



# **CITY OF PITTSBURG AGENDA**

**MONDAY, JANUARY 3, 2005**

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

**CLOSED SESSION  
5:30 P.M.**

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

**CLOSED SESSION (CONTINUED)  
6:45 P.M.**

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

## **CITY COUNCIL REDEVELOPMENT AGENCY**

### **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**

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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.

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**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** – 5:30 p.m.

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Section 54956.8):

Property:

1. APN 073-200-021-1
2. APN's 085-130-006; 085-141-002; 085-141-003; 085-141-004; 085-141-005; 085-141-007; 085-141-009; 085-142-001; 085-142-002; 085-142-003; 085-142-004; 085-142-005; 085-142-006; 085-143-001; 085-143-002; 085-143-003; 085-143-004; 085-143-005; 085-143-006

Agency Negotiator:

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

Negotiating Party:

1. USS Posco Industries
2. The Olson Company – Mitch Solomon and Don Reber

Under Negotiation:

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

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

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

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

One (1) case

**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.*

**RECONVENE IN CLOSED SESSION – SEE AGENDA ITEMS ABOVE** – 6:45 p.m.

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

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATION**

1. American Red Cross

**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 CITY COUNCIL MEETING

### PUBLIC HEARING

1. **RESOLUTION 04-10199** Annual Review of the Regional Transportation Mitigation Fee Imposed on New Development (Recommend Hold Open Public Hearing and Continue to January 18, 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 January 18, 2005.

2. **RESOLUTION 04-10203** Installation of Piping for Additional Reclaimed Water Irrigation Use on Several City Maintained Recreational Areas (Recommend Hold Open Public Hearing and Continue to January 18, 2005)

Agreements related to this project have yet to be completed. Therefore, it is recommended that City Council open the Public Hearing noticed for this meeting, accept any public comment, and continue this item to the next regularly scheduled City Council meeting on January 18, 2005.

3. **ORDINANCE 05-1235**  
**Combined w/05-10210** Introduction 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, and Adoption of a Resolution to Initiate Proceedings to Annex the 14 Parcels into the Municipal Boundary (RZ-02-12) (Recommend Introduction and Waive First Reading of Ordinance/ Recommend Adoption of Resolution)

The Planning Commission is recommending the Council prezone 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 1666 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.

4. **RESOLUTION 05-10210** **Combined w/05-1235** Introduction 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, and Adoption of a Resolution to Initiate Proceedings to Annex the 14 Parcels into the Municipal Boundary (RZ-02-12) (Recommend Introduction and Waive First Reading of Ordinance/ Recommend Adoption of Resolution)

See Executive Summary for Item 3 Above.

5. **RESOLUTION 05-10211** Appeal to Approve the Tenth and Railroad Mixed Use Project (AP-04-177 (DR) (Recommend Uphold Appeal, and Adopt Resolution)

This is a public hearing on an appeal by the City Manager, of the Planning Commission's action in not adopting design review findings and conditions of approval for the proposal by the City of Pittsburg to construct a 36,000 sq ft, three-story mixed-use building consisting of approximately 8100 sq ft of ground floor commercial space and 28 one and two bedroom multifamily units on the second and third floors, with 32 grade-level parking spaces on a 27,000 sq ft site. The property is located at 985 Railroad Ave. and 916 Cumberland St. on the north side of East Tenth St between Railroad Avenue and Cumberland Street; Downtown Commercial General Plan Land Use designation; APN 085-195-005, 006, and 007.

## **CONSIDERATION**

1. **MINUTE ORDER** Adoption of Council Member Committee Assignments for 2005 (Recommend Adoption)

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. 01-09475, the Mayor and Vice-Mayor shall appoint individual Council Members to standing and ad hoc committees and such appointments shall be approved by the entire Council at its first meeting in January following reorganization.

**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: December 20, 2004 (Recommend Approval)

b. **CLAIMS** #1614 Asaad Qassem; #1624 Thomas L. Scaubato  
(Recommend Denial)

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

c. **RESOLUTION 05-10212** Authorizing an Application and Funding Agreement to the Bay Area Air Quality Management District for Transportation Fund for Clean Air Funds for Solid Waste Collection Vehicles (Recommend Adoption)

The Bay Area Air Quality Management District Board of Directors approved the allocation of \$1.5 million in Transportation Fund for Clean Air Regional Funds to provide incentives to reduce emissions of nitrogen oxides from heavy-duty solid waste collection vehicles that are subject to the California Air Resources Board regulation. The City of Pittsburg is applying for incentive funds on behalf of Pittsburg Disposal & Debris Box Services, Inc. (Pittsburg Disposal).

**ADJOURNMENT** To: January 18, 2005

## REGULAR REDEVELOPMENT AGENCY 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: December 20, 2004 (Recommend Approval)
- b. **RESOLUTION 04-1019** First Amendment to the Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and WACO (dba Michael Woldemar and Associates, Inc.) and Allocation of Funding (Recommend Adoption)

On September 20, 2004 the Redevelopment Agency of the City of Pittsburg adopted Resolution No. 04-992 approving a Consultant Agreement between the Agency and Michael Woldemar and Associates, Inc, incorporated as WACO, to create a design for property the Agency is acquiring at the north side of East Tenth Street between Railroad Avenue and Cumberland Street. The site plan and architectural design stage has been completed for a mixed-use development to include ground floor commercial space with two stories of residential units above on the 27,000 sq. ft. site. Staff recommends that the Agency adopt the First Amendment to the Consultant Agreement by and between the Redevelopment Agency of the City of Pittsburg and WACO which will amend the Agreement with the Architect to provide for the preparation of construction documents and construction review services for the Project. The additional Scope of Services is outlined in the attached Exhibit B, which will be attached to the Agreement.

**ADJOURNMENT OF THE REDEVELOPMENT AGENCY** To: January 18, 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 - 2004

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Aleida Rios / Nancy Parent Alt.	Standing	Annual	B. Nail
BART Station Specific Plan	Michael Kee / Yvonne Beals Alt.	Ad Hoc	As needed	M. Ayres
Bay Area Water Quality Dist.	William Glynn / Yvonne Beals Alt.	Standing	As needed	M. Ayres
Contra Costa County Fire Dist.	Michael Kee / William Glynn Alt.	Standing	2 <sup>nd</sup> Monday	Vacant
Delta Diablo Sanitation	Aleida Rios / Nancy Parent Alt.	Standing	2 <sup>nd</sup> Wednesday	J. Fuller
East County Habitat Conserv.	Michael Kee / Yvonne Beals Alt.	Standing	Quarterly	R. Jerome
East County Water Mgt.	William Glynn / Yvonne Beals Alt.	Standing	Annual	J. Fuller
Fee & Finance Authority/TRANSPLAN	William Glynn / Michael Kee Alt.	Standing	2 <sup>nd</sup> Thursday	Vacant
Tri-Delta Transit	Aleida Rios & Nancy Parent	Standing	Last Wednesday	Vacant
Water Transit Authority Comm.	William Glynn / Yvonne Beals 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	Aleida Rios / Nancy Parent Alt.	Standing	3 <sup>rd</sup> Thursday	B. Nail
Library Commission	Aleida Rios & Yvonne Beals	Standing	As needed	P. Flores
LMC Foundation Scholarship	Aleida Rios / Nancy Parent Alt.	Standing	As needed	P. Flores
Mayor's Conference	Aleida Rios / Nancy Parent Alt.	Standing	1 <sup>st</sup> Thursday	M. Grisham
School District Liaison	Nancy Parent & William Glynn	Standing	Quarterly	P. Flores
<u>SUBCOMMITTEE</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC/CDBG	Nancy Parent & Michael Kee	Standing	As needed	A. Landry
California Theatre Study	William Glynn & Michael Kee	Ad Hoc	As needed	G. Evans
City/County Relations	Nancy Parent / Michael Kee Alt.	Standing	As needed	M. Grisham
Draft ULL Committee	William Glynn / Nancy Parent Alt.	Ad Hoc	As needed	M. Grisham
Economic Development	William Glynn & Yvonne Beals	Standing	Quarterly	B. Nail
Fee & Finance Review	William Glynn & Michael Kee	Ad Hoc	As needed	J. Sbranti
Finance Subcommittee	Aleida Rios & William Glynn	Ad Hoc	As needed	M. Simons
Mallards Commemoration Signage	Michael Kee	Ad Hoc	As needed	P. Flores
Power Company Advisory	William Glynn & Nancy Parent	Standing	As needed	G. Evans
PEHDC	Michael Kee & Yvonne Beals	Standing	1 <sup>st</sup> Thursday	G. Evans
RDA Subcommittee	Aleida Rios & Michael Kee	Standing	Quarterly	G. Evans
Shaping Our Future	Michael Kee & William Glynn	Ad Hoc	As needed	M. Grisham