



CITY OF PITTSBURG AGENDA

MONDAY, MARCH 6, 2006

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

**CLOSED SESSION
6:30 P.M.**

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

REDEVELOPMENT AGENCY SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II (GHAD 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**

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 – 6:30 p.m.

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

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

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

Property:

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, 085-130-006-1

Agency Negotiator:

Marc Grisham, Garrett Evans, Randy Starbuck, Maria Aliotti

Negotiating Parties:

The Olson Company

Under Negotiation:

Both price and terms of payment

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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: February 21, 2006 (Recommend Approval)

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: March 20, 2006

**SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT
(GHAD 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. **RESOLUTION 06-012** Revise the Existing Plan of Control to Reflect Changes in Operation (Recommend Adoption)

The General Manager, William Wigginton of Geolex, Inc. has prepared a revised Plan of Control for adoption by the Board to assume maintenance duties for detention basins located within the Southwest Pittsburg GHAD II boundaries.

ADJOURNMENT OF THE SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 06-1261** Amending Municipal Code Chapter 15 and Sections Relative to the Adoption of Present California Construction Codes (Recommend Introduction and Waive First Reading)

It is 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 utilizes these specific California Codes by default; therefore there is no impact upon City staff or the development community.

2. **RESOLUTON 06-10496** Resolution to Pass on the Increase in the Contra Costa Water District's Facilities Reserve Charges (Recommend Adoption)

The Contra Costa Water District raises its raw water facility reserve charges annually. This is in recognition of the rapid growth in water service demand due to an ever expanding populace. The resolution before Council passes on this latest increase in the Contra Costa Facility Reserve Charge to the new user in 60 days.

CONSIDERATION

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

The Council is 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 will be collected and dispersed and to establish an administrative fee to implement the agreement.

2. **APPOINTMENT** Recreation Commission Appointment (Recommend Appointment)

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

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 (Recommend Adoption)

The attached Resolution, if adopted by the City Council, will 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.

4. **RESOLUTION 06-10500** Approval of the Engineer's Report for the Annexation of Highlands Ranch to the Citywide Landscaping and Lighting District (Recommend Adoption)

The City Council is 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.

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) (Recommend Adoption)

The City Council is being asked to adopt the resolution declaring the City's intent to levy and collect assessment in the Highlands Ranch subdivision and two non-residential (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 88-01.

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: February 21, 2006 (Recommend Approval)

- b. **CLAIMS** #1693 Mary Wilking (Recommend Denial)

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

- c. **ORDINANCE 06-1260** Amend Pittsburg Municipal Code to Add Chapter 2.85, Purchasing System and to Amend Chapter 2.86, Informal Bidding Procedures (Recommend Adoption)

The City Council finds it advantageous to make amendments to the Pittsburg Municipal Code and other City purchasing-related policies in order to provide clarity of policy, clarity of procedures, and to delineate the roles and responsibilities of parties involved with City purchases. The City Council finds that the existing purchasing ordinance is too narrowly focused and that it does not establish the City's enabling legislation to enact purchasing procedures. The City Council further finds that it wishes to amend the Pittsburg Municipal Code to establish enabling legislation to enact purchasing policies and procedures, to adopt purchasing authorizations and limits by resolution, and to authorize purchasing procedures by administrative order as established by the City Manager in accordance with City Council adopted purchasing policies.

- 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 (Recommend Adoption)

Staff has completed the review of the Fiscal Year 2005-2006 Mid-Year budget review status for all City and Redevelopment Agency (RDA) funds. The attached Fiscal Year 2005-2006 Mid-Year Financial Review Report compares all actual revenues and expenses to the amended budget for all City and Redevelopment Agency funds.

- e. **RESOLUTION 06-10502** Award City Hall HVAC Control System Upgrade Consultant Contract (Recommend Adoption)

Since the energy crisis of 2000, the Pittsburg City Hall has experienced significant increases in energy costs for both gas and electric utilities. The vast majority of energy utilized at the City Hall facility is for Heating, Ventilating and Air Conditioning (HVAC) operation. This contract will provide for the installation of upgraded controls, a computer system, and the operation of that control system in an effort to more effectively monitor energy usage and reduce utility bills for City Hall or reduce increases in City Hall utility bills that may be forthcoming due to energy cost increases.

- f. **RESOLUTION 06-10504** Authorizing Citywide Purchasing Policies, Authorization and Purchasing Limits (Recommend Adoption)

In accordance with the Pittsburg Municipal Code Chapter 2.85, the City Council finds it advantageous to establish purchasing policies including authorization and purchasing limits by resolution. The objective of these

policies is to provide clarity of procedures and to delineate the roles and responsibility of parties involved with City purchases.

- g. **RESOLUTION 06-10506** Approval of the Final Map and Easement Agreement for Subdivision 9070, Black Diamond (Recommend Adoption)

The Final Map and Easement Agreement for Subdivision 9070, Black Diamond, are ready for approval.

ADJOURNMENT To: March 20, 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 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

<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

<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	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

*Combined w/RDA Subcommittee