

**AMENDED
CLOSED SESSION ITEMS ONLY**



**CITY OF PITTSBURG
AGENDA**

MONDAY, APRIL 18, 2005

**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
CITY COUNCIL**

PRESIDING

**Nancy Parent, Mayor/Chair
Michael Kee, Vice-Mayor/Vice-Chair
Ben Johnson, Council Member/Board Member
Will Casey, Council Member/Board Member
William Glynn, 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 REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property:

1. 085-164-005, 085-164-016, 085-165-009, 085-165-012, 085-165-015, 085-165-016, 085-165-017
2. 085-193-004, 820 Railroad Avenue
3. 085-193-006, 998 Railroad Avenue
4. 085-193-007, Railroad Avenue
5. 085-193-008, Railroad Avenue
6. 085-193-009, Railroad Avenue

Agency Negotiator:

1. Marc S. Grisham, Garrett Evans
2. Marc S. Grisham, Garrett Evans
3. Marc S. Grisham, Garrett Evans
4. Marc S. Grisham, Garrett Evans
5. Marc S. Grisham, Garrett Evans
6. Marc S. Grisham, Garrett Evans

Negotiating Parties:

1. Henry Alker, Southport Land and Commercial
2. Tony Wong
3. Said and Nadeem Ghani-lobal
4. Sadia and Nadeem Iqbal
5. Henry Alker, Southport Land and Commercial
6. Henry Alker, Southport Land and Commercial

Under Negotiation:

1. Both price and terms of payment
2. Both price and terms of payment
3. Both price and terms of payment
4. Both price and terms of payment
5. Both price and terms of payment
6. Both price and terms of payment

b. INITIATION OF LITIGATION PURSUANT TO SUBDIVISION (c) OF SECTION 54956.9:

Seven (7) cases

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. National Denim Day – Sexual Assault Awareness Month
2. Honoring Robert A. Beck, 2005 Administrator of the Year

COUNCIL MEMBER REPORTS/REMARKS – *Council Members may make brief announcements or informal comments at this time. 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 REPORTS/REMARKS – *The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (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)*

PITTSBURG 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 member of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **DISBURSEMENT LIST** Dated: March 31, 2005 (Recommend Approval)
- b. **MINUTES** Dated: March 21, 2005 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY To: May 16, 2005

REGULAR REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 05-1032** Authorize the Executive Director to Execute a Lease Agreement by and between the Redevelopment Agency of the City of Pittsburg and LaSjeonia and James Hutchings (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg currently owns 306-318 Railroad Avenue (APN 085-105-016). A lease agreement for the lease of 306 Railroad Avenue, a portion of an approximately 3,115 square foot commercial site, shall be executed by and between the Agency, a public body, corporate and politic and La Sjeonia Hutchings and James Hutchings doing business as Leola's Place on April 18, 2005.

2. **RESOLUTION 05-1034** Authorize the Executive Director to Execute a Lease Agreement by and between the Redevelopment Agency of the City of Pittsburg and Allen Nunley (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg currently owns 318 Railroad Avenue (APN 085-105-016). A lease agreement for the lease of 318 Railroad Avenue, a portion of an approximately 3,115 square foot commercial site, shall be executed by and between the Agency, a public body, corporate and politic and Allen Nunley doing business as Nunley's Karate Do on April 18, 2005.

CONSIDERATION

1. **RESOLUTION 05-1045** Approval of Purchase of Vacant Three-Acre Parcel for a Proposed Affordable Housing Project Anticipated with Mercy Housing California (Recommend Adoption)

Mercy Housing is a national nonprofit housing corporation. Mercy Housing California serves the local affordable housing market. Mercy Housing California has found a vacant 3-acre parcel on East Leland Road that is already zoned for multi-family housing and lies between two existing non-subsidized multi-family housing projects. The property is being offered for sale for \$1.9 million (\$14.56 a square foot) and Mercy has a purchase agreement with the owner. To meet an escrow closing deadline, Mercy is willing to assign the purchase agreement to the Agency. Agency staff is proposing to

purchase the property in anticipation of making it available to Mercy for a proposed 64-unit affordable housing project targeting income levels between \$24,660 and \$49,320 for a family of four. The property has been appraised at \$1.9 million and no environmental concerns have been identified.

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- a. **MINUTES** Dated: April 4, 2005 (Recommend Approval)
- b. **RESOLUTION 05-1046**
Combined w/CC 05-10276 Authorizing the City Manager to Begin Design in Fiscal Year 2004/05 for Certain Redevelopment Agency Funded Capital Improvement Projects Planned for Construction in Fiscal Year 2005/06 (Recommend Adoption)

On April 4, 2005, the City Council and Redevelopment Agency adopted resolutions approving a list of proposed Redevelopment Agency projects. The list specified the fiscal years that the projects would be constructed. Several projects listed for funding in FY 2005/06 could potentially begin construction in the summer of 2005 if design could be completed prior to the beginning of FY 2005/06 on July 1. This resolution will allow the design to begin on selected projects in FY 2004/05.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: May 2, 2005

PITTSBURG POWER COMPANY MEETING

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

- a. **MINUTES** Dated: April 4, 2005 (Recommend Approval)
- b. **RESOLUTION 05-128** Approving the Loan and Transfer of Funds from the Pittsburg Power Company (Fund 59) to Island Energy (Fund 58) for the Purpose of Establishing a Capital Account for New Gas and Electric Meters as Required for the New Residential Units on Mare Island (Recommend Adoption)

The Pittsburg Power Company is doing business as Island Energy on Mare Island. The loan and transfer of funds from the Pittsburg Power Company (Fund 59) to Island Energy (Fund 58) in the amount of \$650,000 is necessary to establish a capital account for the purchase and installation of new gas and electric meters which are required for the new residential housing on Mare Island. A total of 729 residential units are currently planned and under construction, with the majority planned for sale in FY 2005-2007.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 05-1241** Introduction of an Ordinance Amending Pittsburg Municipal Code Chapter 2.86, Informal Bidding Procedures (Recommend Introduction and Waive First Reading)

The City Council finds it advantageous to make amendments to the Pittsburg Municipal Code and other City purchasing-related policies in order to provide clarity of policy, clarity of procedures, and to delineate the roles and responsibilities of parties involved with City purchases. The City Council finds that the existing purchasing ordinance is too narrowly focused and that it does not establish the City's enabling legislation to enact purchasing procedures. The City Council further finds that it wishes to amend the Pittsburg Municipal Code to establish enabling legislation to enact purchasing policies and procedures, to adopt purchasing authorizations and limits by resolution, and to authorize purchasing procedures by administrative order as established by the City Manager in accordance with City Council adopted purchasing policies.

2. **RESOLUTION 05-10270** Ordering the Abandonment of a Storm Drain Easement Located in Subdivision 8605, Willow Heights (Recommend Adoption)

On November 17, 2003, the City Council (by adoption of Resolution 03-9957) approved Subdivision 8605, Willow Heights, by Western Pacific Housing. This subdivision included a storm drain easement located on Lots 76, 77, 91 and 92. Development plans for this subdivision include utility improvements, which will render the storm drain easement unnecessary for present or future public use. Therefore, the developer (Western Pacific Housing) has requested that the City abandon this easement in lieu of the new alignment.

3. **RESOLUTION 05-10271** Ordering the Abandonment of a 20' Walk and Utility Easement Located on Lot 63 of Los Medanos Estates, Unit No. 2 (4105 Brookside Drive) (Recommend Adoption)

Los Medanos Estates Unit No. 2 recorded on October 5, 1950. This subdivision included a "20' Walk and Utility Easement" located along the northerly property line of

Lot 63. Currently there are no utilities located within the easement and the easement has been closed off as a walkway for more than fifteen years. As we have no present or future prospective public use of the easement, the City desires to abandon its interest in this easement.

CONSIDERATION

1. **RESOLUTION 05-10272** Resolution in Support of Changing the Current Urban Limit Line (Recommend Adoption)

The City Council is being requested to adopt a resolution identifying its preferred Urban Limit Line Alternative.

2. **RESOLUTION 05-10273** Establishment of the Annual Stormwater Utility Area Fee for Fiscal Year 2005/2006 (Recommend Adoption)

The City Council is being requested to increase the existing Stormwater Utility Area fee to be assessed to properties in the City to finance activities necessary to comply with the Federal Clean Water Act and the City's Joint Municipal National Pollutant Discharge Elimination System (NPDES) permit.

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- a. **MINUTES** Dated: April 4, 2005 (Recommend Approval)

- b. **RESOLUTION 05-10274** Award the Purchase Contract for Water Treatment Plant Closed Circuit Television Surveillance Equipment to West Corporation (Recommend Adoption)

The Public Works Department has identified various Water Treatment Plant security equipment upgrades based on a Vulnerability Assessment prepared in compliance with the Bioterrorism Preparedness and Response Act. Public Works has received formal bids for Closed Circuit Television (CCTV) surveillance equipment for the Water Plant. Public Works staff is recommending that the City Council award the Water Treatment Plant Security Camera System contract.

- c. **RESOLUTION 05-10275** Authorizing the City Manager to Execute the 2004/05 Disadvantaged Business Enterprise (DBE) Program to Facilitate the Use of Federal Funds for Capital Improvement Projects (Recommend Adoption)

Implementation of a Disadvantaged Business Enterprise program is required by each Local Agency prior to

receiving Federal funds. Staff has established a draft DBE Program for Federal Fiscal Year 2004/05 that is in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26. Using a CALTRANS approved method, the DBE participation goal was calculated to be 9.1% participation using race conscious methods. In February 2005, Caltrans approved the draft version of the City's DBE Program, and authorized the City to advertise for public review. A copy of the City's draft DBE Program was open for public review and comment for the necessary 45 days. During this time, no comments were received from the general public.

- d. **RESOLUTION 05-10276** Authorizing the City Manager to Begin Design in Fiscal Year 2004/05 for Certain Redevelopment Agency Funded Capital Improvement Projects Planned for Construction in Fiscal Year 2005/06 (Recommend Adoption)
Combined w/RDA 05-1046

See Executive Summary for RDA 05-1046.

ADJOURNMENT To: May 2, 2005

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 - 2005

Updated April 4, 2005

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Nancy Parent / Michael Kee Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Michael Kee / William Glynn	Ad Hoc	As needed	M. Ayres
Bay Area Water Quality Dist.	Ben Johnson / Will Casey Alt.	Standing	As needed	M. Ayres
Contra Costa County Fire Dist.	Will Casey / Ben Johnson Alt.	Standing	2 nd Monday	M. Rodriguez
Delta Diablo Sanitation	Nancy Parent / Michael Kee Alt.	Standing	2 nd Wednesday	J. Fuller
East County Habitat Conserv.	Will Casey / Ben Johnson Alt.	Standing	Monthly	R. Jerome
East County Water Mgt.	Nancy Parent / Michael Kee Alt.	Standing	Annual	J. Fuller
E-PAC	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	J. Sbranti
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	J. Sbranti
Tri-Delta Transit	Nancy Parent & Michael Kee	Standing	Last Wednesday	M. Rodriguez
Water Transit Authority Comm.	Will Casey / Ben Johnson 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	Nancy Parent / Michael Kee Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Nancy Parent / William Glynn	Standing	As needed	P. Flores
Mayor's Conference	Nancy Parent / Michael Kee Alt.	Standing	1 st Thursday	M. Grisham
School District Liaison	Nancy Parent & William Glynn/Ben Johnson Alt.	Standing	Quarterly	P. Flores

<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC/CDBG	Ben Johnson & Will Casey	Standing	As needed	A. Landry
California Theatre Study	William Glynn & Will Casey	Ad Hoc	As needed	G. Evans
City/County Relations	Michael Kee / Ben Johnson Alt.	Standing	As needed	M. Grisham
Draft ULL Committee	Michael Kee & William Glynn	Ad Hoc	As needed	M. Grisham
Economic Development	Ben Johnson & Will Casey/Nancy Parent Alt.	Standing	Quarterly	B. Nail
Fee & Finance Review	William Glynn & Michael Kee	Ad Hoc	As needed	J. Sbranti
Finance Subcommittee	Ben Johnson & Will Casey	Ad Hoc	As needed	M. Simons
Land Use Subcommittee	Michael Kee & William Glynn	Ad Hoc	As needed	M. Ayres
Mallards Commemoration Signage	Michael Kee	Ad Hoc	As needed	P. Flores
Power Company Advisory	Nancy Parent & William Glynn	Standing	As needed	G. Evans
PEHDC	Will Casey & Bill Glynn	Standing	1 st Thursday	G. Evans
RDA Subcommittee	Nancy Parent & Michael Kee/William Glynn Alt.	Standing	Quarterly	G. Evans