



CITY OF PITTSBURG AGENDA

MONDAY, JULY 19, 2004

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

**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.

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:

Owner:

APN 085-164-001	Redevelopment Agency of the City of Pittsburg
APN 085-164-002	Redevelopment Agency of the City of Pittsburg
APN 085-164-003	Redevelopment Agency of the City of Pittsburg
APN 085-164-004	Redevelopment Agency of the City of Pittsburg
APN 085-164-005	Southport Land & Commercial
APN 085-164-007	Redevelopment Agency of the City of Pittsburg
APN 085-164-008	Redevelopment Agency of the City of Pittsburg
APN 085-164-009	Redevelopment Agency of the City of Pittsburg
APN 085-164-010	Redevelopment Agency of the City of Pittsburg
APN 085-164-011	Redevelopment Agency of the City of Pittsburg
APN 085-164-012	Redevelopment Agency of the City of Pittsburg
APN 085-164-013	Redevelopment Agency of the City of Pittsburg
APN 085-164-015	Redevelopment Agency of the City of Pittsburg
APN 085-164-016	Southport Land & Commercial
APN 085-165-002	Redevelopment Agency of the City of Pittsburg
APN 085-165-003	Redevelopment Agency of the City of Pittsburg
APN 085-165-004	Redevelopment Agency of the City of Pittsburg
APN 085-165-005	Redevelopment Agency of the City of Pittsburg
APN 085-165-006	Redevelopment Agency of the City of Pittsburg
APN 085-165-007	Redevelopment Agency of the City of Pittsburg
APN 085-165-008	Redevelopment Agency of the City of Pittsburg
APN 085-165-009	Southport Land & Commercial
APN 085-165-012	Southport Land & Commercial
APN 085-165-015	Redevelopment Agency of the City of Pittsburg
APN 085-165-016	Southport Land & Commercial
APN 085-165-017	Southport Land & Commercial
APN 085-166-003	Redevelopment Agency of the City of Pittsburg
APN 085-166-004	Redevelopment Agency of the City of Pittsburg
APN 085-166-005	Redevelopment Agency of the City of Pittsburg
APN 085-166-006	Redevelopment Agency of the City of Pittsburg
APN 085-166-007	Redevelopment Agency of the City of Pittsburg
APN 085-166-008	Redevelopment Agency of the City of Pittsburg
APN 085-166-009	John and Elaine Caprio
APN 085-166-010	Redevelopment Agency of the City of Pittsburg
APN 085-166-011	Redevelopment Agency of the City of Pittsburg
APN 085-166-012	Redevelopment Agency of the City of Pittsburg
APN 085-166-013	Redevelopment Agency of the City of Pittsburg
APN 085-166-015	Redevelopment Agency of the City of Pittsburg

Agency Negotiator: Marc Grisham, Garrett Evans

Negotiating Party: See owners above

Under Negotiation: Both Price and Terms of Payment

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Section 54956.9)

One (1) case

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)*

1. State Route 4 Update

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 HOUSING AUTHORITY MEETING

CONSENT

- a. **DISBURSEMENT LIST** Dated: June 30, 2004 (Recommend Approval)
- b. **MINUTES** Dated: June 21, 2004 (Recommend Approval)
- c. **RESOLUTION 04-217** Consideration and Approval of the 2004 Administrative Plan Revisions (Recommend Adoption)

The City of Pittsburg Housing Authority has completed the revision process for the 2004 Administrative Plan. These revisions address policies and procedures that the Housing Authority adheres to in all program operations.

ADJOURNMENT OF THE HOUSING AUTHORITY To: September 20, 2004

REGULAR REDEVELOPMENT AGENCY MEETING

CONSIDERATION

1. **RESOLUTION 04-971**
Combined w/CC 04-10111

Adopting the City of Pittsburg Capital Improvement Program for Fiscal Years 2004/5 through 2008/9, Allocating Funding, and Making Certain Findings in Connection Herewith (Recommend Adoption)

The proposed 5-year Capital Improvement Program (CIP) for fiscal years 2004/5 through 2008/9 includes 27 street improvement projects, 19 traffic signal projects, 45 water projects, 24 sewer projects, 35 storm drain projects, 9 building projects, 16 park projects, and 10 General projects. Included within these projects are 17 projects on which Staff recommends allocating funding for the total estimated project cost. Also included are 5 projects on which Staff recommends allocation of partial funding for estimated design costs or annual expenditure only.

2. **RESOLUTION 04-974**
Combined w/CC 04-10112

Consideration of the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure (Recommend Adoption)

Contra Costa County and the East Bay Regional Park District have formed a Joint Powers Funding Authority. The purpose of the Authority is to acquire, improve and maintain land in Contra Costa County for parks, recreational and open space purposes. In order to achieve this purpose, the Authority has completed a Preliminary Engineer's Report that summarizes the costs associated with planned parks/open space improvements and acquisitions, determines the special and general benefits and apportions the proposed assessments to property owners within a newly formed Assessment District that includes the entire County. The Governing Board of the Authority has accepted the Preliminary Engineer's Report and has authorized an assessment ballot proceeding subject to the procedures and approval process of Proposition 218. As a property owner within the Assessment District, the City of Pittsburg is subject to this assessment.

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: July 6, 2004 (Recommend Approval)
- b. **RESOLUTION 04-975** Approving a Commercial Rehabilitation Loan by and between the Redevelopment Agency of the City of Pittsburg and Vahid Millani for 3745 Railroad Avenue (APN 088 061 025) (Recommend Adoption)

The Commercial Rehabilitation Loan Program Appellate Board has recommended approval of Vahid Millani's loan application for Two Hundred Eighty Thousand Dollars (\$280,000) to rehabilitate 3745 Railroad Avenue (APN 088 061 025).

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: August 2, 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: July 6, 2004 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

CONSIDERATION

1. **RESOLUTION 04-10111** Adopting the City of Pittsburg Capital Improvement Program for Fiscal Years 2004/5 through 2008/9, Allocating Funding, and Making Certain Findings in Connection Herewith (Recommend Adoption)
Combined w/RDA 04-971

See Executive Summary for RDA Resolution 04-971.
2. **RESOLUTION 04-10112** Consideration of the Property Assessment Ballot for the Open Space Protection and Enhancement Funding Measure (Recommend Adoption)
Combined w/RDA 04-974

See Executive Summary for RDA Resolution 04-974.
3. **RESOLUTION 04-10113** Allocating Additional Funds and Awarding Contract No. 02-06, Americana Park Project, to Misan Construction Inc., of Livermore, California for Construction of a Neighborhood Park and Detention Basin (Recommend Adoption)

Contract 02-06, Americana Park Project, will provide for the construction of a 2.5 acre Neighborhood Park and Detention Basin. Misan Construction Inc., of Livermore, California was the low bidder with a Base Bid of \$857,000. Staff recommends that Add Alternate 1 for \$41,000 and Add Alternate 2 for \$295,000 be awarded as part of the contract for a total contract amount of \$1,193,000.

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: July 6, 2004 (Recommend Approval)
- b. **CLAIMS** #1592 James Carlile (Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)
- c. **ORDINANCE 04-1224** Adoption of an Ordinance to Rezone 4.56 Acres at the Southwest Corner of Central Avenue and Solari Street from RM to PD District (St. Vincent de Paul Property, AP-03057) (Recommend Adoption)

On July 6, 2004, the Council introduced Ordinance No. 04-1224 rezoning a 4.56-acre site located at 390 Central Avenue (APN 086-151-003) from RM (Medium-Density

Residential) to PD (Planned Development) District, in order to allow construction of a 35-unit, small lot single-family infill development. Ordinance No. 04-1224 is being brought back before the Council for second reading and adoption.

- d. **RESOLUTION 04-10114** Award Sewer Collection Rehabilitation Program Consultant Contract (Recommend Adoption)

Based on the City's adopted Wastewater Collection System Master Plan, and emerging State Water Quality regulations, the City should initiate a comprehensive inspection and rehabilitation program for the City's sewer collection system. The Public Works and Engineering Departments have selected the consulting firm of Brown and Caldwell to perform this work. The consultant service contract will provide T.V. sewer inspection, sewer repair project design, and establishment of an ongoing sewer inspection and computer-based sewer collection management system.

- e. **RESOLUTION 04-10115** Accepting as Complete Contract 01-10; West Tenth Street Rehabilitation Project (Railroad Avenue to Builders Circle) (Recommend Adoption)

The City Council awarded Contract 01-10, West Tenth Street Rehabilitation Project (Railroad Avenue to Builders Circle), to MCK Services, Inc., on October 20, 2003. The project scope of work encompassed pavement rehabilitation and reconstruction; storm drain modification; new concrete and bulb-outs; and other miscellaneous improvements. The project was substantially complete on June 18, 2004.

- f. **RESOLUTION 04-10116** Accepting as Complete Contract 02-07; Marina Dock Replacement Project (Phase 1) (Recommend Adoption)

The City Council awarded Contract 02-07, Marina Dock Replacement Project (Phase 1), to Vortex Diving Inc., on September 15, 2003. The project scope of work encompassed the supplying, fabricating and driving concrete piles for new docks and facilities at the George Lowy Marina. The project was substantially complete on July 19, 2004.

- g. **RESOLUTION 04-10117** Accepting as Complete Contract 00-03, Pittsburg-Antioch Highway Operational Safety Improvements (Recommend Adoption)

The City Council awarded Contract 03-03 for the Pittsburg-Antioch Highway Operational Safety Improvements project on May 19, 2003. The project scope involved the design and construction of improvements to Pittsburg-Antioch Highway for vehicle and pedestrian safety by widening the road, making intersection modifications, and providing lighting. The project also reduces the chance of flooding to the street by raising the street elevation. Construction of this project was completed on March 23, 2004 by Bay Cities Paving and Grading.

- h. **RESOLUTION 04-10118** Accepting as Complete Contract 00-11; Pittsburg Senior Center and Authorizing the City Engineer to Execute a Notice of Completion (Recommend Adoption)

On October 7, 2002, the Redevelopment Agency for the City of Pittsburg contracted with Krama, Inc. to complete the construction contract for Pittsburg Senior Center located at 300 Presidio Lane in the amount of \$3,524,000 (Resolution No. 02-845). Staff has determined that the construction work for the Pittsburg Senior Center is substantially complete and ready for final acceptance. Upon acceptance of the project, a Notice of Completion will be executed and the Contractor's warranty period will begin July 20, 2004.

- i. **RESOLUTION 04-10119** Amendment to the Plan Document for the 457 Deferred Compensation Plan to Include a Loan Provision (Recommend Adoption)

In the Internal Revenue Code Section 457 allows for provisions of loans against a participating member's account. Currently the City of Pittsburg's plan does not include this loan provision. The attached resolution amends the City's 457 deferred compensation plan to include a loan provision.

- j. **RESOLUTION 04-10120** Approving Amendments to the Agreement with Contra Costa Waste Services for the Operation of a Municipal Solid Waste Recovery and Transfer Station (Recommend Adoption)

In December 1995, the City entered into a franchise agreement with Contra Costa Waste Services for the operation of a municipal solid waste recovery and transfer station. The franchise agreement has been amended twice previously. This third amendment will confirm the franchise fee annual increases calculation

method and incorporate wood recycling franchise fees previously established in the second amendment into a single annual franchise fee.

ADJOURNMENT OF THE CITY COUNCIL To: August 2, 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	R. Jerome
Bay Area Water Quality Dist.	William Glynn / Yvonne Beals Alt.	Standing	As needed	R. Jerome
Contra Costa County Fire Dist.	Michael Kee / William Glynn Alt.	Standing	2 nd Monday	N. Shirazi
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	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	N. Shirazi
Tri-Delta Transit	Aleida Rios & Nancy Parent	Standing	Last Wednesday	N. Shirazi
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
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
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