

**AMENDED/CORRECTED
(SEE BOLD AND ITALICIZED ITEM IN CLOSED SESSION)**

**CITY OF PITTSBURG
MEETING OF THE REDEVELOPMENT AGENCY, CITY COUNCIL, AND
PITTSBURG POWER COMPANY**

AGENDA

MONDAY, JANUARY 5, 2004

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

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

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

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**

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

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
One (1) case.

b. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6)

Agency designated representatives:
Les White, Marc Fox, Linda Daube, IEDA

Employee Organization:
Police Officers Association

c. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

- (1) 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

- | | |
|-------------------|-----------------------------------|
| (2) Property: | Owner: |
| APN 085-193-001-6 | Pittsburg Unified School District |
| APN 085-193-004 | Tony C. Wong |
| APN 085-193-006-5 | Sadia & Nadeem Ghani-Igbal |
| APN 085-193-007-3 | Sadia G. & Nadeem G. Igbal |
| APN 085-193-008-1 | Southport Land |
| APN 085-193-009-9 | Southport Land |

Agency Negotiator:
Les White, Brad Nail, Garrett Evans

Negotiating Parties:
See Owners Above

Under Negotiation:
Both price and terms of payment

RECONVENE IN OPEN SESSION – 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

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

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 04-935**
Combined w/CC 04-9970

Approval of a Disposition and Development Agreement by the Between the City of Pittsburg and Adam and Associates Business Group, LLC and Making Certain Findings in Connection Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Adam and Associates Business Group, LLC have negotiated terms for a Disposition and Development Agreement for the sale and development of 415 Railroad Avenue, in downtown Pittsburg. The Developer will purchase approximately 8,000 square feet of land from the Agency with an approximately 13,000 improved square foot building for the fair market value of \$500,000, as determined by an appraisal dated August 4, 2003 conducted by Property Sciences (please refer to the attached 33433 Report for the analysis of determining fair market value). The Developer will rehabilitate the second floor to be used as commercial office space and any associated onsite and offsite improvements required.
2. **RESOLUTION 04-936**
Combined w/CC 04-9971

Approval of a Disposition and Development Agreement by and Between the City of Pittsburg and the Pittsburg Elks Lodge and Making Certain Findings in Connection Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of Elks have negotiated terms for a Disposition and Development and Agreement for the sale and development of approximately 60,000 square feet of vacant land generally located to the north of 340 Marina Blvd., in downtown Pittsburg. The exact area of the land to be conveyed will be determined through the Parcel Map Waiver Application process. An appraisal dated March 14, 2003 conducted by John Bouyea Associates determined the fair market value of the vacant land at that location to be \$5.50 per square foot. The approximately square footage is 60,000 square feet. Using this figure, the fair market value of the Property is

\$330,000. The Developer will construct an approximately 12, 000 square foot facility to be used as the Pittsburg Elks Lodge and any necessary onsite and offsite improvements.

CONSIDERATION

1. **RESOLUTION 04-937**
Combined w/CC 04-9976 Allocating Additional Funding for Contract 99-05, State Route 4 Flood Relief Project and Making Certain Findings in Connection Herewith (Recommend Adoption)

On May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-890, allocating funding for Contract 99-05, State Route 4 Flood Relief Project. At that same meeting, the City Council adopted Resolution No. 03-9818, awarding a construction contract for this project to North Bay Construction. During the course of construction, the Contractor has encountered a variety of construction issues which have depleted the contract contingency.

2. **RESOLUTION 04-938** Owner Participation and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Hunter Paine Enterprises, LLC (Recommend Adoption)

Hunter Paine Enterprises, LLC produces a product called Lexite™, a laminated composite of recycled rubber tire particles, paper, glass, inert materials, and formulated binder, sold as a wood substitute. The Company is establishing a manufacturing and assembly facility in the City of Pittsburg. The Borrower has requested a loan of One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) from the Redevelopment Agency of the City of Pittsburg to assist with the expansion of the Company.

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 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: November 17, 2003 and December 1, 2003 (Recommend Approval)
- b. **RESOLUTION 04-939**
Combined w/CC 04-9979 Assignment of Rights to Zandonella's Fine Italian Concessionaire Lease Agreement from the Redevelopment Agency of the City of Pittsburg to the City of Pittsburg (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg hereby transfers and assigns to the City any and all rights or interest it may have acquired in the premises, the lease, or the underlying property owned by the City, by virtue of the certain \$41,150 contribution for certain exterior patio improvements, set forth in the Amendment to Agreement re: Improvement to Outdoor Concession Area Delta View Golf Course, dated June 19, 1995, to the City of Pittsburg.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: January 20, 2004

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 04-9970**
Combined w/RDA 04-935 Approval of a Disposition and Development Agreement by the Between the City of Pittsburg and Adam and Associates Business Group, LLC and Making Certain Findings in Connection Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Adam and Associates Business Group, LLC have negotiated terms for a Disposition and Development Agreement for the sale and development of 415 Railroad Avenue, in downtown Pittsburg. The Developer will purchase approximately 8,000 square feet of land from the Agency with an approximately 13,000 improved square foot building for the fair market value of \$500,000, as determined by an appraisal dated August 4, 2003 conducted by Property Sciences (please refer to the attached 33433 Report for the analysis of determining fair market value). The Developer will rehabilitate the second floor to be used as commercial office space and any associated onsite and offsite improvements required.

2. **RESOLUTION 04-9971**
Combined w/RDA 04-936 Approval of a Disposition and Development Agreement by and Between the City of Pittsburg and the Pittsburg Elks Lodge and Making Certain Findings in Connection Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of Elks have negotiated terms for a Disposition and Development and Agreement for the sale and development of approximately 60,000 square feet of vacant land generally located to the north of 340 Marina Blvd., in downtown Pittsburg. The exact area of the land to be conveyed will be determined through the Parcel Map Waiver Application process. An appraisal dated March 14, 2003 conducted by John Bouyea Associates determined the fair market value of the vacant land at that location to be \$5.50 per square foot. The approximately square footage is 60,000 square feet. Using this figure, the fair market value of the Property is \$330,000. The Developer will construct an

approximately 12, 000 square foot facility to be used as the Pittsburg Elks Lodge and any necessary onsite and offsite improvements.

3. **RESOLUTION 04-9972** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development (Recommend Adoption)

This is an annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code. This review indicates that this fee should be increased 2.1% to reflect the increase in the San Francisco construction cost index, as published in the Engineering News Record.

4. **RESOLUTION 04-9973** Annual Review of the City's Transportation Mitigation Fee Imposed on New Development (Recommend Adoption)

This is an annual review regarding the Pittsburg Transportation Mitigation Fee charged to new development under Chapter 15.90 of the City's Municipal Code. This review indicates that this fee should be increased 2.1% to reflect the increase in the San Francisco construction cost index, as published in the Engineering News Record.

5. **RESOLUTION 04-9974** Ordering the Abandonment of Right-of-Way Known as Builders Circle (Recommend Adoption)

In August 2003, the City Council approved Subdivision 8625, Heritage Pointe, but did not abandon its interest in the street known as Builders Circle, previously dedicated by Subdivision 6843, Builders Industrial Park. Development plans for Heritage Pointe include a new private street, which will render the current right-of-way unnecessary for present or future public use. Therefore, the developer (Western Pacific Housing) has requested that the City abandon its right-of way.

6. **RESOLUTION 04-9975** Abandoning Two Sanitary Sewer Easements Located in Park Place (Recommend Adoption)

In May 2003 the City Council approved Subdivision 8653, Park Place, which included a sanitary sewer easement, located on Lot 24. Also crossing this subdivision is a sanitary sewer easement of undetermined width accepted by the City on October 2,

1950 under Resolution 2111. Development plans for this subdivision include utility improvements which will render both sewer easements unnecessary for present or future public use. Therefore, the developer (Discovery Builders) has requested that the City abandon these easements in lieu of the new alignment.

CONSIDERATION

1. **RESOLUTION 04-9976**
Combined w/RDA 04-937 Allocating Additional Funding for Contract 99-05, State Route 4 Flood Relief Project and Making Certain Findings in Connection Herewith (Recommend Adoption)

On May 19, 2003, the Redevelopment Agency adopted Resolution No. 03-890, allocating funding for Contract 99-05, State Route 4 Flood Relief Project. At that same meeting, the City Council adopted Resolution No. 03-9818, awarding a construction contract for this project to North Bay Construction. During the course of construction, the Contractor has encountered a variety of construction issues which have depleted the contract contingency.

2. **MINUTE ORDER** Application of General Plan Hillside Development Policies (Recommend Adoption)

On November 17, 2003, the Council voted to reconsider its earlier decision to apply General Plan Hillside Development policies to all land above the 500-foot contour elevation and to bring the issue back for additional discussion.

3. **RESOLUTION 04-9978** League of California Cities Ballot Initiative and the Contra Costa Coalition Principals of Agreement (Recommend Adoption)

The League of California Cities is asking for the City of Pittsburg's support for a Ballot Initiative, that requires voter approval before the State can appropriate funds designated for local governments. The Contra Costa County Mayor's Conference has also asked for Pittsburg's support for the Contra Costa Coalition's "Principals of Agreement" that has united Contra Costa Cities around the growing imperative to protect California's local services.

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 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: November 17, 2003 and December 1, 2003
(Recommend Approval)

- b. **CLAIMS** #1549 Carl Smith; #1555, Gabe Essoe; #1560 Patricia Nodal (Recommend Denial)

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

- c. **RESOLUTION 04-9979** Approval of Fourth Amendment to Concessionaire Lease Agreement with Zandonella's Fine Italian Restaurant
Combined w/RDA 04-939 (Recommend Adoption)

The City of Pittsburg and Zandonella's Fine Italian Restaurant would like to amend the existing Concessionaire Lease Agreement for the facility located at 2222 Golf Club Road.

- d. **RESOLUTION 04-9980** Revision to First Amendment to Stormwater Utility Area Agreement Between Contra Costa County Flood Control and Water Conservation District and the City of Pittsburg (Recommend Adoption)

Approving the attached resolution will authorize the City Manager to execute the First Amendment of the Stormwater Utility Area Agreement 2003, which allows the Contra Costa County Flood Control and Water Conservation District to administer a joint inspection program for inspection activities and illicit discharge control activities related to the Joint Municipal National Pollutant Discharge Elimination System (NPDES) Permit.

- e. **RESOLUTION 04-9981** Establishment of Annual Condominium Conversion Rate (Recommend Adoption)

Section 17.44.070 of the Municipal Code limits the annual number of apartments that can be converted to condominiums to an amount established by the City Council at the beginning of each calendar year.

- f. **RESOLUTION 04-9982** Reclassify One Position and Abolish Multiple Classes within the Classification Plan (Recommend Adoption)

Human Resources has conducted an analysis of the classification plan and recommends abolishing the Workforce Development Program Manager, Eligibility Technician, Planning Technician, Water Plant Operator Grade 2 and the reclassification of one position (Assistant Planner).

g. **RESOLUTION 04-9983**

Adopt the Elected Officials Benefits Schedule (Recommend Adoption)

The Elected Officials Benefits Schedule places into one source document the existing benefit programs offered to the City's elected officials. There are no changes to the benefits the elected officials (Council Member, City Clerk, Treasurer) presently receive.

h. **RESOLUTION 04-9984**

Amendment to the Plan Document for the 457 Deferred Compensation Plan (Recommend Adoption)

The Internal Revenue Service has issued updated regulations incorporating legislative amendments to Internal Revenue Code Section 457. The attached resolution integrates these amendments into the City's 457 deferred compensation plan.

i. **RESOLUTION 04-9985**

Amendment to Housing Element (Recommend Adoption)

The City Council is requested to initiate an amendment to the General Plan Housing Element to incorporate revisions requested by the State Department of Housing and Community Development (HCD) in order to certify the element.

j. **MINUTE ORDER**

Council Member Committee Assignments for 2004 (Recommend Adoption)

In accordance with the City of Pittsburg "Policies and Procedures for the City Council" adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the Mayor and Vice-Mayor shall appoint individual Council Members to standing and ad hoc committees and such appointments shall be approved by the entire Council at its first meeting in January following reorganization.

k. **RESOLUTION 04-9986**

Facility Use Agreement with Pittsburg Unified School District (Recommend Adoption)

An agreement between the City of Pittsburg and Pittsburg Unified School District has been developed relative to joint use of facilities. The agreement presents an understanding that the joint use of these facilities is of mutual benefit to the District and City as it provides additional educational and recreational services for the students and community. The agreement also sets forth, in writing, the terms, conditions and obligations of the city and the District in the use of District and City facilities. This agreement has been reviewed and approved by Pittsburg Unified School District School Board Trustees as of December 10, 2003.

- l. **RESOLUTION 04-9987** Award of Purchase Contract for Jet Rodder/Vacuum Truck (Recommend Adoption)

The City of Pittsburg Public Works Department has scheduled replacement of its 1984 Jet Rodder/Vacuum truck that is used for daily system maintenance. A nearly identical unit was recently bid by another public agency. Public Works proposes to save the staff time and resources associated with a formal bid process and “piggyback” our purchase award based on the bid process of another agency. This process has been used successfully by the City in its recent purchase of furniture for the Senior Citizens Center.

- m. **RESOLUTION 04-9988** Approve Rate Increase at Contra Costa Waste Services Recycling Center and Transfer Station (Recommend Adoption)

Contra Costa Waste Services operates the Recycling Center and Transfer Station (RCTS) on Loveridge Road and is requesting authorization for a rate increase effective January 5, 2004.

COUNCIL REPORTS - *Council members may ask questions for clarification from City staff, and make a brief announcement or 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.)*

ADJOURNMENT OF THE CITY COUNCIL To: January 20, 2004

REGULAR PITTSBURG POWER COMPANY MEETING

CONSENT

a. **MINUTES**

Dated: November 17, 2003 and December 1, 2003
(Recommend Approval)

ADJOURNMENT

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 consent 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 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 taken 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 Consolid. 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