



CITY OF PITTSBURG AGENDA

MONDAY, AUGUST 1, 2005

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

and via teleconference for Council Member Kee:

**Club Internacional de Cancun
Boulevard Kukulcan
Cancun, Quintana Roo QR77500
Mexico
Phone: #52-998-8815100**

**CLOSED SESSION
6:30 P.M.**

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

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**

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 – 6:30 p.m.

a. 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

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Partners for the Watershed

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

1. **RESOLUTION 05-1062**
Combined w/CC 05-10340 Authorize the Executive Director to Execute a Lease Agreement by and between James M. Billeci, an Individual, Doing Business As Billeci's Tax Service and the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

When the Agency leased the Property at 675, 785 and 695 Railroad Avenue to lease a portion of the building to The Mechanics Bank, it came with an existing tenant. The existing tenant is Billeci's Tax Service, at 675 Railroad Avenue, who had been operating at the Premises for several years on a month-to-month basis without a lease. Agency staff and the Tenant are proposing to enter into a Lease Agreement for lease of the Premises, commencing as of August 1, 2005.

2. **RESOLUTION 05-1065**
Combined w/CC 05-10346 Approval of Amending and Restating the Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of the Elks 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 negotiated terms for a Disposition and Development and Agreement in January 2004 for the sale and development of approximately 65,000 square feet of vacant land generally located to the north of 340 Marina Boulevard, in downtown Pittsburg and within the redevelopment project area boundaries. The Agreement will be amended and restated in its entirety to add a provision for the agency to accept a note and deed of trust for the purchase price and for the Agency to purchase an interest in the property through a use agreement. The Developer will be required to construct an approximately 12,000 square foot facility to be used as the Pittsburg Elks Lodge and any necessary onsite and offsite improvements as part of the agreement.

CONSENT CALENDAR - All matters listed under Consent Calendar are considered by the Council to be routine 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)
- b. **RESOLUTION 05-1063** Award of Consultant Agreement by and between the
Combined w/05-1064 Redevelopment Agency of the City of Pittsburg and The Zahn Group, Inc. (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg would like to retain the services of The Zahn Group, Inc. to provide project and construction management services associated with the East 10th Street and Railroad Avenue Mixed-Use Project and the Marina Bed and Breakfast Project. The Agency and the Consultant propose to enter into two Consultant Agreements to provide for project and construction management services as outlined in the scope of services attached as Exhibit A to each Agreement, respectively.

- c. **RESOLUTION 05-1064** Award of Consultant Agreement by and between the
Combined w/05-1063 Redevelopment Agency of the City of Pittsburg and The Zahn Group, Inc. (Recommend Adoption)

See Executive Summary for Item b above.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: August 15, 2005

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 05-10340** Authorize the Executive Director to Execute a Lease Agreement by and between James M. Billeci, an Individual, Doing Business As Billeci's Tax Service and the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)
Combined w/RDA 05-1062

See Executive Summary for RDA 05-1062.

2. **RESOLUTION 05-10341** Designate 2120 Crestview Drive As Surplus Property, and Authorize the City Manager to Dispose of Said Property Under the Guidelines of Government Code Section 54220 *et seq.* (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, then follow a specific protocol for its disposition. The City Council is therefore asked to designate approximately 0.93 acre of City property, located at 2120 Crestview Drive, as surplus property and to authorize the City Manager to dispose of the site in a manner commensurate with the provisions set forth in the Code.

3. **RESOLUTION 05-10342** City Council to Conduct Public Hearing, Approve Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services) (Recommend Adoption)
Combined w/05-10343
Combined w/05-1246

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. This matter was considered by the City Council at the June 20, 2005 meeting. By Resolution No. 05-10323 the City Council approved a proposed boundary map, declared its intention to establish a Community Facilities District No. 2005-1 and to levy a special tax therein to finance certain public services. In addition, this resolution

provided for the future annexation of territory and had set a public hearing for August 1, 2005.

4. **RESOLUTION 05-10343** City Council to Conduct Public Hearing, Approve Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services) (Recommend Adoption)
Combined w/05-10342
Combined w/05-1246

See Executive Summary for Item 3 above.

5. **ORDINANCE 05-1246** City Council to Conduct Public Hearing, Approve Hearing Report; Adopt Resolution of Formation, Resolution Calling Election, Conduct Election; Adopt Resolution Declaring Results of Election; First Reading of Ordinance Levying Special Tax in Community Facilities District (CFD) No. 2005-1 (Public Safety Services) (Recommend Introduction and Waive First Reading)
Combined w/05-10342
Combined w/05-10343

See Executive Summary for Item 3 above.

6. **RESOLUTION 05-10344** Approval and Adoption of the East Contra Costa Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program (Recommend Adoption)
Combined w/ 05-10345
Combined w/ 05-1247

The East Contra Costa Regional Fee and Finance Authority adopted the East Contra Costa Regional Fee Program Update final report on June 16, 2005. The report includes a revised schedule of regional transportation development impact mitigation fees and a revised projects list of transportation improvements. The attached resolutions and ordinance will establish these new fees. The urgency resolution will make the fees effective immediately.

7. **RESOLUTION 05-10345** Approval and Adoption of the East Contra Costa Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program (Recommend Adoption)
Combined w/05-10344
Combined w/05-1247

See Executive Summary for Item 6 above.

8. **ORDINANCE 05-1247** Approval and Adoption of the East Contra Costa Regional Fee Program Update Report and Regional Transportation Development Impact Mitigation (RTDIM) Fees; Adoption of an Urgency Resolution Establishing Interim RTDIM Fees; and Adoption of an Ordinance Creating a New Chapter in the Pittsburg Municipal Code for the RTDIM Fee Program (Recommend Introduction and Waive First Reading)

See Executive Summary for Item 6 above.

9. **RESOLUTION 05-10346** Approval of Amending and Restating the Disposition and Development Agreement by and between the Redevelopment Agency of the City of Pittsburg and the Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of the Elks and Making Certain Findings in Connection Herewith (Recommend Adoption)

See Executive Summary for RDA 05-1065.

CONSIDERATION

1. **RESOLUTION 05-10347** Submission of Urban Limit Line Initiative Measure to Voters at a Consolidated Election (Recommend Adoption)

The project proponent for the "City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act" has obtained sufficient petition signatures to qualify the measure for a Special Election, as verified by Contra Costa County. To consolidate a Special Election with the planned Special Statewide Election on November 8, 2005, the City must file a resolution requesting the consolidation with the County Board of Supervisors at least eighty-eight (88) days prior to the date of the election, pursuant to Cal. Elections Code Section 10400, *et seq.* The attached resolution requests such a consolidation, and also establishes the official wording for the Act that will be placed on the ballot.

2. **RESOLUTION 05-10348** Approving a Second Amendment to the East Contra Costa Regional Fee and Finance Authority Joint Exercise of Powers Agreement (Recommend Adoption)

A second amendment to the East Contra Costa Regional Fee and Finance Authority (ECCRFFA) Joint Exercise of Powers Agreement is proposed that would substantially increase the City's regional transportation development impact mitigation fee to reflect a new list of regional transportation improvements that have been identified in Fehr & Peers' final report entitled, "East Contra Costa

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)

- b. **CLAIMS** #1660, Debra Jones (Recommend Denial)

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

- c. **RESOLUTION 05-10349** Amending the CalPERS Contract Regarding Employer Paid Member Contributions (EPMC) to Suspend Contributions from July 3, 2005 through June 16, 2007 and Reinstate on June 17, 2007 (Recommend Adoption)
Combined w/05-10350

The City has negotiated with the Police Officers’ Association and the Police Managers Group to amend the Employer Paid Member Contribution portion of the contract with CalPERS. Currently the City pays the employee nine percent contribution and reports that contribution as additional compensation for retirement purposes. This action will suspend the reporting of the contribution as additional compensation for the period of July 3, 2005 – June 16, 2007.

- d. **RESOLUTION 05-10350** Amending the CalPERS Contract Regarding Employer Paid Member Contributions (EPMC) to Suspend Contributions from July 3, 2005 through June 16, 2007 and Reinstate on June 17, 2007 (Recommend Adoption)
Combined w/05-10349

See Executive Summary for 05-10350.

- e. **RESOLUTION 05-10351** Authorizing Bidding and Accepting Plans and Specifications for Contract 2004-11, Crestview Drive/Harbor Street Waterline Project (Recommend Adoption)

Contract 2004-11, Crestview Drive/Harbor Street Waterline Project, is for the installation of new waterlines on Crestview Drive and Harbor Street. The installation of these waterlines will improve water service for areas of the City. This Resolution will accept plans and specifications for the project and authorize the City Engineer to advertise for bids. This Resolution will also combine several CIP projects into one larger waterline installation project and authorize payment for contract work.

- f. **RESOLUTION 05-10352** Approving Plans, Specifications and Authorizing Bidding for Contract 2005-12, 2005 Traffic Signal Project (Recommend Adoption)

Contract 2005-12, 2005 Traffic Signal Project is for the installation of four traffic signals at the following intersections: West Leland Road and Burton Avenue, Harbor Street and Yosemite Drive, West Leland Road and Montevideo Drive, and Harbor Street and Bliss Avenue. This Resolution will accept the plans and specifications and authorizing bidding for Contract 2005-12, 2005 Traffic Signal Project.

- g. **RESOLUTION 05-10353** Authorize an Amendment to the Consultant Agreement with RBF to Include Additional Studies Related to the Buchanan Road Bypass (Recommend Adoption)

The March 2003 Project Study Report for the Buchanan Road Bypass proposes construction of a new four-lane roadway in the undeveloped hills of Contra Costa County, south of Pittsburg. While a Program Environmental Impact Report was completed in 1993, the project was not defined in specific detail with respect to engineering design or precise alignment. Before proceeding with a Subsequent/Supplemental EIR, it is necessary to complete an Alternatives Analysis that will evaluate two additional alternatives to the construction of the four-lane Buchanan Road Bypass. Therefore, approval of a second contract amendment with RBF is necessary to complete additional studies.

- h. **RESOLUTION 05-10354** Approving Consultant Agreement Amendment Number 3 with Concept Marine Associates, Inc. in Connection with Contract 02-07, Marina Dock Replacement Project (Recommend Adoption)

The George Lowy Marina Dock Replacement Project is being constructed in two phases. Phase I involved driving piles at the Marina. Phase II includes the installation of new docks and facilities at the George Lowy Marina and installation of a sheet pile wall. Consultant Agreement Amendment Number 3 will provide for additional design and construction support due to the increased scope of work as a result of changes in the project and coordination with the Marina Shoreside Project currently being designed.

- i. **RESOLUTION 05-10355** Approving Plans, Specifications and Authorizing Bidding for Contract 2005-02, Westside Addition Pavement Rehabilitation (Recommend Adoption)

On April 4, 2005, the City Council and the Redevelopment Agency adopted Resolutions No. 05-10269 and 05-1041, respectively, approving a list of projects for Fiscal Years 2004/5 through 2008/9 and allocating funding for several CIP projects. Contract 2005-02, Westside Addition Pavement Rehabilitation was included in the list of projects as 10th and Santa Fe Infrastructure. Kimley-Horn Associates has prepared the plans and specifications for the Project. This Resolution will accept the plans and specifications and authorize the City Engineer to advertise for bids.

- j. **RESOLUTION 05-10356** Acceptance of West Leland Road for Public Use According to the Final Map for San Marco Unit 1, Subdivision 7362 (Recommend Adoption)

In order to proceed with the construction of West Leland Road from Woodhill Drive to San Marco Boulevard, the road right of way offered by the Final Map for San Marco Unit 6, Subdivision 7362, needs to be accepted by the City.

- k. **RESOLUTION 05-10357** Award 2005-2006 Vehicle Purchase Contract (Recommend Adoption)

The City of Pittsburg Public Works Department maintains a fleet with a replacement value of over \$6 million. The Department requested bids from vendors for one new 2005 Chevy Tahoe Police Special and issued a Purchase Order. The Police Department has requested that the Ford Expedition that is due to be replaced this year also be a Chevy Tahoe Police Special. The cumulative total of these purchases exceeds the \$50,000 threshold that requires approval of the City Council. This equipment is necessary to maintain efficient operations of the City and a purchase agreement for the second Chevy Tahoe is ready to be awarded.

- l. **RESOLUTION 05-10358** Collective Bargaining Agreement with the Police Managers Group (Recommend Adoption)

The City of Pittsburg and the Pittsburg Police Managers Group have met and conferred in good faith regarding wages, hours and other terms and conditions of employment and have reached agreement on a new collective bargaining agreement. The PMG has ratified the collective bargaining agreement and the City Council is required to ratify the collective bargaining agreement for it to become effective.

- m. **RESOLUTION 05-10359** Authorize the City Manager to Execute an Amendment to the Animal Services Agreement Between the City of Pittsburg and Contra Costa County Animal Services (Recommend Adoption)

On June 14, 2005 the County Board of Supervisors passed a resolution authorizing the Director of Animal Services to execute contract amendments with the cities for services provided at a standard annual adjustment fee. An additional increase was also included in this amendment that will increase the costs of service to the City of Pittsburg by \$15,375.

ADJOURNMENT To: August 15, 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
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