



CITY OF PITTSBURG AGENDA

MONDAY, NOVEMBER 1, 2004

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

**CLOSED SESSION
6:45 P.M.**

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

REDEVELOPMENT AGENCY CITY COUNCIL

PRESIDING

**Aleida Rios, Mayor/Chair
Nancy Parent, Vice-Mayor/Vice-Chair
Michael Kee, Council Member/Board Member
William Glynn, Council Member/Board Member
Yvonne Beals, 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 – 6:45 p.m.

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

Name of case:

Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC828751

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

a. **MINUTES**

Dated: October 18, 2004 (Recommend Approval)

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: Special Meeting -
November 3, 2004

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 04-1228** Introduction of an Ordinance Amending Chapter 13.28 of the Municipal Code (Stormwater Management and Discharge Control) (Recommend Introduction and Waive First Reading)

This is an introduction of an ordinance amending Chapter 13.28 of Title 13 of the Municipal Code relating to Stormwater Management and Discharge Control. The amended ordinance will carry out conditions that become effective February 15, 2005 and August 15, 2006 in the City's National Pollutant Discharge Elimination System permit related to implementation of appropriate source control, site design measures and stormwater treatment measures for applicable construction projects.

2. **ORDINANCE 04-1229** Introduction of an Ordinance Amending Pittsburg Municipal Code, Title 18, in Order to Add Chapter 18.86: Inclusionary Housing (Recommend Introduction and Waive First Reading)

On October 26, 2004, the Planning Commission adopted Resolution No. 9530 recommending that the City Council adopt an inclusionary housing ordinance, as presented in Exhibit A to that resolution. The Commission's recommended ordinance is now being presented to the City Council for action.

3. **ORDINANCE 04-1230** Introduction of an Ordinance to Rezone Portions of the Alves Ranch Property to CO-P (Commercial Office – Master Plan Overlay) District, RH-P (High Density Residential – Master Plan Overlay) District and P-D (Planned Development) District; Vista Del Mar Project – (AP-03-33) (Recommend Open Public Hearing and continue to December 20, 2004)

On October 26, 2004, the Planning Commission held a public hearing to consider recommendations to the City Council for a general plan amendment, rezoning to CO-P, RH-P and P-D, and approval of a vesting tentative map for a 293-acre site commonly known as the Alves Ranch property. The Planning Commission continued the item to the November 9, 2004 Planning Commission meeting for further consideration. As a result, the

Council's consideration of the item must be continued to the December 20, 2004 City Council Meeting.

4. **ORDINANCE 04-1231**

Adoption of an Ordinance Approving the Vista Del Mar Development Agreement (AP-03033) (Recommend Open Public Hearing and continue to December 20, 2004)

On October 26, 2004 the Planning Commission held a public hearing to consider a development agreement for the Vista Del Mar development proposal on 293 acres commonly known as the Alves Ranch property. The Planning Commission continued the item to the November 9, 2004 Planning Commission meeting for further consideration. As a result, Council's consideration of the item must be continued to the December 20, 2004 City Council meeting.

5. **RESOLUTION 04-10174**

Adoption of a Resolution Amending the Housing Element of the General Plan (Recommend Adoption)

On January 5, 2004 the City Council initiated a General Plan amendment to bring the City's Housing Element into compliance with State Law and referred the matter to the Planning Commission. The State Department of Housing and Community Development (HCD) has determined that approval of the June 4, 2004 draft Housing Element, as recommended for approval by the Planning Commission, and with three supplemental programs requested by HCD, will bring the City's Housing Element into compliance with State law.

6. **ORDINANCE 04-1232**

Adoption of an Ordinance to Amend the Community Development Plan for the Los Medanos Community Development Project to Extend By One Year the Time Limits on Redevelopment Activities (Recommend Introduction and Waive First Reading)

Pursuant to SB 1045 the City Council may adopt an ordinance to amend the Los Medanos Community Development Plan in order to extend the ability of the Redevelopment Agency to undertake redevelopment activities pay indebtedness and receive tax increment by one year. SB 1045 is legislation that results from the Education Revenue Augmentation Fund transfers which were put in place in 2003. If the City does not amend the Plan as allowed by SB 1045, it will not receive the additional tax increment revenues it is entitled to receive under the law.

CONSIDERATION

1. **RESOLUTION 04-10175** Adoption of a Resolution in Support of Maintaining 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: October 18, 2004 (Recommend Approval)

- b. **ORDINANCE 04-1227** Adoption of an Ordinance to Rezone 7.4 Acres at 1055 North Parkside Drive from IL District to PD District (Willow Brook Residential Development. AP-03-79) (Recommend Adoption)

On October 12, 2004, the Council introduced Ordinance No. 04-1227 rezoning a 7.4-acre site located at 1055 North Parkside Drive (APNs 086-020-017, 086-020-018, 086-020-019 and 086-020-020) from IL (Limited Industrial) District to PD (Planned Development) District, in order to allow construction of a 62-unit, small lot single-family infill development. Ordinance No. 04-1227 is being brought back before the Council for second reading and adoption.

- c. **RESOLUTION 04-10176** Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement for St. Vincent de Paul, Subdivision 8785 (Recommend Adoption)

The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 8785, St. Vincent de Paul are ready for acceptance.

- d. **RESOLUTION 04-10177** Updating the City's Conflict of Interest Code and Rescinding Resolution No. 02-9721 (Recommend Adoption)

Pursuant to the Political Reform Act, every local government is required to conduct a biennial review of its Conflict of Interest Code to determine if remains accurate, or, if the Code requires amendment. As part of

this year's biennial review, staff has determined that the City's Conflict of Interest Code must be amended. Adoption of the resolution updating the City's Conflict of Interest Code will ensure that the Code accurately reflects all of the designated positions within the City which are required, by state law, to disclose financial interests.

e. **REPORT**

Receive and File the Quarterly Investment Report as of September 30, 2004 (Recommend Adoption)

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.

f. **RESOLUTION 04-10179**

Accepting Contract 2003-03, Traffic Signal Installation, San Marco Blvd. And W. Leland Road Extension as Complete (Recommend Adoption)

On April 5, 2004 the City Council adopted Resolution No. 04-10043 awarding Contract No. 2003-03 to W. Bradley Electric, Inc., in the amount of \$121,000, for the installation of a traffic signal on San Marco Boulevard at the planned intersection of the W. Leland Road Extension. The project encompassed the installation of an underground electric system and the installation of City furnished traffic signal equipment. The contract work was substantially completed on September 14, 2004. The signal has not been placed in service at this time, as the construction of the W. Leland Road Extension has not commenced.

ADJOURNMENT OF THE CITY COUNCIL To: Special Meeting on November 3, 2004

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	Monthly	M. Ayres
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