



CITY OF PITTSBURG AGENDA

MONDAY, MARCH 7, 2005

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

**CLOSED SESSION
6:15 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.

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 – 6:15 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), Police Officers' Association, Police Managers Group, Teamsters

And

Unrepresented Employees

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATION LITIGATION
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

One (1) case

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COUNCIL MEMBER REPORTS/REMARKS – *Council Members may make brief announcements or informal comments at this time. Council members may ask questions for clarification from City staff, and make a report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required)*

CITY MANAGER REPORTS/REMARKS – *The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (No Action Required)*

CITIZENS REMARKS – *Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda calendar should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. (No Action Required)*

REGULAR REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 05-1032** Execute Lease Agreement by and between the Agency and LaSjeonia and James Hutchings (Recommend Open Public Hearing and Continue until April 18, 2005)

The Redevelopment Agency of the City of Pittsburg currently own 306-318 Railroad Avenue (APN 085-105-016). Lease agreements for the lease of 306 Railroad Avenue to La Sjeonia and James Hutchings doing business as Leola's Place and 318 Railroad Avenue to Allen Nunley doing business as Nunley's Karate Do are going to be considered. However, both the Agency and Tenants need additional time to revise the Lease Agreements.

2. **RESOLUTION 05-1034** Execute Lease Agreement by and between the Agency and Allen Nunley (Recommend Open Public Hearing and Continue until April 18, 2005)

See Executive Summary for RDA 05-1032.

CONSIDERATION

1. **RESOLUTION 05-1033** Authorizing the Executive Director to execute a Lease Agreement by and between Biss/de Kat Investments and the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

Biss/de Kat Investments (the "Landlord") currently owns 675, 685, 695 Railroad Avenue (APN 085-171-009). The Landlord and the Redevelopment Agency of the City of Pittsburg are proposing to enter into a Lease Agreement for the lease of the Property, commencing on March 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: February 22, 2005 and February 28, 2005 (Recommend Approval)

- b. **RESOLUTION 05-1035** Authorizing the Redevelopment Agency of the City of Pittsburg to Amend Section 5.08 of Indentures of Trust for Both the Housing Set Aside Tax Allocation Bonds, 2004 Series A and the Subordinate Tax Allocation Bonds, 2004 Series A & B (Recommend Adoption)

The proposed Redevelopment Agency Board action will amend Section 5.08 of the Indentures of Trust for the Housing Set Aside Tax Allocation Bonds, 2004 Series A and the Subordinate Tax Allocation Bonds, 2004 Series A and B to permit moneys held in the Debt Service Reserve Account created under each of the Master Indentures to be invested in certain investment agreements. In December 2004, the Agency issued 2004 Series Tax Allocation Bonds, Housing and Non-Housing. The RDA financing team is recommending that the Indentures of Trust for both types of bonds be amended to allow the Debt Service Reserve Funds to be invested in certain investment contracts.

- c. **RESOLUTION 05-1036** Approving the Demolition Contract for the Structure Located at 985 Railroad Avenue, APN Numbers 085-195-007 and 085-195-005 (Recommend Adoption)

The Redevelopment Agency is in the process of acquiring and developing the property located at 985 Railroad Avenue. The Agency has acquired the property; staff is proceeding with demolition of the existing structure on the site. This resolution relates to the Redevelopment Agency's approval for the demolition contract for the existing structure.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: March 21, 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: February 22, 2005 (Recommend Approval)
- b. **RESOLUTION 05-122** Amending Pittsburg Power Company's Annual Budget for FY 2004-2005 to provide for increasing Trans Bay Cable Project Reimbursement Program Funding by \$248,500 for Environmental, Legal and Energy/Transmission Line Consultants (Recommend Adoption)

The Pittsburg Power Company is requesting a FY 2004-2005 budget increase adjustment of \$248,500 to cover reimbursable expenses for the remainder of FY 2004-2005. These reimbursable expenses include the costs of environmental, legal and energy/transmission line consultants retained by Pittsburg Power Company in performing its obligations under the Project Development Agreement entered into with Trans Bay Cable, LLC.

- c. **RESOLUTION 05-123** Award the Street Tree Pruning and Removal Contract (Recommend Adoption)

The Street Tree Pruning and Removal Contract targets various tree locations in the city for tree maintenance. The contract is funded by Pittsburg Power Company Revenue.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 04-10199** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development (Recommend Adoption)

This is an annual review regarding the regional transportation mitigation fee charged to new development under Chapter 15.100 of the City's Municipal Code. This review indicates that this fee needs to be reduced to reflect the fee program's original list of transportation improvements identified in 1994, and increased 5.0% as required by the East Contra Costa Regional Fee and Financing Authority to reflect the annual construction cost index increase from October 2003 to October 2004.

2. **ORDINANCE 05-1238** Introduction of an Ordinance to Amend Pittsburg Municipal Code 10.36.080 "Truck Routes" and Approve by Minute Order Transportation Permit Conditions (Recommend Introduce and Waive First Reading of Ordinance, and Recommend Adoption of Minute Order)

Due to concerns regarding tracking and permit compliance with our Annual Permit holders, a public hearing was opened on December 20, 2004, to discuss a proposal to eliminate Annual Transportation Permits. In order to resolve concerns expressed by a local business owner, and an Annual Transportation Permit holder, Council held this public hearing open for 60 days. In response, staff is now introducing an Ordinance that would amend Municipal Code Section 10.36.080, "Truck Routes." In addition, staff is recommending approval by minute order Permit Conditions, and a Truck Route Map to be attached to all Single Use and Annual Transportation permits. Therefore, the public hearing that opened December 20, 2004 to eliminate Annual Transportation Permits can be closed without action.

CONSIDERATION

1. **RESOLUTION 05-10247** Appropriation of Funds - Mirant Annexation (Recommend Adoption)

The City Council initiated annexation proceedings for the Mirant annexation area on January 3, 2005. The annexation submittal packet to LAFCO must include filing fee, plat map and single legal description of the 19 parcels proposed to be annexed. Staff is requesting the Council appropriate \$20,000 for the filing fee and engineering services to prepare the required plat and legal description.

2. **RESOLUTION 05-10248** Updating the Local Traffic Mitigation Fee Study (Recommend Adoption)

Fehr & Peers Associates, Inc. has proposed to prepare a local Traffic Mitigation Fee update study and an analysis of a proposed State Route 4 interchange at Range Road for an amount not to exceed \$90,990. The TMF update study will reflect a revised list of transportation improvement projects, updated growth projections, and a new nexus analysis. The Range Road Interchange analysis will determine the feasibility of including it in the local TMF. A legal review of the study is also planned.

3. **RESOLUTION 05-10251** Setting forth the City of Pittsburg's Official intent to issue Multifamily Housing Revenue Bonds to undertake the Financing of the Kirker Creek Multifamily Rental Housing Project and related actions (Recommend Adoption)

A partnership comprised of BRIDGE Housing Corporation, BUILD (a joint venture of CalPERS, and an affiliate of BRIDGE Housing) and Sares-Regis Group of Northern California is under contract to purchase the Kirker Creek apartments. The Project has 542 units of market rate rental housing. To aid in the acquisition and rehabilitation of the Project by the Partnership, the City has been asked to declare its intent to issue Multifamily Housing Revenue Bonds.

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: February 22, 2005 (Recommend Approval)

- b. **CLAIMS** #1621 Rosa Isela Joya (Recommend Denial)

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

- c. **ORDINANCE 05-1239** Adoption of an Ordinance to Rezone a 2.27 Acre Parcel for Ramar Foods at 335 Central Avenue (Rezoning Application AP-04-164) (Recommend Adoption)

On February 22, 2005 the City Council introduced and waived the second reading of Ordinance No. 05-1239 to rezone 2.27 acres located at 335 Central Avenue from a CN (Neighborhood Commercial) to a CS-O (Service Commercial with a Limited Overlay) District in order to allow a frozen food processing facility on the property with a conditional use permit. The Council must now adopt the ordinance before it can become effective.

- d. **RESOLUTION 05-10249** Amending the Water and Sewer Rate Analysis Study Consultant Agreement (Recommend Adoption)

The City Council and staff have not formally reviewed fees, charges and rates for the Water and Sewer Systems since 1998. The City's Water and Sewer System Enterprises require periodic rate analyses to ensure that they meet the program obligations of the Enterprise and the needs of the City and its customers. On November 17, 2003, the City selected the consulting firm of Brown and Caldwell to perform an independent review of City Water and Sewer rates and development connection fees. The service rates and development connection fees study is nearly complete, but additional funding is required to finish the process, including meetings with developers, specific customers and the public.

- e. **RESOLUTION 05-10250** Accepting as Complete Contract 99-05; State Route 4 Flood Relief Project at Loveridge Road (Recommend Adoption)

The City Council awarded Contract 99-05 for the State Route 4 Flood Relief Project at Loveridge Road to North Bay Construction on May 19, 2003. The project scope involved the construction of flood control improvements to Kirker Creek from the culvert under State Highway 4 continuing north (downstream) to the culvert under Loveridge Road. This project was designed and constructed to contain a 100 Year flood event and to prevent the flooding of State Route 4 at Loveridge Road and the surrounding areas in such a storm event. The Project Plans and Specification were prepared by Mark Thomas & Co. Inc. Construction of this project was completed on December 17, 2004 by North Bay Construction.

ADJOURNMENT To: March 7, 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 February 7, 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	Vacant
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	Vacant
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 nd Thursday	Vacant
Tri-Delta Transit	Nancy Parent & Michael Kee	Standing	Last Wednesday	Vacant
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
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