



# **CITY OF PITTSBURG AGENDA**

**TUESDAY, JANUARY 18, 2005**

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

**WORKSHOP – COMMUNITY SURVEY RESULTS  
5:00 – 6:00 P.M.**

**COMMISSION/COMMITTEE INTERVIEWS  
6:00 – 6:15 P.M.**

**CLOSED SESSION  
6:15 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**

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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.

**WORKSHOP – STRATEGY RESEARCH INSTITUTES’ COMMUNITY SURVEY RESULTS** – 5:00 p.m.

**COMMISSION/COMMITTEE INTERVIEWS** – 6:00 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** – 6:15 p.m.

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

Name of Case:

Calpine et al vs. State Board of Equalization, San Diego Superior Court Case No. GIC 828751

- c. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

2 & 4 Davi Avenue, APN 086-083-021  
12 & 14 Davi Avenue, APN 086-083-022  
22 & 24 Davi Avenue, APN 086-083-023  
32 & 34 Davi Avenue, APN 086-083-024  
42 & 44 Davi Avenue, APN 086-083-025  
52 & 54 Davi Avenue, APN 086-083-026  
62 & 64 Davi Avenue, APN 086-083-027  
72 & 74 Davi Avenue, APN 086-083-028  
82 & 84 Davi Avenue, APN 086-083-029  
92 & 94 Davi Avenue, APN 086-083-030  
102 & 104 Davi Avenue, APN 086-083-031  
112 & 114 Davi Avenue, APN 086-083-032  
122 & 124 Davi Avenue, APN 086-083-033  
132 & 134 Davi Avenue, APN 086-083-034  
142 & 144 Davi Avenue, APN 086-083-035  
152 & 154 Davi Avenue, APN 086-083-036  
162 & 164 Davi Avenue, APN 086-083-037  
172 & 174 Davi Avenue, APN 086-083-038  
182 & 184 Davi Avenue, APN 086-083-039  
192 & 194 Davi Avenue, APN 086-083-040

Agency Negotiator:

Marc Grisham, Garrett Evans

Negotiating Party:

Bell Improvement Group Inc.

Under Negotiation:

Both price and terms of payment

**CONVENE IN OPEN SESSION** – 7:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATION**

1. Regional Punt/Pass/Kick Winner – Alison Bynum

**PRESENTATION**

1. Contra Costa Council on Aging Report – Bertha Stobb
2. New City Employee Introductions
3. Report on Status of Public Works Department's Progress on Developing Replacement Municipal Wells for the Existing Ballpark and Rossmoor Wells

**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**

**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: December 20, 2004 (Recommend Approval)

**ADJOURNMENT OF THE PITTSBURG HOUSING AUTHORITY** To: February 22, 2005

## REGULAR REDEVELOPMENT AGENCY MEETING

### PUBLIC HEARING

1. **RESOLUTION 05-1020**  
**Combined w/CC 05-10213** Approval of a Disposition and Development Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. and Making Certain Findings in Connection Herewith (Recommend Adoption)  
  
The Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. have negotiated the terms and conditions for the disposition and development of a 1.75 acre portion of a larger 15.50 acre parcel (APN 095 150 013) located on the north side of West Leland Road. The Developer shall purchase the property from the Agency for the above-appraised value of Four Hundred Twenty Thousand Dollars (\$420,000) and shall develop seven (7) single family residential units which will include one (1) affordable unit.
  
2. **RESOLUTION 05-1021**  
**Combined w/CC 05-10214** Allocate Redevelopment Funds, Authorize Staff to Review and Approve Construction Documents and Authorize Bidding and Approve Lease Agreement Between the City of Pittsburg and John F. Kennedy University for 2020 Railroad Avenue Facility (Recommend Adoption)  
  
John F. Kennedy University shall lease the City-owned facility located at 2020 Railroad Avenue to establish a satellite campus in the City of Pittsburg. Proposed modifications to the facility will bring both the permanent building and the adjacent modular building on site to proper Americans with Disabilities Act (ADA) standards and provide the proper accommodations for JFKU administration, faculty and student body. Proposed modifications will be funded by the Redevelopment Agency's Railroad Avenue Corridor Fund and will not exceed \$370,000. City staff will perform the review and approval of the construction documents and will go out to bid for the completion of the facility improvements.

**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: January 3, 2005 (Recommend Approval)

b. **REPORT**

Approval of the Redevelopment Agency's Annual Report for Fiscal Year 2003-2004 (Recommend Adoption)

Pursuant to Health and Safety Code 33080.1, the Redevelopment Agency of the City of Pittsburg is required to present an annual report to its legislative body within six months of the end of the Agency's fiscal year. The Annual Report packages were delivered to the Agency Board Members on December 28, 2004. This staff report includes any requested changes made by the Agency Board before submission to the State of California.

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: February 7, 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. **RESOLUTION 05-120** Approve and Authorize the Executive Director to Execute a Contract between Contra Costa Electric and the Pittsburg Power Company Regarding the Emergency Replacement for a Failed Section of the 2.4 kV Electric Distribution System on Mare Island and Amend Island Energy Annual Budget for FY 2004-2005 to Provide Unbudgeted Funds for the Replacement of the Failed Line (Recommend Adoption)

Island Energy experienced an underground 2.4 kV line failure in December. The failure was inspected and the necessary drawings, specifications and bill of materials identifying the repair were prepared in order to allow for the necessary bid on the replacement project. The solicitations for a bid on the emergency replacement project were forwarded to qualified firms and the successful bidder submitted a fixed price bid for \$169,874.00. In order to fund the emergency replacement project, it is necessary to increase Island Energy's Annual Budget for FY2004-2005 by \$186,861 for this emergency repair project, which includes 10% for contingency funds.

### **ADJOURNMENT OF THE PITTSBURG POWER COMPANY**

## REGULAR CITY COUNCIL MEETING

### PUBLIC HEARING

1. **RESOLUTION 05-10213** Approval of a Disposition and Development Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Discovery Builders, Inc. and Making Certain Findings in Connection Herewith (Recommend Adoption)  
**Combined w/RDA 05-1020**  
  
See Executive Summary for Redevelopment Agency Resolution 05-1020.
2. **RESOLUTION 05-10214** Allocate Redevelopment Funds, Authorize Staff to Review and Approve Construction Documents and Authorize Bidding and Approve Lease Agreement Between the City of Pittsburg and John F. Kennedy University for 2020 Railroad Avenue Facility (Recommend Adoption)  
**Combined w/RDA 05-1021**  
  
See Executive Summary for Redevelopment Agency Resolution 05-1021.
3. **RESOLUTION 04-10199** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development (Recommend Open Public Hearing and Continue to February 22, 2005)  
  
Due to pending litigation on the issue of Regional Transportation Mitigation Fees, it is recommended that the City Council open the Public Hearing noticed for tonight and continue it to the next regularly scheduled City Council meeting on February 22, 2005.
4. **RESOLUTION 04-10203** Authorizing the City Manager to Execute Task Order Number 1 to the Joint Powers Agreement with Delta Diablo Sanitation District Dated September 24, 1999 for Irrigation Using Reclaimed Water on Additional Sites within the City (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 Task Order Number 1 to the Joint Powers Agreement with Delta Diablo Sanitation District to use



reclaimed water for irrigation of sites planned for irrigation upon construction of the Project.

5. **RESOLUTION 05-10215** Establishment of an Inclusionary Housing In Lieu Fee and Inclusionary Housing Monitoring Fee (Recommend Open Public Hearing and Continue to February 7, 2005)

The City's recently adopted inclusionary housing ordinance allows developers, in limited circumstances, to pay a fee to the City in lieu of constructing the required affordable units, and authorizes the Council to establish by resolution the amount of the in lieu fee. The ordinance also allows the City Council to establish fees in order to defray City costs to monitor and enforce inclusionary housing agreements.

6. **RESOLUTION 05-10216** Resolution of Necessity for Bancroft Gardens II Subdivision Project at Intersection of Highway 4 and East Bay Municipal Utility District Aqueduct (Recommend Adoption)

Staff submits for the City Council's consideration, proposed Resolution of Necessity authorizing the commencement of eminent domain proceedings involving Pacific Gas & Electric Company to acquire certain real property interests necessary to achieve certain public purposes in connection with the Bancroft Gardens II Subdivision. The legal descriptions of the real property interests to be acquired are attached to the Resolution as Exhibits A and B.

7. **ORDINANCE 05-1236** Amendment to Municipal Code 15.104 to Update the Fee for the Stormwater Management Plan for Kirker Creek Watershed Draining Area (Recommend Introduce and Waive First Reading)

The City Council adopted Ordinance No. 01-1180 on May 7, 2001, which added Chapter 15.104 entitled "Stormwater Management Plan for Kirker Creek Watershed Drainage Area," to the Pittsburg Municipal Code. The Ordinance implemented a uniform mitigation fee per square foot of new impervious surface areas created by development. The ordinance stipulated that the fee is to be reviewed every year to adjust for inflation. This fee has not been increased since its inception in 2001 and is due for a review. An increase to \$0.68 per square foot is justified by increases in the reference index and construction costs of recent local projects.

8. **ORDINANCE 05-1237** Amendment to the Municipal Code, Section 17.32.020, Park Dedication (Recommend Introduction and Waive First Reading)

The Pittsburg Municipal Code Section 17.32.020, Park Dedication, requires as a condition of a tentative or parcel map, that a developer dedicate land or pay a fee (or a combination of both), for park or recreational purposes. The code requires that the developer provide an amount of land or fee necessary to provide five (5) acres of park area per one thousand (1000) persons residing within the new subdivision. However, the assumed density in the code is not consistent with City's current household makeup described in either the City of Pittsburg General Plan or the 2000 Census results. The proposed amendment will increase the density per dwelling unit to 3.46 persons for Single Family homes and 2.65 persons for Multiple Family dwelling units.

## **CONSIDERATION**

1. **APPOINTMENTS** Commission/Committee Appointments (Recommend Appointment)

Openings exist on the Recreation Commission, Contra Costa Mosquito and Vector Control District (CCMVCD) and Contra Costa Transportation Authority Citizens Advisory Committee (CCTA-CAC). The City has advertised for all openings and received applications for each Commission/Committee. All applicants were invited to interview with the City Council on January 3, 2005 and five applicants were interviewed at that time. One applicant asked to be interviewed at a later date and was invited to interview on January 18, 2005. One additional application was received on January 7, 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: January 3, 2005 (Recommend Approval)
- b. **ORDINANCE 05-1235** Adoption of an Ordinance to Prezone 14 Parcels (Approximately 846 Acres) in the Northwest River Subarea, Including the Mirant Power Plant and Several Adjacent Parcels Located North of Willow Pass Road and South of Suisun Bay (RZ-02-13) (Recommend Adoption)

On January 3, 2005 the City Council introduced and waived the second reading of Ordinance No. 05-1235

prezoning 14 parcels (approximately 846 acres) located north of Willow Pass Road and south of Suisun Bay in anticipation of annexation to the City. Lands proposed to be prezoned 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 1555 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.

- c. **RESOLUTION 05-10217** Approval to Reactivate the Pittsburg Golf Advisory Board (Recommend Adoption)

Due to an interest expressed by the Pittsburg Golf and Country Club, and in accordance with Section 4.2 of the March 1, 1991 Agreement Re: Pittsburg Golf Course, City staff recommends to Council the reactivation of the Pittsburg Golf Advisory Board and the appointment of five new Advisory Board members, to take effect immediately upon adoption by Council.

- d. **RESOLUTION 05-10218** Approving a List of Architectural Firms for On-Call Professional Architectural Services and Authorizing the City Manager to Enter into Agreements with Selected Firms (Recommend Adoption)

The proposed on-call architectural list will allow staff to use pre-qualified architectural firms on an as-needed basis to perform analysis and renovation services for existing structures in the downtown area, design new buildings, provide architectural peer review for the many CIP projects developing in the City of Pittsburg, and provide planning services. The on call list reduces staff costs and reduces the time required to select and contract with a qualified professional architect. Selected architects have received Professional Services Agreements as part of the on call architects list process. Exhibit A lists the firms alphabetically that were selected for each of the service areas needed.

- e. **RESOLUTION 05-10219** Award the 2005 Citywide HVAC Maintenance and Repair Contract to Ferreira Services, Inc. (Recommend Adoption)

The City's adopted Purchasing Policy requires that large purchases and contracts be formally bid or solicited, and awarded by City Council action. The Public Works Department solicited formal HVAC maintenance services proposals for City facilities, last bid two years ago. Public Works is recommending award of a one year

HVAC maintenance services and repairs contract for calendar year 2005, with the option to renew for one additional year, based on Public Works staffs' review of the formal proposals received.

- f.     **RESOLUTION 05-10220** Approval of a Revised Joint Exercise of Power Agreement with the Contra Costa County Municipal Risk Management Insurance Authority (CCCMRMIA) (Recommend Adoption)

The City of Pittsburg has been a member of the Contra Costa County Municipal Risk Management Insurance Authority (CCCMRMIA) since 1977. Facilitated by a Joint Powers Agreement (JPA) this authority provides self-insurance and insurance to the City including liability coverage, workers compensation, property (including all-risk, flood, earthquake and boiler/machinery) and vehicle coverage. The CCCMRMIA Board is requesting City Council ratification of a revised JPA Agreement to more appropriately define the governing structure of the Authority.

**ADJOURNMENT** To: February 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 January 3, 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 <sup>nd</sup> Monday	Vacant
Delta Diablo Sanitation	Nancy Parent / Michael Kee Alt.	Standing	2 <sup>nd</sup> 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
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 <sup>nd</sup> 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 <sup>rd</sup> Thursday	B. Nail
Library Commission	Nancy Parent / William Glynn	Standing	As needed	P. Flores
Mayor's Conference	Nancy Parent / Michael Kee Alt.	Standing	1 <sup>st</sup> 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 & Ben Johnson	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 <sup>st</sup> Thursday	G. Evans
RDA Subcommittee	Nancy Parent & Michael Kee/William Glynn Alt.	Standing	Quarterly	G. Evans