



# **CITY OF PITTSBURG AGENDA**

**MONDAY, NOVEMBER 7, 2005**

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

**CONTINUATION OF DEPARTMENTAL ACCOMPLISHMENTS  
FROM OCTOBER 31, 2005 MEETING  
6:00 P.M.**

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

## **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**

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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.

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**CONTINUATION OF DEPARTMENTAL ACCOMPLISHMENTS** – 6:00 p.m.

**CONVENE IN OPEN SESSION FOR REGULARLY SCHEDULED MEETING** – 7:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

1. Hospice and Palliative Care Month

**PRESENTATION**

1. Draft Habitat Conservation Plan

**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 REDEVELOPMENT AGENCY MEETING

### **PUBLIC HEARING – Convened Jointly with City Council**

1. **RESOLUTION 05-10415** Consideration of Environmental Impact Report for the  
**City Council** Black Diamond Mixed Use Project (Recommend Adoption)

The Draft Environmental Impact Report (EIR) for the Black Diamond Mixed Use Project was circulated for public comment between August 12 and September 26, 2005. Staff and the City's consultant have prepared a Final EIR, which incorporates the Draft EIR (by reference), comments received on the Draft EIR, responses to those comments, and any revisions made to the Draft EIR. The Council must consider the Final EIR prepared for the Black Diamond Mixed Use Project, and must certify the Final EIR for the project before the Council, Redevelopment Agency or Planning Commission can act on any requested entitlements for the project.

2. **RESOLUTION 05-1093** Approval of a Disposition and Development Agreement  
**Combined w/CC 05-10423** by and Between the Redevelopment Agency of the City of Pittsburg, the City of Pittsburg, and Black Diamond Old Town LLC (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and Black Diamond Old Town, LLC have negotiated the terms and conditions of a Disposition and Development Agreement for the conveyance and development of an approximately seven (7) acre site located in the heart of Old Town Pittsburg and bounded by E. 5<sup>th</sup> Street to the north, Railroad Avenue to the west, E. 8<sup>th</sup> Street to the south and Black Diamond Street to the west. The Developer shall construct a mixed-use project consisting of approximately one hundred ninety-five (195) residential units, which will include fifteen percent (15%) of the units restricted to ownership and occupancy by moderate income households. The Project also includes approximately 40,000 square feet of ground floor commercial retail space along Railroad Avenue frontage and certain public improvements.

**PUBLIC HEARINGS ON RESOLUTION OF NECESSITY** – *Per Code of Civil Procedures*

*Section 1240.030, only the testimony of the property owners who have submitted a proper request to appear and be heard will be considered. The general public may be allowed to speak; however, their testimony will not be part of the hearing record.*

1. **RESOLUTION 05-1094** Request for an Agency Resolution of Necessity Declaring Certain Property Interests at 2-4 East Fifth Street as Necessary for Public Purposes and Authorizing Agency Counsel to Initiate Condemnation Proceedings for the Acquisition of Said Property Interests for Redevelopment as Part of the Los Medanos Community Development Project Area (Recommend Adoption)

This report recommends that the Redevelopment Agency of the City of Pittsburg adopt an Agency Resolution of Necessity declaring certain property interests at 2-4 East Fifth Street as necessary for public purposes and authorizing Agency special counsel, Goldfarb & Lipman LLP, to initiate condemnation proceedings for the acquisition of the property for redevelopment as part of the Black Diamond 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 member of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: October 17, 2005 (Recommend Approval)

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: November 21, 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: October 17, 2005 (Recommend Approval)

**ADJOURNMENT**

## REGULAR CITY COUNCIL MEETING

### PUBLIC HEARING

1. **RESOLUTION 05-10415** Consideration of Environmental Impact Report for the Black Diamond Mixed Use Project (Recommend Adoption)  
  
See Executive Summary under Redevelopment Agency Public Hearings, Item No. 1, for Resolution 05-10415.
2. **RESOLUTION 05-10423** Approval of a Disposition and Development Agreement by and Between the Redevelopment Agency of the City of Pittsburg, the City of Pittsburg, and Black Diamond Old Town LLC (Recommend Adoption)  
**Combined w/RDA 05-1093**  
  
See Executive Summary for Redevelopment Agency Resolution No. 05-1093.
3. **ORDINANCE 05-1254** Introduction of Ordinance That Will Add Section 10.24.060 Entitled “No Parking in Designated Street Sweeping Zones During Posted Times” to Title 10, Chapter 10.24 of the Pittsburg Municipal Code (Recommend Introduction and Waive First Reading)  
  
The problem of parked cars obstructing street sweeping operations is one that nearly every agency with high density residential areas is familiar with. Public Works staff has identified areas in the City where on-street parking consistently poses a significant obstruction to effective street sweeping activities. In an attempt to address this problem, staff is introducing a pilot program to establish permanent “NO PARKING” zones on streets and/or street segments that have been identified as problem areas for street sweeping. After an extended evaluation period, this pilot program may or may not then be expanded based on its cost and effectiveness.
4. **RESOLUTION 05-10372** Continue Public Hearing Revising the Sewer Facility Reserve Charge for Sewer Sub-basins DS601-621 and SW 109 (Recommend Continue Public Hearing to November 21, 2005)  
  
The City of Pittsburg adopted revised Sewer and Water Facility Reserve Charges (FRC) on June 20, 2005. One sewer FRC of 14 water and sewer FRCs adopted on June 20 is being considered for further revision. On September 19, the public hearing was opened and continued to November 7. The item will again be

continued to allow time for developers to complete their analysis of available data and conclude discussions with City staff regarding this FRC revision adjustment.

5. **RESOLUTION 05-10416** Adoption of a Resolution Upholding an Appeal and Approving Use Permit Application No. 04-178 (Mehran Restaurant) (Recommend Uphold the Appeal and Approve Use Permit Application)

On October 25, 2005, the Planning Commission denied a use permit to allow live entertainment consisting of amplified music and dancing of patrons at a new banquet facility proposed to be established in conjunction with a new full service restaurant located at 3841 Railroad Avenue, CC (Community Commercial) District. On October 26, 2005, Ronald J. Vincent of Mehran Restaurant, filed an appeal of the Commission's decision pursuant to Pittsburg Municipal Code Section 18.18.060.

## **CONSIDERATION**

1. **RESOLUTION 05-10420** Acceptance and Filing of Management and Staffing Study of Police Department by Matrix Consulting Group Authorizing Adoption of the 2005 Management and Staffing Study of the Pittsburg Police Department (Recommend Adoption)

The City Manager is recommending adoption of the 2005 Management and Staffing Study of the Pittsburg Police Department prepared by the Matrix Consulting Group as presented to the City Council on October 17, 2005. Upon adoption of the Study by City Council Resolution the Study will be reviewed for implementation by the City Manager and Departmental management and filed with the City Clerk.

2. **RESOLUTION 05-10421** Authorization for the City Manager to Execute a Purchase and Sale Agreement with Mr. Balvir Chand for City-Owned Surplus Property Located at 2120 Crestview Drive (APN 087-030-031) (Recommend Adoption)

The State of California Government Code Section 54220 *et seq* governs public agencies' disposal of surplus land. The Code requires that the elected body take action to designate the property as surplus before disposing of it following specific guidelines. The Council has previously declared the property as surplus, and staff has followed disposal guidelines stipulated by the Code. To complete the transaction, the Council is hereby asked to authorize the City Manager to execute a Purchase and Sale

Agreement with Mr. Balvir Chand for disposal of the property.

3. **RESOLUTION 05-10422** A Resolution Relating to Conduct of City Council Proceedings (Recommend Adoption)

The following resolution, if adopted by the City Council, will set the policy relating to the rotation of Mayor and Vice-Mayor through Election Year 2008. The policy would be reviewed within six months following the date of the 2006 Election.

**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 17, 2005 (Recommend Approval)

- b. **ORDINANCE 05-1253** Amending Municipal Code to Add Section 1.04.090, Regarding Consistency with State and Federal Law (Recommend Adoption)

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.

- c. **RESOLUTION 05-10417** Award 2005/2006 Vehicle/Equipment Purchase Contracts (Recommend Adoption)

The City of Pittsburg Public Works Department maintains a vehicle and equipment fleet with a replacement value of over \$6 million. The Department has requested, and received, bids from multiple vendors for replacement of vehicles that are past their useful life, have lower reliability and are requiring higher maintenance levels. Some of the recommended bid awards exceed the \$50,000 threshold that requires approval of the City Council. These vehicles are necessary to maintain efficient operations of the City and purchase contracts are ready to be awarded.

- d. **RESOLUTION 05-10418** Accepting Plans and Specifications and Authorizing the City Engineer to Advertise for Bids to Construct Contract 2004-10, Downtown Infrastructure Project (Recommend Adoption)



Contract 2004-10, Downtown Infrastructure Project, is for the rehabilitation of several blocks of residential infrastructure in the downtown area. The rehabilitation is anticipated to include replacement of sewer, water, storm drain, undergrounding of overhead utilities and street/sidewalk rehabilitation. Harris & Associates, Inc. is nearing completion of the bid documents for the first phase of the project, which will include water, sewer, and storm drain rehabilitation. This Resolution will accept the plans and specifications and authorize the City Engineer to advertise for bids to construct the first phase of the project.

- e. **RESOLUTION 05-10419** Directing Staff to Include in the Design and Construction of Contract 2004-10, Downtown Infrastructure Project, the Installation of a Traffic Signal at West Tenth Street and Herb White Way (Recommend Adoption)

Contract 2004-10, Downtown Infrastructure Project, provides for the rehabilitation of several blocks of residential infrastructure in the downtown area. This project will have several impacts to the roadway through the next year and a half. Ongoing development on Herb White Way requires a traffic signal to be installed at West Tenth Street and Herb White Way by the developer. The attached Resolution directs Staff to design and construct the traffic signal with Contract 2004-10 to allow for better coordination of design and construction.

**ADJOURNMENT** To: November 21, 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 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 <sup>nd</sup> Monday	M. Rodriguez
Delta Diablo Sanitation	Nancy Parent / Michael Kee Alt.	Standing	2 <sup>nd</sup> 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 <sup>nd</sup> Thursday	J. Sbranti
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 <sup>nd</sup> 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 <sup>rd</sup> Thursday	B. Nail
Library Commission	Nancy Parent / William Glynn	Standing	As needed	P. Flores
Mayor's Conference	Nancy Parent / Michael Kee Alt.	Standing	1 <sup>st</sup> 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 <sup>st</sup> Thursday	G. Evans
RDA Subcommittee	Nancy Parent & Michael Kee/William Glynn Alt.	Standing	Quarterly	G. Evans