

**CITY OF PITTSBURG
MEETING OF THE HOUSING AUTHORITY, REDEVELOPMENT AGENCY,
CITY COUNCIL, and PITTSBURG POWER COMPANY**

HOUSING AUTHORITY AGENDA

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:00 pm
March 18, 2002

CALL TO ORDER: Mayor Frank Aiello

PUBLIC COMMENT

ADJOURN TO CLOSED SESSION - 6:00 pm

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE HOUSING AUTHORITY

Cleon Peterson _____
Cathy Wallen _____
Yvonne Beals-Rogers _____
Robert Lewis _____
Frank Quesada _____
Aleida Rios _____
Chair Frank Aiello _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **DISBURSEMENT LIST** Period Ending: February 28, 2002 (Recommend Approval)

b. **MINUTES** Dated: February 19, 2002 (Recommend Approval)

ADJOURNMENT to April 15, 2002

**CITY OF PITTSBURG
REDEVELOPMENT AGENCY AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:00 pm
March 18, 2002

CALL TO ORDER: Mayor Frank Aiello

PUBLIC COMMENT

CONVENE IN CLOSED SESSION - 6:00 pm

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE REDEVELOPMENT AGENCY

Yvonne Beals-Rogers _____
Robert Lewis _____
Frank Quesada _____
Aleida Rios _____
Chair Frank Aiello _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

- a. **MINUTES** Dated: March 4, 2002 (Recommend Approval)

- b. **RESOLUTION 02-818** Authorization for the Advertising of Bids for Contract No. 99-03, North Park Connector Road Project (Recommend Adoption)

The City of Pittsburg's Capital Improvement Program (CIP) for Fiscal Years 2000-01 through 2004-05 identifies North Park Connector Road Project as item ST-14. The design for this project is complete, all Right of Way has been acquired, and the City is prepared to advertise for bids for construction. A revised Project Authorization form has been prepared for this project. The form reflects an increase in the overall project cost of \$250,000 due to a variety of increased costs related to right of way acquisition, utility relocation, and railroad crossing modifications. These additional costs will be paid from Redevelopment Agency (RDA) funds.

- c. **RESOLUTION 02-819** Amend and Restate the Fifteenth Supplemental Resolution of the Redevelopment Agency Tax Allocation

Refunding Bonds, Series 2002A (Recommend Adoption)

Assembly Bill 1290 (the 1994 redevelopment reform law) requires that the Agency issue all new debt under existing laws prior to January 1, 2004. The Agency Board approved a tax allocation refunding bond, Series 2002A, on November 19, 2001. This action authorized the Executive Director, or his designee, to move forward with the refinancing of the Series 1992 Bonds. During the refinancing efforts, an additional bond test was required due to the complexities of the two new power plants. The attached resolution will amend the November 19, 2001 resolution to include the additional bond test.

CONSIDERATION

1. **RESOLUTION 02-820**

Vacant Parcels on East Third Street (APNs: 085-370-056-5; 085-370-142-3; and 085-370-145-6) Offer to Negotiate Exclusively (Recommend Adoption)

The Pittsburg Redevelopment Agency owns three parcels of property located on the south side of East 3rd Street between Cumberland Street to the west of Johns Manville plant to the east. Discovery Builders approached the Agency with an interest in developing a residential project on the 3rd Street properties, which is consistent with the General Plan. Staff recommends that the Agency authorize and direct the Executive Director to execute an Exclusive Negotiating Agreement for a period of 90 days.

2. **RESOLUTION 02-821**

Approving Feasibility Study for Big League Dreams (Recommend Adoption)

Mayor Frank Aiello proposed that staff study the possibility of bringing a Big League Dreams Sports Park to the City of Pittsburg. Big League Dreams Sports Parks currently operates sports parks in the cities of Riverside and Cathedral City. The proposed development of a Big League Dreams Sports Park would be located on the 27 acre site now occupied by City Park. To facilitate the evaluation of the proposal, staff is requesting funding for a feasibility study, prepare a preliminary layout and financial analyses including the economic impact to the City. Further, the Agency Board authorize the Executive Director to expend up to \$75,000 to conduct the studies.

PUBLIC HEARING

1. **MINUTE ORDER**

Redevelopment Plan Amendment Joint Public Hearing
(Recommend Adoption)

Agency staff began a plan amendment process to delete four parcels from the Los Medanos Community Development Project Area over one year ago. At that time, the loss in Assessed Value was in excess of \$100 million. Recent proposed developments and new assessed valuations of the four parcels have impacted staff's original evaluation. The appeal of Dow's proposed plant expansion needs to be resolved before the Agency can move forward.

ADJOURNMENT: To: April 1, 2002

**CITY OF PITTSBURG
CITY COUNCIL AGENDA**

**65 Civic Avenue
PITTSBURG, CALIFORNIA**

**6:00 PM
March 18, 2002**

CALL TO ORDER: Mayor Frank Aiello

PUBLIC COMMENT

CONVENE IN CLOSED SESSION 6:00 pm

RECONVENE CITY COUNCIL MEETING IN OPEN SESSION - 7:00 pm

MEMBERS OF THE CITY COUNCIL

Yvonne Beals-Rogers _____
Robert Lewis _____
Frank Quesada _____
Aleida Rios _____
Chair Frank Aiello _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

COUNCIL REPORTS - Council members may ask questions for clarification from City staff, and make a brief announcement or 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).

PROCLAMATIONS

1. Arbor Day

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** Period Ending: March 1, 2002 and March 13, 2002 (Recommend Acceptance)
- b. **MINUTES** Dated: March 4, 2002 (Recommend Approval)
- c. **RESOLUTION 02-9570** Acceptance of Calpine's Commitments to Install Public Improvements as Complete (Recommend Adoption)

On August 3, 1999, the City of Pittsburg, the Pittsburg Power Company and the developer of the power plant (Calpine) executed a development agreement entitled "Agreement Concerning Other Matters." As a result of this agreement, Calpine was obligated to construct certain public improvements. Calpine has completed these improvements in compliance with acceptable City standards and specifications, except for the Central Park improvements for which Calpine has given the City the stipulated amount of funds which will be used to augment the amount of funds available for the City's Central Park project that is now being redesigned for bidding.

- d. **RESOLUTION 02-9571** Authorizing California Beverage Container Recycling and Litter Reduction Act Funding Request for Fiscal Years 2001-02 and 2002-03 (Recommend Adoption)

The Department of Conservation, Division of Recycling maintains a grant program to fund projects to promote beverage container recycling and litter clean up. The grant application is due the end of April and requires a resolution be submitted with the application to be eligible for this non-competitive funding source.

- e. **RESOLUTION 02-9572** Authorizing Used Oil Block Grant Application - Eighth Cycle 2002-2003 (Recommend Adoption)

The California Integrated Waste Management Board maintains a grant program to fund projects that promote used motor oil recycling. The Block Grant application to promote used oil and filter recycling is due the end of March and requires a resolution from the participating jurisdiction as part of its submittal package for this non-competitive funding.

- f. **RESOLUTION 02-9573** Approval of Consultant Agreement Amendment #1 with Robert Bein, William Frost & Associates for Contract 97-05, Buchanan Road Bypass Project (Recommend Adoption)

City Council to review and approve Amendment No. 1 to the Consultant Agreement with Robert Bein, William Frost & Associates (RBF) for Contract 97-05, Buchanan Road Bypass Project. The amendment increased RBF's "not-to-exceed" fee by \$124,091.00 to cover wage and overhead increases, subconsultant fee increases, additional traffic analysis, and security personnel for fieldwork. The amendment also identifies Mr. William Conyers as the new project manager and Mr. Garrett Gritz as the new principal in charge for RBF.

g. **RESOLUTION 02-9574**

Installation of Parking and Sidewalk Safety Upgrades on 8th Street in Lieu of a Sound Wall at the West End of the Calpine Transition Structure Project (Recommend Appointment)

At the February 19, 2002 Council meeting by Resolution 02-9566 the Council accepted \$58,322 from Calpine in lieu of construction of the subject sound wall. Staff proposed that 53 parking spaces along the 8th Street Greenbelt corridor west of Railroad Avenue, along with curb gutter and sidewalk safety improvements as shown on Exhibit "A" of the attached proposed resolution could be installed with these funds. The Council directed staff to present this proposal to the RDA subcommittee at their March 7, 2002 meeting. This was done and staff proposed that these funds be used to finance a change order to our current Railroad Avenue Rehabilitation contract. The subcommittee concurred with the proposal.

h. **RESOLUTION 02-9575**

Opposing AB 680 - Reallocating Sales Tax and State Revenues (Recommend Adoption)

The League of California Cities is opposed to AB 680 - Reallocating Sales Tax and State Revenues. Council Member Aleida Rios is requesting Council adopt a resolution opposing AB 680. AB 680 is a sales tax redistribution measure that undermines local control of sales tax revenues and has an adverse impact on smaller communities.

i. **RESOLUTION 02-9578**

Auto Mall Pylon Sign Agreement (Recommend Adoption)

The City of Pittsburg desires of the City to facilitate the development of the Century Auto Mall proposed by the Century Plaza Development Corporation. The Auto Mall will generate many new jobs, and when complete, is projected to increase the City's sales tax revenue by 20% to 50%. The Auto Mall sign is critical to the

success of the Auto Mall, but the cost of the sign is proving to be a hardship for both the developer and the proposed tenants, and threatens to halt development of the Auto Mall. Century Plaza Development Corporation has approached the City of Pittsburg for a loan of up to \$625,000 to construct the sign so that the project can move forward and be successful.

PUBLIC HEARING

1. **ORDINANCE 02-1192**

Adding Municipal Code Section 2.40.080, Relating to Powers and Responsibilities of Mayor and City Council (Recommend Introduction and Waive First Reading)

In accordance with California Government Code Section 36813 the City Council desires to codify certain portions of Resolution No. 01-9475, adopted by the Council on September 4, 2001. Resolution No. 01-9475 established policies and procedures for the conduct of City Council business. The proposed ordinance codifies Section III of the procedures, "Powers and Responsibilities."

2. **ORDINANCE 02-1193**

Amending the Schedule of Permitted Uses and Development Regulations of an Existing CS-O Zone (Service Commercial with a Limited Overlay, Ordinance No. 92-1043) Located North of California Avenue and West of Loveridge Road, for Mill Creek Development RZ-01-02 (Recommend Introduction and Waive First Reading)

This is a public hearing on a request by John Tomasello, Mill Creek Development LLC, to amend zoning regulations of the existing Limited Overlay Zone (Ordinance 92-1043) to allow construction of a Limited Warehousing and Storage facility with reduced parking, and a three-story extended stay hotel on a 16.23-acre, undeveloped site located on the north side of California Avenue and west of Loveridge Road, CS-O (Service Commercial with a Limited Overlay) zone.

3. **ORDINANCE 02-1194**

Amending Municipal Code Section 2.50.020 - Filling Vacancies on the Community Advisory Commission (Recommend Introduction and Waive First Reading)

On March 4, 2002, the City Council asked that the Community Advisory Commission (CAC) review the structuring of the Commission and provide their input to the Council by March 18, 2002. The issue of vacancies currently needs to be addressed. At their March 6 meeting, the CAC did not finalize this issue, but continued it to their April 3, 2002 meeting. Mayor Aiello

has asked that the item be brought before Council, as planned, on March 18, 2002.

4. **RESOLUTION 02-9576** Administrative Plan Changes (Recommend Adoption)

The Department of Housing and Urban Development requires the City Council to make final funding recommendations for the use of Community Development Block Grant (CDBG) funds. The Community Advisory Commission (CAC) established a CDBG Subcommittee that made funding recommendations for the 2002-2003 CDBG program year that are being presented to the City Council for approval.

5. **RESOLUTION 02-9577** Resolution to Deny an Appeal of the Planning Commission Approval of a Use Permit (UP-01-29) for Shiloh Missionary Baptist Church located at 1105 Harbor Street (Recommend Deny the Appeal and Uphold the Planning Commission's Action Approving UP-01-29)

This is a public hearing on an appeal by Mike Lengyel, Pittsburg resident, of the Planning Commission's decision to exclude Mr. Lengyel's proposed condition of approval from a recently approved use permit (UP-01-29) for Shiloh Missionary Baptist Church. Mr. Lengyel's proposed condition would have prohibited diesel trucks from using the new leg of the Pittsburg/Antioch Highway. The use permit allows Religious Assembly use within an existing 3,051 square foot building (former St. Dionysios Church recreation hall) located at 1105 Harbor Street on the southeast corner of Harbor Street and Pittsburg/Antioch Highway, RS-O (Single Family Residential with a Limited Overlay) zone.

6. **MINUTE ORDER** Redevelopment Plan Amendment Joint Public Hearing (Recommend Adoption)

Agency staff began a plan amendment process to delete four parcels from the Los Medanos Community Development Project Area over one year ago. At that time, the loss in Assessed Value was in excess of \$100 million. Recent proposed developments and new assessed valuations of the four parcels have impacted staff's original evaluation. The appeal of Dow's proposed plant expansion needs to be resolved before the Agency can move forward.

**CITY OF PITTSBURG
PITTSBURG POWER COMPANY AGENDA**

65 Civic Avenue
PITTSBURG, CALIFORNIA

6:00 pm
March 18, 2002

CALL TO ORDER: Mayor Frank Aiello

PUBLIC COMMENT

CONVENE IN CLOSED SESSION - 6:00 pm

RECONVENE IN OPEN SESSION - 7:00 pm

MEMBERS OF THE PITTSBURG POWER COMPANY

Yvonne Beals-Rogers _____
Robert Lewis _____
Frank Quesada _____
Aleida Rios _____
Chair Frank Aiello _____

PLEDGE OF ALLEGIANCE

CITIZENS REMARKS

MEMBERS REMARKS

CONSENT

a. **MINUTES**

Dated: February 19, 2002 (Recommend Approval)

b. **RESOLUTION 02-067**

Acceptance of Calpine's Commitments to Install Public Improvements as Complete (Recommend Adoption)

On August 3, 1999, the City of Pittsburg, the Pittsburg Power Company and the developer of the power plant (Calpine) executed a development agreement entitled "Agreement Concerning Other Matters." As a result of this agreement, Calpine was obligated to construct certain public improvements. Calpine has completed these improvements in compliance with acceptable City standards and specifications, except for the Central Park improvements for which Calpine has given the City the stipulated amount of funds which will be used to augment the amount of funds available for the City's Central Park project that is now being redesigned for bidding.

ADJOURNMENT

NOTICE TO PUBLIC

SPEAKER'S CARD

Members of the audience who wish to address the City Council should complete a Speaker's Card available at the dais. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

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.

CITIZENS REMARKS

The Citizens Remarks period is the time when the public may come forward to address the Council on any issues they wish, excluding items scheduled for this agenda.

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.

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.

NOTICE TO THE DISABLED AND HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled citizens. 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, please contact the City Clerk at 252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

City Council Committees - 2002

<u>COUNCIL MEMBER</u>	<u>COMMITTEE</u>	<u>MEETING DATES</u>	<u>STAFF</u>	
Frank Aiello	ABAG Representative	ABAG Annual	G. Evans	
	Delta Diablo Sanitation District	2 nd Wednesday	J. Fuller	
	Foreign Trade Zone	Ad Hoc	G. Evans	
	Mayor's Conference	1 st Thursday	W. Casey	
	Tri-Delta Transit - Alt.	Last Wednesday	N. Shirazi	
	Water Transit Authority Comm. Advisory-Alt	As needed	J. Fuller	
Yvonne Beals-Rogers	ABAG Representative - Alt.	ABAG Annual	G. Evans	
	CAC/CDBG Sub-committee	As needed	B. Eklund	
	Centennial Celebration Committee	As needed	P. Flores	
	City & County Relations Committee - Alt.	Ad Hoc	W. Casey	
	Economic Development Committee	Quarterly	G. Evans	
	Library Commission	As needed	P. Flores	
	LMC Foundation Scholarship - Alt.	Ad Hoc	P. Flores	
	Mayor's Conference - Alt.	1 st Thursday	W. Casey	
	PEHDC	As needed	G. Evans	
	PCSI Partnership	Ad Hoc	G. Evans	
	RDA Subcommittee	Quarterly	G. Evans	
	School District Liaison	Quarterly	P. Flores	
	Tri-Delta Transit	Last Wednesday	N. Shirazi	
Water Transit Authority Comm. Advisory	As needed	J. Fuller		
Aleida Rios	Audit Committee	Quarterly	J.Holmes/N.Shirazi	
	CAC/CDBG Subcommittee	As needed	B. Eklund	
	Contra Costa Transportation Authority	3 rd Wednesday	N. Shirazi	
	Council/Commission Development Projects	Ad Hoc	R. Jerome	
	East Bay League of California Cities	3 rd Thursday	B. Nail	
	East County Habitat Conservation - Alt.	As needed	R. Jerome	
	Fee & Finance Authority (Transplan) - Alt.	2 nd Thursday	N. Shirazi	
	Foreign Trade Zone	Ad Hoc	G. Evans	
	RDA Subcommittee	Quarterly	G. Evans	
	School District Liaison	Quarterly	P. Flores	
	Youth Advisory Commission Liaison	As needed	P. Flores	
	Robert Lewis	BART Station Specific Plan	As needed	R. Jerome
		Centennial Celebration Committee	As needed	P. Flores
City & County Relations Committee		Ad Hoc	W. Casey	
Contra Costa Consolidated Fire District		2 nd Monday	N. Shirazi	
East County Water Mgt. Assn.		Annual	J. Fuller	
Economic Development Committee		Quarterly	G. Evans	
Island Energy Advisory Commission - Alt.		As needed	G. Evans	
PCSI Partnership		Ad Hoc	G. Evans	
Frank Quesada	Audit Committee	Quarterly	J.Holmes/N.Shirazi	
	Council/Commission Development Projects	Ad Hoc	R. Jerome	
	Delta Diablo Sanitation District- Alt.	2 nd Wednesday	J. Fuller	
	East County Habitat Conservation	As needed	R. Jerome	
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	Fee & Finance Authority (Transplan)	2 nd Thursday	N. Shirazi	
	Island Energy Advisory Committee	As needed	G. Evans	
	LMC Foundation Scholarship Committee	Ad Hoc	P. Flores	
	PEHDC	As needed	G. Evans	
Tri-Delta Transit	Last Wednesday	N. Shirazi		

Exhibit "A"

This exhibit is attached to and made a part of the agenda for the meeting of the City Council and Redevelopment Agency, held on March 18, 2002.

The following description of closed session agenda item(s) is provided pursuant to Government Code section 54954.5.¹

A. LICENSE/PERMIT DETERMINATION (Section 54956.7)

Applicant(s): (Specify number of applicants)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency Negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating Parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Two (2) Cases

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

One (1) case

¹ Government Code section 54954.5 provides in part: "No legislative body or elected official shall be in violation of section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided [in this section], irrespective of its format."

___ D. LIABILITY CLAIMS (Section 54956.95)

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

___ E. THREAT TO PUBLIC SERVICES OR FACILITIES (Section 54957)

Consultation with: (Specify name of law enforcement agency and title of officer)

___ F. PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

___ G. PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

___ H. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

___ I. PUBLIC EMPLOYEE DISCIPLINE/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release)

___ J. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6)

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

___ K. CASE REVIEW/PLANNING (with respect to closed sessions called pursuant to Section 54957.8)

___ L. REPORT INVOLVING TRADE SECRET; HEARINGS (Section 54962 and Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code)

___ REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service,

program, or facility)

Estimated date of public disclosure: (Specify month and year)

____ HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)