



**CITY OF PITTSBURG
AGENDA**

MONDAY, OCTOBER 2, 2006

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

**CLOSED SESSION
5:30 P.M.**

**WORKSHOP
HABITAT CONSERVATION PLAN
6:00 P.M.**

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

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
CITY COUNCIL**

PRESIDING

**Michael Kee, Mayor/Chair
William Glynn, Vice-Mayor/Vice-Chair
Ben Johnson, Council Member/Board Member
Will Casey, Council Member/Board Member
Nancy Parent, 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.

AUDIENCE REMARKS – *The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.*

CONVENE IN CLOSED SESSION – 5:30 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 – ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One (1) case

c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.9(a)):

Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433

WORKSHOP – Habitat Conservation Plan – 6:00 p.m.

CONVENE IN OPEN SESSION FOR REGULAR MEETING – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. New Employee Introductions
2. Contra Costa Water District Water Quality Issues

PROCLAMATIONS

1. STAND! Domestic Violence Awareness Month
2. East County Hunger Walk

COUNCIL MEMBER REPORTS/REMARKS – Council Members may make brief announcements or informal comments at this time. 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 REPORTS/REMARKS – The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (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)

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 member of the Council or the public prior to the time the Council votes on the motion to adopt.*

a. **MINUTES** Dated: September 25, 2006 (Recommend Approval)

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: October 16, 2006

PITTSBURG POWER COMPANY

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: September 25, 2006 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 06-1274** Introduction of K&B Home Development Agreement – AP-06-358 (DA) Ordinance (Recommend Introduction and Waive First Reading)

KB Home South Bay, Inc. is requesting approval of a development agreement to pay a fee (\$1,824,992.00) in-lieu of meeting its inclusionary housing requirement for the East Leland II project on the site of the approved 65-unit single-family development to be located on the south side of E. Leland Road and both sides of Gladstone Drive in a PD (Planned Development) District.

2. **ORDINANCE 06-1275** Amendments to Municipal Code Section 17.32.020 Relating to Park Dedication Requirements in New City Subdivisions (Recommend Introduction and Waive First Reading)

The attached Ordinance, if adopted by the City Council, will clarify the procedure for park dedication and the imposition of in lieu fees within the City. The proposed amendments to the Municipal Code give the City the express authority to require the dedication of land, impose an in lieu fee, or a combination of both. Under the proposed Ordinance, the City Council will establish the fair market value of land for in lieu fee purposes by Resolution. The Ordinance also requires that land be valued at the time of final map acceptance.

3. **REPORT** General Plan Annual Progress Report (Recommend Acceptance)

Pursuant to State Government Code Section 65400 (b), a progress report on the implementation of the General Plan must be submitted to the City Council and responsible State agencies by October of each year.

4. **RESOLUTION 06-10632** Certification of the Sky Ranch II Residential Subdivision Final Environmental Impact Report (FEIR) (RZ-02-21, SUBD 8475, DR-02-48) (Recommend Adoption)

The City Council is being requested to review and certify the Final Environmental Impact Report (FEIR) prepared for the proposed Sky Ranch development as being prepared in compliance with the California

Environmental Quality Act. The Sky Ranch development is a 415 unit residential subdivision proposed by Discovery Builders on a 63 acre site located at the terminus of Ventura Drive, south of the existing Highlands Ranch subdivision and approximately one mile southwest of the Somersville Road/Buchanan Road intersection.

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: September 25, 2006 (Recommend Approval)

- b. **CLAIMS** #1730 Vicky Vander Ark (Recommend Denial)

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

- c. **ORDINANCE 06-1272** Amending Municipal Code to Add Chapter 15.14 Entitled Maintenance of Boarded and Vacant Buildings (Recommend Adoption)

It is necessary to establish enforceable minimum standards for vacant buildings and to provide a self supporting program for enforcing these standards. The attached ordinance, if approved, will establish a program to monitor vacant buildings, with owners bearing the cost of monitoring. Additionally, this ordinance will require owners to rehabilitate buildings that contribute to blight in the community within ninety days. If a building continues to contribute to blight the owner will be subject to administrative penalties. This is the second reading of the proposed ordinance.

- d. **ORDINANCE 06-1273** Adoption of an Ordinance to Establish a Pedestrian Retail (Zoning) District and Amend Ordinance 05-1256 Regulating Uses within the Black Diamond (Vidrio) Development (Recommend Adoption)

The Council is requested to adopt an ordinance amending Title 18 (Zoning Ordinance) of the Pittsburg Municipal Code in order to establish a new Pedestrian Commercial (zoning) District and outdoor dining permit regulations and to amend the PD District use regulations governing the Black Diamond (Vidrio) development.

- e. **RESOLUTION 06-10649** Acceptance of Contra Costa County Keller Canyon Landfill Mitigation Grant (Recommend Adoption)

The Pittsburg Police Department is seeking City Council authorization to accept and appropriate funds from the Contra Costa County Keller Canyon Landfill Mitigation Grant for Fiscal Year 2006-2007.

- f. **RESOLUTION 06-10650** Authorize the Use of Marina Reserve Funds and Approve the Contract of Abril Roofing, Inc., for the Completion of Necessary Roof Repairs to a City-Owned Marina Property (Recommend Adoption)

It is the intention of the City of Pittsburg to utilize Pittsburg Municipal Marina reserve funds to contract the services of Abril Roofing, Inc., to complete necessary roof repairs to a City owned Marina property located at 6 Bayside Drive.

ADJOURNMENT To: October 16, 2006

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.

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are video-taped for broadcast on Comcast Local Access Channel 26 typically the day after each meeting. For more information, please contact the City Clerk's office at 252-4850.

City Council Outside Agency/Liaison/ Sub-Committees Assignments – 2005-2006

Updated September 5, 2006

OUTSIDE AGENCY BOARDS

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

LIAISON TO

<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Michael Kee / William Glynn Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Nancy Parent / Will Casey	Standing	As needed	P. Flores
Mayor's Conference	Michael Kee / William Glynn Alt.	Standing	1 st Thursday	M. Grisham
School District Liaison	Nancy Parent & Ben Johnson/William Glynn Alt.	Standing	Quarterly	P. Flores

SUBCOMMITTEE

<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
Alternate Governance Structure	Michael Kee & William Glynn	Ad Hoc	As needed	M. Rodriguez/M. Fox
CAC/CDBG	Will Casey & Nancy Parent	Standing	As needed	A. Landry
California Theatre Study*				
City/County Relations	Michael Kee / William Glynn Alt.	Standing	As needed	M. Grisham
Concord Naval Weapons Station	William Glynn / Ben Johnson	Ad Hoc	As needed	M. Rodriguez
Economic Development	Ben Johnson & Will Casey/Nancy Parent Alt.	Standing	Quarterly	B. Nail
Finance Subcommittee	Ben Johnson & Will Casey	Ad Hoc	As needed	M. Simons
Land Use Subcommittee	Ben Johnson & Nancy Parent/Will Casey Alt.	Ad Hoc	As needed	M. Ayres
Power Company Advisory	Nancy Parent & William Glynn	Standing	As needed	G. Evans
PEHDC	Will Casey & Ben Johnson	Standing	1 st Thursday	G. Evans
RDA Subcommittee	Michael Kee & Nancy Parent/William Glynn Alt.	Standing	Quarterly	G. Evans
Sister City Committee	Michael Kee & William Glynn	Ad Hoc	As Needed	B. Nail

*Combined w/RDA Subcommittee