



**CITY OF PITTSBURG
AGENDA**

MONDAY, JULY 10, 2006

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

**CLOSED SESSION
6:00 P.M.**

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

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
SOUTHWEST PITTSBURG GEOLOGIC
HAZARD ABATEMENT DISTRICT II (GHAD)
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 – 6:00 p.m.

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

Redevelopment Agency of the City of Pittsburg v. Caprio et al., Contra Costa County Superior Court Case No. C05-02426

- b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property:
APN 086-100-024

Agency Negotiator:
Kerry Lyman, Randy Starbuck, Marc Grisham

Negotiating Parties:
Sierra Pacific Properties

Under negotiation:
Both price and terms of payment

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. New Employee Introductions

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

PUBLIC HEARING

1. **RESOLUTION 06-1138** Adopting A Unified Development Area, Bordered by the New York Slough to the North, East Third Street to the South, Bay Harbor Park to the West, and the Eastern Boundary of Parcels 073-020-020 and 073-030-007 (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg preliminarily adopted the proposal to designate a unified development area (UDA) bordered by the New York Slough to the north, East Third Street to the south, Bay Harbor Park to the west, and the eastern boundary of parcels 073-020-020 and 073-030-007 as shown on the map attached as Exhibit A. The purpose of this meeting is to place into record and consider the faxed letter received from California Portland Cement and to reconsider formation of the UDA.

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: June 26, 2006 (Recommend Approval)

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: July 17, 2006

PITTSBURG POWER COMPANY MEETING

CONSENT

a. **MINUTES**

Dated: June 26, 2006 (Recommend Approval)

ADJOURNMENT

**SOUTHWEST PITTSBURG GEOLOGIC HAZARD
ABATEMENT DISTRICT II (GHAD) MEETING**

CONSIDERATION

1. **RESOLUTION 06-015** Renewal of GHAD II District Manager/Geologist Agreement Through June 30, 2008 (Recommend Adoption)

Mr. William Wigginton has been serving as the District Manager/Geologist through a consultant agreement to provide these services. The agreement expires June 30, 2006, and these services need to be continued. Mr. Wigginton is well qualified and has demonstrated competence in the last 5 years as District Manager/Geologist.

CONSENT

- a. **MINUTES** Dated: June 26, 2006 (Recommend Approval)

ADJOURNMENT

CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 06-10586** Approval of Modified Fire Line Water Service Fee Implementation (Recommend Adoption)

The City adopted new water and sewer rates in May 2005 and Public Works and Finance Department staff have been implementing the new service charges over the past year. Fire line water service charges are one of the last of these new or revised fees to be implemented. Fire line service charges have met with the greatest amount of customer dissatisfaction of all new water and sewer fees to date.

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: June 26, 2006 (Recommend Approval)
- b. **CLAIMS** #1712, Philip Liborio Gangi; #1714 Bishop D.O. Jones; #1717 Anthony Ferrell; #1719 Yvonne & Lucio Iniguez; #1721 Edgar Ramirez (Recommend Denial of all Claims)

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

- c. **ORDINANCE 06-1264** Adoption of an Ordinance to Prezone Applicable Portions of the Mirant Power Generation Plant Annexation Project Area (RZ-02-13) (Recommend Adoption)

On June 19, 2006 the City Council introduced and waived the second reading of Ordinance No. 06-1264 to prezone portions of the Mirant Power Generation Plant Annexation project area. The Council must now adopt the ordinance for it to take effect.

- d. **ORDINANCE 06-1265** Adoption of an Ordinance to Amend Chapter 18.84 of the Pittsburg Municipal Code to Regulate the Storage of Coke, Coal, and Sulfur (Recommend Adoption)

On June 19, 2006, the Council introduced Ordinance No. 06-1265 amending Title 18 of the Pittsburg Municipal Code (PMC) to add an Article 17 to Chapter 18.84 "Special Land Use Regulations, Applicable to Specific

Uses.” The Council must now adopt the ordinance before it can take effect.

- e. **RESOLUTION 06-10587** Request to Adopt the New Classification of Lead Police Records Clerk (Recommend Adoption)

In order to address key issues within the Police Records Division, such as: the scope of supervision of the Police Records Manager, shift changes, succession planning and recruiting, the Human Resources and Police Departments recommend the development of a new classification of Lead Police Records Clerk within the Police Records Division. An internal recruitment will occur with one of the existing Police Records Clerks promoting to Lead Police Records Clerk. There will be no new addition to City staff.

- f. **RESOLUTION 06-10588** Approval of City Manager Employment Agreement (Recommend Adoption)

City Manager Marc Grisham began employment on June 1, 2004. The employment agreement between the City of Pittsburg and Mr. Grisham is for a three year term, calls for regular performance evaluations, and consideration of a salary increase starting after he completes his second year of employment. The proposed action extends the term from three to five years and provides a salary increase following the completion of his second year of City service.

- g. **RESOLUTION 06-10589** Award FY 2006/07 Purchase Contract for Fuel Supplies (Recommend Adoption)

The City of Pittsburg Public Works and Economic Development Departments each require large quantities of supplies to carry out their responsibilities. These required supplies include fuel supplies, which are necessary to maintain operations. Gasoline services were advertised for bid and a purchase contract for Fiscal Year 2006/07 is ready to be awarded by the City Council.

- h. **RESOLUTION 06-10590** Authorizing Allocation for FY 2006-07 Temporary Housing Relocation Program (Recommend Adoption)

The City Manager herein requests City Council to support establishment of a Temporary Housing Relocation Program to address relocation of tenants from properties subject to code enforcement violations or public health and safety requirements under the City’s Municipal Code, Uniform Building Code and Uniform Fire Code regulations.

- i. **RESOLUTION 06-10591** Adopt County Standard Utility Trench Detail (Recommend Adoption)

The City/County Engineering Advisory Committee and various utility companies have negotiated an agreement to improve the quality of the pavement repairs above excavations for utilities company facilities within public streets. Engineering and Public Works staff have participated in the process to develop and implement a new and improved trench repair standard. Staff is requesting Council approval to adopt this standard at this time.

- j. **REPORT** Receive and File the Quarterly Investment Report as of March 31, 2006 (Recommend Approval)

The State of California recommends that the Treasurer or Chief Fiscal Officer at a minimum submit a comprehensive quarterly report to the legislative body containing detailed information on all securities, investments and funds under the management and oversight of a public agency.

- k. **RESOLUTION 06-10592** Accepting as Complete Contract 02-07; Marina Dock Replacement Project (Phase II), and Approving Consultant Agreement Amendment Number 4 with Concept Marine Associates, Inc. (Recommend Adoption)

The George Lowy Marina Dock Replacement Project was constructed in two phases. Phase I involved driving piles at the Marina. Phase II included the installation of new docks, facilities, and installation of a sheet pile wall at the George Lowy Marina. The Marina Dock Replacement Project (Phase II) was substantially complete on April 17, 2006. Consultant Agreement Amendment Number 4 will provide for additional design and construction support during construction and preparation of record drawings at the completion of the project.

- l. **RESOLUTION 06-10593** Approving Application to the Local Grant Program under the East Bay Regional Park District, Regional Open Space, Wildlife, Shoreline, and Parks Bond Ordinance Phase I for the City Park Soccer Field Project (Recommend Adoption)

The Regional Open Space, Wildlife, Shoreline, and Park Bond Ordinance was enacted August 2, 1988, and provides for assisting cities within the East Bay Regional Park District with their funding of acquisition and development of local parklands. This Resolution will

authorize the application for grant funding under the Local Grant Program administered by the District. This funding will be applied to the construction of an artificial turf soccer field at City Park.

ADJOURNMENT To: July 17, 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.

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

Updated February 27, 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>
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