

**REGULAR MEETING OF THE CITY COUNCIL
JUNE 28, 2005 – 7:30 P.M.**

AGENDA

1. Open microphone

COMMUNICATIONS FROM HIS HONOR, THE MAYOR

2. A communication submitting an Order appropriating the sum of \$110,576,118 for the Fiscal Year 2006 Municipal Operating Budget
3. A communication submitting an Order authorizing the City Treasurer to borrow an aggregate sum not to exceed \$3,983,000 for capital expenditures
4. A communication submitting an Order transferring \$219,208.58 from the Overlay Surplus Account to the Provision for 2005 Abatements and Exemptions Account
5. A communication submitting an Order transferring \$46,339 from the Workers Compensation Payments Account to the Mercer Administration Teachers Account
6. A communication submitting an Order authorizing the City to retain the law firm of Garrity, Levin and Muir for the purposes of providing legal services with regard to a Chapter 11 bankruptcy
7. A communication submitting an Order transferring \$5,950 between accounts of the Parks Department
8. A communication submitting an Order authorizing the City to pay a previous year's expense in the amount of \$230.21 from an Engineering account
9. A communication submitting an Order transferring the sum of \$2,300 between accounts of the Department of Public Works and Utilities

APPOINTMENTS

10. Appointment of David Balardini as a member of the Cable Commission
11. Appointment of James Barry Tynan as a member of the Conservation Commission

COMMUNICATIONS FROM CITY OFFICERS AND BOARDS

12. A petition from Councilor Malumphy that monies received to study the feasibility of a bike path be solely administered under the Department of Community Development
13. A petition from Councilor Malumphy that the Council and Mayor send a letter to the State Legislature's Revenue Committee and the Berkshire delegation requesting repeal of the law exempting telecommunications companies from paying certain property taxes
14. A petition from Councilor Malumphy that remaining monies from the Larry Bossidy donation be transferred from the Parks Department to an account within the Office of Community Development, and that financial oversight authority be transferred from the Parks Commission to the City Council

REPORTS OF COMMITTEES

Reports of the Committee of the Whole

15. A report of the Committee of the Whole on the referral of an Order appropriating \$110,676,118 for the Fiscal Year 2006 Municipal Operating Budget, recommending it be approved with a reduction in the Unclassified Budget of \$100,000

16. A report of the Committee of the Whole on the referral of an Order authorizing the City Treasurer to borrow an aggregate sum not to exceed \$4,000,000 for Fiscal Year 2006 Capital Expenditures, recommending it be approved
17. A report of the Committee of the Whole on the referral of an Order appropriating \$2,221,500 from Certified Free Cash to reduce the Fiscal Year 2006 tax rate, recommending it be approved
18. A report of the Committee of the Whole on the referral of an Order authorizing the use and expenditure of the City's current revolving funds for Fiscal Year 2006, recommending it be approved

UNFINISHED BUSINESS

19. A petition from Councilor Malumphy requesting updates from the Mayor on the School Building Needs Commission, Charter Review Commission and financial forecasting for the 2006 budget (tabled 3-2-05, 5-24-05)
20. A petition from Councilor Lothrop requesting an update from the City Solicitor, or a designee, regarding prohibiting alcohol sales within adult entertainment establishments (tabled 6-14-05)

NEW BUSINESS

21. A petition from Rinaldo DelGallo III to invite the Pittsfield 4th of July Parade Committee to a meeting to present it with a Certificate of Appreciation
22. A petition from Rinaldo DelGallo III that a concrete proposal for the bike path be drafted and put to the voters this November
23. A petition from Rinaldo DelGallo III that PEDDA provide an oral presentation and update at every City Council meeting
24. A petition from Rinaldo DelGallo III to relocate the RSVP program from the Berkshire Athenaeum, put the Berkshire Toy Library in its space, and have the Athenaeum assist with toy lending
25. A petition from Rinaldo DelGallo III that the Council sends a letter to the Colonel of the Mass. State Police that it prefers assistance with undercover operatives to fight drugs or for patrols in troubled areas as opposed to traffic monitoring
26. A petition from Peter Arlos to ask the Berkshire Regional Transit Authority not to raise the fares charged to users
27. A petition from Peter Arlos thanking Thomas Grizey for his 29 years of service to the City
28. A petition from Peter Arlos asking the Council to go on record in opposition to the closing of the IRS's taxpayer assistance center in Pittsfield
29. A petition from Peter Arlos asking the Council to request a grant of \$10,000 from the Division of Law Enforcement to assist in patrols of Onota and Pontoosuc lakes
30. A petition from Donna Walto asking the Council to request an investigation of activities at the Lichtenstein Center for the Arts
31. A petition from Peter Arlos that the Council ask the principal of Pittsfield High School to have the flag pole in front of the school repaired and professionally painted
32. A petition from Donna Walto asking the Council to oppose any effort to enable municipalities to impose a 3% increase in meals tax

ORDINANCES (final reading)

33. An Ordinance amending the City Code, Chapter 23, Zoning, to establish an Access Management Overlay District for Dan Fox Drive
34. An Ordinance amending the City Code, Chapter 23, to reclassify land on Dan Fox Drive from an LDI District to a B-G District
35. An Ordinance amending the City Code, Chapter 23, Zoning, establishing a Downtown Arts Overlay District
36. An Ordinance amending the City Code, Chapter 25, Sign Ordinance

MATTERS TENTATIVELY REFERRED BY THE PRESIDENT UNDER RULE 27

Referred to the Traffic Commission

37. A petition from Peter Arlos to provide sound signals on traffic lights in the busiest sections of the City
38. A petition from Councilor Malumphy that the speed limit on Holmes Road, from the Pittsfield/Lenox town line to the northern end in the vicinity of Canoe Meadows, remain consistent at 35mph

Referred to the Committee on Ordinances and Rules and Zoning Consultant

39. A petition from Councilor Lothrop to amend the setback requirements for adult entertainment establishments to 390 feet
40. A petition from Rinaldo DelGallo III to amend the setback requirements for adult entertainment establishments to 410 feet

PLACED ON FILE

41. A response from the Board of Health relative to petitions regarding inspection of school cafeterias and a dangerous building at 283 Francis Avenue