



# **CITY OF PITTSBURG AGENDA**

**MONDAY, JUNE 5, 2006**

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

**COMMISSION CANDIDATE INTERVIEWS  
5:00 P.M.**

**CLOSED SESSION  
6:15 P.M.**

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

## **REDEVELOPMENT AGENCY PITTSBURG SOUTHWEST GEOLOGIC HAZARD ABATEMENT DISTRICT II 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**

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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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**COMMISSION CANDIDATE INTERVIEWS** – 5:00 p.m.

**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** – 6:15 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 Superior Court Case No. C05-02426

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

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

Property:

1. APN 085-205-005 Vacant Lot at SE Corner of 10<sup>th</sup> & Cumberland
2. APN 085-205-002, 1073 Cumberland
3. APN 085-205-013, 1085 Cumberland
4. APN 085-205-004, 1037 Cumberland
5. APN 085-205-011 Vacant Lot at SW Corner of Los Medanos & 10<sup>th</sup> Street

Agency Negotiator:

1. Marc Grisham, Garrett Evans
2. Marc Grisham, Garrett Evans
3. Marc Grisham, Garrett Evans
4. Marc Grisham, Garrett Evans
5. Marc Grisham, Garrett Evans

Negotiating Parties:

1. Ian Lee
2. Dave and Randi Shepard
3. Laborer's International Union, Local 324 AFL-CIO
4. George and Genovena Fernandez
5. Ariston L. and Gloria Loyola

Under Negotiation:

1. Both Price and Terms of Payment
2. Both Price and Terms of Payment
3. Both Price and Terms of Payment
4. Both Price and Terms of Payment
5. Both Price and Terms of Payment

c. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

One (1) case

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

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

1. National Hunger Awareness Day

**PRESENTATION**

1. Hillview Jr. High School Washington, DC Trip Report

**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)*

## REGULAR 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: May 15, 2006 (Recommend Approval)

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: June 19, 2006

## SOUTHWEST GEOLOGIC HAZARD ABATEMENT DISTRICT II 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: May 15, 2006 (Recommend Approval)

### **ADJOURNMENT**

## REGULAR CITY COUNCIL MEETING

### **CONSIDERATION**

1. **REPORT** Fire Line Water Service Charge Implementation Status Report (Recommend Approval)

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. This report provides an update and clarification on the development and implementation of fire line service charges.

2. **RESOLUTION 06-10553** Approval and Authorization of the City of Pittsburg to Issue and Sell Taxable Pension Obligation Bonds Series 2006 (Recommend Adoption)

On February 6, 2006 the City Council adopted Resolution No. 06-10477 that provided for the issuance of one or more series of City of Pittsburg Taxable Pension Obligation Bonds (POB) and authorized the court validation action process and the preparation of related bond documents. The proposed City Council action for the June 5, 2006 meeting will authorize staff to move forward with the POB program by approving the issuance of City of Pittsburg Taxable Pension Obligation Bonds Series 2006 and all related bond documents required to complete the transaction.

**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: May 15, 2006 (Recommend Approval)
- b. **CLAIMS** #1691 Brenda C. Lewis; #1711 Nichole Devillier (Recommend Denial)

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

- c. **RESOLUTION 06-10554** Authorization to Accept and Appropriate Grant Funds from the State of California Office of Traffic Safety DUI Enforcement and Awareness Program (Recommend Adoption)

The Pittsburg Police Department is seeking City Council authorization to accept and appropriate grant funds from the State of California Office of Traffic Safety (OTS).

- d. **RESOLUTION 06-10555** Approval of Sister City Visit to Isola delle Femmine, Italy (Recommend Adoption)

The City of Pittsburg has maintained a Sister City relationship with the City of Isola delle Femmine since 1992, with an interest to pursue cultural, social, educational and economic development between Cities. On January 30, 2006, the Mayor of Isola extended an invitation to the Mayor of Pittsburg and its citizens to visit the City of Isola delle Femmine to share in a joyous cultural celebration. In accordance with the Sister City Policy adopted on Resolution 04-10124, staff presents to City Council the proposed Sister City visit to Isola delle Femmine for consideration and approval.

- e. **RESOLUTION 06-10556** Approval of Delta Diablo Sanitation District Street Sweeping Contract Amendment No. 2 (Recommend Adoption)

The City of Pittsburg's Public Works Department provides street sweeping for the City of Pittsburg functioning as a contractor to Delta Diablo Sanitation District (District). The previous three-year contract issued by the District in 2003 is about to expire. The District is prepared to enter into a new three-year contract with the City of Pittsburg that will begin July 1, 2006 and run through June 30, 2009.

- f. **RESOLUTION 06-10557** Award 2006/2007 Water Treatment Plant Chemical Purchase Contracts (Recommend Adoption)

The City operates a Water Treatment Plant that utilizes large quantities of chemicals in the treatment process to clarify and disinfect raw water prior to distribution to residents of the City of Pittsburg. The Public Works Department has requested, and received bids from, chemical suppliers for these water treatment chemicals. These chemicals are necessary to maintain operations at the Water Treatment Plant and the chemical purchase contracts are ready to be awarded.

- g. **RESOLUTION 06-10558** Approval to Change the Method of Accessing Daily Bank Information (Recommend Adoption)

Currently, the Finance staff utilizes an out-dated telephone modem method called Bank-Link to monitor the daily cash transactions of the City. This method of accessing daily bank transactions is quickly becoming out-dated by the internet based method known as WebDirect Service. It is necessary for staff to be able to utilize new technology to access secure information almost instantaneously, and to ensure that the City's funds are being accurately and timely accounted for.

- h. **RESOLUTION 06-10559** Accepting Contract 00-02, Buchanan Road Improvement Project as Complete, Authorizing the City Engineer to File a Notice of Completion, and Re-allocate Remaining Budget Balance Back to Measure C Fund Account (Recommend Adoption)

The City Council awarded Contract 00-02, Buchanan Road Improvement Project, to Bay Cities Paving & Grading, Inc. of Concord, California on September 20, 2004. The project included the surface rehabilitation of Buchanan Road from Railroad Avenue to the Eastern City Limits. Staff determined this project to be substantially complete as of July 8, 2005 and is now ready for acceptance.

- i. **RESOLUTION 06-10560** Accepting Contract 00-02-B, Buchanan Road Driveway Improvements as Complete and Authorizing the City Engineer to File a Notice of Completion (Recommend Adoption)

The City Council awarded Contract 00-02-B, Buchanan Road Driveways Improvement, to Bay Cities Paving & Grading, Inc. of Concord, California on September 20, 2004. The project included the removal and replacement of curb, gutter, driveway approaches, and sidewalk and specified locations along the north side of Buchanan Road. The majority of work was limited between Railroad Avenue and Brookside Drive and the frontage at Highlands Nursery located at 1625 Buchanan Road. Staff determined this project to be substantially complete as of July 8, 2005 and is now ready for acceptance.

- j. **RESOLUTION 06-10561** Rejecting Bids for the Water Treatment Plant Security System Project (Recommend Adoption)



Bids were received on April 18, 2006 for the Water Treatment Plant Security System Project. Bids significantly exceeded the Engineer's estimate and available budget for the project and bids are being rejected.

k. **REPORT**

Receive and File the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005 and the "Audit" Memorandum on Internal Control Structure for the Year Ended June 30, 2005 (Recommend Approval)

In June of 1999, the Governmental Accounting Standards Board (GASB) established a new framework for financial reporting (GASB 34), which represents a fundamental revision of the financial reporting model for State and local governments which had been in place since 1979. With the submittal of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005 the City of Pittsburg has again met this new reporting requirement which was mandated beginning for Fiscal Year 2002-2003, and has received an unqualified or "clean opinion" by the City's auditing firm.

l. **RESOLUTION 06-10562**

Awarding Contract 2004-11, Crestview/Harbor Water Main Improvements, for Installation of Water Mains within Local Arterial and Collector Roads (Recommend Adoption)

City Staff opened bids for Contract 2004-11, Crestview/Harbor Water Main Improvements, on May 24, 2006. The project mainly consists of supplying and installing all products and materials for the water main improvements located on Crestview Drive and Harbor Street. The low bidder for construction of the water main improvements is William G. McCullough Co., of Antioch, California. William G. McCullough Co. submitted a bid proposal in the amount of \$2,273,783.00.

m. **MINUTE ORDER**

Review of City's Conflict of Interest Code (Recommend Adoption)

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate, or, alternatively, that the code must be amended. Once the determination has been made, a notice must be submitted to the code-reviewing body no later than October 1 of even-numbered years.

**ADJOURNMENT** To: June 19, 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 of 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 taken 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 – 2006

Updated February 27, 2006

<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
<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
<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