

CITY OF PITTSBURG
Special City Council Meeting Minutes
July 26, 2006

Mayor Michael Kee called the Special Meeting of the City Council to order at 10:46 A.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 10:02 A.M. for Conference with Legal Counsel – Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9 of the Government Code regarding one (1) case.

Mayor Kee advised that there was nothing to report from Closed Session.

MEMBERS PRESENT: Casey, Glynn, Parent, Kee

MEMBERS ABSENT: Johnson [Excused]

STAFF PRESENT
City Manager, Marc Grisham
Assistant City Manager, Matt Rodriguez
City Attorney, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Assistant City Engineer, Keith Halvorson
Director of Public Works, John Fuller
Assistant Director of Public Works, Walter Pease
Finance Director, Marie Simons
Chief of Police, Aaron Baker

PLEDGE OF ALLEGIANCE

Mayor Kee led the Pledge of Allegiance.

COUNCILMEMBER REPORTS/REMARKS

There were no Council Member reports/remarks.

CITY MANAGER REPORTS/REMARKS

There were no City Manager reports/remarks.

CITIZEN REMARKS

There were no citizens remarks for items not on the agenda.

CONSIDERATION

1. **MINUTE ORDER/RESOLUTION** Report on Slide at Santa Lucia in the San Marco Subdivision and Possible Water Line Relocation Including Possible Property Acquisition of APN 097-630-057, Lot No. 8 of Unit 2b of San Marco Subdivision

City Manager Marc Grisham asked the City Attorney to introduce the item and the Assistant City Engineer's report to the Council.

The City Attorney addressed the situation with the July 20, 2006 landslide on Santa Lucia. Staff has been evaluating the issues surrounding the slide as well as relocation of the water line in the area. Staff has been working with consultants to make sure stabilization of the existing water line could be accomplished. It is the position of City staff that the water line needs to be relocated to protect the surrounding homes and integrity of the water supply to some 1,000 residents. The issue at hand is whether the Council wishes to authorize the City Attorney and City Manager to take steps necessary for emergency condemnation for access necessary to relocate the water line. Permanent easement is involved as well as temporary construction easement for vehicle storage of necessary pipe. The feasible location has been identified as Lot 8 Unit 2b of the San Marco Subdivision.

Assistant City Engineer Keith Halvorson explained at length the problem with the water line installed behind seven homes on Santa Lucia. He stated construction from an adjacent subdivision has caused soil issues in the vicinity. He stated staff has been working with soils consultants, indicated that existing water line is in jeopardy from not only the slide activities but also ongoing and long term repair activities not yet started. He stated that over the next four weeks, developer Lyon Homes intends to install 100 piers on the back of the lots to stabilize the lots. That stabilization activity could threaten the water line. Seecon Financial is the owner of the adjacent lot where the recommendation is that Lot 8 is the better alternative for construction. This would be a second waterline on that parcel. Discussion with the landowner revealed time is of the essence, that the nature of the existing pipeline is unknown, and the City would like to move as quickly as possible to install the water line.

Council Member Parent inquired as to the stability of the existing water line, as well as whether or not the City has obtained written opinions from consultants as to its stability.

Assistant City Engineer Halvorson stated the condition of the existing line is unknown. Both the consultant engaged by Lyon Homes and the City's consultant have indicated concerns about the line remaining in place any longer than necessary. Mr. Halvorson indicated copies of the consultants reports are available for review.

Council Member Parent confirmed Lot 8 was identified as 1022 Santa Lucia, and that it was currently an empty lot.

City Attorney Ziegler also reiterated that the consultants reports agree with City staff concerns that immediate action must be taken to protect the public safety and good.

Discussion ensued as to the placement of the existing water line, as well as to the potential significant risk to existing homes if the current line should break.

City Attorney Ziegler presented to Council a resolution which, if adopted, would authorize the City to move forward to go to court tomorrow to acquire immediate right of possession of both the temporary and permanent construction of Lot 8. She stated that pursuant to the California Rules of Court, she contacted Jeanne Pavao (Seecon's attorney) to give notice that the Council's intent may be to go forward and she confirmed a fax was sent to her office. Ms. Ziegler stated the action before the Council now is whether to adopt the resolution presented.

When asked, Mr. Halvorson stated work would start in a few days, that the earliest would be Monday, July 30. He stated work would be contracted out, but crews are ready to begin.

City Manager Grisham stated that if Seecon agrees, construction could start earlier.

Jay Torres-Muga, representing Seecon Financial stated they share concerns about the situation in the Vista Del Mar project. He stated that since meeting with staff after the second incident, they understand and want to cooperate. They are very concerned about the condemnation discussion which he states is a significant action. He thanked the Council for the opportunity to have dialog here rather than the courthouse. He asked the Council to keep an open mind on their side of the story. He asked for clarification as to whether the City is trying to take a position of acquisition of easement or acquisition of Lot 8 itself?

Discussion ensued regarding specifics of the width of the easement, and Mr. Torres-Muga then presented an alternative plan for the City, rather than change Lot 8 and render it unbuildable, to pursue a 10' easement on Lot 26, which is vacant, owned by Seecon, and is just 35' apart from the other lot. This plan would still allow construction of a house on the lot and leave Lot 8 alone.

Seecon agreed to waive the \$25,000 charge in his letter of acquisition of easement; and provide free easement in Lot 26 to accomplish relocation of water line. He stated this would be the least amount of cost to the City and work can start tomorrow.

Mr. Torres-Muga reiterated that Seeno did not create the current situation, and

wants to keep easement of other lots.

Council Member Parent stated she appreciated the concern on the part of Seecon, however, she stressed the immediate need to correct the situation at hand.

On motion by Member Parent, seconded by Member Casey to adopt the emergency resolution of necessity by the City to acquire the right to construct, operate, maintain, repair and replace water pipelines on Lot No. 8 of San Marco Unit 2b with the appropriate assessor's parcel number, all to be done for the public health and safety, carried by the following vote:

Ayes:	Casey, Johnson, Parent, Glynn
Noes:	None
Absent:	Johnson

Council Member Parent stated she hoped that staff will continue to work with the owner of Lot No. 8 to move forward with the work at the earliest possible date.

City Manager stated he was hopeful that this property owner and the adjacent developer would work with the City given the emergency nature of the actions that the Council just took.

ADJOURNMENT

The Special Meeting of the City Council adjourned at 11:21 A.M. to August 7, 2006.

Respectfully submitted,

Alice E. Evenson, Deputy