded.

- i. **RESOLUTION 04-10087** Accepting as Complete Contract 03-01; 8th Street and Century Boulevard Pavement Reconstruction (Recommend Adoption)

The City Council of the City of Pittsburg awarded Contract 03-01; 8th Street and Century Boulevard Pavement Reconstruction to Bay Cities Paving & Grading by Resolution No. 03-9900 on September 15, 2003. The project scope of work encompassed pavement, water line, curb and gutter, sidewalk, new signs and other miscellaneous improvements. The project was substantially complete on January 9, 2004.

COUNCIL REPORTS - *Council members may ask questions for clarification from City staff, and make a report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required.)*

CITY MANAGER REPORT - *City Manager may brief the Council on items of interest. (No Action.)*

ADJOURNMENT OF THE CITY COUNCIL To: June 17, 2004

NOTICE TO PUBLIC

SPEAKER'S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action take by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled citizens. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at 925-252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

City Council Outside Agency/Liaison/ Sub-Committees Assignments - 2004

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Aleida Rios / Nancy Parent Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Michael Kee / Yvonne Beals Alt.	Ad Hoc	As needed	R. Jerome
Bay Area Water Quality Dist.	William Glynn / Yvonne Beals Alt.	Standing	As needed	R. Jerome
Contra Costa County Fire Dist.	Michael Kee / William Glynn Alt.	Standing	2 nd Monday	N. Shirazi
Delta Diablo Sanitation	Aleida Rios / Nancy Parent Alt.	Standing	2 nd Wednesday	J. Fuller
East County Habitat Conserv.	Michael Kee / Yvonne Beals Alt.	Standing	Monthly	R. Jerome
East County Water Mgt.	William Glynn / Yvonne Beals Alt.	Standing	Annual	J. Fuller
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	N. Shirazi
Tri-Delta Transit	Aleida Rios & Nancy Parent	Standing	Last Wednesday	N. Shirazi
Water Transit Authority Comm.	William Glynn / Yvonne Beals Alt.	Standing	Monthly/Thursdays	J. Fuller

<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Aleida Rios / Nancy Parent Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Aleida Rios & Yvonne Beals	Standing	As needed	P. Flores
LMC Foundation Scholarship	Aleida Rios / Nancy Parent Alt.	Standing	As needed	P. Flores
Mayor's Conference	Aleida Rios / Nancy Parent Alt.	Standing	1 st Thursday	L. White
School District Liaison	Nancy Parent & William Glynn	Standing	Quarterly	P. Flores

<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC/CDBG	Nancy Parent & Michael Kee	Standing	As needed	A. Landry
California Theatre Study	William Glynn & Michael Kee	Ad Hoc	As needed	G. Evans
City/County Relations	Nancy Parent / Michael Kee Alt.	Standing	As needed	L. White
Economic Development	William Glynn & Yvonne Beals	Standing	Quarterly	B. Nail
Fee & Finance Review	William Glynn & Michael Kee	Ad Hoc	As needed	J. Sbranti
Finance Subcommittee	Aleida Rios & William Glynn	Ad Hoc	As needed	M. Simons
Power Company Advisory	William Glynn & Nancy Parent	Standing	As needed	G. Evans
PEHDC	Michael Kee & Yvonne Beals	Standing	1 st Thursday	G. Evans
RDA Subcommittee	Aleida Rios & Michael Kee	Standing	Quarterly	G. Evans
Shaping Our Future	Michael Kee & William Glynn	Ad Hoc	As needed	L. White