



CITY OF PITTSBURG AGENDA

MONDAY, MAY 2, 2005

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

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

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

**REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
CITY COUNCIL**

PRESIDING

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

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

City Attorney

City Manager

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

Name of Case:

Ronald Huppert and Javier Salgado vs. City of Pittsburg, et al, United States District Court Case No. C05-1433

Bruce Chappell, v. City of Pittsburg, United States District Court, Northern District of California, Case Number C 04 4400 SI

c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One (1) case

d. 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

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. Municipal Clerks Week
2. Douglas and Betty Conner

PRESENTATION

1. eBART Project

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

CONSIDERATION

1. **RESOLUTION 05-1047** Authorization for the Redevelopment Agency to Enter into an Exclusive Negotiating Rights Agreement with Mid-Peninsula Housing Coalition for the Development of an Affordable Housing Project (Recommend Adoption)

Having received five complete proposals in response to the Agency's issuance of a Request for Proposals for the project herein referenced; and having established a ranking mechanism for determining the most qualified and otherwise most suitable developer, the Redevelopment Agency of the City of Pittsburg is requesting that the Agency Board authorize the Executive Director to enter into an Exclusive Negotiating Rights Agreement with Mid-Peninsula Housing Coalition for the development of approximately three acres of real estate located at Crestview Drive and Frontage Road.

2. **RESOLUTION 05-1048** Approving the Loan Agreement and Allocation of Funds for the Purchase, Renovation and Income Restriction of Residential Units at Fountain Plaza Apartments, 1010 Power Avenue (APN 086-020-025) (Recommend Adoption)

In its pursuit of opportunities to eliminate blight and create affordable housing in the Project Area, the Redevelopment Agency of the City of Pittsburg recommended to the Agency Board in a July 6, 2004 staff report that Micon Real Estate be provided with a loan of \$4.88 million in support of its bid to acquire and rehabilitate the Fountain Plaza Apartments. The Agency Board approved the loan with passage of resolution number 04-972. Due to unforeseeable circumstances, the Former Developer could not follow through on acquisition of the Project. Shortly thereafter, Fairfield Belmont L.P. approached the Agency and offered to undertake the Project with terms similar to those agreed to by the Agency and the Former Developer. To wit, the Agency has set forth a Loan Agreement providing a \$4.88 million loan with the Developer. For its participation, the Agency will establish affordability covenants throughout the 224 unit Project.

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a number of the Council or the public prior to the time the Council votes on the motion to adopt.*

- a. **MINUTES** Dated: April 18, 2005 (Recommend Approval)
- b. **RESOLUTION 05-1049** Authorize a Redevelopment Agency Budget Increase (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg is requesting to increase its budget to cover unexpected expenditures that have created negative balances in its RDA General accounts for 1) Contractual & Professional (75-2070-0760-4301 and 2) Legal (75-2070-0760-4305). In addition, the Agency's activities have resulted in the Agency's growth, requiring staff to remodel and build offices and cubicles on the first floor to accommodate new staff. Therefore, the Agency also requests a budget increase for RDA Program Administration Capital Outlay (75-2070-0650-5015).

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: May 16, 2005

PITTSBURG POWER COMPANY MEETING

CONSENT CALENDAR - *All matters listed under Consent Calendar are considered by the Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or the public prior to the time the Council votes on the motion to adopt.*

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

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 05-10277** Review and Approve CDBG Five Year Consolidated Plan (2005-2009) (Recommend Adoption)

The Department of Housing and Urban Development (HUD) requires the City Council to review and approve the Five Year (2005-2009) Community Development Block Grant Consolidated Plan. The Consolidated Plan is being presented to the City Council for approval. This Plan identifies local needs and how these needs will be addressed for the next five years. A public hearing must be held on the Consolidated Plan prior to submitting the plan to HUD.

2. **ORDINANCE 05-1242** 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 Introduction and Waive First Reading)

The Pittsburg Police Department is seeking City Council authorization to amend the City of Pittsburg Municipal Code to include subsections N-Q to Section 1.20.020. The Pittsburg Police Department is also 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.

3. **RESOLUTION 05-10278** Approval of the Issuance of Multifamily Housing Revenue Bonds by the City of Pittsburg for Financing the Acquisition and Renovation of Kirker Creek Apartments (Recommend Adoption)

A partnership comprised of BRIDGE Housing Corporation, BUILD (a joint venture of CalPERS and an affiliate of BRIDGE Housing Corporation) and Sares-Regis Group of Northern California has requested that the City of Pittsburg issue multifamily housing revenue bonds in an aggregate principal amount that shall not exceed \$50,000,000 to provide financing for the acquisition and rehabilitation of the Kirker Creek Apartments. The Internal Revenue Code of 1986

requires that a public hearing be convened by the duly elected representatives of the jurisdiction in which the Development is located and that said representative approve issuance of the bonds.

4. **RESOLUTION 05-10279** Code Enforcement Abatement Hearing Regarding 243 W. 10th Street (Recommend Adoption)

City staff is requesting the City Council to conduct a hearing and, based thereon, order David Shepard, the owner of the property located at 243 West 10th Street to abate the nuisance thereon and, if not abated, direct staff to take appropriate action thereafter.

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

City staff is requesting the City Council to conduct a hearing and, based thereon, order Cira Acosta, the owner of the property located at 6 West Boulevard to abate the nuisance thereon and, if not abated, direct staff to take appropriate action thereafter.

CONSIDERATION

1. **RESOLUTION 05-10281** Approval of Owner Participation Agreement Between the City of Pittsburg and Mazzei Hyundai (Recommend Adoption)

It is the desire of Matthew Mazzei to develop and operate a new Mazzei Hyundai dealership in the Century Auto Mall. In an effort to make such a development a reality and not utilize City funds upfront, staff developed an 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 OPA will be funded by the Economic Development Reserve Account. At the discretion of the City Council, the Economic Development Reserve Account may be replenished by sales tax monies in the General Fund during each annual budget process.

2. **MINUTE ORDER** Initiation of an Amendment to the Municipal Code to Restructure the Historic Resources Commission (Recommend Adoption)

Staff is requesting that the structure of the Historic Resources Commission be changed to include only members of the Planning Commission and up to two persons appointed by the Council at large, with favorable

consideration given to persons with a demonstrated interest in local history, architecture or urban design.

3. **MINUTE ORDER**

Adoption of New Commission Bylaws (Recommend Adoption)

The Council is being requested to approve new bylaws and term conversion plans for the Planning Commission, Youth Commission, Recreation Commission, Historic Resources Commission and Community Advisory Commission. This item is continued from the February 7, 2005 Council 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: April 18, 2005 (Recommend Approval)

b. **CLAIMS**

#1638, Elvin Dotson; #1639, George Benson
(Recommend Denial)

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

c. **RESOLUTION 05-10282**

Declaring the City Council's Intent to Increase Sewer and Water Facility Reserve Charges and Setting a Public Hearing for May 16, 2005 (Recommend Adoption)

In 2003 the City Council appropriated funds and directed staff to undertake a comprehensive analysis of all water and sewer utility fees and charges. The analysis was intended to determine if current utility fees and charges were fair and equitable between various customer classes, compliant with current state law and adequate to provide for both ongoing utility system maintenance and operations, as well as capital rehabilitation and expansion, to meet the needs of utility customers. The comprehensive sewer and water analysis is now complete and there is a recommendation to increase both sewer and water Facility Reserve Charges assessed to mitigate the impact of new development on the City's utility systems.

d. **RESOLUTION 05-10283**

Authorizing the City Manager to Execute Consultant Agreement Amendment Number 1 to the Current Agreement with Raines, Melton & Carella (RMC) for Preparation of Plans and Specifications for Contract 2004-09, Reclaimed Water for Irrigation Project (Recommend Adoption)

Contract 2004-9, Reclaimed Water for Irrigation Project, is for the construction of a reclaimed water pipeline from the existing reclaimed waterline on Eighth Street to the Delta View Golf Course. The reclaimed water will be used to irrigate City parks and the Delta View Golf Course. This Resolution will authorize the City Manager to execute Consultant Agreement Amendment Number 1 to the existing Agreement with Raines, Melton & Carella to prepare plans and specifications for construction.

- e. **RESOLUTION 05-10284** Authorize the City Engineer to Execute a Consultant Agreement with Leptien-Cronin-Cooper Inc. for “Assessment District Services for Fiscal Year 2005-06” for the Citywide and Oakhills Landscaping and Lighting Maintenance Assessment Districts (Recommend Adoption)

July 1, 2005 is the official retirement date for the City’s Sr. Engineering Tech. This staff person has been extremely involved in the annual renewal of the Citywide and Oakhills Landscaping and Lighting Maintenance Assessment Districts for the past fifteen years. Leptien-Cronin-Cooper, Inc. (LCC) of Martinez has provided consultant services during Pittsburg’s renewal process for the past several years. Due to the workload of the Engineering Department, staff is requesting that the City Council approve a Consultant Agreement with LCC, based on their proposal dated February 23, 2005.

- f. **RESOLUTION 05-10285** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-01, Citywide (FY 2005-06) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer’s Report is the first of three steps in the annual renewal process for the Citywide Landscaping & Lighting Maintenance District 88-01. Upon receipt and approval of the Engineer’s report, Council will then order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the landscaping and lighting operations on a citywide basis.

- g. **RESOLUTION 05-10286** Directing the Engineer of Work to Prepare and File the Annual Report for Landscaping & Lighting Assessment District 1988-02, Oakhills (FY 2005-06) (Recommend Adoption)

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer’s Report is the first of three steps in the annual renewal process for the Oakhills

Landscaping & Lighting Maintenance District 88-02. Upon receipt and approval of the Engineer's report, Council will then order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the landscaping and lighting operations in the Oakhills area.

- h. **RESOLUTION 05-10287** Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program (Recommend Adoption)

The Pittsburg Police Department is seeking City Council approval of the application to the U.S. Department of Justice for funding under the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program and authorization for the City Manager, or his designee, to act on behalf of the City in this application.

- i. **RESOLUTION 05-10288** Authorize Staff to Execute an Agreement with Seecon to Design a Bike Path Along San Marco Boulevard in Exchange for Credit Applied to the Project's In Lieu Park Dedication Fee (Recommend Adoption)

The City has a goal to add an additional Class I bike path in the San Marco Development along the west side of San Marco Boulevard. This path was not part of the original agreement with Seecon. Therefore, staff would like to negotiate a credit to apply to the in lieu park dedication fee and execute an agreement with Seecon to design and construct the bicycle path, to satisfy the community need of a bike path access.

- j. **RESOLUTION 05-10289** Supporting the City of Antioch's Efforts to Secure Additional Federal Funding for Improvements to State Route 4 (Recommend Adoption)

The City of Antioch has requested up to \$140 million from the proposed 6-year federal transportation authorization bill, H.R. 3. This resolution will support the City of Antioch's efforts to secure additional federal funding for SR 4 improvements in East Contra Costa County.

ADJOURNMENT To: May 16, 2005 *in Memory of Officer Larry Lasater*

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 March 21, 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