



CITY OF PITTSBURG AGENDA

MONDAY, FEBRUARY 7, 2005

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

**CLOSED SESSION
6:00 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 – 6:00 p.m.

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

Name of Case:

Redevelopment Agency of the City of Pittsburg, California vs. United States Steel Corporation, Case No. C 04-2349 MJ

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

Three (3) cases

CONVENE IN OPEN SESSION – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. Pittsburg High School Varsity Football Team

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 05-1022**
Combined w/CC 05-10221 Approval of a Disposition and Development Agreement By and Between the Redevelopment Agency of the City of Pittsburg and BMS Investments 5, LLC and Making Certain Findings in Connection Herewith (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg and BMS Investments 5, LLC have negotiated terms for a Disposition and Development Agreement, a Ground Lease Agreement and an Option to Purchase Agreement for the development, lease and potential sale of approximately 76,000 square feet of vacant land located at 1201 California Avenue in the City of Pittsburg. The Developer will construct an approximately 56,000 square foot, 4-story, 96-room, quality hotel operating under the Hampton Inn & Suites brand on the site.

CONSIDERATION

1. **RESOLUTION 05-1023** Old Town Marketing Activity Plan (Recommend Adoption)

A major component in the redevelopment of the City of Pittsburg's Old Town is having the location become a destination bound area. There are various concepts that can achieve this goal with one being marketing and promotion activities. Toward that end a partnership with the Chamber of Commerce, numerous individuals, organizations and the City have been developed to provide a promotion plan for the city's Old Town. This plan incorporates a schedule of events for 2005 that will draw the public, commercial interests and investors into Pittsburg's Old Town area.

2. **RESOLUTION 05-1024** Amendment to a Consultant Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Main Street Property Services, Inc. (Recommend Adoption)

On December 20, 2004, the Redevelopment Agency of the City of Pittsburg adopted Resolution No. 04-1018, which approved a consultant agreement by and between the Agency and Main Street Property Services, Inc. for the purposes of developing and producing the *Downtown Pittsburg Design Principles and Guidelines*. The Agency

would like to further utilize the consultant to provide marketing services for Downtown. The Agency and the consultant propose to amend the agreement to add an Exhibit B which will outline additional services related to marketing Downtown.

3. **RESOLUTION 05-1025** Awarding an Exclusive Negotiating Agreement by and Between the Redevelopment Agency of the City of Pittsburg and Miller-Sorg Group, Inc. (Recommend Adoption)

On October 18, 2004, the Agency Board approved Resolution No. 04-494 which established a Unified Development Area at the southwest corner of 10th Street and Cumberland Street. The Redevelopment Agency of the City of Pittsburg desires to enter into an Exclusive Negotiating Rights Agreement with the Miller-Sorg Group, Inc. which provides procedures and standards for the negotiation by the Agency and Developer of a Disposition and Development Agreement for acquisition and development of the UDA.

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 18, 2005 (Recommend Approval)

- b. **MINUTE ORDER** Commercial Rehabilitation Loan Program Policy and Procedure Change (Recommend Adoption)

The Commercial Rehabilitation Loan Program currently makes available up to two hundred eighty thousand dollars (\$280,000) to businesses and property owners who wish to rehabilitate their commercial site. The program requires restructuring in order to ensure the completion and compliance of the rehabilitation and make certain the proper use of the loan funds.

- c. **RESOLUTION 05-1026** Authorizing the Executive Director to Execute Consultant Agreements for Various Technical Services (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg desires to provide technical assistance for rehabilitation of 153 E. 4th Street. The rehabilitation of this property will eliminate blighting influences in the downtown.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: February 22, 2005

PITTSBURG POWER COMPANY MEETING

CONSIDERATION

1. **RESOLUTION 05-121** Approve and Authorize the Executive Director to Execute Gas and Electric Operations Agreements Between the City of Vallejo and the Pittsburg Power Company Regarding the Distribution of Gas and Electricity on Mare Island (Recommend Adoption)

The Pittsburg Power Company, which has been doing business on Mare Island as Island Energy, has completed negotiations on gas and electric operations agreements with the City of Vallejo regarding the distribution of gas and electricity on Mare Island. These agreements provide for the right to expand Island Energy's service to previously un-served areas of Mare Island and for a fee to be paid by Island Energy to the City of Vallejo based on Island Energy's gross income from the sales of gas and electricity on Mare Island.

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: January 18, 2005 (Recommend Approval)

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

REGULAR CITY COUNCIL MEETING

PUBLIC HEARING

1. **RESOLUTION 05-10221** Approval of a Disposition and Development Agreement
Combined w/RDA 05-1022 By and Between the Redevelopment Agency of the City of Pittsburg and BMS Investments 5, LLC and Making Certain Findings in Connection Herewith (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution 05-1022.

2. **RESOLUTION 05-10215** Establishment of an Inclusionary Housing In Lieu Fee and Inclusionary Housing Monitoring Fee (Recommend Adoption)

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. The Council must establish by resolution the amounts of the fees before developers can utilize this in lieu fee option. The ordinance also allows the City Council to establish fees in order to defray City costs to monitor and enforce inclusionary housing agreements. Staff has drafted a resolution for Council consideration which establishes these fees.

CONSIDERATION

1. **MINUTE ORDER** Adoption of New Commission Bylaws (Recommend Adoption)

Amendments to the Municipal Code in April 2004 pertaining to the conduct of City Commissions provided that each Commission submit new bylaws to the Council for review and approval. Bylaws for the Planning Commission, Community Advisory Commission, Youth Commission and Recreation Commission have been submitted for Council review and approval.

2. **RESOLUTION 05-10222** Authorizing the Mayor to Sign a Letter to BART Requesting a BART/e-BART Station near the State Route 4/Railroad Avenue Intersection and Initiating a Study to Develop an Area Plan for a Transit Oriented Development at This Location (Recommend Adoption)

The City's General Plan and Shaping Our Future maps envision a BART station and transit-oriented development near the intersection of State Route 4 and Railroad Avenue. Staff is requesting the Council confirm in writing 1) its support for a BART and/or e-BART station at this location; 2) its request that the site be evaluated for a station as part of the upcoming EIR for the BART/E-BART extension, and 3) its commitment to develop a master plan for a transit oriented development adjacent to the new station. Staff further requests Council authorize staff to negotiate terms with BART to establish a station at this location and initiate a transit oriented development study for the Civic Center block and the area generally bounded by State Route 4 on the north, Harbor Street on the east, Leland Road on the south and Railroad Avenue on the west.

3. **RESOLUTION 05-10223** Approval of City of Pittsburg Emergency Operations Plan (Recommend Adoption)

Under the authority of California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the California Government Code) the City of Pittsburg is authorized to develop plans for emergency event response and recovery.

4. **RESOLUTION 05-10224** Authorization for the City Manager to Execute a First Supplemental Indenture of Trust for the Fountain Plaza Apartments Located at 1010 Power Avenue (Recommend Adoption)

Staff requests authorization for the City Manager to execute a First Supplemental Indenture of Trust for the Fountain Plaza Apartments located at 1010 Power Avenue, thereby amending the restated indenture dated September 1, 1994.

5. **MINUTE ORDER** Council Member Committee Assignment (Recommend Appointment)

In accordance with the City of Pittsburg Policies and Procedures for the City Council adopted by the City Council on September 4, 2001 by Resolution No. 01-9475, the Mayor and Vice-Mayor shall appoint individual Council Members to standing and ad hoc committees. A need currently exists to appoint a committee member and alternate to the newly created eBART Partnership Policy Advisory Committee (EPAC).

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 18, 2005 (Recommend Approval)
- b. **CLAIMS** #1617, Adena Allen; #1626 Shirley Vical; #1633 Ron Huppert and Javier Salgado (Recommend Denial)
- (Claims against the City which may cause expenditure of funds – on file in the Office of the City Clerk)
- c. **ORDINANCE 05-1236** Amendment to Municipal Code 15.104 to Update the Fee for the Stormwater Management Plan for Kirker Creek Watershed Drainage Area (Recommend Adoption)
- On January 18, 2005, the City Council introduced Ordinance No. 05-1236 to amend the Municipal Code 15.104 to update the fee for the Stormwater Management Plan for the Kirker Creek Watershed Drainage Area. This is the second reading. To implement this change, the Council must now adopt the ordinance.
- d. **ORDINANCE 05-1237** Amendment to the Municipal Code, Section 17.32.020, Park Dedication (Recommend Adoption)
- On January 18, 2005, the City Council introduced Ordinance No. 05-1237 increasing the density per dwelling unit to 3.46 persons for Single Family homes and 2.65 persons for Multiple Family dwelling units. This is the second reading. To implement the change, the Council must now adopt the ordinance.
- e. **RESOLUTION 05-10225** Accepting Plans and Specifications for the West Leland Extension (Recommend Adoption)
- On May 5, 2003 the City Council approved Resolution 03-9811, which authorized a consultant agreement for design of the West Leland Road extension. The Consultant has completed the design and this Resolution will accept the plans and specifications.
- f. **RESOLUTION 05-10226** Making Minor Technical Corrections to the Department Directors Benefits and Salary Schedule by Including Uniform Allowance (Recommend Adoption)
- All safety employees of the City receive a uniform allowance, including the Chief of Police. In preparing the comprehensive schedule of benefits for Department Directors, the Chief of Police's uniform allowance was

inadvertently excluded from the benefits schedule. The proposed resolution corrects this oversight.

- g. **RESOLUTION 05-10227** Reject Bids for the Water Treatment Plant Security Camera System (Recommend Adoption)

The Public Works Department has identified various Water Treatment Plan security equipment upgrades based on a Vulnerability Assessment prepared in compliance with the Bio-terrorism Preparedness and Response Act. Public Works has received formal bid proposals for Closed Circuit Television surveillance equipment for the Water Plant. Due to the high bid prices received and the availability of alternative technology that could reduce project cost, Public Works staff is recommending that the City Council reject all bids. If the bids are rejected, PW staff will revise the project bid specifications to allow bids utilizing alternative technology and re-bid this project.

- h. **RESOLUTION 05-10228** Acceptance of Contra Costa County Keller Canyon Landfill Mitigation Funds (Recommend Adoption)

The Pittsburg Police Department is seeking City Council authorization to accept and appropriate funds from the Contra Costa County Keller Canyon Landfill Mitigation Grant for Fiscal Year 2004-2005.

- i. **RESOLUTION 05-10229** Police Department Operational Review (Recommend Adoption)

The Pittsburg Police Department is recommending the Matrix Consulting Group, based in Palo Alto, conduct an operational review of the Pittsburg Police Department. Areas for thorough examination in this study include: the appropriateness of service levels in the City of Pittsburg Police Department; the number of staff required to provide services efficiently and effectively; Departmental organizational structure; departmental management.

- j. **RESOLUTION 05-10230** Accepting Contract No. 97-12, Hillview Reservoir Storm Drain Line Project as Complete and Authorizing the City Engineer to File a Notice of Completion (Recommend Adoption)

Contract 97-12, Hillview Reservoir Storm Drain Line Project, re-routed and extended the existing 12" storm drain line, that serves the City's 3 MG storage tank, discharging now directly into Kirker Creek, and repaired the existing hillside erosion. W.R. Forde Associates Inc., of Richmond, California has completed contract work for this project.

- k. **RESOLUTION 05-10231** Accepting a Transportation Development Act Reimbursement in the Amount of \$56,000 for Contract 03-01, 8th Street and Century Boulevard Pavement Reconstruction Project (Recommend Adoption)

The City Council of the City of Pittsburg accepted Contract 03-01, 8th Street and Century Boulevard Pavement as complete on June 7, 2004. This project was eligible for a Transportation Development grant in the amount of \$56,000 for construction of bicycle lanes on 8th Street. The reimbursement has been received and Staff recommends that the funds be returned to the Redevelopment Agency, which funded the project.

- l. **RESOLUTION 05-10232** Approving an Open Purchase Order with Ford Graphics of Concord, California for Graphic Reproduction Services (Recommend Adoption)

The Engineering Department has an ongoing need for graphic reproduction of plans, specifications, reports, and studies. This resolution will authorize a purchase order with Ford Graphics of Concord, California to provide graphic reproduction services as needed for a period of two (2) years.

- m. **RESOLUTION 05-10233** Authorize Funding Payments to Contra Costa County Pittsburg Library for Additional Hours of Service Not to Exceed a Cost Proposal of \$87,000 for Fiscal Year 2004-2005 (Recommend Adoption)

The City of Pittsburg, along with most other Contra Costa cities, has been contributing towards the cost of providing additional hours of library service since Fiscal Year 1993/94. This additional funding allows the County to provide an increase to the hours of service over the base hours per week within respective communities (hours of service may vary from city to city based upon levels of service).

ADJOURNMENT To: February 22, 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 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
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