



CITY OF PITTSBURG AGENDA

MONDAY, OCTOBER 17, 2005

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

**WORKSHOP – OVERVIEW OF MANAGEMENT AND
STAFFING STUDY OF POLICE DEPARTMENT
5:00 P.M.**

**CLOSED SESSION
6:30 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:
Jerlean Mixon, 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 - Overview of Management and Staffing Study of Police Department - 5:00 p.m.

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 – 6:30 p.m.

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Section 54956.9(a)):

Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Section 54956.9(c)):

Sixteen (16) cases

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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)*

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

- a. **DISBURSEMENT LISTS** Dated: August 31, 2005 (Recommend Approval)
- b. **MINUTES** Dated: September 19, 2005 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: November 21, 2005

REGULAR REDEVELOPMENT AGENCY MEETING

CONSIDERATION

1. **RESOLUTION 05-1091** Awarding an Exclusive Negotiating Rights Agreement by and between the Redevelopment Agency of the City of Pittsburg and Domus Development, LLC (Recommend Adoption)

On August 2, 2004, the Agency Board approved Resolution No. 04-981 which established a Unified Development Area at the northeast corner of 10th Street and Railroad Avenue. The Redevelopment Agency of the City of Pittsburg desires to enter into an Exclusive Negotiating Rights Agreement with Domus Development, LLC which provides procedures and standards for the negotiation by the Agency and Developer of a Disposition and Development Agreement for acquisition and development of the UDA.

2. **REPORT**
Combined w/CC 05-10403
Combined w/Power Company Receive Fiscal Year 2004-2005 Year-End Financial Review and Adopt Resolution Authorizing Year-End Adjustments and Reimbursements to and from the General Fund (Recommend Adoption)

Staff has completed the review of the Fiscal Year 2004-2005 year-end financial status for all City and Redevelopment Agency funds in preparation for the annual audit process that will begin on October 31, 2005. The attached Fiscal Year 2004-2005 Year-End Financial Review Preliminary – “Unaudited” Report compares all actual revenues and expenses to the amended budget for all City and Redevelopment Agency funds. This report also sets forth procedures used in past and current fiscal years for reimbursement by Special Funds to the General Fund for monies advanced by the General Fund for specific administrative support and non-general fund programs.

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- a. **MINUTES** Dated: October 3, 2005 (Recommend Approval)
- b. **RESOLUTION 05-1093** Authorizing a Second Amendment to the First Time Home Buyer Program (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg has been unable to place a qualified first time homebuyer in a home using the First Time Homebuyer Program. To enable the Program's success, Agency staff is recommending the current Program increase the down payment assistance from 17% to 24% of the purchase price, up to One Hundred Thousand Dollars (\$100,000) and decreasing the borrower's required down payment from 3% to 1%.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: October 31, 2005 at 2:30 p.m.

PITTSBURG POWER COMPANY MEETING

CONSIDERATION

1. **REPORT** Receive Fiscal Year 2004-2005 Year-End Financial
 Combined w/CC 05-10403 Review and Adopt Resolution Authorizing Year-End
 Combined w/Redevelopment Adjustments and Reimbursements to and from the
 General Fund (Recommend Adoption)
- See Executive Summary for Redevelopment Agency
Report, Consideration Item 2.

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- a. **MINUTES** Dated October 3, 2005 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 05-1253** Amending Municipal Code to Add Section 1.04.090, Regarding Consistency with State and Federal Law (Recommend Introduction and Waive First Reading)

The United States Supreme Court, in the case of *Gonzales v. Raich*, has recently opined that, notwithstanding state laws to the contrary, the possession and/or use of marijuana remains illegal under federal law. The attached ordinance would codify the Supreme Court's holding in *Gonzales v. Raich* by requiring that any use, entitlement, authorization, license or permit issued or allowed under the Pittsburg Municipal Code shall be consistent with both state and federal law.

CONSIDERATION

1. **RESOLUTION 05-10403** Receive Fiscal Year 2004-2005 Year-End Financial Review and Adopt Resolution Authorizing Year-End Adjustments and Reimbursements to and from the General Fund (Recommend Adoption)
**Combined w/Redevelopment
Combined w/Power Company**

See Executive Summary for Redevelopment Agency Report, Consideration Item 2.

2. **RESOLUTION 05-10404** Resolution of Intent to Y-Rate the City's Contribution Toward Retiree Medical Premiums (Recommend Adoption)

On July 18, 2005 the Council adopted a resolution of intent to y-rate excess contributions toward retiree medical premiums. Thereafter staff conducted outreach with the retiree health participants by providing three (3) notices regarding the intent to y-rate retiree medical premium contributions; speaking with 38 retirees by telephone; meeting individually with one retiree; corresponding by e-mail with one retiree; and holding two (2) group meetings which were attended by five (5) retirees combined. The resolution before Council tonight brings the matter of y-rating the retiree medical premium contributions back for consideration.

3. **MINUTE ORDER** City Council Recess for Winter Months (Recommend Adoption)

Historically, the City Council takes a recess during the winter months to allow for both staff and Council vacations during the holiday season. This recess has typically been taken during the period that would encompass the second meeting of December.

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: October 3, 2005 (Recommend Approval)
- b. **CLAIMS** #1649 Terri Lashay Knight; #1652 Antwana Strong and Clarence Strong; #1672 Jose F. Hernandez (Recommend Denial)

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

- c. **RESOLUTION 05-10405** Approval of Agreement to Fund Bailey Road Mitigation Measures and to Establish an Administrative Fee to Implement the Agreement, as well as Authorize Mayor to Execute the Agreement (Recommend Adoption)

The Council is requested to approve and authorize the Mayor to execute an agreement between the City of Pittsburg, City of Concord and Contra Costa County establishing a funding mechanism to partially mitigate East County traffic impacts on two Bailey Road intersections in Central County and to establish an administrative fee to implement the agreement.

- d. **RESOLUTION 05-10406** Approval of Proposed Territory for Annexation to the Community Facilities District (CFD) No. 2005-1 (Public Safety Services) (Recommend Adoption)

In accordance with the policy of the City Council and the written approvals by current property owners with respect to Bancroft Gardens I and II, Willow Brook, Lawlor Estates and Rose Glen, certain territory is proposed for annexation to the Community Facilities District (CFD) No. 2005-1 (Public Safety Services) to provide funding for police services in the respective subdivision areas. On August 1, 2005 the City Council, in a public hearing, took testimony, adopted a Resolution of Formation which formally established the District and also included a process for annexations if property owners of the proposed territory provided written approval to the City Clerk by a predetermined date, called for an Election, conducted the Election, adopted a Resolution declaring the results of the Election and introduced Ordinance No. 05-1246. Then on August 15,

2005, the City Council adopted the subject Ordinance No. 05-1246 Levying a Special Tax in Community Facilities District (CFD) 2005-1 (Public Safety Services).

- e. **RESOLUTION 05-10407** Approving Loans from General Fund to San Marco Community Facilities District No. 2004-1 Fund and Community Facilities District No. 2005-1 (Public Safety Services) Fund to Cover Cost Incurred in Fiscal Year 2004-2005 and Fiscal Year 2005-2006; to be Repaid from Future Tax Assessments (Recommend Adoption)

On May 17, 2004, the City Council took action to approve the formation of the San Marco Community Facilities District (CFD) No. 2004-1 and also approved the formation of the Community Facilities District (CFD) No. 2005-1 (Public Safety Services) on August 1, 2005. Both Districts were authorized to provide funding for police services in the respective subdivision areas. It has been determined by staff that the General Fund will be required to advance funds during both Fiscal Year 2004-2005 and Fiscal Year 2005-2006 to cover the administrative costs related to both districts. The loan of funds for both Districts will be repaid back to the General Fund from future tax assessments.

- f. **RESOLUTION 05-10408** Approval and Authorization of the City of Pittsburg Community Facilities District No. 2005-2 (Vista Del Mar) to Issue and Sell Special Tax Bonds Series 2005 (Recommend Adoption)

On September 19, 2005, the City Council adopted Resolution No. 05-10374 that established a Community Facilities District (CFD) within the Vista Del Mar Subdivision to provide funding for police services and to incur bonded indebtedness for the purpose of financing public facilities within the boundaries of the newly formed District. The proposed City Council action for the October 17, 2005 meeting will authorize staff to move forward with the issuance of the City of Pittsburg Community Facilities District No. 2005-2 (Vista Del Mar) Special Tax Bonds Series 2005.

- g. **RESOLUTION 05-10409** Authorizing the City to Treat Police Officer-Trainees in the Same Fashion as Full-time Employees by the City Paying the Employee Share of PERS (Recommend Adoption)

Due to an increase in the number of training hours for Police Officer-Trainees at the Contra Costa County Sheriff's Law Enforcement Training Center, the City is required to enroll the trainees into the Public Employee Retirement System (PERS). The Police Academy now

runs 1,040 hours and PERS membership is required for all employees who are regularly scheduled to work 1,000 or more hours per fiscal year.

- h. **RESOLUTION 05-10410** Approving a List of Material Testing and Hazardous Material Testing Firms for On-Call Material Testing/Environmental Testing Services Related to the City's Capital Improvement Projects and Authorizing the City Manager to Enter into Agreements with Selected Firms (Recommend Adoption)

The material testing on-call list will allow Staff to use pre-qualified material testing and environmental testing firms on an as-needed basis to perform various testing and reporting as required for Capital Improvement Projects.

- i. **RESOLUTION 05-10411** Approval of a Pre-qualification Process for Selecting Contractors for the City Mixed-Use Project at E. 10th Street and Railroad Avenue (Recommend Adoption)

Public Contract Code Section 20101 authorizes cities to require licensed contractors that wish to bid for public works jobs to "pre-qualify" for the right to bid on a specific public works project. Staff recommends that the City of Pittsburg take the necessary actions to establish a pre-qualification process for the mixed-use project at E. 10th Street and Railroad Avenue. A contractor that fails to qualify through the pre-qualification process will not be able to bid on the Project. In order to keep the Project on schedule, it is necessary that the pre-qualification process is adopted at the October 17 meeting; any deviation from that date will affect the commencement of construction date.

- j. **RESOLUTION 05-10412** Approval of a Pre-qualification Process for Selecting Contractors for the City Bed and Breakfast Project (Recommend Adoption)

Public Contract Code Section 20101 authorizes cities to require licensed contractors that wish to bid for public works jobs to "pre-qualify" for the right to bid on a specific public works project. Staff recommends that the City of Pittsburg take the necessary actions to establish a pre-qualification process for the Bed and Breakfast Project. A contractor that fails to qualify through the pre-qualification process will not be able to bid on the Project. In order to keep the Project on schedule, it is necessary that the pre-qualification process is adopted at the October 17 meeting; any deviation from that date will affect the commencement of construction date.

ADJOURNMENT To: October 31, 2005 at 2:30 p.m.

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 of 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 - 2005

Updated September 19, 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
ePPAC	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
Concord Naval Weapons Station	William Glynn & Ben Johnson	Ad Hoc	As needed	M. Rodriguez
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