



**CITY OF PITTSBURG
AGENDA**

MONDAY, JUNE 21, 2004

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

**CLOSED SESSION
6:00 P.M.**

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

**HOUSING AUTHORITY
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**

**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 – 6:00 p.m.

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Four (4) cases

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

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

c. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6)

Agency designated representatives:
Marc Grisham, Marc Fox, Robert Muszar, IDEA

Employee organization:
AFSCME (Miscellaneous A Unit) and AFSCME (Management/Professional/Confidential Unit)

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Pittsburg Mallard Football Team Commemoration
2. Status of City Website

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 HOUSING AUTHORITY MEETING

PUBLIC HEARING

1. **RESOLUTION 04-216** Adopting the Annual Budget for the City of Pittsburg for
 Combined w/RDA 04-964 the Fiscal Year 2004-2005 (Recommend Adoption)
 Combined w/PPC 04-105
 Combined w/GHAD 04-010 On May 24, 2004 a budget workshop was held to review
 Combined w/CC 04-10088 the proposed budget for FY 2004/2005. The budget
 must be adopted to provide on-going financing for
 Housing Authority activities during the fiscal year.

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. **DISBURSEMENT LIST** Dated: May 31, 2004 (Recommend Approval)
- b. **MINUTES** Dated: May 17, 2004 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: July 19, 2004

REGULAR REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 04-964**
Combined w/HA 04-216
Combined w/PPC 04-105
Combined w/GHAD 04-010
Combined w/CC 04-10088
Adopting the Annual Budget for the City of Pittsburg for the Fiscal Year 2004-2005 Adoption (Recommend Adoption)

On May 24, 2004 a budget workshop was held to review the proposed budget for FY 2004-2005. The budget must be adopted to provide on-going financing for the City of Pittsburg Redevelopment Agency activities during the fiscal year.

CONSIDERATION

1. **RESOLUTION 04-965**
Combined w/CC 04-10090
Allocating Funding and Awarding Contract No. 02-07, Marina Dock Replacement Project, Phase II, to Taber Construction, of Concord, California, for Supplying, Fabricating, Installation of New Docks, and Upgrading the Fueling System at the George Lowy Marina (Recommend Adoption)

City staff opened bids for Contract 02-07, Marina Docks Replacement Project (Phase II), on June 7, 2004. Phase II will include supplying, fabricating, installation of new docks, and upgrading the fueling system at the George Lowy Marina. The apparent low bidder for construction of Phase II is Taber Construction, of Concord, California. They submitted a bid proposal, including selected alternate, in the amount of \$3,737.465.

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 7, 2004 (Recommend Approval)
- b. **RESOLUTION 04-966** Authorizing the Executive Director to Enter into the Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and Pacific Community Services, Inc. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg, consistent with its goals and strategies outlined in the Agency's Implementation Plan, has continued a partnership with Pacific Community Services, Inc. The Consultant provides housing counseling services. The Agency desires to enter into a Consultant Agreement to retain the services of the Consultant since the Consultant's current agreement shall terminate on June 30, 2004.

c. **RESOLUTION 04-967**

Authorizing the Executive Director to Enter into the Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and the Contra Costa County Employment and Human Service Department on Behalf of the Workforce Development Board's Contra Costa Small Business Development Center (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg, consistent with its goals and strategies outlined in the Agency's Implementation Plan has a continued partnership with the Contra Costa County Employment and Human Service Department on Behalf of the Workforce Development Board's Contra Costa Small Business Development Center. The Consultant provides business counseling services, training, and seminars to the Pittsburg community. The Agency desires to execute a Consultant Agreement to retain the services of the Consultant.

d. **RESOLUTION 04-968**
Combined w/CC 04-10098

Accepting the Transfer of Marina Park Property to the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to cause the redevelopment and revitalization of a certain approximately ten (10) acre portion of the Project Area located west of Herb White Way, north of W. 8th Street, and south of W. 4th Street. The City of Pittsburg owns a portion of the Site and shall be referred to as Marina Park Property (APN 085 130 006).

e. **RESOLUTION 04-969**

Authorizing the Executive Director to Approve the On-Call Services of Rosenow Spevacek Group Inc. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is engaging in redevelopment activities throughout the Los Medanos Project Area. Rosenow Spevacek Group Inc.

(RSG) was retained to manage certain projects in order to ensure that the Agency can accomplish the goals and objectives set forth by the Agency Board. Because the Agency is currently under staffed, the Agency desires to expand RSG's originally authorized Consultant Agreement by adding on-call services in order to enable RSG to assist with other types of redevelopment projects, including independent fiscal analysis, on an as needed basis.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: July 6, 2004

PITTSBURG POWER COMPANY MEETING

PUBLIC HEARING

1. **RESOLUTION 04-105**
Combined w/HA 04-216
Combined w/RDA 04-964
Combined w/GHAD 04-010
Combined w/CC 04-10088
- Adopting the Annual Budget for the City of Pittsburg for the Fiscal Year 2004-2005 (Recommend Adoption)
- On May 24, 2004 a budget workshop was held to review the proposed budget for FY 2004-2005. The budget must be adopted to provide on-going financing for the Pittsburg Power Company activities during the fiscal year.

CONSIDERATION

1. **RESOLUTION 04-107**
- Authorizing the Executive Director to Approve the Consultant Agreement by and between the Pittsburg Power Company and McDonald Partners (Recommend Adoption)
- The Pittsburg Power Company is engaging in power development activities including the Trans Bay Grid Reliability Project and Greenfield utility development. McDonald Partners was recommended by the City Finance Team to be retained to assist staff in analyzing the complex financial models associated with the Trans Bay Grid Reliability 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 member of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES**
 - b. **RESOLUTION 04-106**
- Dated: June 7, 2004 (Recommend Approval)
- Approving an Agreement for Attorney Service for the Pittsburg Power Company (Recommend Adoption)
- The Pittsburg Power Company is doing business as Island Energy on Mare Island. Russell H. Townsend is currently the Assistant City Attorney and has been the primary attorney handling Pittsburg Power Company matters. The existing City Attorney's contract expires June 30, 2004. In closed session on May 24, 2004 the Board directed staff to finalize an Agreement Russell H.

Townsend to continue providing Attorney Services for the Pittsburg Power Company as its General Counsel.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY to: Special Meeting on June 23, 2004 at 7:00 p.m. at 375 G Street, Mare Island Marketing Center, Mare Island, Vallejo, California.

SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II MEETING

PUBLIC HEARING

1. **RESOLUTION 04-010** Adopting the Annual Budget for the City of Pittsburg for the Fiscal Year 2004-2005 (Recommend Adoption)
Combined w/HA 04-216
Combined w/RDA 04-964
Combined w/PPC 04-105
Combined w/CC 04-10088
On May 24, 2004 a budget workshop was held to review the proposed budget for FY 2004-2005. The budget must be adopted to provide on-going financing for the GHAD II activities during the fiscal year.

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 7, 2004 (Recommend Approval)

ADJOURNMENT OF THE SOUTHWEST PITTSBURG GHAD II

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

- RESOLUTION 04-10088** Adopting the Annual Budget for the City of Pittsburg for the Fiscal Year 2004-2005 (Recommend Adoption)
Combined w/HA 04-216
Combined w/RDA 04-964
Combined w/PPC 04-105
Combined w/GHAD 04-010

On May 24, 2004 a budget workshop was held to review the proposed budget for FY 2004-2005. The budget must be adopted to provide on-going financing for the City of Pittsburg activities during the fiscal year.
- RESOLUTION 04-10089** Appeal of Planning Commission Approval of AP-03-15 (DR) for a Meat Market at 3819 Railroad Avenue (Recommend Adoption of Resolution Denying the Appeal and Upholding Planning Commission Resolution)

On May 3, 2004 the City Council opened the public hearing for an appeal of the Planning Commission's design review approval of architectural plans for the construction of a 1,540 square foot building addition, exterior building modifications and on-site improvements to convert an existing multi-tenant building into a specialty food market at 3819 Railroad Avenue. The Council continued the public hearing to June 21, 2004 and directed staff to further investigate the status of County health code violations onsite.
- ORDINANCE 04-1223** Introduction of an Ordinance Amending Municipal Code, Section 10.16.190, "Maximum Weight of Commercial Vehicles in Certain Districts" (a.k.a. Overnight Truck Parking) (Recommend Introduction and Waive First Reading)

This is a public hearing to amend PMC 10.16.190 to remove overnight commercial truck parking on the south side of Power Avenue, between Railroad Avenue and Davi Avenue.

CONSIDERATION

- RESOLUTION 04-10090** Allocating Funding and Awarding Contract No. 02-07, Marina Dock Replacement Project, Phase II, to Taber Construction, of Concord, California, for Supplying, Fabricating, Installation of New Docks, and Upgrading
Combined w/RDA 04-965

the Fueling System at the George Lowy Marina
(Recommend Adoption)

City staff opened bids for Contract 02-07, Marina Docks Replacement Project (Phase II), on June 7, 2004. Phase II will include supplying, fabricating, installation of new docks, and upgrading the fueling system at the George Lowy Marina. The apparent low bidder for construction of Phase II is Taber Construction of Concord, California. They submitted a bid proposal, including selected alternate, in the amount of \$3,737,465.

2. **RESOLUTION 04-10091** Rescission of Resolution No. 98-8623 and Adoption of New Sister City Policy (Recommend Adoption)

The City of Pittsburg has formed and maintained one Friendship City and three Sister City relationships with City agencies located outside of the United States, in efforts to encourage the development of relations between businesses, research and educational institutions, government policy and regulatory agencies and other organizations concerned with encouraging progress in economic and cultural development. City staff recommends the rescission of Resolution No. 98-8623, which adopted the 1998 Sister City Policy and the establishment of a new, more comprehensive Sister City Policy, to serve as a guideline for the maintenance and expansion of the City of Pittsburg's Sister City Program.

3. **APPOINTMENTS** Commission Appointments (Recommend Appointments)

Openings exist on the Youth Commission, the Recreation Commission and the Planning Commission. The City has advertised for all openings and received applications for each Commission. All applicants were invited to interview with the City Council on June 7, 2004 and 15 applicants were interviewed at that time.

4. **MINUTE ORDER** Selection of Consultant – Hillside Development Work Program (Recommend Adoption)

The Council is asked to reconsider whether to appropriate funds and select a consultant to prepare Hillside Guidelines/Performance Standards.

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 7, 2004 (Recommend Approval)
- b. **CLAIMS** #1546 Stone Harbour Homeowners Association; #1586 Zelma Owens; #1594 Yolanda Amaya (Recommend Denial)
- (Claims against the City which may cause expenditure of funds - on file in the Office of the City Clerk)
- c. **RESOLUTION 04-10092** Establishing the Appropriations Limit for the 2004-2005 Fiscal Year in Accordance with Proposition III and Article XIII (B) (Recommend Adoption)
- In November, 1979, the voters of California approved Proposition 4, commonly known as the Gann Initiative. This proposition created Article XIIIB of the State Constitution placing limits on the amount of revenue, which can be appropriated by all government entities in any fiscal year. The legislation mandates all governing bodies including the City of Pittsburg to annually establish the Appropriations Limit.
- d. **MINUTE ORDER** Direction to Staff for Biennial Review of Conflict of Interest Code (Recommend Adoption)
- The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate, or, alternatively, that the code must be amended. Once the determination has been made, a notice must be submitted to the code-reviewing body no later than October 1 of even-numbered years.
- e. **RESOLUTION 04-10093** Resolution Supporting the LOCAL Government Budget Package (Recommend Adoption)
- The LOCAL (“Leave Our Community Assets Local”) Coalition has requested support and help in passing the Local Government Budget Package negotiated by them. The package includes short-term cuts to local governments linked to long-term constitutional protection of local funds.
- f. **RESOLUTION 04-10094** Acceptance of Public Improvements within Subdivision 8354, Highlands Ranch Unit 3, for Continuous Maintenance (Recommend Adoption)

The Developer has completed the public improvements within Subdivision 8354 Highlands Ranch Unit 3 and they are ready for acceptance and continuous maintenance by the City.

- g. **RESOLUTION 04-10095** Acceptance of Public Improvements within Subdivision 8441, Highlands Ranch Unit 4, for Continuous Maintenance (Recommend Adoption)

The Developer has completed the public improvements within Subdivision 8441 Highlands Ranch Unit 4, and they are ready for acceptance and continuous maintenance by the City.

- h. **RESOLUTION 04-10096** Approving the Engineer's Report and Declaring the City Council's Intent to Order Improvements for the Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2004-05) (Recommend Adoption)

The City Council is being asked to adopt the resolution approving the Engineer's Report for Landscaping and Lighting Maintenance Assessment District 1988-01, Citywide (Fiscal Year 2004-05) and to set July 19, 2004, as the public hearing for this matter.

- i. **RESOLUTION 04-10097** Approving the Engineer's Report and Declaring the City Council's Intent to Order Improvements for the Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2004-05) (Recommend Adoption)

The City Council is being asked to adopt the resolution approving the Engineer's Report for Landscaping and Lighting Maintenance Assessment District 1988-02, Oakhills (Fiscal Year 2004-05) and to set July 19, 2004, as the public hearing for this matter.

- j. **RESOLUTION 04-10098**
Combined w/RDA 04-968 Approving the Transfer of Marina Park Property to the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

The City of Pittsburg desires to assist the Redevelopment Agency of the City of Pittsburg with the redevelopment and revitalization of a certain approximately ten (10) acre portion of the Project Area located west of Herb White Way, north of W. 8th Street, and south of W. 4th Street. The City owns a portion of the Site and shall be referred to as Marina Park Property (APN 085 130 006).

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 6, 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