



**CITY OF PITTSBURG
AGENDA**

TUESDAY, SEPTEMBER 7, 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.**

**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**

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:

APN 073-190-027-1

Agency Negotiator:

Marc Grisham, Brad Nail, Ramesh Patel

Negotiating Party:

Pittsburg Partners

Under Negotiation:

Both price and terms of payment

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

Name of case:

Gregory Osorio and California Acorn, Pittsburg Chapter vs. City of Pittsburg, Contra Costa County Superior Court Case No. N04-0209

City of Pittsburg v. USS Posco Industries, Superior Court Case No. C02-00374

c. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6):

Agency designated representatives:

Marc Grisham

Unrepresented employee:

Department Directors

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Chamber of Commerce Business Improvement District (BID) Presentation

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

PUBLIC HEARING

1. **RESOLUTION 04-985**

Approval of a Lease Agreement By and Between the Redevelopment Agency and Ron Waite DBA The Boat Company DBA Commodore Yachts (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and The Boat Company – DBA Commodore Yachts have negotiated terms for a lease Agreement for the lease of 51-A Marina Boulevard, Pittsburg. The tenant will lease approximately 400 square feet of commercial space from the Agency for four hundred dollars (\$400) per month during a three (3) year term. The tenant will have the option to extend the agreement for an additional three (3) years. Rent will increase annually based on the Consumer Price Index during the initial term. Rent during the option will be at fair market value as determined by an appraisal and will also increase annually based on the CPI.

2. **RESOLUTION 04-986**

Authorization for the Redevelopment Agency to Enter into a Non-exclusive Easement Agreement for Property Located at 350 Cumberland Street (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Hass and Palermo have negotiated terms for a non-exclusive easement agreement providing for emergency ingress and egress to and from their respective properties utilizing approximately 1,000 square feet of Agency-owned vacant land located at 350 Cumberland Street, in downtown Pittsburg. The Developer will reimburse the Agency annually for the maintenance of the easement.

CONSIDERATION

1. **RESOLUTION 04-987**
Combined w/CC 04-10137

Allocating Funding, Authorizing Material Purchase and Installation of a Sheetpile Wall at the George Lowy Marina as Part of Contract 02-07, Marina Dock Replacement Project (Phase II), and Making Certain

Findings in Connection Herewith (Recommend Adoption)

Contract 2004-7, Marina Dock Replacement Project (Phase II), will construct new docks and fueling facilities at the George Lowy Marina. Contract 2004-8, Marina Shoreside Improvements (Phase I) will install a sheetpile wall and pedestrian promenade along the new docks currently under construction. This Resolution will reassign the installation of the sheetpile wall from Contract 2004-8 to Contract 2004-7, and will allocate additional funding to Contract 2004-7 for the purchase and installation of the sheetpile wall as a change order to Contract 2004-7 with the existing contractor for the dock installation. This Resolution will also authorize Staff to obtain bids for the sheetpile material and purchase the material directly.

2. **RESOLUTION 04-988**

Authorization for the Redevelopment Agency to Acquire the Property at 1201 California Avenue (APN 073-190-027) (Recommend Adoption)

City staff has identified a potential hotel developer and operator, Mr. Ramesh Patel, who is interested in developing a 94-room Hampton Inn & Suites hotel on the Loveridge Center site. To facilitate the hotel development, the Redevelopment Agency will purchase the 76,099 square foot hotel site located at 1201 California Avenue from Pittsburg Partners for \$1,065,386 (\$14 per square foot).

3. **RESOLUTION 04-989**

Authorization for the Redevelopment Agency to Enter into an Exclusive Negotiating Agreement with Mr. Ramesh Patel for the Development of a Hampton Inn & Suites Located at 1201 California Avenue (APN 073-190-027) (Recommend Adoption)

City staff has identified a potential hotel developer and operator, Mr. Ramesh Patel, who is interested in developing a 94-room Hampton Inn & Suites hotel on the Loveridge Center site. The 90 day Exclusive Negotiating Agreement between the Redevelopment Agency and Mr. Ramesh Patel will enable staff to complete the deal points necessary for a development agreement.

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: August 2, 2004 (Recommend Approval)

b. **RESOLUTION 04-990**

Approving a Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and McGuire Harley Davidson LLC (Recommend Adoption)

McGuire Harley Davidson LLC, a California limited liability company has requested a two hundred thousand dollar (\$200,000) loan from the Economic Development Department to finance the rehabilitation of 2240 Loveridge Road, Pittsburg, California. The Property contains a commercial building and related structures in which the borrower has a leasehold interest.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: September 20, 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: August 2, 2004 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 04-10121**
Combined w/CC 04-1226 Resolution to Amend the General Plan Land Use Designation on Approximately Eight (8) Acres from Public/Institutional and Park to Low Density Residential (Highlands Ranch General Plan Amendment AP-04-103) (Recommend Adoption)

This is a continued public hearing on 1) a request to amend the General Plan land use designation on approximately eight (8) acres west of Ventura Drive between Buchanan Road and Rangewood Drive within the Highlands Ranch Residential Subdivision from Public/Institutional (apx. 5 ac.) and Park (apx. 3 ac.) to Low Density Residential, and 2) an introduction of an ordinance to rezone 10.47 acres (including the 8 acres in the GP amendment) from GQ (Governmental/Quasipublic) District to RS (Single-Family Residential) District; APNs 089-050-069 and 070.

2. **ORDINANCE 04-1226**
Combined w/CC 04-10121 Introduction of an Ordinance to Rezone 10.47 Acres from GQ District to RS District (Highlands Ranch Rezoning AP 04-103) (Recommend Introduction and Waive First Reading)

See Executive Summary for Resolution 04-10121.

CONSIDERATION

1. **RESOLUTION 04-10137**
Combined w/RDA 04-987 Allocating Funding, Authorizing Material Purchase and Installation of a Sheetpile Wall at the George Lowy Marina as Part of Contract 02-07, Marina Dock Replacement Project (Phase II), and Making Certain Findings in Connection Herewith (Recommend Adoption)

See Executive Summary for RDA 04-987.

2. **APPOINTMENT** Youth Commission Appointments (Recommend Appointments)

Four (4) openings exist on the Youth Commission. The City has advertised for the openings and received applications. All applicants were invited to interview with

the City Council on August 2, 2004 and three (3) applicants were interviewed at that time.

3. **RESOLUTION 04-10138** Supporting Proposition 1A (Recommend Adoption)

The League of California Cities is supporting Proposition 1A and is asking all cities to adopt a resolution in support.

4. **RESOLUTION 04-10139** Allocating Funding and Awarding a Consultant Agreement to RMC, Inc. for Environmental Documents, Preparation of a Master Plan, and Grant Application of Contract 2004-9, Reclaimed Water for Irrigation Project, and Making Certain Findings in Connection Herewith (Recommend Adoption)

Contract 2004-9, Reclaimed Water for Irrigation Project is for the construction of a reclaimed water pipeline from the existing reclaimed waterline on Eighth Street to the Delta View Golf Course. The reclaimed water will be used to irrigate City parks and potentially the golf course. This Resolution will authorize the City Manager to execute a consultant agreement with RMC, Inc. to prepare environmental documents, a reclaimed water master plan, and submit a grant application for funding assistance for construction of the Project.

5. **RESOLUTION 04-10140** Approval of Business Improvement District Consultant Agreement with the Pittsburg Chamber of Commerce for Fiscal Year 2004-2005 (Recommend Adoption)

In 1972, a levy was imposed on business licensing to fund a Business Improvement District. The Pittsburg Chamber of Commerce was designated as the Advisory Board, to advise the City Council and make recommendations regarding the use of the revenue derived from the additional levy. Since the inception of the Business Improvement District, the Chamber of Commerce has served as the Advisory Board, promoting business in the City of Pittsburg and developing programs that aid the local Pittsburg business community. An annual Consultant Agreement and corresponding Scope of Services is recommended by City staff for the 2004-05 fiscal year, with a contract amount not to exceed \$58,000.

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: August 2, 2004 (Recommend Approval)
- b. **CLAIMS** #1585 Clayton Bryen Thomas Sr.; #1600 Judy Browder-Moss; #1601 Ryan P. Erickson; #1604 Eleanor Culcasi (Recommend Denial)
- (Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)
- c. **ORDINANCE 04-1227** Ordinance to Rezone Two Parcels Totaling Approximately 12.1 Acres from RM District to PD District (East Leland Property Subdivision 8795 Rezoning. AP-03-74) (Recommend Adoption)
- On August 2, 2004 the City Council introduced and waived the second reading of Ordinance No. 04-1227, which would rezone approximately 12.1 acres from RM (Medium Density Residential) District to PD (Planned Development) District. Ordinance No. 04-1227 is being brought back before Council for adoption.
- d. **RESOLUTION 04-10141** Revising Penalties for Parking Violations (Recommend Adoption)
- Staff is proposing to increase many of the penalties for violations of Pittsburg Municipal Code related to parking in order to reduce the amount of illegal parking within the City.
- e. **RESOLUTION 04-10142** Authorizing Filing an Application for Surface Transportation Program Funding for Leland Road Improvements (Recommend Adoption)
- This resolution would authorize filing an application for federal STP funds to improve Leland Road, from Dover Way to Harbor Street, including an asphalt concrete overlay. The application requests \$600,000 and commits \$70,000 in non-federal matching funds.
- f. **RESOLUTION 04-10143** Awarding a Construction Contract to W. R. Forde Associates Inc. of Richmond, California for Construction of Contract 97-12, Hillview Reservoir Storm Drain Line Project (Recommend Adoption)
- City Staff opened bids for Contract 97-12, Hillview Reservoir Storm Drain Line Project, on August 4, 2004. This project will extend the storm drain line for the

reservoir site to discharge directly into Kirker Creek, and repair hillside erosion that occurred in the past. The apparent low bidder for this project is W.R. Forde Associates, Inc., of Richmond, California. They submitted a bid proposal in the amount of \$164,461.00.

- g. **RESOLUTION 04-10144** Approving Plans, Specifications and Authorizing Bidding for Contract 2004-05, Marina Center Parking Lot (Recommend Adoption)

On May 3, 2004, the Redevelopment Agency approved Resolution No. 04-959 and the City Council approved Resolution No. 04-1006, which authorized the allocation of Redevelopment Agency funds for the construction of Contract 2004-05, Marina Center Parking Lot Project. This Resolution will accept plans, specifications and authorize the City Engineer to advertise for bids.

- h. **RESOLUTION 04-10145** Accepting Plans and Specifications for Contract 2004-01, 2004/5 Citywide Pavement Rehabilitation Project and Authorizing Bidding of the Project (Recommend Adoption)

Contract 2004-01, 2004/5 Citywide Pavement Rehabilitation Project involves the rehabilitation of selected streets located throughout the City. This resolution will accept the plans and specifications and authorize the City Engineer to advertise for bids on the project.

- i. **RESOLUTION 04-10146** Approving a Work for Others Agreement by and between the State of California, Department of Transportation, and the City of Pittsburg (Recommend Adoption)

The City of Pittsburg has requested that the State of California, Department of Transportation, enter into a Work for Others Agreement pertaining to the maintenance of City owned traffic signals off the State Highway System. The agreement provides for State maintenance of three reconstructed traffic signals and one new traffic signal on the local road system. The City has previously maintained traffic signals at two of the four in intersections included under the agreement and has reimbursed the State for costs it incurred to maintain a third traffic signal. The forth-signalized intersection included under the agreement is a new signal installation. The included intersections are adjacent to signalized intersections owned and maintained by the State.

- j. **RESOLUTION 04-10147** Authorizing Two Year-End Adjustments for Fiscal Year 2003-04 as Approved by the City Council Through the Fiscal Year 2004-05 Citywide Operating Budget Process (Recommend Adoption)

During the Fiscal Year 2004-05 Budget Workshop held on May 24, 2004, staff informed the City Council that the Citywide Lighting and Landscape District Fund and the Golf Course Enterprise Fund has deficits that had accumulated from previous years. It was recommended by staff that the Citywide Lighting and Landscape District Fund deficit of \$261,000 would be resolved by a transfer increase from the General Fund. It was also recommended by staff that the Golf Course Enterprise Fund deficit of \$1.3 million would be covered by a transfer from the Economic Development Fund. Both recommendations were approved by the City Council by the City Budget Adoption Resolution No. 04-10088.

- k. **RESOLUTION 04-10148** Authorize the Establishment of the San Marco Community Facilities District Fund and Approve a Loan in the Amount of \$85,215 from the General Fund to Cover Costs Incurred in Fiscal Year 2003-04 to be Repaid from Future Tax Assessments (Recommend Adoption)

In accordance with the terms of the Development Agreement between the City of Pittsburg and Seecon Financial & Construction Inc., a Community Facilities District shall be formed to provide funding for police services in the San Marco subdivision area. On May 17, 2004, in a public hearing, the City Council took public testimony on this subject, adopted the Resolution of Formation, called for an Election, conducted the Election, adopted a resolution seeking Results of the Election and introduced and waived the first reading of the Ordinance No. 04-1222, Levying a Special Tax in Community Facilities District (CFD) No. 2004-01. At the regularly scheduled meeting on June 7, 2004, the City Council waived the second reading of the ordinance which completed the approval and formation of the CFD.

- l. **RESOLUTION 04-10149** Approval of Geovec Inc. Economic Development Service Agreement (Recommend Adoption)

Geovec Inc. Economic Development Software Application is a geographical information system application that fosters enhanced economic

development, e-commerce and web services. Utilizing the tools and services available through Geovec's Economic Development Software Application will leverage available technologies to the City of Pittsburgh's advantage, to aid the City in attraction and retention efforts to strengthen the economic vitality of the City of Pittsburgh. City staff is recommending the approval of the Geovec Inc. Economic Development Service Agreement to develop and host the Geovec Economic Development Software Application for an initial one-year term, not to exceed a total contract cost in the amount of \$37,475.

ADJOURNMENT OF THE CITY COUNCIL To: September 20, 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	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	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	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
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