



**CITY OF PITTSBURG
AGENDA**

MONDAY, SEPTEMBER 20, 2004

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

**WORKSHOP - INCLUSIONARY HOUSING
FEASIBILITY STUDY FINDINGS
5:00 P.M. – 6:30 P.M.**

**CLOSED SESSION
6:30 P.M.**

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

**HOUSING AUTHORITY
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**

**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.

WORKSHOP – 5:00 p.m. – 6:30 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 – 6:30 p.m.

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

Property:

1. APN 087-030-031, 2120 Crestview Drive
2. APN 085-195-005, Cumberland Street
3. APN 085-195-006, 916 Cumberland St.
4. APN 085-195-007, 985 Railroad Avenue
5. 700 Railroad Avenue

Agency Negotiator:

1. Marc Grisham, Garrett Evans
2. Marc Grisham, Garrett Evans
3. Marc Grisham, Garrett Evans
4. Marc Grisham, Garrett Evans
5. Marc Grisham, Garrett Evans

Negotiating Party:

1. Lahori Ram, Sri Guru Ravidass Temple
2. Chester Paige
3. Dante Viscuso
4. Clifton Greely
5. Mechanics Bank

Under Negotiation:

1. Both price and terms of payment
2. Both price and terms of payment
3. Both price and terms of payment
4. Both price and terms of payment
5. Both price and terms of payment

b. 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

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

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. National Hispanic Heritage Month
2. Delta 2000 Hunger Walk

PRESENTATION

1. Radio Amateur Civil Emergency Service (RACES)

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: July 31, 2004 and August 31, 2004
(Recommend Approval)
- b. **MINUTES** Dated: July 19, 2004 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY To: October 18, 2004

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 7, 2004 (Recommend Approval)
- b. **RESOLUTION 04-991** Approving the Carryover of FY 2003-2004 Redevelopment Agency Capital Improvement Project Balances at June 30, 2004 into the Current Fiscal Year 04-05 Budget for the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)
- The Redevelopment Agency of the City of Pittsburg has multi-year Capital Improvement Program (CIP) Projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2004 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP projects.
- c. **RESOLUTION 04-992** Award of a Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and WACO and Allocation of Funding (Recommend Adoption)
- On August 2, 2004 the Redevelopment Agency of the City of Pittsburg adopted Resolution No. 04-981 approving a Unified Development Area of approximately 27,000 square feet located at the northwest corner of 10th Street and Railroad Avenue. The Agency would like to retain the services of Michael Woldemar and Associates, Inc. incorporated as WACO to create a design to assist in determining the feasibility for a fixed-use development to include ground floor commercial space with two stories of residential units above. The Agency and the Architect propose to enter into a Consultant Agreement to memorialize the relationship between the Agency and the Architect.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: October 4, 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. **RESOLUTION 04-115** Approving the Carryover of FY 2003-2004 Pittsburg Power Company Capital Improvement Project Balances at June 30, 2004 into the Current Fiscal Year 04-05 Budget for the Pittsburg Power Company (Recommend Adoption)

The Pittsburg Power Company of the City of Pittsburg has multi-year Capital Improvement Program (CIP) Projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2004 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP projects.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **MINUTE ORDER** Denial of an Appeal of Planning Commission Approval of Plans to Construct and Operate a New Elks Lodge No. 1474 (Recommend Deny Appeal, Uphold Planning Commission Decision and Adopt Minute Order)

On August 10, 2004, the Planning Commission approved a use permit to establish a fraternal club with full alcohol service and design review of architectural plans to construct a 12,464 square foot club/lodge on a 1.41 acre site located on the west side of Marina Boulevard between Pelican Loop and East Third Street. On August 18, 2004, a neighboring resident, Michael D. Mirata, filed an appeal of the Commission's decision under Pittsburg Municipal Code Section 18.18.060.

2. **RESOLUTION 04-10151** Approval of 2003-2004 Consolidated Annual Performance and Evaluation Report (CAPER) (Recommend Adoption)

The Department of Housing and Urban Development requires the City Council to review and approve the 2003-2004 Consolidated Annual Performance and Evaluation Report (CAPER). This report provides a summary on the activities approved by the City Council in the 2003-04 Annual Action Plan and undertaken in the period from July 1, 2003 to June 30, 2004.

CONSIDERATION

1. **MINUTE ORDER** Amendment of City's Conflict of Interest Code (Recommend Adoption)

Pursuant to the Political Reform Act, the City of Pittsburg is required to conduct a biennial review of its Conflict of Interest Code. The purpose of reviewing the Conflict of Interest Code is to determine whether the Code is accurate or if it must be amended. Staff has reviewed the Code and concluded that the City's Conflict of Interest Code must be amended.

2. **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.

3. **RESOLUTION 04-10154** Allocating Funding and Awarding a Contract for Construction of Contract 00-02, Buchanan Road Improvement Project, to Bay Cities Paving & Grading, Inc. of Concord, California and Making Certain Findings in Connection Herewith (Recommend Adoption)

Bid proposals have been opened for the construction of improvements related to Contract 00-02, Buchanan Road Improvements Project. The apparent low bidder, Bay Cities Paving & Grading, Inc. of Concord, California, submitted a Base Bid Proposal in the amount of one million, three hundred and two thousand eight hundred seven dollars and fifty-four cents (\$1,302,807.54). In addition to the base bid costs, Alternative Bid Item No. 74 was also included in the Bid Proposal for an additional cost of seven thousand eight hundred dollars and no cents (\$7,800.00). Staff recommends awarding a contract to Bay Cities Paving & Grading, Inc. for the Base Bid and Alternative Item No. 74 for a total contract amount of \$1,310,607.54.

4. **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.

5. **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.

6. **RESOLUTION 04-10155** Award 2004/2005 Purchase Contracts for Various Public Works Materials and Supplies (Recommend Adoption)

The City of Pittsburg Public Works Department is responsible for operation of the City's water system and maintenance of all City facilities and infrastructure. The Department has requested, and received bids, from various vendors for these large quantities of supplies the department needs to complete its mission. Some of the

bids exceeded the \$50,000 threshold that requires approval of the City Council. These supplies contracts are necessary to maintain operations of the Department and area ready to be awarded.

7. **REPORT**

Triennial Report on Drinking Water Public Health Goals (Recommend Accept Report)

Public water systems having more than 10,000 service connections must prepare a written report every three years that gives information on the detection of any contaminant above the Public Health Goals established by the State Office of Environmental Health Hazards Assessment. The attached report is intended to provide information to the public, in addition to Annual Water Quality Reports mailed to each customer.

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 7, 2004 (Recommend Approval)

b. **CLAIMS**

#1608 Clarence Lehman (Recommend Denial)

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

c. **RESOLUTION 04-10156**

Approving the Carryover of FY 2003-2004 Capital Improvement Project Balances at June 30, 2004 into the Current Fiscal Year 04-05 Budget for the city of Pittsburg (Recommend Adoption)

The city of Pittsburg has multi-year Capital Improvement Program (CIP) Projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2004 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP projects.

d. **RESOLUTION 04-10157**

Director of Housing and Community Programs (Recommend Adoption)

The City Manager recommends the addition of a Director of Housing & Community Programs to the classification plan and authorizing one position.

e. **RESOLUTION 04-10158**

Amending the Department Directors' Salary Schedule (Recommend Adoption)

The City Manager proposes amending the department directors' salary schedules by moving from salary steps to salary ranges and by changing the Assistant City Manager salary range.

- f. **RESOLUTION 04-10159** Amendment to the Plan Document for the 457 Deferred Compensation Plan (Recommend Adoption)

The Internal Revenue Service has issued updated regulations and incorporating legislative amendments to Internal Revenue Code Section 457. The attached resolution integrates these amendments into the City's 457 Deferred Compensation Plan.

- g. **RESOLUTION 04-10160** Subdivision 8657, Bancroft Gardens, Approval of the Final Map, Improvements Plans, and Subdivision Improvement Agreement (Recommend Adoption)

The Final Map, Improvement Plans and Subdivision Improvement Agreement for Subdivision 8657, Bancroft Gardens, are ready for acceptance.

- h. **RESOLUTION 04-10161** Allocating Funding and Awarding a Contract for Construction of Contract 00-02-B, Buchanan Road Driveway Improvements to Bay Cities Paving & Grading, Inc. of Concord, California and Making Certain Findings in Connection Herewith (Recommend Adoption)

Bid proposals have been opened for the construction of improvements related to Contract 00-02-B, Buchanan Road Driveway Improvements. The apparent low bidder, Bay Cities Paving & Grading, Inc. of Concord, California, submitted a Bid Proposal for eighty eight thousand, one hundred ninety three dollars and fifty-five cents (\$88,193.55).

- i. **RESOLUTION 04-10162** Authorizing the City Manager to Execute an Agreement with PFM Asset Management LLC to Provide Independent Investment Management Services for all Public Funds Held by the City (Recommend Adoption)

At the April 5, 2004 meeting, the City Council adopted a Statement of Investment Policy for the City of Pittsburg public funds. Included in this policy was the option for staff to hire a firm that specializes in investment management services. The overall advantage of hiring an outside firm to provide investment management services would be to obtain the experience and resources that are difficult to duplicate in-house and would enhance income returns without increased risk, at a reasonable cost. The advisory firm would be

managing the portfolio within pre-established guidelines and constraints provided by the City through the Investment Policy and discussions with staff.

- j. **RESOLUTION 04-10163** Approving the Transfer of Prior Year Grant Balances as of June 30, 2004 into the Fiscal Year 2004-05 Budget for the City of Pittsburg in the Amount of \$478,626 (Recommend Adoption)

The City of Pittsburg has federal, state and local funding for Police, Public Works, Community Development and Recreation activities which were not completed during the prior year. These are multi-year grants, except for the Asset Seizure Fund, where most of the funding was received in advance. The Asset Seizure funds are generated from the disposition of assets seized in narcotic related activities and can be used to purchase police equipment. These funds cannot be used to supplant the General Fund Police operating budget. In compliance with federal, state and local grant agreements as well as governmental accounting standards, these grant commitments need to be transferred to the Fiscal Year 2004-05 Budget.

ADJOURNMENT OF THE CITY COUNCIL To: October 4, 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