



**CITY OF PITTSBURG
AGENDA**

MONDAY, MAY 17, 2004

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

**WORKSHOP – CAPITAL IMPROVEMENT PROGRAM (CIP)
5:00 P.M. – 7:00 P.M.**

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

**CLOSED SESSION
8:30 P.M.**

**HOUSING AUTHORITY
REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
CITY COUNCIL**

PRESIDING

**Aleida Rios, Mayor/Chair
Nancy Parent, Vice-Mayor/Vice-Chair
Michael Kee, Council Member/Board Member
William Glynn, Council Member/Board Member
Yvonne Beals, Council Member/Board Member**

**For the Housing Authority:
Dana Leatherwood, Housing Authority Member
Cathy Wallen, Housing Authority Member**

Pittsburg City Council meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The City Council meets regularly in the Council Chambers at 65 Civic Avenue, unless otherwise noted above.

WORKSHOP – 5:00 p.m. – 7:00 p.m.

1. Capital Improvement Program

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. American Public Works Week

PRESENTATION

1. CCTA Measure C

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

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: April 30, 2004 (Recommend Approval)
- b. **MINUTES** Dated: April 19, 2004 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: June 21, 2004

REGULAR REDEVELOPMENT AGENCY MEETING

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a number of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: May 3, 2004 (Recommend Approval)
- b. **RESOLUTION 04-962** Approving a Commercial Rehabilitation Loan by and between the Redevelopment Agency and Mario Howell for 306-318 Railroad Avenue (Recommend Adoption)

Loan Review Committee has recommended approval of Mario Howell's loan application for One Hundred Twenty Five Thousand Dollars (\$125,000) to rehabilitate 306-318 Railroad Avenue (APN 085 105 016).

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: May 24, 2004 (Special Meeting - Budget Workshop)

PITTSBURG POWER COMPANY MEETING

CONSIDERATION

1. **RESOLUTION 04-103**
Combined w/CC-04-10075 Authorizing the transfer of \$338,051.95 from the Pittsburg Power Company Reserves to Cover the Administrative and Legal Costs Charged to the West Leland 97-1 Assessment District Construction Fund (Recommend Adoption)

In 1997 the City initiated the formation of an assessment district for the purpose of issuing bonds to finance the construction of the West Leland Road extension. Originally there were two property owners that were planning to participate in this assessment district bond process. One of the property owners decided not to participate and for this reason the assessment district was never established on a formal basis. Special benefit assessment can be levied by cities by a two-thirds vote requirement only to acquire or construct public improvements that convey a special benefit to an identifiable group of properties.

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: April 19, 2004 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 04-10058** Approval of Proposed Rate Increases for the Pittsburg Municipal Marina (Recommend Adoption)

Municipal enterprise fees are enacted in accordance with the general powers of municipalities, including but not limited to, California Government Codes 54342, 54343 and 54344. The California Government Codes 54342, 54343 and 54344 authorize City Council to establish by Resolution the rates to be charged to users of the Pittsburg Municipal Marina for related services as a municipal enterprise. It is the interest of City staff to increase the rates at the Pittsburg Marina, allowing operations to produce a higher revenue level that will support operating and capital investment costs.

2. **ORDINANCE 04-1221** Introduction of an Ordinance Amending Municipal Code, Chapters 1.04, 1.24 and 15.74 and the addition of Chapter 15.72, to Support Code Enforcement and Provide for Recapture of Fees and Costs Necessarily Incurred I the Enforcement of the Pittsburg Municipal Code (Recommend Introduction and Waive First Reading)

This ordinance amending the Municipal Code will clarify and/or establish the City's right to recapture its expenses and attorney's fees which have become necessary in the pursuit of Code Enforcement. The ordinance also adds a new chapter providing that any new application for a permit may be denied if it is determined that the property for which the application has been submitted is in violation of local, state or federal law (including but not limited to violations of building, grading, zoning, fire protection, safety, health, sanitation and/or flood control laws).

3. **RESOLUTION 04-10071** Establishing the City of Pittsburg Community Facilities District No. 2004-01 and Providing for the Levy of a Special Tax Therein to Finance Certain Public Services in and for Such Community Facilities District and Calling a Special Election to Submit to the Qualified Electors Within Such Community Facilities District the Question of Levying Such Special Tax and Establishing an
 Combined w/04-10072
 Combined w/04-1222

Appropriations Limit for Such Community Facilities District (Recommend Adoption)

San Marco subdivision is a 639-acre residential project approved in 1993 (Planned Development zoning and tentative map for 2938 total units (1363 single-family and 1575 multi-family)). In accordance with the terms of the Development Agreement between the City of Pittsburg and Seecon Financial & Construction Inc. a Mello-Roos Community Facilities District shall be formed to provide funding for police services in the San Marco subdivision area. This matter was considered by City Council at the February 17, 2004 meeting by Resolution No. 04-10005 and April 5, 2004 by Resolution No. 04-10036. By these resolutions City Council approved a proposed boundary map, declared its intention to establish a Community Facilities District No. 2004-01 and to levy a special tax therein to finance certain public services in and for such community facilities district and set tonight as the time for the public hearing on the formation of CFD No. 2004-01.

4. **RESOLUTION 04-10072** Determining the Result of the Special Mailed-Ballot Election Held in its Community Facilities District No. 2004-01, on May 17, 2004 (Recommend Adoption)
Combined w/04-10071
Combined w/04-1222

See Executive Summary for Resolution 04-10071.

5. **ORDINANCE 04-1222** Levying a Special Tax for the Fiscal Year 2004-2005 and Following Fiscal Years Solely Within and Relating to the City of Pittsburg Community Facilities District No. 2004-01 (Recommend Introduction and Waive First Reading)
Combined w/04-10071
Combined w/04-10072

See Executive Summary for Resolution 04-10071.

CONSIDERATION

1. **RESOLUTION 04-10073** Extension of Contract with CMC Americas, Inc. for Information Technology Management and Support Services (Recommend Adoption)

On August 19, 2003, the City Council per Resolution Number 03-9893 awarded a contract to CMC Americas, Inc. (formerly known as Baton Rouge International, Inc.) for Information Technology and support services. CMC Americas, Inc. has demonstrated by their accomplishments that they are well qualified to do this work. They have brought the City's IT System to a level of service that is very commendable.

2. **RESOLUTION 04-10074** Authorize the City Manager to Continue a Contract with Contra Costa County to Provide Building Inspection and Plan Checking Services, and to Approve Expenditures in the Amount of \$150,000 for Fiscal Year 2003-2004 (Recommend Adoption)

Increased building construction activity in the Building Division of the Planning & Building Department for inspection services in addition to the unavailability of City inspection staff related to illness and the CIP Senior Center construction project requires that contract building inspection services from the County be in excess of the \$50,000 budgeted for this fiscal year for Contractual & Professional Services.

3. **RESOLUTION 04-10075** Authorizing the transfer of \$338,051.95 from the Combined w/PPC-04-103 Pittsburg Power Company Reserves to Cover the Administrative and Legal Costs Charged to the West Leland 97-1 Assessment District Construction Fund (Recommend Adoption)

See Executive Summary for Pittsburg Power Company Resolution 04-103.

4. **MINUTE ORDER** Support of Letter Regarding Proposition 42 Funds (Recommend Adoption)

Staff has received a request from District 5 Supervisor Federal Glover asking for support of a letter to Governor Schwarzenegger regarding release of the voter-approved Proposition 42 funds as part of the FY 2004-05 budget.

5. **RESOLUTION 04-10077** Accepting Plans and Specifications and Authorizing Bidding for Contract 02-06, Americana Park (Recommend Adoption)

Contract 02-06, Americana Park will include the construction of a 2.5 acre Neighborhood Park with a detention basin. The park is designed to include a tot lot, a school age playground, a picnic shelter with picnic tables to accommodate 48 people, BBQ grills, trash receptacles and drinking fountain. A peripheral walkway with pedestrian bridge, lighting and benches will also be built. The project will also include an automatic irrigation system, trees, shrubs, groundcover and turf.

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: May 3, 2004, and May 7, 2004 (Recommend Approval)

- b. **CLAIMS** #1578 Paul Ward Delamater (Recommend Denial)

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

- c. **ORDINANCE 04-1219** Second Reading of an Ordinance Amending Municipal Code, Title V, Chapter 5.04 Relating to Business Licenses and Regulations (Recommend Adoption)

The City of Pittsburg Municipal Code provides for both general and specific regulations of businesses operating within the City. City staff representing planning and building, police code enforcement, finance, economic development, and the city attorney have been meeting to review the City's Municipal Code and business license processing procedures with the goal of 1) streamlining the procedures, 2) enhancing effective coordination of City departments relating to the issuance and renewal of business licenses, and 3) insuring full collection of license and administrative fee revenues in accordance with the City's Municipal Code. The proposed amendments to Chapter 5.04 of the Municipal Code provide the enabling authority to accomplish these goals.

- d. **RESOLUTION 04-10078** Revising the City's Speed Hump Policy and Changing its Name to "Speed Hump and Traffic Calming Policy" (Recommend Adoption)

Staff has drafted revisions to the City's existing Speed Hump Policy to include a "toolbox" of other traffic calming measures, a method to prioritize speed hump locations, and additional evaluation procedures. Comments from the Community Advisory Commission on the attached revision have been addressed and incorporated therein.

- e. **RESOLUTION 04-10079** Conversion of Life Insurance and Accidental Death and Dismemberment (AD&D) Benefit Provider for Non-safety Employees to Standard Life (Recommend Adoption)

For our non-safety employees the City belongs to a municipal pool for life insurance and AD&D benefits

through our benefit broker, ABD Insurance Services. Currently Canada Life is the provider for those benefits. Canada Life has been acquired by Jefferson Pilot. Effective July 1, 2004 ABD has awarded the contract for their municipal pool life insurance and AD&D benefit to Standard Life. The City must take action to either move to Standard with the ABD pool, or contract directly with Jefferson Pilot.

- f. **RESOLUTION 04-10080** Approving 2004/2005 Transportation Development Act (TDA) Project Application for Installing a Class II and Class III Bicycle Facility on Harbor Street (Recommend Adoption)

The Metropolitan Transportation Commission (MTC) provides Transportation Development Act (TDA) Article 3 Funds to fund projects exclusively for the benefit and/or use of pedestrian and bicyclist. The City Council must approve a request to MTC in order to be considered for the allocation of TDA funds. The attached resolution approves the application for 2004-2005 TDA Article 3 Funds to sign and stripe a Class II/Class III bicycle facility on Harbor Street from Buchanan Road to School Street.

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.)*

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

- a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Three (3) cases

- b. PUBLIC EMPLOYMENT

Title: City Attorney

c. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6)

Agency designated representatives:

Marc Fox, Les White

Unrepresented employees:

Department Directors

ADJOURNMENT OF THE CITY COUNCIL To: May 24, 2004 (Special Meeting - Budget Workshop)

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	L. White
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	L. White
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	L. White