



CITY OF PITTSBURG AGENDA

MONDAY, AUGUST 15, 2005

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

**CLOSED SESSION
5:00 P.M.**

**JOINT PLANNING COMMISSION/CITY COUNCIL WORKSHOP
DOWNTOWN DESIGN GUIDELINES
6:00 P.M.**

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

**HOUSING AUTHORITY
REDEVELOPMENT AGENCY
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.

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:

Three (3) cases

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

Eleven (11) cases

c. CONFERENCE WITH LABOR NEGOTIATORS (Section 54957.6):

Agency designated representatives:

Marc Grisham, Marc Fox, Bruce Heid

Employee organization:

AFSCME (Miscellaneous A Unit), AFSCME (Management/Professional/Confidential Unit), Teamsters

And

Unrepresented Employees

JOINT PLANNING COMMISSION/CITY COUNCIL WORKSHOP – 6:00 p.m.

1. Downtown Design Guidelines

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)*

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

a. **MINUTES** Dated: July 18, 2005 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY To: September 19, 2005

REGULAR REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 05-1066** Adoption of a Mitigated Negative Declaration for the Railroad Avenue Corridor Landscaping Project (Recommend Adoption)

Following an initial study to comply with the California Environmental Quality Act (CEQA), staff has determined adoption of a Mitigated Negative Declaration and an associated Mitigation and Monitoring Program, as well as implementation of the Mitigation and Monitoring Program, with full CEQA requirements for the Railroad Avenue Corridor Landscaping Project.

CONSIDERATION

1. **RESOLUTION 05-1067** Adoption of a Proposed Relocation Settlement Agreement with Veterans of Foreign Wars (VFW) Post #1898 (Recommend Adoption)

A 90-day notice to vacate was issued to the VFW on February 28, 2005, which expired on May 30, 2005. A 45-day extension was granted, which expired July 25, 2005. The VFW has had difficulty finding a relocation site but has agreed to vacate the premises at 2011 Railroad Avenue by August 26, 2005 and continue looking for another site on their own, subject to a negotiated all inclusive relocation settlement agreement.

2. **RESOLUTION 05-1068**
Combined w/05-1071
Combined w/05-1072 Authorizing the Approval of the Property Acquisition for the Property Located at 500 - 550 School Street, APN 073-121-001 (Recommend Adoption)

The County of Contra Costa acquired 500-550 School Street, Pittsburg, on December 14, 1983 for use as a County medical facility. The County has since relocated this facility to another site and has declared 500-550 School Street as surplus. Pursuant to Government Code Section 54222, the Redevelopment Agency of the City of Pittsburg has the opportunity to purchase the Property for Two Million Two Hundred One Thousand Seven Hundred Dollars (\$2,201,700) less the cost of demolition. The County has agreed to credit the Agency the amount of Five Hundred Twenty-Five Thousand Five Hundred Dollars (\$525,500) for the demolition and abatement of the site which makes the total net purchase price One Million

Six Hundred Seventy-Six Thousand Two Hundred Dollars (\$1,676,200). The County has also agreed to a Demolition Contingency not to exceed Fifty-Two Thousand Five Hundred Dollars (\$52,500) which is ten percent of the demolition cost, and will be held by the Title Company until December 31, 2005.

- 3. **RESOLUTION 05-1071**
Combined w/05-1068
Combined w/05-1072 Approving a Lease Agreement by and between the Redevelopment Agency of the City of Pittsburg and Contra Costa County for 500 School Street (Recommend Adoption)

See Executive Summary for Resolution 05-1068.

- 4. **RESOLUTION 05-1072**
Combined w/05-1068
Combined w/05-1071 Approving the Abatement and Demolition Contract for the Structure Located at 500 - 550 School Street (Recommend Adoption)

See Executive Summary for Resolution 05-1068.

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- a. **MINUTES** Dated: August 1, 2005 (Recommend Approval)
- b. **RESOLUTION 05-1069** Authorizing the Executive Director to Execute Contracts with Yelton Company Inc. for the Demolition of Buildings Located Along the Railroad Avenue Corridor (Recommend Adoption)

As part of the redevelopment of the Railroad Avenue and 10th Street corridors, Council previously directed staff to move forward with the demolition of several buildings located in that area. In July of 2005, City of Pittsburg Redevelopment Agency staff solicited bids for the demolition of two groups of buildings; 1.) The buildings located at 2035 Railroad Avenue and 1068 Cumberland Street, and 2.) The buildings located at 1631 and 1633 Railroad Avenue and 101, 107A, 107B, 109A and 109B School Street. After receiving five (5) bids for each demolition project, Yelton Company Inc. was determined to be the low bidder for both projects. Since the combined total of the two projects exceeds the Executive Director's signature authority, staff is requesting Redevelopment Agency authorization for the award of both projects to Yelton Company Inc.

- c. **RESOLUTION 05-1070** Reallocating Project Funds for Design and Improvements for Contract 2005-17; Pittsburg Community Center at City Park Improvements Located at 60 Civic Avenue (Recommend Adoption)

Contract 2005-17, Pittsburg Community Center at City Park Improvement Project is for the interior remodel of an existing building, purchase of a permanent modular building, and exterior site improvements. This resolution will reallocate redevelopment funds for interior remodeling design of the existing building and the purchase of a permanent modular building.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: September 19, 2005

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 05-10280** Code Enforcement Hearing for 6 West Blvd. (Recommend Tabling Resolution)

On July 18, 2005 staff recommended continuation of a resolution declaring the property at 6 West Blvd. a public nuisance pursuant to Section 1.24.050 of the Pittsburg Municipal Code.

2. **RESOLUTION 05-10360** Denial of an Appeal of Planning Commission Approval of Plans to Construct and Operate a 39-Room Motel (Use Permit and Design Review Application No. AP-05-200) (Recommend Deny Appeal, Uphold Planning Commission Decision and Adopt Resolution)

On June 28, 2005, the Planning Commission approved a use permit to establish a motel and design review of architectural plans to construct a 2-story, 39-room motel on an undeveloped 0.76 acre parcel located at 2301 Harbor Street. On July 8, 2005, a neighboring resident, Aleta Anders, filed an appeal of the Commission's decision pursuant to Pittsburg Municipal Code §18.18.060.

3. **ORDINANCE 05-1248** Amendment to Chapters 15.84 and 19.20 of the Municipal Code Pertaining to Historic Resources and the Historic Resources Commission (Recommend Introduction and Waive First Reading)

The City Council initiated a study to amend Municipal Code regulations pertaining to historic structures and the Historic Resources Commission. Staff is submitting recommended changes for Council approval.

CONSIDERATION

1. **RESOLUTION 05-10361** Authorizing the Emergency Reconstruction of a Storm Drain Line on Pittsburg-Antioch Highway (Recommend Adoption)

The wet season rains from 2004/2005 have eroded the bank and road base under the recently widened shoulder at a storm drain crossing of Pittsburg-Antioch Highway. Staff has determined that the cause of the problem was that the storm drain crossing was plugged and had thus failed, causing water to rise and to erode the bank. As a

result, the asphalt in this area has caved in and the cavity under the roadway has been growing, posing a clear and imminent threat to the safety of the roadway. This Resolution will authorize the City to contract with Bay Cities Paving and Grading, without formal bidding, for the reconstruction of the damaged section of the storm drain crossing and roadway to prevent further damage to the road and to mitigate any risk to the public.

2. **MINUTE ORDER**

Cooperative Endeavors Related to the Urban Limit Line Initiative Measure with Seecon Financial & Construction Co., Inc. and Discovery Builders, Inc. (Recommend Adoption)

The City Council to review and provide direction to City Manager on several letters of interest and proposed Memoranda of Understanding (MOU) agreements regarding a number of cooperative endeavors as it relates to the forthcoming passage of the voter-approved Urban Limit Line Initiative Measure between the City and the Measure's proponents, Seecon Financial and Construction Co., Inc. and Discovery Builders, Inc. The cooperative endeavors for subsequent Council review and consideration include: Delta View Golf Course Development; BART Transit Village Development; Buchanan Road Bypass and Montreux Property; San Marco Boulevard Extension; Permanent Green Line; Open Space Fee and Mitigation Issues; Thomas Property Acquisition, and West Leland Road Extension. The City Council may also provide direction to support the Urban Limit Line citizen initiative ballot measure, the *City of Pittsburg Voter Approved Urban Limit Line and Pre-Zoning Act*, for the Special Election on November 8, 2005; and set forth the Mayor and Councilmembers designated to work on rebuttal arguments due before the required August 22, 2005 deadline to the County Clerk; and direct the City Manager to draft a new policy for Council adoption via Resolution which rescinds the Alternate C+6+E policy (Resolution No. 05-10272) previously adopted by City Council on April 18, 2005.

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a. **MINUTES**

Dated: August 1, 2005 (Recommend Approval)

b. **CLAIMS**

#1642, Rosland Sampson; #1653 Frances A. Rhodes; #1664 Essie Butler (Recommend Denial)

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

- c. **ORDINANCE 05-1246** Second Reading of an Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services) (Recommend Adoption)

In accordance with the policy of the City Council and the agreement by current property owners with respect to Stanford Place, Marina Walk II, Bailey Estates and St. Vincent De Paul, a Community Facilities District shall be formed to provide funding for police services in the respective subdivision areas. On August 1, 2005 the City Council, in a public hearing, took testimony on this subject, adopted a Resolution of Formation, called for an Election and Ordinance No. 05-1246, Levying a Special Tax in Community Facilities District (CFD) 2005-1 (Public Safety Services). This ordinance is being brought back before the Council for adoption.

- d. **ORDINANCE 05-1247** Second Reading of Regional Transportation Development Impact Mitigation Fee Ordinance Adding Municipal Code Chapter 15.102 (Recommend Adoption)

Ordinance No. 05-1247 will create a new municipal code chapter for the Regional Transportation Development Impact Mitigation (RTDIM) Fee Program, which was enacted by City Council Resolution Nos. 05-10344 and 05-10345 on August 1, 2005. Although the actual RTDIM fee amounts will continue to be set by City Council resolution, the ordinance provides the basic framework for the collection, use and administration of the RTDIM fees in a manner that can be easily accessed by the general public in the Municipal Code.

- e. **RESOLUTION 05-10362**
Combined w/05-10363 Intent to Form a Community Facilities District (CFD) No. 2005-2 (Vista Del Mar) and to Levy a Special Tax Therein to Finance Certain Public Facilities and Services in and for Such Community Facilities District (Recommend Adoption)

In accordance with the terms of the Development Agreement between the City of Pittsburg and William Lyon Homes, Inc., a Community Facilities District (CFD) shall be formed to provide funding for police services in the Vista Del Mar Subdivision. In addition to funding police services, it has been determined by the City and Developer the need to finance the construction of certain public improvements by a future bond financing within the boundaries of the proposed CFD 2005-2 (Vista Del Mar). By this resolution the City Council will direct staff to proceed with the formation of CFD 2005-2 to provide for

public safety services and a bond financing for public facilities therein.

- f. **RESOLUTION 05-10363** **Combined w/05-10362** Declaring the Necessity to Incur a Bonded Indebtedness in and for Its Community Facilities District No. 2005-2 (Vista Del Mar) and Calling for a Public Hearing Thereon (Recommend Adoption)

See Executive Summary for Resolution 05-10362.

- g. **RESOLUTION 05-10364** Approving Plans and Specifications, and Authorizing Bidding for Contract 2004-13, Highlands Ranch Park Project (Recommend Adoption)

On February 22, 2005, the City Council and Redevelopment Agency adopted Resolutions 05-10238 and 05-1031 respectively allocating funding and awarding a consultant agreement to Hansen McArdel, Inc. for preparation of plans and specifications for Contract 2004-13, Highlands Ranch Park Project. This Resolution will accept the plans and specifications, and authorize the City Engineer to advertise for bids.

- h. **RESOLUTION 05-10365** Award of Purchase Contract for Caterpillar Backhoe/Loader (Recommend Adoption)

The Public Works Department requires the purchase of a new backhoe/loader to replace one of two existing backhoes that support water system and street maintenance activity. The recommendation is to purchase a Caterpillar 420D backhoe through the State CMAS program and relinquish the two existing backhoes to the Caterpillar vendor as "trade-ins" to reduce the purchase price of the new backhoe.

- i. **RESOLUTION 05-10366** Support for Ballot Measure Regarding Changing Positions of City Clerk and City Treasurer from Elective to Appointive (Recommend Adoption)

At the July 18, 2005 meeting, the Council adopted a Resolution ordering a special election to be held in the City of Pittsburg on November 8, 2005. Pursuant to Government Code Section 36508, the City Council placed on the November 8, 2005 ballot the questions of whether the positions of City Clerk and City Treasurer should be appointed by the City Council. The attached Resolution proclaims the Council's support for converting the positions of City Clerk and City Treasurer from elective to appointive positions.

- j. **RESOLUTION 05-10367** Police Officer Staffing Allocation Temporary Over-hires (Recommend Adoption)

There is a long lead time from when a Police Officer trainee is hired by the City of Pittsburg and when that individual has completed all training and can work a police beat alone. The Police Department presently has six vacancies and has identified nine individuals in which to extend job offers, of which eight require attendance in the 28 week police academy. Given the high caliber job applicants, the long training period, and the high probability of additional vacancies occurring during the training period, staff recommends that the City Council temporarily increase by three the Police Officer staffing allocation.

ADJOURNMENT To: August 29, 2005 at 7:00 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 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
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
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