



CITY OF PITTSBURG AGENDA

MONDAY, FEBRUARY 6, 2006

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

**WORKSHOP – MARINA MASTER PLAN
4:00 P.M.**

**WORKSHOP – CIP AND RDA PROJECT UPDATE
5:00 P.M.**

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

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

REDEVELOPMENT AGENCY 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.

WORKSHOP – MARINA MASTER PLAN – 4:00 p.m.

WORKSHOP – CIP AND RDA PROJECT UPDATE – 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 – 6:00 p.m.

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One (1) case

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

Richard F. Fisher v. City of Pittsburg, et al., United States District Court Case No. C05-2774CW (PR)

Pittsburg Society for Preservation of Historical Resources, an unincorporated association; Susan Lopez; Thomas LaFleur; and Frank Gordon (Petitioners) v. City of Pittsburg; City Council of the City of Pittsburg; and Planning Commission of the City of Pittsburg (Respondents), A.F. Evans Development and Does 1 to 10 (Real Parties in interest), Contra Costa County Superior Court Case No. 5-1861

c. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6):

Agency designated representatives:

Marc Grisham, Marc Fox, Bruce Heid

Employee Organization:

AFSCME (Miscellaneous/Professional/Confidential), Teamsters

CONVENE IN OPEN SESSION FOR REGULAR MEETINGS – 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: January 17, 2006 (Recommend Approval)
- b. **RESOLUTION 06-1107** Authorizing the Executive Director to Award Contract 2005-27 Demolition of Buildings 600, 688, 690 Railroad Avenue and 1049 Cumberland Street (Recommend Adoption)

Contract 2005-27, Demolition of 600, 688, 690 Railroad Avenue and 1049 Cumberland Street is for the abatement and demolition of three commercial buildings located on the Black Diamond Project site and one residential dwelling unit located on the Cumberland South Unified Development Area site. Staff recommends the award of the Contract to Keman & Son Inc. for a total bid amount of Seventy-Nine Thousand Three Hundred Ninety-Four Dollars (\$79,394).

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: February 21, 2006

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 06-10475** Fire Station #84 and Administration/Training Center, Appeal of Planning Commission Approval of Use Permit/Design Review Application No. AP-05-286 (Recommend Deny Appeal and Uphold Planning Commission Decision)

The Planning Commission approved a use permit and design review application for a new fire station and administrative/classroom training center on the east side of Railroad Avenue between Civic Avenue and Victory Lane. Pittsburg resident Martin Riccabona filed an appeal of the Commission's approval and the Council must now act on the appeal as well as the use permit and design review applications.

2. **ORDINANCE 06-1259**
Combined w/06-10484 Amending Municipal Code to Add Chapter 15.91 Regarding the Residential Rental Property Inspection Program and Repealing Ordinance No. 05-1244 (Recommend Introduction and Waive First Reading)

It is necessary to establish a method by which all residential rental properties are proven to comply with minimum health, safety and housing codes. This must be accomplished in order to maintain a healthy and sustainable rental housing stock. This program will establish enforceable minimum standards for such properties and provide a formal procedure for enforcing these standards.

3. **RESOLUTION 06-10484**
Combined w/06-1259 Establishing a Fee Schedule in Accordance with the Residential Rental Property Inspection Program (Recommend Adoption)

It is necessary to establish a fee schedule as referenced by the Residential Rental Property Inspection Program of the City of Pittsburg Municipal Code.

CONSIDERATION

1. **RESOLUTION 06-10476** 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. **RESOLUTION 06-10477** Authorizing the Issuance of One or More Series of Pittsburg Taxable Pension Obligation Bonds, Approving the Forms of and Authorizing Execution and Delivery of an Indenture Relating Thereto, and Authorizing a Validation Action and Certain Other Actions in Connection Therewith (Recommend Adoption)

On January 17, 2006 the City Council adopted Resolution No. 06-10467 that authorized staff to develop a Pension Obligation Bond (POB) Program for the purpose of providing budgetary relief to the City of Pittsburg. In addition, the adopted resolution appointed the members of the financing team. The proposed City Council action for the February 6, 2006 meeting will authorize staff to move forward with the POB program by approving the validation filing action and the related bond documents that will be required to complete the validation action process.

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: January 17, 2006 (Recommend Approval)
- b. **RESOLUTION 06-10470** Initiating Proceedings for the Creation of Overlay Landscaping and Lighting Assessment District 2006-01 (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 creation of an overlay landscaping and lighting assessment district for the San Marco and Vista Del Mar subdivisions.

- c. **RESOLUTION 06-10478** Authorizing Declaration of Surplus City Information Technology Equipment for FY 2005-06 (Recommend Adoption)

The City Manager herein requests City Council authorization to declare three hundred and eleven (311) information technology (IT) equipment and miscellaneous computer items to be deemed obsolete and non-usable property for City operations as City surplus. Upon declaration of City surplus, staff will

properly dispose of the subject equipment to designated e-waste agencies and recyclers for final disposition.

d. **RESOLUTION 06-10479** Police Officer Staffing Allocation (Recommend Adoption)

On August 15, 2005 the City Council adopted Resolution 05-10367, temporarily increasing by three (3) the authorized Police Officer staffing allocation. This item would amend the resolution by eliminating the “temporary” nature of the three additional Police Officer positions.

e. **RESOLUTION 06-10480** Supporting 2006 California State Library Bond Measure and Consideration of a Feasibility Study for the Construction of a Joint-Use Library by the Mt. Diablo Unified School District and the Contra Costa County Library at the Riverview Middle School in Bay Point (Recommend Adoption)

On January 27, 2006, Gloria Magleby, Member of both the Bay Point Municipal Advisory Council and Ambrose Recreation District requested a resolution by the Pittsburg City Council supporting consideration of a feasibility study for the construction of a joint-use library by the Mt. Diablo Unified School District and the Contra Costa County Library at the Riverview Middle School in Bay Point. Staff was directed to place this item on the agenda for the February 6, 2006 Council meeting for consideration.

f. **RESOLUTION 06-10481** Allocating Additional Funding and Awarding a Contract for Remodeling the Pittsburg Community Center at City Park to KEL-TEC Builders Inc. (Recommend Adoption)

Pittsburg Community Center at City Park, Contract No. 2005-17, consists of two primary components: 1) remodeling of the existing building located at 60 Civic Avenue and 2) the installation of a modular building on site. The completion of these improvements will provide temporary accommodations for JFK University administration, faculty, and student body in one Facility. Furthermore at the conclusion of JFK University’s Lease Agreement, it is the intention of the City of Pittsburg to utilize the Facility as a community center, offering programs and services that will benefit the entire Pittsburg Community. KEL-TEC Builders Inc. of Martinez, California was the low bidder for the remodeling portion of this project with a Base Bid of \$348,680.00.

- g. **RESOLUTION 06-10482** Award 2005/2006 Water Treatment Plant Chemical Purchase Contract (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. One of these bids which was estimated to be under \$50,000 for the fiscal year has increased to over \$50,000, the threshold for City Council approval. This chemical is necessary to maintain operations at the Water Treatment Plant and authorization to increase the purchase order over the threshold amount is requested.

- h. **RESOLUTION 06-10483** Abolish the Code Enforcement Aide and Senior Code Enforcement Officer Classifications (Recommend Adoption)

The Police and Human Resources Departments recommend the Code Enforcement Aide and Senior Code Enforcement Officer classifications be abolished.

- i. **REPORT** Receive and File the Quarterly Investment Report as of September 30, 2005 (Recommend Approval)

The State of California requires the Treasurer, or Chief Fiscal Officer at a minimum, to 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.

ADJOURNMENT To: February 21, 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 January 3, 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	William Glynn / Ben Johnson 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