



**CITY OF PITTSBURG
AGENDA**

MONDAY, OCTOBER 18, 2004

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

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

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

**HOUSING AUTHORITY
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**

**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 – 6:15 p.m.

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

Name of case:

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

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

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

PROCLAMATION

1. Sri Guru Ravidass Temple

PRESENTATION

1. District Attorney Robert J. Kochly

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: September 30, 2004 (Recommend Approval)
- b. **MINUTES** Dated: September 20, 2004 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY To: November 15, 2004

REGULAR REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 04-994** Hearing on the Proposal to Designate a Unified Development Area Near the Southeast Corner of Tenth Street and Cumberland Street (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 136,800 square feet located near the southeast corner of 10th Street and Cumberland Street will assist the Agency in addressing blight in the Project Area, and enhance the quality of residential life in Pittsburg.

CONSIDERATION

1. **RESOLUTION 04-995** Approving the 2004-2005 Program and Project List Established by the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is constantly pursuing opportunities to fight against blight. Therefore, it has established the proposed project list that helps to improve the quality of life for Pittsburg residents. The proposed projects include affordable housing; infrastructure improvements; development in the downtown, waterfront, and along the Railroad Avenue Corridor; feasibility studies; construction of public facilities; and the pre-development of commercial spaces including potentially two hotels.

2. **RESOLUTION 04-996** Neighborhood Improvement Program Recommendations and Funding Allocation (Recommend Adoption)

The Redevelopment Agency has previously authorized \$1,500,000 to fund projects and activities associated with the Neighborhood Preservation Program. Approval of the attached resolution will reallocate these previously allocated funds to sub-funds for minor projects in broad categories and specific project accounts to resolve problems and improve older neighborhoods.

3. **MINUTE ORDER**

Authorization of the Youth Service Program Within the Pittsburg Neighborhood Improvement Project (Recommend Adoption)

A new youth program is being proposed as part of the existing Pittsburg Neighborhood Improvement Project. Youth involved in this project will assist residents and the City in targeted neighborhoods clean up projects, curbside painting, weeding, and planting and beautification projects. Youth are able to earn \$7 per hour for each hour of community services performed to benefit their school or community organization. Youth can also earn personal bonus points towards City-sponsored activities and excursions.

4. **MINUTE ORDER**

Approving the Redevelopment and Property Improvement Strategy for the West Boulevard Multifamily Residential Area (Recommend Adoption)

The Neighborhood Improvement Program has identified the West Boulevard multifamily residential development as one of the target neighborhoods for various small improvement projects. Conditions in this neighborhood have warranted the need for additional public and private physical improvements beyond the smaller activities identified by the Neighborhood Improvement Team including redevelopment of existing buildings. Staff has prepared a strategy identifying these improvements and redevelopment projects.

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a. **MINUTES**

Dated: October 4, 2004 (Recommend Approval)

b. **RESOLUTION 04-999**

Authorizing the Redevelopment Agency of the City of Pittsburg to Amend the First Time Homebuyer Program (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg established a First Time Home Buyer Program to provide down payment assistance of 17% of the purchase price of a home to a current maximum of \$35,000. Amendment to the Program shall increase the assistance to a maximum of \$50,000 and allow the Agency loan to be in the 3rd position when using the CalFHA program in conjunction with the Agency's Program.

- c. **RESOLUTION 04-1000** Award of a Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and Lamphier-Gregory (Recommend Adoption)

On August 2, 2004 the Redevelopment Agency of the City of Pittsburg adopted Resolution No. 04-982 approving an Exclusive Negotiating Agreement by and between the Agency and AF Evans to negotiate the terms of a Disposition and Development Agreement for the development of the Black Diamond Project. Section 3.4 of the ENA requires that the Developer prepare and submit the necessary information to perform the environmental review process required by the California Environmental Quality Act. Due to the complexities of the environmental review and planning entitlement process, the Agency would like to retain the services of Lamphier-Gregory to assist staff in the coordination, review and preparation of activities associated with the approval of the project. The Agency and the Consultant propose to enter into a Consultant Agreement to memorialize the relationship between the Agency and the Consultant.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: November 1, 2004

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 04-1227** Introduction 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 Introduction and Waive First Reading)

On October 12, 2004, the Planning Commission adopted Resolution No. 9528 recommending that the City Council rezone 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.

2. **RESOLUTION 04-10168** Certification of the Final Environmental Impact Report for the Vista Del Mar Development (AP-03-3) (Recommend Adoption)

The Planning Department is seeking City Council certification of the Final Environmental Impact Report for the Vista Del Mar development proposal, located on the Alves Ranch property in the Southwest Hills planning sub-area.

3. **RESOLUTION 04-10169** Public Hearing and Approval of the Issuance of Multifamily Housing Revenue Bonds by California Statewide Communities Development Authority for Financing the Acquisition and Renovation of Fountain Plaza Apartments (Recommend Adoption)

On July 6, 2004 the Redevelopment Agency of the City of Pittsburg passed Resolution No. 04-972 authorizing a loan in the amount of \$4,880,000 to Micon Real Estate to aid in the acquisition and rehabilitation of the Fountain Plaza Apartments. In addition to the Agency participation, the Developer has requested that the California Statewide Communities Development Authority issue multifamily housing revenue bonds in an anticipated principal amount of \$22,000,000 to provide financing for the acquisition and rehabilitation of the Development. The Internal Revenue Code of 1986 requires that a public hearing be convened by the duly

elected representatives of the jurisdiction in which the Development is located and that said representatives approve issuance of the bonds.

CONSIDERATION

1. **APPOINTMENT**

Youth Commission Appointment (Recommend Appointment)

One (1) opening exists on the Youth Commission. The City has advertised for the opening and received three (3) applications. All applicants were invited to interview with the City Council on August 2, 2004 and one (1) applicant was interviewed at that time.

2. **RESOLUTION 04-10170**

Awarding a Consultant Agreement to Harris & Associates, Inc. for the Design 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 will award a Consultant Agreement to Harris & Associates, Inc. for design of the Project, and combine several Capital Improvement Program projects for improved coordination and efficiency.

3. **RESOLUTION 04-10167**

Receive Fiscal Year 2003-04 Year-End Financial Review and Adopt Resolution Authorizing Year-End Adjustments and Reimbursements to and from the General Fund (Recommend Adoption)

Staff has completed the review of the Fiscal Year 2003-04 year-end financial status for all City and Redevelopment Agency funds in preparation for the annual audit process. The attached Fiscal Year 2003-04 Financial Year-End Preliminary Report compares all actual revenues and expenses to the amended budget for all City and Redevelopment Agency funds. This report also sets forth procedures used in past and current fiscal years for reimbursement by Special Funds to the General Fund for monies advanced by the General Fund for specific administrative support and non-general fund programs.

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- a. **MINUTES** Dated: October 4, 2004 (Recommend Approval)
- b. **ORDINANCE 04-1226** Adoption of an Ordinance to Rezone Approximately Five (5) Acres for Highlands Ranch Rezoning AP-04-103 (RZ) (Recommend Adoption)

On October 4, 2004, the City Council introduced and waived the second reading of Ordinance No. 04-1226, which would rezone approximately five (5) acres at the southwest corner of Buchanan Road and Ventura Drive from GC (Governmental/Quasipublic) District to RS (Single-Family Residential) District. Ordinance No. 04-1226 is being brought back for Council adoption.

- c. **RESOLUTION 04-10172** Accepting Contract 02-04, Presidio Lane Improvement Project as Complete and Authorizing the City Engineer to File a Notice of Completion (Recommend Adoption)

Contact 02-04, Presidio Lane Improvement Project, provided for modifications to water services to increase water pressure, installation of off site underground utilities to the Senior Center and Presidio Village, as well as reconstruction of a portion of the pavement on Presidio Lane. W. R. Forde Associates, Inc. of Richmond, California has completed contract work for this project.

- d. **RESOLUTION 04-10173** Awarding Contract 2004-05, Marina Center Parking Lot, to Bay Cities Paving & Grading, Inc. of Concord, CA for Construction of the Parking Lot at the Marina Center (Recommend Adoption)

City staff opened bids for Contract 2004-05, Marina Center Parking Lot, on October 6, 2004. The project will include supplying and constructing a new asphalt concrete parking lot. The apparent low bidder for construction of the Marina Center Parking Lot is Bay Cities Paving & Grading, Inc., of Concord, California. Bay Cities submitted a bid proposal, including one selected alternate, in the amount of \$554,589.05.

ADJOURNMENT OF THE CITY COUNCIL To: November 1, 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