



CITY OF PITTSBURG AGENDA

MONDAY, JUNE 6, 2005

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

**RECREATION AND PLANNING COMMISSION INTERVIEWS
4:00 P.M.**

**CLOSED SESSION
4:45 P.M.**

**BUDGET WORKSHOP
5:15 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**

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.

COMMISSION APPLICANT INTERVIEWS – 4:00 p.m.

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

CONVENE IN CLOSED SESSION – 4:45 p.m.

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property:

695 East Third Street, APN 073-020-004

Agency Negotiator:

Marc S. Grisham, Garrett Evans

Negotiating Parties:

California Portland Cement

Under Negotiation:

Both price and terms of payment

b. 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), Police Officers' Association, Police Managers Group, Teamsters

And

Unrepresented Employees

BUDGET WORKSHOP – 5:15 p.m.

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Hillview Junior High School Report on Washington, D.C. Field Trip

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 05-1051**
Combined w/CC 05-10305 Authorize the Executive Director to Execute a Lease Agreement by and between The Mechanics Bank and the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

On March 7, 2005, the Agency Board approved a lease with Biss/de Kat Investments to lease the Property at 675, 685 and 695 Railroad Avenue (APN 085-171-009) for the purpose of making a portion of the Property available to The Mechanics Bank on favorable lease terms. Agency staff has negotiated a lease with the Bank for 8,600 square feet of space at 695 Railroad Avenue. The Redevelopment Agency of the City of Pittsburg and the Bank are proposing to enter into a Lease Agreement for lease of the premises, commencing as of July 1, 2005.

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 16, 2005 (Recommend Approval)
- b. **RESOLUTION 05-1052** Approval of a 60-Day Extension to the Exclusive Negotiating Rights Agreement by and between the Redevelopment Agency of the City of Pittsburg and Miller-Sorg Group, Inc. (Recommend Adoption)

On February 7, 2005, the Agency Board approved Resolution No. 05-1025 which approved an Exclusive Negotiating Rights Agreement (ENRA) with Miller-Sorg Group, Inc. for a mixed-use development at the southeast corner of 10th and Cumberland Streets. The ENRA expires in 120 days (on June 7, 2005) unless it is extended for 90 days to perform an environmental review process as required by the California Environmental Quality Act (CEQA). In late April, Agency staff informed the Developer that two existing properties in the proposed project site would not be acquired by the Agency due to high acquisition and relocation costs. This action required the Developer to redesign the proposed site plan and the Developer is also redesigning the homes to fit within the new site plan. Due to the

redesign, the Developer is requesting a 60-day extension to the ENRA.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: June 13, 2005 Special
Budget Workshop/Meeting

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

- a. **MINUTES** Dated: May 16, 2005 (Recommend Approval)
- b. **RESOLUTION 05-131** Approving and Authorizing the Executive Director to Execute a Consultant Agreement by and between the Pittsburg Power Company and Spiegel & McDiarmid, Attorneys at Law (Recommend Adoption)

The Pittsburg Power Company is currently is in the process of cooperating with Trans Bay Cable LLC as part of the Trans Bay Cable Project, in a Federal Energy Regulatory Commission filing designed to obtain early approval from FERC for recovery of the necessary investments in the development, financing, construction, operation and maintenance of the Project. In addition PPC and TBC are negotiating a Purchase and Sale Agreement whereby PPC will be entitled to purchase the Project Assets (as defined in the Project Development Agreement entered into between PPC and TBC). There is a need for specialized legal assistance to deal with those elements of the Project that relate to the Federal Energy Regulatory Commission. Spiegel & McDiarmid, the law firm with whom the proposed Consulting Agreement will be entered into, are experienced attorneys specializing in FERC related cases with both municipalities and investor owned utilities.

- c. **RESOLUTION 05-132** Approving the Loan and Transfer of Funds from the Pittsburg Power Company (Fund 59) to Island Energy (Fund 58) for the Purpose of Establishing an Island Energy Development Refund Account as Required for the New Residential Units on Mare Island (Recommend Adoption)

The Pittsburg Power Company is doing business as Island Energy on Mare Island. The loan and transfer of funds from the Pittsburg Power Company (Fund 59) to Island Energy (Fund 58) in the amount of \$200,000 is necessary to establish a development refund account for the new residential housing on Mare Island. A total of 729 residential units are currently planned and under construction, with the majority planned for sale in FY

2005-2007. These funds shall be replenished starting with the FY 2005-2006 Rate Case. Refunds from this new account will be made to developers in accordance with the Island Energy Gas and Electric Tariffs.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 05-10271** Ordering the Abandonment of a 20' Walk and Utility Easement Located on Lot 63 of Los Medanos Estates, Unit No. 2 (4105 Brookside Drive) (Recommend Adoption)

Los Medanos Estates Unit No. 2 recorded on October 5, 1950. This subdivision included a "20' Walk and Utility Easement" located along the northerly property line of Lot 63. Currently there are no utilities located within the easement and the easement has been closed off as a walkway for more than fifteen years. As we have no present or future prospective public use of the easement, the City desires to abandon its interest in this easement.

2. **RESOLUTION 05-10280** Code Enforcement Hearing Regarding 6 West Boulevard (Recommend Adoption)

On May 2, 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.

3. **ORDINANCE 05-1244** Adding New Chapter 15.91 Residential Rental Housing Compliance Fee to Title 15 of the Pittsburg Municipal Code (Recommend Introduction and Waive First Reading)

The City is continuing its efforts to improve the quality of residential housing available within the City. One part of this effort is providing enforcement of the applicable legal standards for safe housing, as well as responding to complaints and concerns from members of the community. The proposed ordinance will allow the City to obtain additional funding to support this effort.

4. **ORDINANCE 05-1245** Adding New Section 1.20.030 Administrative Citations and Fee Schedule to Title 1, Chapter 1.20 of the Pittsburg Municipal Code (Recommend Introduction and Waive First Reading)

State law allows cities and counties to adopt an administrative citation program to assist in the enforcement of City and State codes regarding public health, safety and welfare. The proposed ordinance implements this program.

5. **RESOLUTION 05-10305** Authorize the Executive Director to Execute a Lease
Combined w/RDA05-1051 Agreement by and between The Mechanics Bank and
the Redevelopment Agency of the City of Pittsburg
(Recommend Adoption)

See Executive Summary for RDA 05-1051.

CONSIDERATION

1. **RESOLUTION 05-10306** Approve Use of Sister City Funds to Support a Student
Exchange Visit to Shimonoseki, Japan (Recommend
Adoption)

At the invitation of Pittsburg's Sister City, Shimonoseki, Japan, it is the desire of City staff to provide financial assistance to support a Pittsburg High School Sister City Student Exchange visit to the City of Shimonoseki, Japan.

2. **MINUTE ORDER** Policy Direction on Urban Limit Line (Recommend
Adoption)

The County Urban Limit Line (ULL) Task Force and the Board of Supervisors have each identified alternative project descriptions and alternatives to be included in the Environmental Impact Report required to be prepared in conjunction with a yet to be determined agreed upon Urban Limit Line to be placed before County voters in November 2006. Recently, several residents had suggested the City Council place a ballot measure establishing a local urban limit line before the voters instead. The Council is requested to provide policy direction to staff and its ULL task force member on its preferred course of action.

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

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

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 16, 2005 (Recommend Approval)

- b. **CLAIMS** #1628 Patricia Driver (Recommend Denial)
- (Claims against the City which may cause expenditure of funds – on file in the Office of the City Clerk)
- c. **ORDINANCE 05-1243** Second Reading of Ordinance Amending Chapter 13 “Water and Sewers” of the Pittsburg Municipal Code (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 authorized to perform the review of the water and sewer system rates and fees and make recommendations. The study recommendations to revise water and sewer rates were first considered by the City Council at a public hearing held on May 16, 2005. Consideration of this second reading of the Municipal Code Revision will finalize adoption of the water and sewer rate changes introduced on May 16.
- d. **RESOLUTION 05-10307** Abolish Obsolete Classifications (Recommend Adoption)
- The City Council outsourced the information technology function effective August 19, 2003 and the current vendor’s contract expires on August 19, 2006. The City no longer utilizes in-house computer employees for which the City previously used two classifications, Management Information Specialist and Network Technician. There are no employees in these two classifications, they are not presently used, nor are they expected to be used in the future.
- e. **RESOLUTION 05-10308** Subdivision 8795, Stanford Place, Approval of the Final Map, Grading Plans, Improvement Plans, and Subdivision Improvement Agreement (Recommend Adoption)
- The Final Map, Improvement Plans, Grading Plans, and Subdivision Improvement Agreement for Subdivision 8795, Stanford Place, are ready for acceptance.
- f. **RESOLUTION 05-10309** Lead Based Paint Hazard and Control Grant Application (Recommend Adoption)
- The Department of Housing and Urban Development (HUD) has published a Notice of Funding Availability (NOFA) for the Lead Based Paint Hazards and Control Grant Program. The Housing Department intends to request a grant of \$2 million from HUD that will provide

the bulk of funding for the City's proposed Healthy Homes Program.

- g. **RESOLUTION 05-10310** Authorizing the City Manager to Extend the Consultant Agreement by and between the City of Pittsburg and Lamphier-Gregory to Provide Environmental and Planning Services for the Trans Bay Cable Project (Recommend Adoption)

Lamphier-Gregory is an urban planning and environmental consultant firm hired by the City to assist in environmental review and planning activities related to the Trans Bay Cable Project. Complexities of the process and delays in the commencement of the environmental review have required the initial estimated budget of the consultant agreement to be increased.

- h. **REPORT** Receive and File Quarterly Investment Report as of March 31, 2005 (Recommend Adoption)

The State of California requires the Treasurer, or Chief Fiscal Officer at a minimum, to submit a comprehensive quarterly report to the legislative body containing detailed information on all securities, investments and funds under the management and oversight of a public agency.

- i. **RESOLUTION 05-10311** Approval of a Lease Agreement by and between the City of Pittsburg and the Pittsburg Elks Lodge (Recommend Adoption)

The Pittsburg Elks Lodge No. 1474 of the Benevolent and Protective Order of Elks is currently leasing 51 Marina Boulevard #C from the City of Pittsburg pursuant to a lease agreement that went into effect on July 1, 2001, attached as Exhibit A. Due to the City's Marina Sheet Pile Wall project, the City will not be able to honor Section 18 of the Initial Agreement, "Quiet Enjoyment." The Lessee has agreed to lease 2120 Crestview Drive on a temporary basis until their new lodge is ready for occupancy pursuant to the terms of a new lease agreement attached as Exhibit B.

ADJOURNMENT To: June 13, 2005 Special Budget Workshop/Meeting

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