



**CITY OF PITTSBURG  
AGENDA**

**MONDAY, JULY 17, 2006**

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

**CLOSED SESSION  
4:00 P.M.**

**WORKSHOP – JOINT WITH PLANNING COMMISSION  
TRANSBAY CABLE  
5:00 P.M.**

**WORKSHOP  
LOCAL TRAFFIC MITIGATION FEES  
6:00 P.M.**

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

**HOUSING AUTHORITY  
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**

**For the Housing Authority:  
Jerlean Mixon, Housing Authority Member  
Cathy Wallen, Housing Authority Member**

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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.

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**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** – 4:00 p.m.

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

Shirley Viceral vs. City of Pittsburg et al, Contra Costa County Case No. CIVMSC05-01742

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

Two (2) cases

- c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, PITTSBURG POWER COMPANY:

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

One (1) case

**CONVENE IN OPEN SESSION** – 5:00 p.m.

**WORKSHOP – TRANSBAY CABLE JOINT WITH PLANNING COMMISSION** – 5:00 p.m.

Planning Commission Members:  
Rose Mary Tumbaga, Chair  
Bruce Ohlson, Vice Chair  
Ralph Ramirez  
Edward Diokno  
Jack Garcia  
George Harris  
Elizabeth Thomas

**WORKSHOP – LOCAL TRAFFIC MITIGATION FEES** – 6:00 p.m.

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

**CALL TO ORDER**

## **ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **PROCLAMATION**

1. National Night Out

**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)*

## HOUSING AUTHORITY

### PUBLIC HEARING

1. **RESOLUTION 06-226** Approval of the Mid-Term Budget Review for Fiscal Year 2006/2007 for the City of Pittsburg Housing Authority and Appropriation of Funds for Fiscal Year 2006/2007 (Recommend Adoption)

On June 26, 2006 a Mid-Term Budget Review was held to review the Revised Operating Budget Plan for Fiscal Years 2006/2007. The annual budget must be appropriated to provide on-going financing for Housing Authority activities during the next fiscal year.

**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. **DISBURSEMENT LIST** Dated: June 30, 2006 (Recommend Approval)
- b. **MINUTES** Dated: June 19, 2006 (Recommend Approval)

**ADJOURNMENT OF THE HOUSING AUTHORITY** To: August 21, 2006

## REDEVELOPMENT AGENCY MEETING

### CONSIDERATION

1. **RESOLUTION 06-1139** Approving a Purchase and Sale Agreement with Pittsburg Unified School District to Sell Three (3) Parcels Totaling 0.61 Acres to Pittsburg Unified School District for their Use in Developing the New Marina Elementary School (Recommend Adoption)

At the request of Pittsburg Unified School District the Agency has been working cooperatively to assist District in the acquisition of certain properties in Old Town Pittsburg for purposes of constructing a new elementary school on the block bounded by Railroad Avenue on the east, Black Diamond on the west, E. Tenth Street on the south, and Eighth Street on the north. To date, the Agency has acquired three (3) of the parcels District needs to construct the new school. The proposed Purchase & Sale Agreement will govern the purchase of the Property by District from the Agency. District is purchasing the Property for a sales price equal to the Agency cost to purchase the Property originally.

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- a. **MINUTES** Dated: July 10, 2006 (Recommend Approval)
- b. **RESOLUTION 06-1140**  
**Combined w/CC 06-10607** Approval of a Memorandum of Understanding by and Between the City of Pittsburg, the Redevelopment Agency of the City of Pittsburg, and Tesoro Refining and Marketing Company (Recommend Adoption)  

A Memorandum of Understanding by and between the City of Pittsburg, the Redevelopment Agency of the City of Pittsburg and Tesoro Refining and Marketing Company sets forth a framework of cooperation concerning the use and potential improvements to the Tesoro petroleum coke storage facility located in the City of Pittsburg.
- c. **RESOLUTION 06-1141** Allocating Funding and Awarding a Contract for Construction of Contract 2006-07, 60 Cornwall Street Building Abatement & Demolition APN #086-123-037 (Recommend Adoption)

Contract 2006-07, 60 Cornwall Street Building Abatement & Demolition is for the Abatement and Demolition of one multifamily residential dwelling unit located on 60 Cornwall Street. Staff recommends the award of a Contract for the project to R.C Knapp, Inc. for a total bid amount of One Hundred Eighteen Thousand Seven Hundred Seventy Five Dollar (\$118,775.00).

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: August 7, 2006

## 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. **RESOLUTION 06-152** Approving the Increase of \$240,000 to the Budget of the New Generation Study Project to Facilitate Project Development Activities (Recommend Adoption)

The Pittsburg Power Company is engaging in a New Generation Study Project and is diligently researching on acquisition of new power generation. As the project progresses, additional funding is required to facilitate the project development activities. Staff recommends increasing the project budget by \$240,000, which will bring the total budget of this project to \$390,000.

### **ADJOURNMENT**

**SOUTHWEST PITTSBURG GEOLOGIC HAZARD  
ABATEMENT DISTRICT II (GHAD) 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: July 10, 2006 (Recommend Approval)

**ADJOURNMENT**



## CITY COUNCIL MEETING

### PUBLIC HEARING

1.     **ORDINANCE 06-1266**     Introduction of an Ordinance to Rescind Ordinance 05-1248 Pertaining to Amendments to the Historic Resources Ordinance and the Historic Resources Commission (Recommend Introduction and Waive First Reading)

This is an ordinance to rescind Ordinance No. 05-1248, which set forth amendments to Chapter 15.84 (Preservation of Historic Structures and Establishment of Historical Districts) and Chapter 19.20 (Sign Ordinance) of the Pittsburg Municipal Code (PMC).
2.     **ORDINANCE 06-1267**     Amendments to Municipal Code Section 13.08.040, 13.10.030, 15.90.040 and 15.100.040 Related to the Payment of Various Fees in New City Developments (Recommend Introduction and Waive First Reading)

The attached Ordinance, if adopted by the City Council, will establish clearer standards for the timing of payment of various fees in the City. The proposed amendments to the Municipal Code will assist staff as to the timing of payment of various development-related fees, will help minimize the negative effects of prepayment of these development fees, and will reduce the administrative costs associated with the collection of those fees. The payment of development fees “at the time of issuance of any required building permit” or “as requested in writing by the City Engineer and approved by the City Manager and as consistent with applicable law” ensures that the City will recover those fees at a time when the impacts of development may be determined with greater accuracy.
3.     **ORDINANCE 06-1268**     Introduction of an Ordinance Approving a Faria South Annexation and Development Agreement (AP-06-349) (Recommend Open and Continue to August 21, 2006)

Faria Land Investment LLC filed an application requesting approval of an annexation and development agreement to preserve the Pittsburg voter approved urban limit line and the Pittsburg general plan land use map and policies as they currently apply to an approximately 607-acre site commonly known as the Faria South property located west of Bailey Road and east of the Concord Naval Weapons Station. The

Planning Commission did not reach a formal recommendation on this application.

4. **ORDINANCE 06-1269** Introduction of an Ordinance Approving a Montreux Annexation and Development Agreement (AP-06-348) (Recommend Open and Continue to August 21, 2006)

Altec Homes, Inc. and Seecon Financial and Construction Co, Inc. filed an application requesting approval of an annexation and development agreement to preserve the Pittsburg voter approved urban limit line and the Pittsburg general plan land use map and policies as they currently apply to an approximately 161-acre site commonly known as the Montreux property and located generally on the west side of Kirker Pass Road (6.4 acres located east of Kirker Pass Road) and south of the current City limits.

5. **RESOLUTION 06-10594** Confirming the Engineer's Report, Diagram and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2006-07) (Recommend Adoption)

Landscaping and Lighting Assessment District 1988-01, Citywide has been in existence since 1988 and the funds collected are necessary for the City to maintain the public desired level of lighting and landscaping throughout the city. Each year, prior to ordering the improvements and levying the assessments, the City Council holds a public hearing.

6. **RESOLUTION 06-10595** Confirming the Engineer's Report, Diagram, and Assessment and Levying the Annual Assessments for Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2006-07) (Recommend Adoption)

Landscaping and Lighting Assessment District 1988-02, Oakhills has been in existence since 1988 and the funds collected are necessary for the City to maintain the public desired level of lighting and landscaping in the Oakhills area. Each year, prior to ordering the improvements and levying the assessments, the City Council holds a public hearing.

7. **RESOLUTION 06-10596** Overruling Protests, Approving the Engineer's Report and Levying Assessments, Ordering Acquisition of Improvements, and Determining Assessments Remaining Unpaid In and For Bailey Estates Assessment District No. 2006-01 (Recommend Adoption)

Bailey Estates, LLC has petitioned the City of Pittsburg to form an Assessment District to provide funding for certain public improvements by a future bond financing within the boundaries of the proposed Assessment District No. 2006-01 (Bailey Estates). On May 16, 2006 the City Council approved the boundary map for the Assessment District and adopted the Resolution of Intention to form the District and to acquire the related improvements. The attached resolution will in summary approve the Engineer's report, the formation of the Assessment District and the levy of assessments and acquisition of improvements.

**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: July 10, 2006 (Recommend Approval)
  
- b. **CLAIMS** #1726, Mary Howard (Recommend Denial)  
  
(Claims against the City which may cause expenditure of funds – on file in the Office of the City Clerk)
  
- c. **RESOLUTION 06-10598** Approval of the Final Map, Grading Plans, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8805, Bancroft Gardens II (Recommend Adoption)  
  
The Final Map, Grading Plans, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8805, Bancroft Gardens II are ready for approval.
  
- d. **RESOLUTION 06-10599** Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8519, San Marco Unit 6 (Recommend Adoption)  
  
The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8519, San Marco Unit 6 are ready for approval.
  
- e. **RESOLUTION 06-10597** Awarding Contract Number 2004-07, FY 2005/2006 Sewer Improvement Projects to Low Bidder Hess Construction Co., Inc. of American Canyon, California (Recommend Adoption)  
  
The Engineering Department solicited bid proposals for Contract 2004-07, Fiscal Year 2005/2006 Sewer Improvement Projects. Sealed bids were received until 2:00 p.m. on June 28, 2006. Only one bid was received. That bid is from Hess Construction Co., Inc. of American Canyon, California. The bidding documents required that

bidders set forth prices for a list of base bid items, as well as for a list of alternate bid items. Hess Construction's bid for the Base Bid Schedule is \$3,991,498 and their bid for the Alternate Bid Schedule is \$324,442.

- f. **RESOLUTION 06-10601** Accepting Plans and Specs, Allocating Additional Funds and Awarding Contract No. 2005-24, John S. Bryant Park Project, to Blossom Valley Construction Inc. of San Jose, California for the Construction of the Park (Recommend Adoption)

On November 21, 2005, the City Council adopted Resolution 05-10437 authorizing the design of Contract 2005-24, Heights Elementary Joint Use Park Project to Callander Associates. The Project was previously identified as Heights Elementary Joint Use School Park in the Capital Improvement Program List. The park's name has been changed by request of the Pittsburg Unified School District, and named after one of the school's first principals, John S. Bryant. The scope of work includes site preparation, grading, paving, irrigation, planting, site lighting and installation of two playgrounds for toddlers as well as school-age kids. This Resolution will accept the plans and specifications for the John S. Bryant Park Project that were prepared by Callander Associates and also award the contract to the lowest bidder, Blossom Valley Construction Inc., of San Jose in the amount of \$ 427,158.

- g. **RESOLUTION 06-10600** Authorizing Execution of a Professional Services Agreement for Informational Technology Services with CMC Americas, Inc. (Recommend Adoption)

The City Manager herein requests City Council to authorize execution of a new three (3) year agreement, with a one (1) year extension to the City's current information technology (IT) service provider, CMC Americas, Inc. CMC Americas, Inc. continues to demonstrate a high-level of professional and specialized IT services to all City Departments, including management of the City's website since inception of the current agreement in August 19, 2003. The original agreement and a two-year extension subsequently approved by City Council expires on August 19, 2006.

- h. **RESOLUTION 06-10604** Authorizing the City Manager to Execute a Joint Use Agreement between the City of Pittsburg and the Mt. Diablo Unified School District for Delta View Elementary School Park (Recommend Adoption)

On June 20, 2006 the Mount Diablo Unified School District (MDUSD) Board approved the attached Joint Use Agreement. In general, this agreement enables the City and the MDUSD to share in the use and maintenance of the proposed park to be constructed at Delta View Elementary School. The park is scheduled to be constructed by the San Marco developer later this year.

- i. **RESOLUTION 06-10605** Authorizing the City Manager to Execute Consultant Agreement Amendment Number 2 to the Current Agreement with Raines, Melton & Carella (RMC) for Preparation of Plans and Specifications for Contract 2004-09, Reclaimed Water for Irrigation Project (Recommend Adoption)

Contract 2004-9, Reclaimed Water for Irrigation Project, is for the construction of a reclaimed water pipeline from the existing reclaimed waterline on Eighth Street to the Delta View Golf Course. The reclaimed water will be used to irrigate City parks and the Delta View golf course. This Resolution will authorize the City Manager to execute Consultant Agreement Amendment Number 2 to the existing Agreement with Raines, Melton & Carella to prepare plans and specifications for construction.

- j. **RESOLUTION 06-10607**  
**Combined w/RDA 06-1140** Approval of a Memorandum of Understanding by and Between the City of Pittsburg, the Redevelopment Agency of the City of Pittsburg, and Tesoro Refining and Marketing Company (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 06-1141.

- k. **RESOLUTION 06-10608** Authorization of Agreement with Granicus Inc. for Video Streaming and Webcast Services (Recommend Adoption)

The City Council is being asked to authorize the City Manager to execute an agreement with Granicus Inc. for implementation of a video streaming media solution which will allow for internet access to City Council meetings and other video content through the City's web page. This contract also provides for updating the voting control system in the Council Chamber.

- l. **RESOLUTION 06-10609** Authorization of Agreement with LR Hines Consulting Inc. for the Sire Agenda Plus Meeting Agenda Management System (Recommend Adoption)

The City Council is being asked to authorize the City Manager to execute an agreement with LR Hines

Consulting Inc. for implementation of a meeting agenda automation and management system.

**ADJOURNMENT** To: August 7, 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 <sup>nd</sup> Monday	M. Rodriguez
Delta Diablo Sanitation	Nancy Parent / William Glynn Alt.	Standing	2 <sup>nd</sup> 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 <sup>nd</sup> Thursday	J. Sbranti
Fee & Finance Authority/TRANSPLAN	William Glynn / Ben Johnson Alt.	Standing	2 <sup>nd</sup> 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 <sup>rd</sup> Thursday	B. Nail
Library Commission	Nancy Parent / Will Casey	Standing	As needed	P. Flores
Mayor's Conference	Michael Kee / William Glynn Alt.	Standing	1 <sup>st</sup> 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 <sup>st</sup> 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