



**CITY OF PITTSBURG  
AGENDA**

**MONDAY, OCTOBER 4, 2004**

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

**YOUTH COMMISSION INTERVIEWS  
5:00 P.M. – 5:15 P.M.**

**STUDY SESSION – VISTA DEL MAR EIR  
5:15 P.M. – 6:15 P.M.**

**CLOSED SESSION  
6:15 P.M.**

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

**REDEVELOPMENT AGENCY  
PITTSBURG POWER COMPANY  
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**

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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.

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**YOUTH COMMISSION INTERVIEWS** – 5:00 p.m. – 5:15 p.m.

**STUDY SESSION – VISTA DEL MAR EIR** – 5:15 p.m. – 6:15 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** – 6:15 p.m.

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

1. 337 E. 10<sup>th</sup> St., APN 085-182-007  
325 – 333 E. 10<sup>th</sup> St., APN 085-182-008
2. 916 Cumberland St., APN 085-195-006

Agency Negotiator:

1. Marc Grisham, Garrett Evans
2. Marc Grisham, Garrett Evans

Negotiating Party:

1. Jaime Penuela
2. Harry Brix for Dante Viscuso

Under Negotiation:

1. Both price and terms of payment
2. Both price and terms of payment

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

Name of case:

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

West Coast Home Builders, Inc., and SEECOM 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

c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One (1) case

**CONVENE IN OPEN SESSION** – 7:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATION**

1. STAND! Against Domestic Violence
2. Betty and Douglas Conner

**PRESENTATION**

1. Overview of Contra Costa Water District (CCWD) Water Quality Improvement Projects – Bette Boatmun

**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: September 20, 2004 (Recommend Approval)
- b. **RESOLUTION 04-993** Authorization for the Executive Director to Execute a Subordination Agreement Relative to the Securing of Bond Financing for the Marina Heights Apartments (Recommend Adoption)

On July 6, 2004, the Agency Board passed Resolution 04-973 authorizing a loan in the amount of \$1,400,000 to Steadfast Companies to aid in the acquisition and rehabilitation of the Marina Heights Apartments. In consideration for the Agency Loan, the developer has agreed to record a deed of trust and a regulatory agreement restricting the use and occupancy of the Development to low income households against the development. Further, the developer has requested that Contra Costa County issue multifamily housing revenue bonds in an aggregate principal amount not to exceed \$14,700,000 to provide financing for the acquisition and rehabilitation of the development. To facilitate the bond issue, the Agency Loan and Agency Regulatory Agreement will be subordinated to the deed of trust securing the bond financing.

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: October 18, 2004

## PITTSBURG POWER COMPANY 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: September 20, 2004 (Recommend Approval)

**ADJOURNMENT OF THE PITTSBURG POWER COMPANY**

## REGULAR CITY COUNCIL MEETING

### **PUBLIC HEARING**

1.     **RESOLUTION 04-10150**   Local Law Enforcement Block Grant Proposal  
(Recommend Adoption)  
  
The Pittsburg Police Department is seeking City Council approval of the application to the Bureau of Justice Assistance for funding under the Local Law Enforcement Block Grant Program and authorization for the City Manager, or his designee, to act on behalf of the City in this application.
  
2.     **RESOLUTION 04-10152**   Supplemental Law Enforcement Services Fund (SLESF)  
(Recommend Adoption)  
  
The Pittsburg Police Department is seeking City Council authorization to accept and appropriate funds from the Supplemental Law Enforcement Services Fund 2002-2005 (SLESF).
  
3.     **RESOLUTION 04-10164**   Amendment to General Plan/General Plan Clean-up  
(Recommend Adoption)  
  
On September 14, 2004, the Planning Commission adopted Resolution No. 9516 recommending that the City Council amend Chapters One through Twelve of the General Plan to incorporate various revisions and other needed mapping, formatting and technical changes and corrections to the document. The revisions recommended by the Planning Commission have been incorporated into a new Hearing Draft General Plan, dated September 2004.
  
4.     **ORDINANCE 04-1226**   Introduction of an Ordinance to Rezone Approximately Five (5) Acres from GQ District to RS District (Highlands Ranch Rezoning AP-04-103) (Recommend Introduction and Waive First Reading)  
  
This is a continued public hearing on an introduction of an ordinance to rezone approximately five (5) acres from GQ (Governmental/Quasipublic) District to RS (Single-Family Residential) District; APN 089-050-069.
  
5.     **MINUTE ORDER**       Consideration and Acceptance of the Annual Progress Report on the Implementation of the General Plan Goals and Policies (Recommend Adoption)

Pursuant to State Government Code Section 65400(b), a “progress” report on the implementation of the General Plan must be submitted to the City Council, State Office of Planning and Research and State Department of Housing and Community Development on the City’s progress in implementing its General Plan in October of each year.

6. **RESOLUTION 04-10165** Approval of a Quit Claim Deed by the City of Pittsburg in Favor of the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg submitted Minor Subdivision Application No. AP-04-151 which was approved by the City of Pittsburg Planning Commission at a public hearing held on September 28, 2004. 16 of the 17 parcels to be subdivided are owned by the Agency. A single parcel is owned by the City (APN 085-102-023). In order for the Final Map to be approved and recorded, there must be a single owner of record for all 17 parcels.

### **CONSIDERATION**

1. **RESOLUTION 04-10153** Approving Amendment No. 2 of the City of Pittsburg’s 2000 Water System Master Plan (Recommend Adoption)

Carollo Engineers has prepared a second amendment to the City’s Water System Master Plan in response to changes in the proposed land uses in the southwest annexation.

2. **MINUTE ORDER** Endorsement of Proposition 64 – the Ballot Initiative to Stop Private Lawyer Abuse of California’s Unfair Competition Law (Recommend Adoption)

The Mayor has received a request from the Californians to Stop Shakedown Lawsuits asking for endorsement of Proposition 64. This item was continued from September 20, 2004 as the City Council requested a copy of the ballot language to be attached.

3. **MINUTE ORDER** Endorsement of Proposition 71 – the California Stem Cell Research and Cures Initiative (Recommend Adoption)

The Mayor has received a request from Steve Westly, California State Controller, asking for endorsement of Proposition 71. This item was continued from September 20, 2004 as the City Council requested a copy of the ballot language to be attached.

4. **MINUTE ORDER** Opposing Proposition 68, Gaming Revenue Act of 2004 (Recommend Adoption)

The Mayor has received a request from Californians Against the Deceptive Gambling Proposition, asking for opposition of Proposition 68.

5. **RESOLUTION 04-10166** Approve Public Works Department Street Retrofit Program and Authorization to Investigate Purchase of PG&E Streetlight System (Recommend Adoption)

In response to resident complaints of inadequate street lighting, the Public Works Department has developed a proposal for a long-term systematic approach to addressing street lighting concerns. The program will increase operational costs and operational savings. To offset these costs and potentially reducing operational costs, PW proposes purchasing a majority of the City's streetlight system from PG&E.

6. **REPORT** Consultants Report on User Fee Study (Recommend Acceptance)

At the November 17, 2003 meeting, the City Council awarded a contract to Public Resource Management Group to prepare a Comprehensive Cost Allocation Plan and a User Fee Study. The purpose of the cost allocation plan was to determine the indirect administrative costs of the City. The user fee study was to evaluate whether the City is recovering the costs of the services being provided. Overall, the objective was to make sure that user services are not unintentionally subsidized by tax dollars that should be spent for the general public, rather than individuals who receive the direct benefit of specific services.

**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: September 20, 2004 (Recommend Approval)

- b. **CLAIMS** #1611 SBC Pacific Bell; #1613 Anitra Brown (Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)

**ADJOURNMENT OF THE CITY COUNCIL** To: October 18, 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 <sup>nd</sup> Monday	Vacant
Delta Diablo Sanitation	Aleida Rios / Nancy Parent Alt.	Standing	2 <sup>nd</sup> 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 <sup>nd</sup> 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 <sup>rd</sup> 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 <sup>st</sup> 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 <sup>st</sup> 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