

CITY OF PITTSBURG
Redevelopment Agency Minutes
March 6, 2006

Chair Michael Kee called the meeting of the Redevelopment Agency to order at 7:15 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9(a) regarding Pittsburg Society for Preservation of Historical Resources, Susan Lopez; Thomas LaFleur; and Frank Gordon vs. City of Pittsburg, Contra Costa County Case No. 05-1861; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN's 085-143-006-6, 085-143-005-8, 085-143-004-1, 085-143-003-3, 085-143-002-5, 085-143-001-7, 085-142-004-2, 085-142-006-7, 085-142-005-9, 085-142-003-4, 085-142-002-6, 085-142-001-8, 085-141-005, 085-141-004-3, 085-141-003-5, 085-141-002-7, 085-141-007-6, 085-141-009-2 and 085-130-006-1.

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

MEMBERS PRESENT: Casey, Glynn, Johnson, Kee

MEMBERS ABSENT: Parent [Excused]

STAFF PRESENT Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

CONSENT CALENDAR

On motion by Member Johnson, seconded by Vice Chair Glynn and carried unanimously to adopt the Consent Calendar, as follows:

a. **MINUTES** Dated: February 21, 2006

Approved minutes dated February 21, 2006.

ADJOURNMENT

The meeting of the Redevelopment Agency adjourned at 7:16 P.M. to March 20, 2006.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
Southwest Pittsburg Geologic Hazard
Abatement District (GHAD II) Minutes
March 6, 2006

Chair Michael Kee called the meeting of the Southwest Pittsburg Geologic Hazard Abatement District (GHAD II) to order at 7:17 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9(a) regarding Pittsburg Society for Preservation of Historical Resources, Susan Lopez; Thomas LaFleur; and Frank Gordon vs. City of Pittsburg, Contra Costa County Case No. 05-1861; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN's 085-143-006-6, 085-143-005-8, 085-143-004-1, 085-143-003-3, 085-143-002-5, 085-143-001-7, 085-142-004-2, 085-142-006-7, 085-142-005-9, 085-142-003-4, 085-142-002-6, 085-142-001-8, 085-141-005, 085-141-004-3, 085-141-003-5, 085-141-002-7, 085-141-007-6, 085-141-009-2 and 085-130-006-1.

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

MEMBERS PRESENT: Casey, Glynn, Johnson, Kee

MEMBERS ABSENT: Parent [Excused]

STAFF PRESENT Assistant Executive Director, Matt Rodriguez
Legal Counsel, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

CONSENT CALENDAR

On motion by Vice Chair Glynn, seconded by Member Johnson and carried unanimously to adopt the Consent Calendar, as follows:

- a. **RESOLUTION 06-012** Revise the Existing Plan of Control to Reflect Changes in Operation

Adopted Resolution 06-012.

ADJOURNMENT

The meeting of the Southwest Pittsburg Geologic Hazard Abatement District (GHAD II) adjourned at 7:18 P.M.

Respectfully submitted,

Lillian J. Pride, Secretary

als

CITY OF PITTSBURG
City Council Minutes
March 6, 2006

Mayor Michael Kee called the meeting of the City Council to order at 7:19 P.M. in the City Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California after having convened into Closed Session at 6:30 P.M. for Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9(a) regarding Pittsburg Society for Preservation of Historical Resources, Susan Lopez; Thomas LaFleur; and Frank Gordon vs. City of Pittsburg, Contra Costa County Case No. 05-1861; and Conference with Real Property Negotiator pursuant to Section 54956.8 regarding APN's 085-143-006-6, 085-143-005-8, 085-143-004-1, 085-143-003-3, 085-143-002-5, 085-143-001-7, 085-142-004-2, 085-142-006-7, 085-142-005-9, 085-142-003-4, 085-142-002-6, 085-142-001-8, 085-141-005, 085-141-004-3, 085-141-003-5, 085-141-002-7, 085-141-007-6, 085-141-009-2 and 085-130-006-1.

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

MEMBERS PRESENT: Casey, Glynn, Johnson, Kee

MEMBERS ABSENT: Parent [Excused]

STAFF PRESENT: Assistant City Manager, Matt Rodriguez
City Attorney, Ruthann Ziegler
Deputy City Clerk, Alice Evenson
Director of Engineering and Building, Joe Sbranti
Director of Economic Development, Brad Nail
Director of Human Resources, Marc Fox
Director of Public Works, John Fuller
Director of Recreation, Paul Flores
Director of Planning, Melissa Ayres
Director of Finance, Marie Simons
Police Chief, Aaron Baker

Mayor Kee considered the following general City Council items at 7:00 P.M. prior to pursuing the Redevelopment Agency agenda.

PLEDGE OF ALLEGIANCE

Peter So led the Pledge of Allegiance.

COUNCILMEMBER REPORTS/REMARKS

Vice Mayor Glynn reported that he had attended the Senior Center Rededication, which had been well attended. Vice Mayor Glynn added that he had also attended a

League of California Cities meeting and a JFK University meeting related to student enrollment. He explained that brochures were available at City Hall to identify JFK class availability.

Mayor Kee stated that he had attended a School Readiness Fair hosted by First Five California at Martin Luther King School and had presented a proclamation to the school at that time. He had also attended the Black History celebration sponsored by Samaritan House at Riverside School, the reopening of the Senior Center, and the Mayors Conference where information on Homeland Security grants had been presented.

CITY MANAGER REPORTS/REMARKS

Assistant City Manager Matt Rodriguez commended all Departments involved with the resurrection of the Senior Center. He also reminded the public of the upcoming Blood Drive on Thursday, March 18 from 9:00 A.M. to 3:00 P.M. as part of Volunteer Blood Donor Month, commended Paul Flores for the Second Annual Youth Art Show on March 17 with an exhibit on March 18 from 11:00 A.M. to 7:00 P.M. and March 19 from Noon to 3:00 P.M. at the Galleria, and reported that the Recreation Newsletter was now being provided in Spanish.

CITIZENS REMARKS

PETER SO, a former Drum Major from Pittsburg High School, thanked the Council for their assistance in allowing him to attend the 2006 New Year's London Parade in London, England. He highlighted his trip and the experiences he had learned as a result. He offered pictures from that event of him and the 13 other drum majors representing the United States and presented English tea to members of the Council. He particularly thanked Paul Flores for his behind the scenes work and the Council for its support of his trip.

Mayor Kee thanked Mr. So for his presentation.

KIM FORTUNE, Pittsburg, urged the City Council to implement a heritage tree ordinance to retain the heritage trees in the City. She referred to the recent removal of many eucalyptus trees from the former Johns Manville property now being developed. She noted that the trees had protected adjacent residents from noise and odor. With the removal of those trees, both noise and odor were negatively impacting residents. Ms. Fortune described her understanding of what had precipitated the removal of the trees and emphasized that the adjacent residents and other jurisdictional agencies had not been apprised that those trees would be removed.

BRUCE OHLSON, Pittsburg, speaking as a resident of the City, referenced a home in the Ventura Drive neighborhood where a large 38-year old tree had been removed. As such, he too spoke in support of a heritage tree ordinance which he suggested would have saved that tree.

Mayor Kee adjourned to the Redevelopment Agency at 7:15 P.M. and reconvened to the City Council at 7:19 P.M.

PUBLIC HEARING

1. **ORDINANCE 06-1261** Amending Municipal Code Chapter 15 and Sections Relative to the Adoption of Present California Construction Codes

City Engineer Joe Sbranti reported that it was necessary to adopt these California Codes as the Building Code of the City of Pittsburg in order to stay congruent with established California State Law. The City of Pittsburg currently utilized these specific California Codes by default; therefore there was no impact upon City staff or the development community.

The ordinance would not require any funding source and would have no fiscal impact upon the City.

It was recommended that the City Council adopt an ordinance approving as the Building Codes of the City of Pittsburg the 2001 California Building Code, 2001 California Plumbing Code, 2001 California Mechanical Code, 2001 California Fire Code, and the 2004 California Electrical Code, including all amendments. Staff did not recommend any additional amendments to any of the codes or standards outside of what presently existed within the Municipal Code.

Mayor Kee opened the public hearing for Ordinance 06-1261. There was no one to speak to the item. Mayor Kee closed the public hearing for Ordinance 06-1261.

On motion by Vice Mayor Glynn, seconded by Councilmember Johnson and carried unanimously to introduce Ordinance 06-1261 by title only and waive first reading.

2. **RESOLUTION 06-10496** Resolution to Pass on the Increase in the Contra Costa Water District's Facilities Reserve Charges

Assistant City Manager Rodriguez advised that the Contra Costa Water District (CCWD) raised its raw water facility reserve charges annually in recognition of the rapid growth in water service demand due to an ever-expanding populace. The resolution before Council passed on this latest increase in the Contra Costa Facility Reserve Charge to the new user in 60 days.

The CCWD Facility Reserve Charge was a pass-through fee collected by the City and paid to the District. The City staff time required to process this fee would be compensated by a \$35.00 service charge collected by the City. It was recommended that the City Council adopt a resolution approving the pass-through fee increases of the Contra Costa Water District.

Mayor Kee opened the public hearing for Resolution 06-10496. There was no one to speak to the item. Mayor Kee closed the public hearing for Resolution 06-10496.

On motion by Councilmember Casey, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10496.

CONSIDERATION

1. **RESOLUTION 06-10498** Approval of Agreement to Fund Bailey Road Mitigation Measures

Planning Director Melissa Ayres stated that the Council was requested to approve and authorize the Mayor to execute an agreement between the City of Pittsburg and the City of Concord identifying and confirming how adopted traffic mitigation fees owed on two Pittsburg development projects to the City of Concord would be collected and dispersed and to establish an administrative fee to implement the agreement. The item would also be presented to the Concord City Council within the next thirty days for approval as well.

There would be no fiscal impact to the City. It was recommended that the City Council adopt a resolution to approve and authorize the Mayor to execute the proposed Bailey Road Traffic Mitigation Measure Inter-Agency Funding Agreement and to establish an administrative fee to implement the agreement.

In response to Councilmember Johnson's question as to how the traffic mitigation fees would be split, Ms. Ayres stated that both of the Environmental Impact Reports (EIRs) for the Vista Del Mar and the Bailey Estates projects looked at the impacts of the two projects on the intersections and determined the pro rata share of improvements for those intersections. There was other traffic from other communities that had not been accounted for in the equation. The City of Concord would contribute the right-of-way for the improvements that needed to be built.

Ms. Ayres explained that this was a mitigation measure in the Certified EIR for Vista Del Mar. Bailey Estates also had a mitigation measure for the payment of the fees, although that fee had not yet been calculated. A traffic consultant had been retained to determine the distribution of the two projects at the intersections and to determine the fees. Pittsburg and Concord staff had worked for some time to create the agreement on the improvement costs, which, if approved would establish the amount of fees to be collected, how, when and by whom the fees would be collected, and how the fees would be distributed and used.

PUBLIC COMMENTS:

There were no public comments.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 06-10498.

2 **APPOINTMENT**

Recreation Commission Appointment

Two openings exist on the Recreation Commission. The City had advertised for both openings and had received one application. The applicant was invited to interview with the City Council on February 21, 2006 and was interviewed at that time.

There would be no fiscal impact to the City. Staff recommended that the City Council make an appointment to the Recreation Commission.

On motion by Councilmember Casey, seconded by Councilmember Johnson and carried unanimously to appoint Lenox Prince to the Recreation Commission.

Mayor Kee advised that the next three items would be considered concurrently.

3. **RESOLUTION 06-10499** Initiating Proceedings Pursuant to the Landscaping and Lighting Act of 1972 for the Annexation of Highlands Ranch to the Citywide Landscaping and Lighting District
4. **RESOLUTION 06-10500** Approval of Engineer's Report for the Annexation of Highlands Ranch to the Citywide Landscaping and Lighting District
5. **RESOLUTION 06-10501** Declaration of Intent to Levy and Collect Assessments and to Schedule a Public Hearing for the Annexation of Highlands Ranch to Citywide Landscaping and Lighting District 1988-01 (Citywide District)

The Resolution, if adopted by the City Council, would initiate proceedings pursuant to the Landscaping and Lighting Act of 1972 for the annexation of Highlands Ranch subdivision and two non-residential parcels (collectively referred to as "Highlands Ranch") to the Citywide Landscaping and Lighting District.

The City Council was being asked to adopt the resolution approving the Engineer's Report for the annexation of Highlands Ranch subdivision and two non-residential parcels (collectively referred to as "Highlands Ranch") to the Citywide Landscaping and Lighting Maintenance Assessment District 1988-01.

The City Council was also being asked to adopt the resolution declaring the City's intent to levy and collect assessments in the Highlands Ranch subdivision and two non-residential parcels (collectively referred to as "Highlands Ranch") and to schedule a public hearing for the annexation of the Highlands Ranch into the Landscaping and Lighting District 1988-01.

The annexation of Highlands Ranch into the Citywide District would allow the City to continue to collect approximately \$50,000 in assessment levies that were currently generated by the parcels in Highlands Ranch. Should the annexation of Highlands Ranch

not be approved, the amount of money that the City was able to collect for the Citywide District would decrease by that same amount, thereby increasing the burden on the general fund by approximately \$50,000.

It was recommended that the City Council adopt a resolution initiating proceedings pursuant to the 1972 Act for the annexation of Highlands Ranch to the Citywide District and direct the Engineer of Work, Joseph Sbranti, to file an Engineer's Report in accordance with the 1972 Act.

Mr. Sbranti advised of the meetings that had been held to notify residents of the actions under Council consideration. The City had designated staff to handle all inquiries regarding the matter, which staff person would continue to be available until ballots had been received on May 1, 2006.

Councilmember Johnson questioned what would occur if the Highlands Ranch residents did not vote to accept the assessment, to which Mr. Sbranti explained that a determination would then have to be made whether or not to maintain the park under construction, and whether or not to maintain the lighting for the area since the neighborhood would no longer be assessed.

Councilmember Casey noted his understanding that Highlands Ranch residents had been paying the assessment all along. He verified with Mr. Sbranti that when the developer had sold all the homes all homebuyers had been apprised that the units would be made a part of the district and would be assessed accordingly. He clarified his understanding that there had been an administrative error where the steps that had been taken to annex the property into the City had not been completed.

City Attorney Ruthann Ziegler noted that Proposition 218 and its ramifications had been fairly new and the application of those requirements had not been clarified at that time.

In response to Councilmember Casey, Mr. Sbranti stated that the Highlands Ranch area was the only area that required this type of action.

Mayor Kee further clarified with staff that the fee was not an additional fee. It was a fee that was already in place and had already been paid, and was the same fee that was being paid throughout the City.

Mr. Sbranti stated that the issue of whether or not the fee was an additional fee had been raised during the public meetings. As to the number of people who had attended those public meetings, he advised that the meetings had not been well attended. A second meeting had been held at Highlands Ranch Subdivision adjacent to the park. A few people had asked questions at that time, particularly related to the Highlands Ranch Park. For the most part, he stated that there had been a favorable response. The questions primarily focused on the nature of the fee, whether or not it was a new fee and whether or not the fee would be retroactive.

Mr. Sbranti reported that all parties had been advised that this was not a new fee and that there was no retroactive element involved.

PUBLIC COMMENTS:

CARLOS ALVARADO, Pittsburg, stated that two years ago he had been advised that Highlands Ranch would include a school and a park. He stated that there would be no school and he understood that the park was now on hold pending the results of the current proceedings. He commented that he had moved to the City based on the fact that a school and a park would be built. He questioned the process and inquired what the Council was being asked to vote on given that the fee has been established and was already being paid.

Mayor Kee clarified his understanding that the park was not being delayed as a result of the current situation but due to weather conditions. With respect to the school, he noted that what the residents had been promised was beyond the City's control since the Pittsburg Unified School District (PUSD) had determined that the property designated for a school site would not now be needed. The PUSD had then sold the property back to the developer.

Mr. Sbranti clarified that the park project was still moving forward with construction. There had been no termination of work. The only delays related to bad weather. The park was scheduled for completion in the next six to seven months.

VICTOR ERNESTO ZELIDOR, Pittsburg, also expressed concern for the lack of a park in the Highlands Ranch subdivision to allow a place for the many children in the subdivision to play. He suggested that the situation related to the assessment appeared to be a threat with the park held in the balance. He also expressed concern for the fact that a school had not been provided as promised. He urged the City to continue with the development of the park to benefit the children in the neighborhood.

Mayor Kee emphasized that work to develop the park was continuing.

On motion by Councilmember Johnson, seconded by Vice Mayor Glynn and carried unanimously to adopt Resolution 06-10499.

On motion by Vice Mayor Glynn, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10500.

On motion by Councilmember Casey, seconded by Councilmember Johnson and carried unanimously to adopt Resolution 06-10501.

Mayor Kee asked the Assistant City Manager to ensure that the residents of Highlands Ranch were aware that work on the Highlands Ranch Park continued.

CONSENT CALENDAR

On motion by Councilmember Johnson, seconded by Councilmember Casey and carried unanimously to adopt the Consent Calendar, with the removal of Item d, as follows:

- a. **MINUTES** Dated: February 21, 2006
Approved minutes dated February 21, 2006.
- b. **CLAIMS** #1693 Mary Wilking
Denied claim #1693 Mary Wilking.
- c. **ORDINANCE 06-1260** Amend Pittsburg Municipal Code to Add Chapter 2.85, Purchasing System and to Amend Chapter 2.86, Informal Bidding Procedures
Adopted Ordinance 06-1260.
- e. **RESOLUTION 06-10502** Award City Hall HVAC Control System Upgrade Consultant Contract
Adopted Resolution 06-10502.
- f. **RESOLUTION 06-10504** Authorizing Citywide Purchasing Policies, Authorization and Purchasing Limits
Adopted Resolution 06-10504.
- g. **RESOLUTION 06-10506** Approval of the Final Map and Easement Agreement for Subdivision 9070, Black Diamond
Adopted Resolution 06-10506.
- The following item was removed from the Consent Calendar for discussion.
- d. **RESOLUTION 06-10497** Receive Fiscal Year 2005-2006 Mid-Year Financial Review Report and Adopt a Resolution of the City Council to Authorize Budget and Reserve Adjustments

Mr. Rodriguez summarized Resolution 06-10497 and noted that the mid-year financial review was always conducted as a mid-point housekeeping item for City Council review and approval. Given the two-year budget cycle, he explained that a mid-term review would be presented to the Council for review and approval in June 2006.

Vice Mayor Glynn referred to the March 6, 2006 document which identified the distribution of \$730,000 as Deferred Maintenance Reserves, Marketing and Promotional Reserves, and General Marina Reserves.

For purposes of clarity that all of those reserve funds were relative only to the Marina, Vice Mayor Glynn suggested that the titles be changed to "Marina Deferred Maintenance Reserves" and "Marina Marketing and Promotional Reserves." It was his understanding that those reserves could only be allocated for expenditure by the approval of the City Council.

Finance Director Marie Simons explained that the funds had been set aside. At this time, all that was being asked of the Council was to set aside the reserves in the three separate accounts. She affirmed that staff would not be able to use those funds without Council approval for allocation and specifics on how the funds would be utilized. She otherwise accepted the recommendation to rename those accounts, as recommended by the Vice Mayor.

On motion by Vice Mayor Glynn, seconded by Councilmember Casey and carried unanimously to adopt Resolution 06-10497, with the account titles as amended.

ADJOURNMENT

The City Council adjourned at 7:52 P.M. to March 20, 2006.

Respectfully submitted,

Lillian J. Pride, City Clerk

als