



CITY OF PITTSBURG AGENDA

MONDAY, MARCH 21, 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 REAL PROPERTY NEGOTIATOR (Section 54956.8)

Property:

1. 500-550 School Street, APN 073-121-001
2. Frontage Road/Crestview Properties, APN 087-030-008, 087-195-020, 087-193-001, 087-193-002, 087-193-036, 087-193-035

Agency Negotiator:

1. Marc S. Grisham, Garrett Evans
2. Marc S. Grisham, Garrett Evans

Negotiating Parties:

1. Michael Lango, Contra Costa County
2. Olivia Reynolds, Contra Costa County

Under Negotiation:

1. Both price and terms of payment
2. Both price and terms of payment

b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. Arbor Day – Tree City USA

PRESENTATION

1. Contra Costa Fire District New Paramedic Service at Station 85

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 05-218** Five and One Year Plan Revision (Recommend Adoption)

The City of Pittsburg Housing Authority has completed the revision process for the 2005 Five Year and Annual Plan. These revisions address housing services provided by the Housing Authority in the administration of the Section 8 Housing Choice Voucher Program.

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. **DISBURSEMENT LIST** Dated: February 28, 2005 (Recommend Approval)

- b. **MINUTES** Dated: February 22, 2005 (Recommend Approval)

- c. **RESOLUTION 05-219** Approving the City of Pittsburg Investment Policy of Public Funds to be Effective March 21, 2005 (Recommend Adoption)
Combined w/RDA 05-1038
Combined w/PPC 05-124
Combined w/CC 05-10260

State law requires public agencies to submit a Statement of Investment Policy to the legislative body on an annual basis for review and adoption. Eligible investments are those allowable by the State of California (Government Code Section 53600 et. seq.) and not restricted by the current investment policy for the City of Pittsburg. The City further restricts its permitted investments beyond the scope set forth by the State to provide additional safety in the management and investment of its public funds. It should be noted that the overall objective of the City's investment policy is safety of principal. The City's portfolio shall be designed in a manner responsive to the public trust and consistent with State and local law.

ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY To: April 18, 2005

REGULAR REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 05-1041** Approval of the Redevelopment Agency List of Projects, Allocations, and Funding Sources (Recommend Open Public Hearing and Continue to April 4, 2005)

Staff needs to conduct further review of the list of projects, allocations and funding sources. Because the public hearing notice has been published for this date, staff is requesting the Agency/Council open the public hearing and continue to April 4, 2005.

CONSIDERATION

1. **RESOLUTION 05-1037** Approving the Redevelopment Agency of the City of Pittsburg FY 2004-2005 Expenditure for a State Mandated ERAF Takeaway in the Amount of \$2,379,091 (Recommend Adoption)

The State of California budget included as one of its deficit eliminating measures, the transfer of Two Hundred Fifty Million Dollars (\$250,000,000) in property tax revenues from redevelopment agencies to the Education Revenue Augmentation Fund (ERAF). These shifted monies will be given to K-12 schools and community colleges to free up, for other uses, state revenues that have supported schools in past years.

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- a. **MINUTES** Dated: February 28, 2005 and March 7, 2005 (Recommend Approval)
- b. **RESOLUTION 05-1038** Approving the City of Pittsburg Investment Policy of Public Funds to be Effective March 21, 2005 (Recommend Adoption)
Combined w/HA 05-219
Combined w/PPC 05-124
Combined w/CC 05-10260
See Executive Summary for HA 05-219.
- c. **RESOLUTION 05-1039** Increase the Authorized Redevelopment Agency Department Positions and Appropriate Funds to Fill These Vacancies (Recommend Adoption)
Combined w/CC 05-10261

The Redevelopment Agency recently issued over \$120 million in bonds for projects to be completed within the next three to five years. The existing Redevelopment Agency staffing levels do not support the City's/Agency's ability to complete these projects and additional staff is requested. The City Council is asked to add four positions and the Redevelopment Agency is asked to appropriate money to fund the new positions.

d. **RESOLUTION 05-1040**
Combined w/CC 05-10257

Authorizing a Consultant Agreement Amendment with Azari Engineering for Design of Contract 2005-05, East Leland Road Pavement Rehabilitation Project (Recommend Adoption)

Contract 2005-08, East Leland Road Pavement Rehabilitation Project is for the rehabilitation of Leland Road from Dover Way to the eastern City Limits. The design for this project was originally to be performed using the City's On-Call Civil Engineering list, which has a consultant fee cap of \$150,000. After expanding the scope to include a larger segment of Leland Road the proposal for design of the project exceeds the fee cap for the on-call Civil Engineering list. This Resolution will authorize an amendment to the Consultant Agreement with Azari Engineering to allow the design fee for this project to exceed the On-Call Civil Engineering fee cap.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: April 4, 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: March 7, 2005 (Recommend Approval)
- b. **RESOLUTION 05-124** Approving the City of Pittsburg Investment Policy of
Combined w/HA 05-219 Public Funds to be Effective March 21, 2005
Combined w/RDA 05-1038 (Recommend Adoption)
Combined w/CC 05-10260 See Executive Summary for HA 05-219.
- c. **RESOLUTION 05-125** Authorizing the Executive Director to Execute a
Consultant Agreement by and between the Pittsburg
Power Company and McDonald Partners (Recommend
Adoption)

The Pittsburg Power Company is currently developing a Purchase and Sale Agreement with the Trans Bay Cable LLC as part of the Trans Bay Cable Project. McDonald Partners successfully assisted staff on the Project Development Agreement for the Trans Bay Cable Project at the recommendation of the City's Finance Team. Retaining McDonald Partners will assist in developing and reviewing the Purchase and Sale Agreement for the Trans Bay Cable Project.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 05-1240** Introduction of an Ordinance to Amend Overlay District Standards for 1.74 Acres at 1201 California Avenue (Hampton Inn and Suites) (Recommend Introduction and Waive First Reading)

The Planning Commission is recommending that the City Council adopt an ordinance amending the existing overlay zoning district development regulations governing 1.74 acres located at 1201 California Avenue, by increasing the maximum building height to 55 feet and amending the minimum off-street parking requirement for hotel uses, in order to allow development of a 96-room Hampton Inn and Suites hotel on the site.

2. **RESOLUTION 05-10252** Community Advisory Commission Funding Recommendations for the 2005-06 CDBG Program Year (Recommend Adoption)

The Department of Housing and Urban Development (HUD) has notified the City of Pittsburg of its intention to award the City a Community Development Block Grant in the amount of \$741,240 for program year 2005-2006. As required by HUD, the Community Advisory Commission has prepared their funding recommendations for Council's review and approval.

CONSIDERATION

1. **MINUTE ORDER** West Coast Transit Village – Preliminary Plan (Recommend Adoption)

This is a study session to review a proposal to construct 1,040 apartment units, approximately 75,000 square feet of commercial office space and 32,000 square feet of retail space on a 23.5 acre property located west of the Pittsburg/Bay Point BART Station and reconsider/ reaffirm development alternatives outlined in the Environmental Impact Report for the Pittsburg/Bay Point BART Area Specific Plan.

2. **MINUTE ORDER** Planning Commission Request to Re-establish the City Council/Planning Commission Land Use Committee (Recommend Adoption)

The Planning Commission has requested that the Council re-establish a City Council/Planning Commission Land Use Committee to provide early feedback and direction on large, complex development projects and general plan amendment applications.

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- a. **MINUTES** Dated: February 28, 2005 and March 7, 2005
(Recommend Approval)
- b. **ORDINANCE 05-1238** Adopt an Ordinance Amending Pittsburg Municipal Code 10.36.080 "Truck Routes" (Recommend Adoption)

On March 7, 2005, staff introduced an ordinance to amend Municipal Code Section 10.36.080, "Truck Routes." Currently, the adopted truck routes are out-of-date and need to be updated to reflect existing City limits, street infrastructure and traffic circulation. Input from the trucking industry, existing street geometry and structural section, and existing truck traffic patterns were used to evaluate which routes were most appropriate for including in the revised list of truck routes.

- c. **RESOLUTION 05-10253** Ratification of Councilmember Compensation When Serving as Redevelopment Agency Members (Recommend Adoption)
- California law allows City Councilmembers to receive \$30 per meeting, for up to four meetings per month, when serving as Redevelopment Agency members. The City of Pittsburg has for many years followed this law and allowed Councilmembers to receive this compensation. The attached resolution ratifies this past practice.
- d. **RESOLUTION 05-10254** Declaring the City Council's Intent to Abandon a Storm Drain Easement Located in Subdivision 8605, Willow Heights (Recommend Adoption)

On November 17, 2003, the City Council (by adoption of Resolution 03-9957) approved Subdivision 8605, Willow Heights, by Western Pacific Housing. This subdivision included a storm drain easement located on Lots 76, 77, 91 and 92. Development plans for this subdivision include utility improvements, which will render the storm drain easement unnecessary for present or future public use. Therefore, the developer has requested that the

City abandon its interest in this easement in lieu of a new alignment in the right-of-way.

- e. **RESOLUTION 05-10255** Declaring the City Council's Intent to Abandon a "20' Walk and Utility Easement" Located on Lot 63 of Los Medanos Estates Unit No. 2 (4105 Brookside Drive) (Recommend Adoption)

On October 5, 1950 the final map for Los Medanos Estates Unit No. 2 was recorded. Included on this map is a "20' Walk and Utility Easement" located on Lot 63. Currently there are no utilities located within the easement and the area has been closed off as a walkway for over fifteen years. As the City has no present or prospective future public use of the easement, the City desires to abandon its interest in this easement.

- f. **RESOLUTION 05-10256** Award Purchase Contract for Ten Wheel Dump Truck (Recommend Adoption)

The City of Pittsburg Public Works Department maintains a fleet with a replacement value of over \$6 million. The Department has requested, and received, bids from vendors for replacement of vehicles and equipment that are past their useful life, have lower reliability and are requiring higher maintenance levels. Some of the bids exceeded 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 a 10-yard dump truck is ready to be awarded.

- g. **RESOLUTION 05-10257**
Combined w/RDA 05-1040 Authorizing a Consultant Agreement Amendment with Azari Engineering for Design of Contract 2005-05, East Leland Road Pavement Rehabilitation Project (Recommend Adoption)

See Executive Summary for RDA 05-1040.

- h. **RESOLUTION 05-10258** Authorization of an Arbitrage Rebate Payment of \$108,555.38 to the United States Treasury Related to the Series 1997 Water Revenue Bonds (Recommend Adoption)

Pursuant to the 1986 Tax Reform Act, the United States tax code requires all municipalities and redevelopment agencies to rebate to the Federal government any excess interest earnings generated from the investment of bond proceeds and/or debt reserve funds in excess of the original bond yield or borrowing rate. These excess earnings are commonly referred to as "arbitrage." All bonds classified as tax-exempt with a value over \$5

million that are issued after 1986 require the calculation of arbitrage rebate liability every five years.

- i. **RESOLUTION 05-10259** Reclassification of One Incumbent Employee Based on a Job Audit (Recommend Adoption)

The Public Works and Human Resources Departments have conducted an analysis of the work performed by one Maintenance Worker II – Facilities and Utilities. The analysis determined the scope of work performed by the incumbent employee would be more appropriately classified as an Electrician.

- j. **RESOLUTION 05-10260** Approving the City of Pittsburg Investment Policy of Public Funds to be Effective March 21, 2005 (Recommend Adoption)
Combined w/HA 05-219
Combined w/RDA 05-1038
Combined w/PPC 05-124

See Executive Summary for HA 05-219.

- k. **RESOLUTION 05-10261** Increase the Authorized Redevelopment Agency Department Positions and Appropriate Funds to Fill These Vacancies (Recommend Adoption)
Combined w/RDA 05-1039

See Executive Summary for RDA 05-1039.

ADJOURNMENT To: April 4, 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