



CITY OF PITTSBURG

AGENDA

MONDAY, MAY 3, 2004

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

**CLOSED SESSION
5:00 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.

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 – 5:00 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)

The City of Pittsburg vs. Cheri De Bonneville, Contra Costa County Superior Court Case No. C03-00484

Lopez v. City of Pittsburg, Contra Costa County Superior Court Case No. C03-01781

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

Erin Janes v. City of Pittsburg et al, Contra Costa County Superior Court Case No. C04-00647

c. PUBLIC EMPLOYMENT

Title: City Attorney

d. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property: APN 073-230-007-4 (1301 Standard Oil Avenue)

Agency Negotiator: Les White, Garrett Evans

Negotiating Parties: Babcock & Brown

Under Negotiation: Both price and terms of payment

RECONVENE 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 04-959**
Combined w/CC 04-10063 Allocating Funding for Contract 2004-05, Marina Center Parking Lot, to Construct a New Parking Lot and Associated Improvements at the Marina Center Building (Recommend Adoption)

On February 3, 2003, the City Council approved Resolution No. 03-9763, which established the Capital Improvement Program and included the Marina Center Parking Lot project. This Resolution will allocate funding for construction of Contract 2004-05, Marina Center Parking Lot 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: April 19, 2004 (Recommend Approval)
- b. **RESOLUTION 04-960**
Combined w/CC 04-10065 Amendment One to Harris Agreement for Design Services for West Leland Road Extension (Recommend Adoption)

The initial plan for constructing the West Leland Road Extension was to proceed with the design and construction of two lanes of roadway only. In May, 2003 the City Council and Redevelopment Agency authorized staff to contract with the firm of Harris and Associates to do this design. It is now prudent to expand the scope of the plans to include the complete design of four lanes to have these ready for construction in case the status of adjacent development on the Alves and Seeno property has attained a level where all four lanes should be constructed.

- c. **RESOLUTION 04-961** Authorization to Negotiate with Contra Costa County Regarding the Sale of Surplus Property Due to Highway 4 Widening (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg received several notices from Contra Costa County, on behalf of Contra Costa Transportation Authority, with the past two weeks. The letters advised the Agency of the

County's intention to dispose of surplus properties located in Pittsburg. The surplus properties offer the Agency excellent opportunities for in-fill redevelopment.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: May 17, 2004

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 04-10059** 2004-05 Community Development Block Grant Annual Administrative Plan Changes (Recommend Adoption)

The Department of Housing and Urban Development (HUD) requires the City Council to review and approve the 2004-2005 Community Development Block Grant Annual Action Plan. The Annual Action Plan is being presented to the City Council for approval. This Plan includes the CDBG funding recommendations for the 2004-2005 program year that the Council approved on March 15, 2004. HUD also requires a public hearing and a public comment period before submitting the Annual Action Plan.

2. **RESOLUTION 04-10060** Appeal of Planning Commission Approval of Design Review Application No. AP-03-15 (DR) for a Meat Market at 3819 Railroad Avenue (Recommend Adoption)

The Planning Commission approved 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. Current building tenant, Dan Villasenor, filed an appeal of the Commission's approval, based on personal concerns of the property owner's historic business practices.

3. **RESOLUTION 04-10061** Ordering the Vacation of a Portion of a Waterline and Its Easement Located at 701 Bliss Avenue (704-10; A-0038) (Recommend Adoption)

On April 5, 2004 the City Council adopted Resolution No. 04-10045 declaring their intent to vacate a portion of a waterline and its easement located at 701 Bliss Avenue. Improvement plans for this parcel include relocation of the waterline rendering a portion of our existing waterline unnecessary for present or future public use. Therefore the owner (Security Public Storage) has requested that the City vacate this portion of the waterline and its easement in favor of the relocated waterline alignment.

4. **RESOLUTION 04-10062** Ordering the Vacation of a Portion of a Waterline and Its Easement Located at 2104 Martin Way (704-10; A-0039) (Recommend Adoption)

On April 5, 2004 the City Council adopted Resolution No. 04-10046 declaring their intent to vacate a portion of a waterline and its easement located at 2104 Martin Way. Improvement plans for this parcel include relocation of the waterline rendering a portion of our existing waterline unnecessary for present or future public use. Therefore, the owner (Bishop Wisecarver, Inc.) has requested that the City vacate this portion of the waterline and its easement in favor of the relocated waterline alignment.

CONSIDERATION

1. **RESOLUTION 04-10063** Allocating Funding for Contract 2004-05, Marina Center Parking Lot, to Construct a New Parking Lot and Associated Improvements at the Marina Center Building (Recommend Adoption)
Combined w/RDA 04-959

See Executive Summary for RDA Resolution 04-959.

2. **RESOLUTION 04-10064** Reallocating Measure C Funds and Authorizing Bidding for Contract 00-02, Buchanan Road Improvement Project, to Rehabilitate Buchanan Road from Railroad Avenue to the Eastern City Limits (Recommend Adoption)

Contract 00-02, Buchanan Road Improvement Project will rehabilitate Buchanan Road from Railroad Avenue to the Eastern City Limits. This Resolution will re-allocate funding for the project as well as authorize bidding for the project.

3. **MINUTE ORDER** Letter of Opposition AB 2135 (Levine) (Recommend Adoption)

AB 2135 (Levine) is a proposed bill that would require the City of Pittsburg to inventory City owned property that would be available to lease to wireless carriers.

4. **MINUTE ORDER** Letter of Opposition SCA22/SB1774 (Recommend Adoption)

SCA22 is a proposed Senate Constitutional Amendment and SB1774 is the enabling legislation to change the

State Constitution that would on its surface guarantee revenues to local agencies, but would also swap sales/use taxes for property taxes.

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a. **MINUTES** Dated: April 19, 2004 (Recommend Approval)

b. **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.

c. **ORDINANCE 04-1220** Second Reading of an Ordinance to Adopt Revised Water Rates and Special Water Rate Eligibility Criteria (Recommend Adoption)

On March 1, 2004, the City Council received the recommendation of the City Council Finance sub-committee to raise water rates ten percent (10%). The City thereafter adopted Resolution 04-10020 directing the Public Works and Finance Department staff to make recommended reductions in the 2003-2004 water treatment and distribution system annual operating budgets, institute appropriate public notification, and proceed with Pittsburg Municipal Code revisions to raise water rates and revise eligibility criteria for special reduced water rates for low income and handicapped customers.

d. **REPORT** Receive and File the Quarterly Investment Report as of March 31, 2004 (Recommend Acceptance)

The State of California requires the Treasurer or Chief Fiscal Officer at a minimum to submit a comprehensive quarterly report to the legislative body containing detailed information on all securities, investments and funds under the management and oversight of a public agency.

- e. **RESOLUTION 04-10065** Amendment One to Harris Agreement for Design Services for West Leland Road Extension (Recommend Adoption)
Combined w/RDA 04-960

See Executive Summary for RDA Resolution 04-960.

- f. **RESOLUTION 04-10066** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2004-05) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Citywide Landscaping & Lighting Maintenance District 88-01. Upon receipt and approval of the Engineer's report, Council will then order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the landscaping and lighting operations on a citywide basis.

- g. **RESOLUTION 04-10067** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-02, Oakhills (Fiscal Year 2004-05) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Oakhills Landscaping & Lighting Maintenance District 88-02. Upon receipt and approval of the Engineer's report, the City Council will order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the City's landscaping and lighting operations in the Oakhills area.

- h. **RESOLUTION 04-10068** Award Contract for the 2004 Water Valve Replacement Program, Request for Quotation (Recommend Adoption)

The 2004 Water Valve Replacement project is part of a long-term program established by Public Works where

water valves that become inoperable or fail over time are replaced to maintain a safe and operable water system. The contract for the 2004 Water Valve Replacement Program is funded by the Water Lines Capital Improvements Project (CIP) account.

- i. **RESOLUTION 04-10069** Authorize the Appointment of Two Pittsburg Citizens to Participate as East County Baseball Group Board of Directors to Represent the City of Pittsburg (Recommend Adoption)

The East County Baseball Group (“ECBG”), a California non-profit public benefit corporation consists of the Contra Costa County, Los Medanos College, and the Cities of Antioch, Oakley, and Pittsburg. Pursuant to the creation of the ECBG the City of Pittsburg shall appoint two Pittsburg citizens to the Board of Directors.

- j. **RESOLUTION 04-10070** United Veteran’s Council Request for City Support for an Armed Forces Day Parade on May 15, 2004 (Recommend Adoption)

The United Veteran’s Council is requesting City of Pittsburg partnership relative to presenting an Armed Forces Day parade on May 15, 2004. This parade will include all branches of the armed services who serve to protect our country.

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.)*

1. Website update

ADJOURNMENT OF THE CITY COUNCIL To: May 7, 2004 (Special Meeting)

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