



CITY OF PITTSBURG AGENDA

MONDAY, DECEMBER 20, 2004

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

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

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

**HOUSING AUTHORITY
REDEVELOPMENT AGENCY
CITY COUNCIL**

PRESIDING

**Nancy Parent, Mayor/Chair
Michael Kee, Vice-Mayor/Vice-Chair
Ben Johnson, Council Member/Board Member
Will Casey, Council Member/Board Member
William Glynn, Council Member/Board Member**

**For the Housing Authority:
Dana Leatherwood, Housing Authority Member
Cathy Wallen, Housing Authority 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 – 6:00 p.m.

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

Name of Case:

Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751

West Coast Home Builders, Inc., and SEECON Financial and Construction Company, Inc., v. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. C03-02777

West Coast Home Builders, Inc., v. City of Pittsburg, City Council of the City of Pittsburg, Contra Costa County Superior Court Case No. N04-1027

Erin Janes v. City of Pittsburg et al, Contra Costa County Superior Court Case No. C04-00647

Bruce Chappell, v. City of Pittsburg, United States District Court, Northern District of California, Case Number C 04 4400 SI

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One (1) case

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One (1) case

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

Property:

APN 085-195-007, 985 Railroad Avenue

Agency Negotiator:

Marc Grisham, Garrett Evans

Negotiating Party:

Clifton Greely

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.)*

PITTSBURG HOUSING AUTHORITY 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. **DISBURSEMENT LIST** Dated: November 30, 2004 (Recommend Approval)
- b. **MINUTES** Dated: November 15, 2004 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY To: January 18, 2005

REGULAR REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 04-1014** Adopting the Implementation Plan for the Los Medanos Project Area 2004-2009 for the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

Pursuant to California Redevelopment Law Health and Safety Code 33490, redevelopment agencies are required to adopt a five-year implementation plan every five years. The Redevelopment Agency of the City of Pittsburg is bringing forth the Implementation Plan for the Los Medanos Project Area 2004-2009.
2. **RESOLUTION 04-1015** Hearing on the Proposal to Designate a Unified Development Area Near the Northwest Corner of Railroad Avenue and West Boulevard (Recommend Adoption)

To further the goals and objectives of the Redevelopment Plan for the Los Medanos Community development Project Area, staff has identified redevelopment activities that will alleviate blighting conditions and stimulate economic development within the Project Area. The proposal to adopt a Unified Development Area consisting of approximately 20,450 square feet located near the northwest corner of Railroad Avenue and West Boulevard will assist the Agency in addressing blight in the Project Area, and enhance the quality of residential life in Pittsburg.

CONSIDERATION

1. **RESOLUTION 04-1016** Award of Consulting Agreement by and between the Redevelopment Agency of the City of Pittsburg and Associated Right of Way, Inc. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is in need of consulting services to conduct appraisals of several properties in which the Agency has an interest in acquiring for the purpose of rehabilitation and/or general development. Associated Right of Way Services, Inc. has been working in partnership with Rosenow Spevacek Group, Inc., under RSG's consulting agreement with the Agency. However, the Agency has a need to have properties appraised that are not included in the RSG Scope of Work. Therefore, the Agency desires to enter into an on-call consulting agreement to

provide appraisal services as set forth in the Scope of Services attached to the Agreement as Exhibit A.

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 number of the Council or the public prior to the time the Council votes on the motion to adopt.

- a. **MINUTES** Dated: December 6, 2004 (Recommend Approval)
- b. **RESOLUTION 04-1017** Approval of a Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and James Miller and Associates (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is the owner of the property commonly referred to as 51 Marina Boulevard, Suites A, B, C and D. The Agency desires to redevelop a portion of the Building which includes Suites A, B, and D into a three-story bed and breakfast establishment. On August 2, 2004 the Agency approved Resolution No. 04-984 which awarded a consultant agreement by and between the Agency and James Miller Architect, Architecture and Planning to provide a feasibility study. The Agency and the Architect propose to enter into a Consultant Agreement to provide for the design, design development and construction documents.

- c. **MINUTE ORDER** Authorization of an Emergency Loan to Assist the Completion of the Rehabilitation of 319 Railroad Avenue (Recommend Adoption)

Adam & Associates Business Group LLC is requesting an additional loan to assist with the completion of the rehabilitation of 319 Railroad Avenue.

- d. **RESOLUTION 04-1018** Approval of a Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and Main Street Property Services, Inc. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg would like to retain the services of Main Street Property Services, Inc. to develop and produce *Downtown Pittsburg Design Principles and Guidelines*. The Downtown Guide will be an implementation tool to assist the Agency and City of Pittsburg achieve a number of its goals as outlined in the Los Medanos Community Development Plan and the City of Pittsburg's General Plan. The development of the Downtown Guide is a key stepping stone necessary to allow the Agency and City to meet their goals of attracting quality retain tenants to Downtown. The Agency and the Consultant propose to

enter into a Consultant Agreement to provide for the development and production of the Downtown Guide.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: January 3, 2005

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 04-10196** Code Enforcement Hearing Regarding 5 Industry Road (Recommend Adoption)

City staff is requesting the City Council to conduct a hearing and, based thereon, order Bashir Rahimi, the owner of the property located at 5 Industry Road, to abate the nuisance thereon and, if not abated, direct staff to take appropriate action thereafter.

2. **RESOLUTION 04-10197** Code Enforcement Hearing Regarding 6 and 7 Industry Road (Recommend Adoption)

City staff is requesting the City Council to conduct a hearing and, based thereon, order Clayton Manning, the owner of the property located at 6 and 7 Industry Road, to abate the nuisance thereon and, if not abated, direct staff to take appropriate action thereafter.

3. **RESOLUTION 04-10198** Eliminating City Annual Transportation Permits (Recommend Adoption)

Currently, the City of Pittsburg issues Single Use and Annual Transportation Permits for commercial vehicles intending to travel on City streets that exceed height, width or weight limits allowed under the California Vehicle Code Section 35780. Because the City has been unsuccessful in getting compliance with Annual Transportation holders and the amount of staff time taken to process Annual Transportation Permits is less than the revenue collected from issuing them, the Engineering Department, in conjunction with the Police Department, recommends that Annual Transportation Permits no longer be issued. The City would continue to issue Single Use transportation permits.

4. **RESOLUTION 04-10199** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development (Recommend Open Public Hearing and Continue to January 3, 2005)

Due to pending litigation on the issue of Regional Transportation Mitigation Fees, it is recommended that the City Council open the Public Hearing noticed for

December 20, 2004 and continue it to the next regularly scheduled City Council meeting on January 3, 2005.

5. **RESOLUTION 04-10200** Annual Review of the City's Transportation Mitigation Fee Imposed on New Development (Recommend Adoption)

This is an annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code. This review indicates that this fee should be increased 5.0% to reflect the increase in the San Francisco construction cost index, as published in the Engineering News Record.

6. **RESOLUTION 04-10201** Establishing Underground Utility District 04-01 in Connection with Construction of Contract 2004-10, Downtown Infrastructure Project (Recommend Adoption)

Contract 2004-10, Downtown Infrastructure Project, is for the rehabilitation of several blocks of residential infrastructure in the downtown area. The rehabilitation is anticipated to include replacement of sewer, water, storm drain, undergrounding of overhead utilities and street/sidewalk rehabilitation. This resolution is a first step in the process toward undergrounding the existing overhead utilities in the project area and will establish Underground Utility District 04-01 as required by the Pacific Gas & Electric Company for use of Rule 20 funds.

7. **RESOLUTION 04-10203** Installation of Piping for Additional Reclaimed Water Irrigation Use on Several City Maintained Recreational Areas (Recommend Open and Continue to January 3, 2005)

Agreements related to this project has yet to be completed. Therefore, it is recommended that City Council open the Public Hearing noticed for this meeting, accept any public comment, and continue this item to the next regularly scheduled City Council meeting on January 3, 2005.

CONSIDERATION

1. **RESOLUTION 04-10202** Awarding Contract 02-07, Marina Sheet Pile, to L.B. Foster Company, of Hayward, California for Furnishing, Coating and Delivering the Steel Sheet Piles and Channels (Recommend Adoption)

City Staff opened bids for Contract 02-07, Marina Sheet Pile, on December 1, 2004. This material purchase

contract is part of Contract 02-07, Marina Dock Replacement Project. The contract will include furnishing, coating and delivering of the steel sheet piles and channels. The apparent low bidder for furnishing the sheet piles is L. B. Foster Company, of Hayward, California. L. B. Foster Company submitted a bid proposal in the amount of \$366,121.75.

2. **RESOLUTION 04-10175** Adoption of a Resolution in Support of Maintenance the Current Urban Limit Line through 2011 (Recommend Adoption)

An East County Task Force studying the Urban Limit Line is charged with the task of recommending a new Urban Limit Line through 2011. Supervisor Glover, who heads this task force, has requested each East County City Council submit a formal recommendation on where it believes the line should be through 2011.

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 number of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: December 6, 2004 (special meeting) and December 6, 2004 (regular joint meeting) (Recommend Approval)

- b. **RESOLUTION 04-10205** Approving a List of Landscape Architectural Firms for On-Call Professional Architectural Services as Required by City Staff, and Authorizing the City Manager to Enter into Agreements with Selected Firms (Recommend Adoption)

An on-call landscape architectural list will allow staff to use pre-qualified landscape architectural firms on an as-needed basis to perform design work and augment Staff for landscape architectural requirements.

- c. **RESOLUTION 04-10206** Dissolution of the Criminal Justice Agency of Contra Costa County, A Joint Powers Authority (Recommend Adoption)

The City of Pittsburg received a letter from John Sweeten, Contra Costa County Administrator dated October 18, 2004. The letter requested the Mayor's signature to dissolve the Criminal Justice Agency of Contra Costa County, a Joint Powers Agreement.

- d. **RESOLUTION 04-10207** State of California Office of Traffic Safety Sobriety Checkpoint Program Funding (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).

- e. **RESOLUTION 04-10208** Authorize Allocation of \$85,000 in Water Fund Reserves and Award the Water Services Replacement Contract to W. R. Forde Associates in the Amount of \$68,934 and Approve the Contingency Fund of \$16,066 for a Total Project Budget of \$85,000 (Recommend Adoption)

The Water Services Replacement Contract is part of a proactive approach to replace existing plastic polybutylene water services before they fail and prepare streets scheduled in the Pavement Rehabilitation Program. Atlantic Avenue and Suzanne Drive are scheduled for pavement rehabilitation in fiscal years 2004/2005 and 2005/2006 respectively.

- f. **RESOLUTION 04-10209** Approve Rate Increase at Contra Costa Waste Services Recycling Center and Transfer Station (Recommend Adoption)

Contra Costa Waste Services operates the Recycling Center and Transfer Station on Loveridge Road and is requesting authorization for a rate increase effective January 1, 2005.

ADJOURNMENT To: January 3, 2005

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 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 take 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 - 2004

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Aleida Rios / Nancy Parent Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Michael Kee / Yvonne Beals Alt.	Ad Hoc	As needed	M. Ayres
Bay Area Water Quality Dist.	William Glynn / Yvonne Beals Alt.	Standing	As needed	M. Ayres
Contra Costa County Fire Dist.	Michael Kee / William Glynn Alt.	Standing	2 nd Monday	Vacant
Delta Diablo Sanitation	Aleida Rios / Nancy Parent Alt.	Standing	2 nd Wednesday	J. Fuller
East County Habitat Conserv.	Michael Kee / Yvonne Beals Alt.	Standing	Quarterly	R. Jerome
East County Water Mgt.	William Glynn / Yvonne Beals Alt.	Standing	Annual	J. Fuller
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	Vacant
Tri-Delta Transit	Aleida Rios & Nancy Parent	Standing	Last Wednesday	Vacant
Water Transit Authority Comm.	William Glynn / Yvonne Beals 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	Aleida Rios / Nancy Parent Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Aleida Rios & Yvonne Beals	Standing	As needed	P. Flores
LMC Foundation Scholarship	Aleida Rios / Nancy Parent Alt.	Standing	As needed	P. Flores
Mayor's Conference	Aleida Rios / Nancy Parent Alt.	Standing	1 st Thursday	M. Grisham
School District Liaison	Nancy Parent & William Glynn	Standing	Quarterly	P. Flores
<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC/CDBG	Nancy Parent & Michael Kee	Standing	As needed	A. Landry
California Theatre Study	William Glynn & Michael Kee	Ad Hoc	As needed	G. Evans
City/County Relations	Nancy Parent / Michael Kee Alt.	Standing	As needed	M. Grisham
Draft ULL Committee	William Glynn / Nancy Parent Alt.	Ad Hoc	As needed	M. Grisham
Economic Development	William Glynn & Yvonne Beals	Standing	Quarterly	B. Nail
Fee & Finance Review	William Glynn & Michael Kee	Ad Hoc	As needed	J. Sbranti
Finance Subcommittee	Aleida Rios & William Glynn	Ad Hoc	As needed	M. Simons
Mallards Commemoration Signage	Michael Kee	Ad Hoc	As needed	P. Flores
Power Company Advisory	William Glynn & Nancy Parent	Standing	As needed	G. Evans
PEHDC	Michael Kee & Yvonne Beals	Standing	1 st Thursday	G. Evans
RDA Subcommittee	Aleida Rios & Michael Kee	Standing	Quarterly	G. Evans
Shaping Our Future	Michael Kee & William Glynn	Ad Hoc	As needed	M. Grisham