



CITY OF PITTSBURG AGENDA

MONDAY, MAY 16, 2005

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

**CLOSED SESSION
6:00 P.M.**

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

**HOUSING AUTHORITY
REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
CITY COUNCIL**

PRESIDING

**Nancy Parent, Mayor/Chair
Michael Kee, Vice-Mayor/Vice-Chair
Ben Johnson, Council Member/Board Member
Will Casey, Council Member/Board Member
William Glynn, Council Member/Board Member**

**For the Housing Authority:
Dana Leatherwood, Housing Authority Member
Cathy Wallen, Housing Authority Member**

Pittsburg City Council meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The City Council meets regularly in the Council Chambers at 65 Civic Avenue, unless otherwise noted above.

AUDIENCE REMARKS – *The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.*

CONVENE IN CLOSED SESSION – 6:00 p.m.

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

Name of Case:

Redevelopment Agency of the City of Pittsburg, California vs. United States Steel Corporation, Case No. C 04-2349 MJ

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Two (2) cases

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. Honoring Officer Larry Lasater
2. Bike to Work Week
3. Affordable Housing Week
4. National Public Works Week

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

CONSIDERATION

1. **RESOLUTION 05-220** Consideration and Approval of Subsidy Standards (Recommend Adoption)

The City of Pittsburg Housing Authority has completed the revision process for Chapter 5 – Subsidy Standards in the 2005 Administrative Plan. These revisions address newly implemented policies and procedures issued by HUD that the Housing Authority adheres to in all program operations.

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. **DISBURSEMENT LIST** Dated: April 30, 2005 (Recommend Approval)
- b. **MINUTES** Dated: April 18, 2005 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY To: June 20, 2005

REGULAR REDEVELOPMENT AGENCY 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: May 2, 2005 (Recommend Approval)
- b. **RESOLUTION 05-1050** Authorize Year-End Financial Adjustment for Fiscal Year
Combined w/CC 05-10302 2004-05 for the Elimination of All Outstanding State of California Department of Boating and Waterways' Marina Construction Loans (Recommend Adoption)

Over the past three decades, the Pittsburg Municipal Marina has incurred a tremendous debt with the State of California Department of Boating and Waterways, in efforts to revitalize and improve the Marina and corresponding public facilities. Although the Marina is a successful enterprise, the outstanding debt is far greater than the Marina is able to support. The Redevelopment Agency of the City of Pittsburg subsidizes the annual payments due to the State on five (5) Marina Construction Loans. A full pay-off of the Loans will remove the outstanding debt from the Marina and eliminate future Agency subsidies that have been necessary to support the Marina to date.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: June 6, 2005

PITTSBURG POWER COMPANY MEETING

CONSIDERATION

- b. **RESOLUTION 05-129**
Combined w/CC 05-10294 Approving and Authorizing the City Manager and Executive Director to Execute an Operating Memorandum Pursuant to the Project Development Agreement Between Trans Bay Cable LLC, the Pittsburg Power Company, and the City of Pittsburg (Recommend Adoption)

The Pittsburg Power Company and City of Pittsburg are engaged in a power development activity with Trans Bay Cable LLC to construct a DC Transmission Line between the City and the City of San Francisco. The Operating Memorandum identifies the relationship between the PPC, City and TBC as set forth in the Project Development Agreement. The Operating Memorandum will be presented to the Federal Energy regulatory Commission as part of their Rate Making process to set rates designed to recapture the cost of development, financing construction, operation and maintenance of the Project.

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- a. **MINUTES** Dated: May 2, 2005 (Recommend Approval)
- c. **RESOLUTION 05-130**
Combined w/CC 05-10303 Ratification of Assignment of Pittsburg Power Company's Rights and Obligations Under the Owner Participation Agreements Between Pittsburg Power Company and Winter Chevrolet and Winter Honda (Recommend Adoption)

In connection with the development of the Winter Chevrolet and Winter Honda auto dealerships located in Pittsburg's Century Auto Mall, the Pittsburg Power Company entered into Owner Participation Agreements ("OPAs") with Rose Winter in January 2001. The Pittsburg Power Company wishes to exercise its option to assign its rights and obligations under the OPAs to the City of Pittsburg. The attached resolution ratifies this assignment.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 05-1243**
Combined w/05-10290 Introduction of an Ordinance Amending Chapter 13
“Water and Sewers” of the Pittsburg Municipal Code
(Recommend Introduction and Waive First Reading)

The City Council of the City of Pittsburg directed staff to conduct a complete review of both water and sewer rates to address major issues facing the water and sewer enterprises. The consulting firm of Brown and Caldwell, Engineers was authorized to perform the review of the water and sewer system rates and fees and make recommendations. The reports have been received by the City of Pittsburg and the comprehensive study of water and sewer rates resulted in recommendations to fundamentally change how the City charges different customers for utility service to ensure a more fair and equitable billing system, and increasing revenue to fund needed capital improvements.
2. **RESOLUTION 05-10290**
Combined w/05-1243 Adopt Resolution Making Changes to the Municipal
Code and Setting Water and Sewer Rates (Recommend
Adoption)

See Executive Summary for Ordinance 05-1243.
3. **RESOLUTION 05-10291** Adopt Resolution Setting Water and Sewer Facility
Reserve Charges (Recommend Adoption)

The City Council of the City of Pittsburg directed staff to conduct a complete review of both water and sewer rates to address major issues facing the water and sewer enterprises. The consulting firm of Brown and Caldwell, Engineers, was hired to review all water and sewer system rates and fees and make recommendations to ensure rate equity and adequate revenue. The analysis is complete, and reports have been received by the City. The comprehensive study of water and sewer facility reserve charges (development impact fees) resulted in recommendations to modify these charges to ensure a more fair and equitable system.
3. **RESOLUTION 05-10304** Approval of the 2005-06 Community Development Block
Grant (CDBG) Annual Administrative Plan Changes
(Recommend Adoption)

The Department of Housing and Urban Development (HUD) requires the City Council to review and approve the 2005-2006 Community Development Block Grant Annual Action Plan. The Annual Action Plan is being presented to the City Council for approval. This plan includes the CDBG funding recommendations for the 2005-2006 program year that the Council approved on March 21, 2005. HUD also requires a public hearing and a public comment period before submitting the Annual Action Plan to HUD.

CONSIDERATION

1. **RESOLUTION 05-10292** Approval of Youth Baseball League Fee Waiver Request (Recommend Adoption)

The Pittsburg Pony and Little League organizations have requested a waiver of fees for seasonal usage of city baseball field lighting. Toward that end a Memorandum of Agreement has been developed that will address field usage and the method of payment for field light usage by youth baseball leagues.

2. **RESOLUTION 05-10293** Approval of Amendment to Owner Participation Agreement Between the City of Pittsburg and Mazzei Pontiac-Cadillac, GMC (Recommend Adoption)

It is the desire of Matthew Mazzei to expand the existing Mazzei Pontiac-Cadillac, GMC dealership, currently located at the Century Auto Mall. The expansion will include an increase in the existing available inventory, add an additional new light commercial truck inventory and an additional automotive maintenance facility. In an effort to make this expansion a reality and not utilize City funds upfront, staff developed an Amendment to the existing Owner Participation Agreement (OPA) based on sales tax incentives, to narrow the gap of affordability between the seller and the buyer. Financial assistance to be provided to Mazzei within the terms and conditions of the Amendment to the existing OPA will be funded by the Economic Development Reserve Fund. At the discretion of the City Council, the Economic Development Reserve Fund may be replenished by sales tax monies in the General Fund during each annual budget process.

3. **RESOLUTION 05-10294**
Combined w/PPC 05-129 Approving and Authorizing the City Manager and Executive Director to Execute an Operating Memorandum Pursuant to the Project Development Agreement Between Trans Bay Cable LLC, the Pittsburg Power Company, and the City of Pittsburg (Recommend Adoption)

See Executive Summary for Pittsburg Power Company 05-129.

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- a. **MINUTES** Dated: May 2, 2005 (Recommend Approval)
- b. **ORDINANCE 05-1242** Adopt an Ordinance Amending Chapter 1.20 of the Pittsburg Municipal Code: Adding Subsections N-Q to Section 1.20.020 and Adding Section 1.20.040 Regarding Authority to Issue Administrative Citations (Recommend Adoption)

On May 2, 2005, Ordinance No. 05-1242 was introduced seeking City Council authorization to amend the City of Pittsburg Municipal Code to include subsections N-Q to Section 1.20.020 and requesting an amendment to add Section 1.20.040 which allows employees of the Contra Costa Mosquito and Vector Control District, upon request of the City of Pittsburg, to issue administrative citations for violations of the City of Pittsburg Municipal Code relative to public nuisance violations that attract mosquitoes and other undesirable vermin to the City of Pittsburg. This Ordinance is being brought back before the Council for adoption.

- c. **RESOLUTION 05-10295** Awarding Contract 2005-15, Traffic Signal Equipment Replacement Project, to Western Pacific Signal, LLC for Traffic Signal Controller Replacement and Advanced Transportation Management System Upgrade (Recommend Adoption)

Western Pacific Signal, LLC has proposed to provide a detailed "turnkey" upgrade of the City's Advanced Transportation Management System (ATMS) for \$417,800, including replacing traffic signal controllers and central traffic signal system to the Naztec™ brand, StreetWise™. Their proposal provides the City with a traffic signal system upgrade that will run concurrently with the existing system while the Naztec™ brand ATMS is being installed. A detailed cost breakdown of equipment to be furnished and installed, modifications to be made, and services and training to be provided are included in their proposal.

- d. **RESOLUTION 05-10296** Receipt of Two Thousand Dollar (\$2,000) Reward from Municipal Pooling Authority for the Loss Control Credit Program (Recommend Adoption)

Municipal Pooling Authority (MPA) has an incentive and reward program for participating cities who actively promote their Loss Control Program. In recognition of our Loss Control and Safety Program focus we applied for the first level of accreditation under this plan on March 24, 2005, for the period of April 1, 2004 – March 31, 2005. On May 12, 2005 we were awarded the accreditation and accompanying \$2,000 reward. We are asking the Council to receive these funds and allocate them to the Safety Committee line item in the Human Resources Department budget for program/fiscal year 2005/06.

- e. **RESOLUTION 05-10297** Approval of Final Map, Improvement Plans, Grading Plans, and Subdivision Improvement Agreement for Subdivision 8810, Willow Brook (Recommend Adoption)

The Final Map, Improvement Plans, Grading Plans, and Subdivision Improvement Agreement for Subdivision 8810, Willow Brook, are ready for acceptance.

- f. **RESOLUTION 05-10298** Initiating LAFCO Proceedings for a Reorganization of Boundaries for the Mirant Power Generation Plant Reorganization (Recommend Adoption)

This is a resolution of intent for the City to initiate Local Agency Formation Committee (LAFCO) proceedings for a reorganization of boundaries to annex 14 parcels (approximately 846 acres) located north of Willow Pass Road and south of Suisun Bay into the City of Pittsburg municipal boundary and Delta Diablo Sanitation District (DDSD). Lands proposed to be annexed include mainly industrial lands associated with the existing Mirant (former PG&E) power plant, open space areas situated along transmission and railroad corridors, and a trailer park and miscellaneous commercial properties between 1000 and 1666 Willow Pass Road: APNs 085-010-006, and 009, 085-280-005, 096-092-006, 007, 009, 012, 013 and 014, 096-100-001, 004, 016, 024, and 025.

- g. **RESOLUTION 05-10299** Declining Bids for Construction of Contract 2005-03, 2020 Railroad Avenue Facility (Recommend Adoption)

John F. Kennedy University has entered into a two-year lease agreement with the City of Pittsburg to establish a satellite campus in the City of Pittsburg. It was the intention to remodel and improve the existing City owned facilities located at 2020 Railroad Avenue as required to provide the lessee the desired use and to bring the structures in compliant with the current California Building Code. Bids were opened for the proposed improvements and the apparent low bidder for this

project was Mark Scott Construction, Inc. of Pleasant Hill, California with a base bid amount of \$404,000. Staff has budgeted \$275,000 for this work, thus the low bidder is \$129,000 or approximately 45% over the allocated budget.

- h. **RESOLUTION 05-10300** Authorizing the Acceptance of Mitigation Funds for a Kirker Creek Watershed Project (Recommend Adoption)

Regional Water Quality Control Boards (RWQCB) impose conditions on development projects to mitigate the loss of habitat or other development impacts and assesses surface and ground water fines to entities that incur permit violations under the National Pollution Discharge Elimination System (NPDES). A Bay Point developer was required to fund a habitat restoration effort as its mitigation measure for lost habitat and a project in the Kirker Creek Watershed was authorized as an acceptable project by the RWQCB. The Bay Point Developer sent a check for \$10,000 to be used toward the completion of the habitat restoration along Kirker Creek adjacent to Pittsburg-Antioch Highway.

- i. **RESOLUTION 05-10301** Allocating Additional Funding for the Water Services Replacement Contract and Making Certain Findings in Connection Herewith (Recommend Adoption)

On December 20, 2004, the City Council adopted Resolution Number 04-10208, allocating funding and awarding a construction contract for the Water Services Replacement Contract to W.R. Forde Associates. During construction, the Contractor encountered underground construction conflicts and differing site conditions. The additional change orders required have depleted the contract contingency and additional funds must be authorized.

- j. **RESOLUTION 05-10302**
Combined w/RDA 05-1050 Authorize Year-end Financial Adjustment for Fiscal Year 2004-05 for the Elimination of All Outstanding State of California Department of Boating and Waterways' Marina Construction Loans (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution No. 05-1051.

- k. **RESOLUTION 05-10303**
Combined w/PPC 05-130 Ratification of Assignment of Pittsburg Power Company's Rights and Obligations Under the Owner Participation Agreements Between Pittsburg Power Company and Winter Chevrolet and Winter Honda (Recommend Adoption)

See Executive Summary for Pittsburg Power Company
Resolution No. 05-130.

ADJOURNMENT To: May 23, 2005 (Special Joint Workshop with Bay Point MAC at
Ambrose Recreation Center)

NOTICE TO PUBLIC

SPEAKER'S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City residence in a clear and audible tone of voice.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action take by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled citizens. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at 925-252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

City Council Outside Agency/Liaison/ Sub-Committees Assignments - 2005

Updated April 4, 2005

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

<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Nancy Parent / Michael Kee Alt.	Standing	3 rd Thursday	B. Nail
Library Commission	Nancy Parent / William Glynn	Standing	As needed	P. Flores
Mayor's Conference	Nancy Parent / Michael Kee Alt.	Standing	1 st Thursday	M. Grisham
School District Liaison	Nancy Parent & William Glynn/Ben Johnson Alt.	Standing	Quarterly	P. Flores

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