



**CITY OF PITTSBURG
AGENDA**

TUESDAY, JULY 6, 2004

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

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

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

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
SOUTHWEST GHAD II
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.

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:	Address:	Owner:
APN-085-196-001	295 E. 10 th Street	Lupi Palomino
APN-086-175-012	101-109 School Street	John & Nicolle Seuss
APN-086-221-006	2059 Railroad Avenue	David Shepard
APN-086-221-004	2075 Railroad Avenue	David Shepard

Agency Negotiator: Marc Grisham, Garrett Evans

Negotiating Party: John Seuss; David Shepard; Glen Valenzuela

Under Negotiation: Both Price and Terms of Payment

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

Calpine Corporation, Pastoria Energy Facility, LLC, Delta Energy Center, LLC and Calpine Construction Finance Company, L.P., v. California State Board of Equalization, San Diego County, Kern County, Santa Clara County, Contra Costa County, and Sutter County with City of Pittsburg as Intervenor, San Diego County Superior Court Case No. GIC 828751

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COUNCIL MEMBER REMARKS – *Council Members may make brief announcements or informal comments at this time. (No Action Required)*

CITY MANAGER REMARKS – *The City Manager may make brief announcements or informal comments at this time. (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

CONSIDERATION

1. **RESOLUTION 04-970**
 Combined w/CC 04-10100

Allocating Funding and Awarding a Consultant Agreement to Concept Marine Associates, Inc. for the Design of Contract 2004-8, Marina Shoreside Improvement Project (Phase 1), and Making Certain Findings in Connection Herewith (Recommend Adoption)

Contract 2004-8, Marina Shoreside Improvement Project (Phase I) is for the construction of a sheet pile wall and extending the shoreline along the east parking lot of the George Lowy Marina. This project will provide for additional development potential along Marina Boulevard adjacent to the Marina. This project is being constructed in phases to provide for flexibility of future site development.

2. **RESOLUTION 04-972**

Allocating Funds for the Purchase, Renovation and Income Restriction of Residential Units at Fountain Plaza and Making Certain Findings in Connection with Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is constantly pursuing opportunities to fight against blight and create opportunities for affordable housing in the Project Area. In June of 2003, Micon Real Estate the “Developer”) approached the Agency with the opportunity to participate in the acquisition and rehabilitation of the Fountain Plaza Apartments. The Agency has set forth deal points to create a \$4.88 million loan with the Developer. For its participation, the Agency could re-establish the affordability covenants throughout the 224 unit project.

3. **RESOLUTION 04-973**

Allocating Funds for the Purchase, Renovation and Income Restriction of Residential Units at Marina Heights and Making Certain Findings in Connection Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is constantly pursuing opportunities to fight against blight and create opportunities for affordable housing in the Project Area. In June of 2004, Steadfast Companies

("the Developer") approached the Agency with the opportunity to participate in the acquisition and rehabilitation of the Marina Heights Apartments. The Agency has set forth deal points to create a \$1.4 million loan with the Developer. For its participation, the Agency could establish the affordability covenants throughout the 200 unit project.

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: June 21, 2004 (Recommend Approval)

b. **RESOLUTION 04-977**

Approving a Commercial Rehabilitation Loan by and between the Redevelopment Agency of the City of Pittsburg and Jason R. and Lisa M. Griego for 446 Railroad Avenue (APN 085 104 001) (Recommend Adoption)

The Loan Review Committee has recommended approval of Jason R. and Lisa M. Griego's loan application for Sixty Five Thousand Dollars to rehabilitate 446 Railroad Avenue (APN 085 104 001).

c. **RESOLUTION 04-978**

Neighborhood Preservation Sub-Program Funding Allocation (Recommendation Adoption)

The Redevelopment Agency has previously authorized Five Hundred Thousand Dollars (\$500,000) to initiate funding of projects and activities associated with the Neighborhood Preservation Program. Approval of the resolution will reallocate some of the previously allocated funds to sub-funds for specific project needs to expedite the expenditure of funds for small projects to resolve neighborhood problems.

d. **RESOLUTION 04-979**

Rescinding the Commercial Rehabilitation Loan Awarded to Sara Matus, Reso. 03-914 and Josefa Matus, Reso. 03-915 (Recommend Adoption)

On September 15, 2003, Sara Matus, by Resolution 03-914 and Josefa Matus, by Resolution 03-915, were authorized to participate in the Commercial Rehabilitation Loan Program. Sara Matus was awarded a loan of Five Thousand Dollars (\$5,000.00) and Josefa Matus was awarded a loan of Fifty Three Thousand Dollars (\$53,000.00). Sara Matus and Josefa Matus have never executed their loan agreements, promissory

notes, security agreements and UCC-1s (collectively, the “Loan Documents”), thus, forfeiting their loans. The Redevelopment Agency of the City of Pittsburg will rescind Resolutions 03-914 and 03-915.

e. **RESOLUTION 04-980**

Approving a Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Kendra Marshall (Recommend Adoption)

Kendra Marshall, an individual, doing business as “Say Cheese 1 Hour Portrait Studio” at 64 E. 4th Street, has requested a Ten Thousand Dollars (\$10,000) loan from the Economic Development Department to assist with the leasehold improvements to the Property in connection with the operation of the business.

f. **MINUTE ORDER**

Authorization to Create and Maintain an Interest-Bearing Account into which Funds for East Bay Regional Park Facilities Will be Deposited (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is requesting that the Agency Board authorize the Executive Director or his designee to maintain the sum of Five Hundred Thousand Dollars in an interest bearing account consistent with the provisions of the September 7, 1993 Fiscal Agreement between the Agency and the East Bay Regional Park District.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: July 19, 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: June 21, 2004 and June 23, 2004 (Recommend Approval)

b. **RESOLUTION 04-111** Accepting the 2003/04 Patch Paving Contract as Complete (Recommend Adoption)

The 2004/2005 Patch Paving Contract was awarded on April 5, 2004 to MCK Services, Incorporated. All work on the 2004/2005 Patch Paving Contract has been completed and the contract is ready to be accepted.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II 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: June 21, 2004 (Recommend Approval)

ADJOURNMENT OF THE SOUTHWEST PITTSBURG GHAD II

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 04-1224** Introduction 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 Introduction and Waive First Reading)

On May 25, 2004, the Planning Commission adopted Resolution No. 9488 recommending that the City Council rezone 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.

2. **RESOLUTION 04-10099** Approval of Proposed Rate Increases at the Pittsburg Delta View Golf Course (Recommend Adoption)

Title 3, Chapter 3.32 of the Pittsburg Municipal Code authorizes the City Council to establish by resolution the fees to be charged to users of the Pittsburg Delta View Golf Course and its related services. It is the interest of City staff to increase the rates and fees at Delta View, allowing operations to produce a higher revenue level to further support Delta View's ability to fund operating and capital investment costs, progressing toward self-sustainability and the elimination of future City General Fund subsidies.

3. **RESOLUTION 04-10103** Finding and Determining That the Public Interest, Convenience and Necessity Require the Acquisition of Certain Property Owned by Pacific Gas & Electric Company for Public Purposes, in Connection with the Bancroft Gardens 1 Subdivision Project (Recommend Adoption)

Staff submits for the City Council's consideration, proposed Resolution of Necessity authorizing the commencement of eminent domain proceedings involving Pacific Gas & Electric Company ("PG&E") to acquire certain real property interests necessary to achieve certain public purposes in connection with the Bancroft Gardens 1 Subdivision. The legal descriptions

of the real property interests to be acquired are attached to Resolution No. 04-10103 as Exhibits A and B.

CONSIDERATION

1. **RESOLUTION 04-10100** **Combined w/RDA 04-970** Allocating Funding and Awarding a Consultant Agreement to Concept Marine Associates, Inc. for the Design of Contract 2004-8, Marina Shoreside Improvement Project (Phase 1), and Making Certain Findings in Connection Herewith (Recommend Adoption)

See Executive Summary for RDA Resolution 04-970.

2. **RESOLUTION 04-10102** Support for the Extension of Contra Costa's Transportation Sales Tax (Recommend Adoption)

This resolution would approve a \$2 billion Transportation Expenditure Plan (TEP) for the extension of the "County's Measure C" transportation sales tax.

3. **RESOLUTION 04-10106** City Approval and Co-Sponsorship of the Annual Hispanic Heritage Discovery Festival (Recommend Adoption)

Mayor Aleida Rios is requesting City of Pittsburg approval and co-sponsorship relative to presenting the 1st Annual Hispanic Heritage Discovery Festival. This event will take place on October 9, 2004 and will recognize the City of Pittsburg's Hispanic community, its history, contributions and businesses. The request for approval is the usage of City letterhead for sponsorship letters and the City staff for this event's planning and implementation.

4. **MINUTE ORDER** Council Summer Recess (Recommend Adoption)

Historically, the City Council takes a recess during the summer months to allow for both staff and Council vacations. This recess has typically been taken during the period that would encompass the second meeting of August.

5. **REPORT** Review of Citywide Departmental Accomplishments (Recommend Acceptance)

All departments have been asked to prepare their 2003-2004 accomplishments. Each has done so and they

have been complied and are being presented to the City Council for review.

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: June 21, 2004 (Recommend Approval)
- b. **CLAIMS** #1574 John Everett, Jr.; #1579 Pamela Richardson
(Recommend Denial)

(Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)
- c. **ORDINANCE 04-1223** Adoption of an Ordinance to Amend Pittsburg Municipal Code 10.16.190, "Maximum Weight of Commercial Vehicles in Certain Districts" (Recommend Adoption)

Adoption of the ordinance introduced by the City Council on June 21, 2004, amending PMC 10.16.190 to remove overnight commercial truck parking on the south side of Power Avenue, between Railroad Avenue and Davi Avenue
- d. **RESOLUTION 04-10101** Platinum Stars Request for Community Sponsorship Funds (Recommend Adoption)

The Pittsburg Platinum Stars is an amateur association girls' softball team which provides positive recreational service to Pittsburg and East County Youth. Toward the continuation of this service the team's management and coaching staff is requesting Community Sponsorship Funds in the amount of \$2,000.00. The Recreation Commission has reviewed the Platinum Stars' application and request within their March and May 2004 meetings. The Commission recommends funding with the funding amount decided by City Council.
- e. **RESOLUTION 04-10104** Approval of Professional Services Contractual Agreement Between the City of Pittsburg and John Bartley Kerr (Recommend Adoption)

Pittsburg Delta View Golf Course has recently completed a \$375,000 improvement project, allowing Delta View to be competitive with the amenities offered by other local golf courses in the surrounding areas. Now that the improvements have been completed, the management of the systems and the marketing of the golf course and

its services begin. City staff recommends the City continue to contract the professional services of John Bartley Kerr for the management and marketing responsibilities at Delta View. Mr. Kerr has demonstrated his management abilities thus far, in the direction provided at Delta View to date, and has the experience and expertise in marketing to create and implement a strong, aggressive marketing plan.

- f. **RESOLUTION 04-10105** Approving Transfer of Cable Franchise Control from AT&T Broadband to Comcast Corporation (Recommend Adoption)

AT&T Broadband held a non-exclusive cable franchise with the City of Pittsburg. A request for consent and transfer of cable franchise control was submitted per the pending merger with Comcast Corporation. AT&T Broadband and AT&T Comcast Corporation completed its merger and recognized Comcast Corporation as the new parent company. Per the Federal Communications Commission (FCC), the transfer is deemed complete and accepted. For audit purposes and per Municipal Code, the City formally needs to recognize the Franchisee with the attached resolution.

- g. **RESOLUTION 04-10107** Approve Rubicon Programs Environmental Center Lease Renewal (Recommend Adoption)

In August 2001, the City of Pittsburg and Rubicon Programs executed a lease which provided for a combination of landscaping and building maintenance services and financial compensation by Rubicon Programs in exchange for the use of a 1344 sq. ft. office space and meeting room privileges at the Environmental Center (EC). The original two-year lease agreement was extended by one year on July 21, 2003, and will expire on July 30, 2004. Both the City of Pittsburg Public Works Department and Rubicon Programs desire to extend the lease. Staff is requesting City Council authorization to extend this lease agreement.

- h. **RESOLUTION 04-10108** Award City Hall HVAC Chiller Replacement Contract (Recommend Adoption)

The City Hall Heating, Ventilation and Air Conditioning (HVAC) system has experienced several significant component failures in the past month. The cost to repair the existing failed HVAC chiller unit is estimated at eighty-five percent (85%) of the cost of a completely new

chiller unit. Staff recommends awarding a contract for the complete replacement of the City Hall HVAC chiller unit.

COUNCIL REPORTS - *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 REPORT - *City Manager may brief the Council on items of interest. (No Action.)*

ADJOURNMENT OF THE CITY COUNCIL To: July 19, 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