



**CITY OF PITTSBURG
AGENDA**

AMENDED CLOSED SESSION

MONDAY, OCTOBER 16, 2006

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

**CLOSED SESSION
6:30 P.M.**

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

**HOUSING AUTHORITY
REDEVELOPMENT AGENCY
PITTSBURG POWER COMPANY
SOUTHWEST PITTSBURG GHAD II
CITY COUNCIL**

PRESIDING

**Michael Kee, Mayor/Chair
William Glynn, Vice-Mayor/Vice-Chair
Ben Johnson, Council Member/Board Member
Will Casey, Council Member/Board Member
Nancy Parent, Council Member/Board Member**

**For the Housing Authority:
Jerlean Mixon, 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 – 6:30 p.m.

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

Two (2) cases

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One (1) case

CONVENE IN OPEN SESSION FOR REGULAR MEETING – 7:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

1. National Disability Employment Awareness Month

PRESENTATION

1. Main Street Marketing

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)*

HOUSING AUTHORITY

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: September 30, 2006 (Recommend Approval)
- b. **MINUTES** Dated: September 25, 2006 (Recommend Approval)

ADJOURNMENT OF THE HOUSING AUTHORITY To: November 20, 2006

REDEVELOPMENT AGENCY MEETING

PUBLIC HEARING

1. **RESOLUTION 06-1157**
Combined w/CC 06-10652
Approval of Amendment No. 2 to the Disposition, Development and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Gateway Mixed Used Development, a California Limited Partnership, and Making Certain Findings Herewith (Recommend Adoption)

On November 21, 2005, the Redevelopment Agency of the City of Pittsburg and Domus Development LLC, a California limited liability company, entered into a Disposition, Development and Loan Agreement for the development of twenty-eight (28) residential rental units and an approximate 8,000-square-foot of ground floor commercial space on a vacant Agency owned 27,000 square foot parcel of land at the northeast corner of Railroad Avenue and 10th Street, in the City of Pittsburg, commonly known as "the Gateway Project". In accordance with the DDLA, Domus has assigned its obligations under the DDLA to Gateway Mixed Use Development, a California Limited Partnership, pursuant to an assignment and assumption agreement executed by the Developer and Agency. On April 3, 2006, the Agency and Developer executed Amendment # 1 to said DDLA, permitting the Developer to implement required environmental remediation activities at the Site and be reimbursed by Agency. Due to increasing construction costs, the Agency and Developer have negotiated Amendment # 2 to said DDLA increasing the Agency's loan to Developer by \$900,000 to cover increased construction costs.

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- a. **MINUTES**
Dated: October 2, 2006 (Recommend Approval)
- b. **RESOLUTION 06-1156**
Authorizing Approval of a Relocation Settlement Agreement with James and LaSjeonia Hutchings (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg has been working with a relocation advisor from Associated

Right of Way Services on the relocation of James and LaSjeonia Hutchings from 306 Railroad Avenue, Pittsburg, CA 94565.

- c. **RESOLUTION 06-1162** Approval of the First Amendment to the Exclusive Negotiating Rights Agreement By and Between the Redevelopment Agency of the City of Pittsburg and Sierra Pacific Properties, Inc. (Recommend Adoption)

In a July closed session, the Agency Board authorized the Executive Director to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with Sierra Pacific Properties, Inc. for negotiation of a proposed mid-rise office tower at the northwest corner of Railroad Avenue and the westbound on-ramp of State Highway 4. The ENRA was executed by all parties on August 28 and provides for certain developer reimbursements during negotiations in order to begin predevelopment activities that would accelerate the project. During negotiations and early project scheduling, it became apparent that due to CEQA requirements the DDA cannot be considered for approval by the City and Agency in time to conform with the Developer's accelerated development schedule that envisions a groundbreaking in June 2007. In order to accommodate the Developer's schedule, staff is proposing to amend the ENRA to allow reimbursements to the Developer for Design Development architectural drawings. This will allow the Developer to continue predevelopment activity to keep the project on schedule while DDA negotiations are finalized and the City and Agency fully analyze the proposed project in accordance with the California Environmental Quality Act.

- d. **RESOLUTION 06-1163** Approving the Carryover of FY 2005-2006 Redevelopment Agency Capital Improvement and Administrative Project Balances at June 30, 2006 into the Current Fiscal Year 06-07 Budget for the Redevelopment Agency of the City of Pittsburg (Recommend Adoption)

The Redevelopment Agency of the City of Pittsburg has multi-year Capital Improvement Program (CIP) Projects and some administrative projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2006 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP projects.

ADJOURNMENT OF THE REDEVELOPMENT AGENCY To: November 6, 2006

SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II

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 06-016** Setting a Public Hearing for the Annexation of Vista Del Mar to the Southwest Pittsburg Geologic Hazard Abatement District II (Recommend Adoption)

Division 17 of the California Public Resources Code establishes legal standards for geologic hazard abatement district ("GHAD") formation, GHAD financing and the scope of GHAD authority (Section 26500 *et seq.*). The Development Agreement for the Vista Del Mar Subdivision ("Vista Del Mar") contemplates either the formation of a new GHAD or the annexation of the property to the existing Southwest Pittsburg GHAD II ("Southwest GHAD"). California Public Resources Code § 26550.5 provides that proceedings for the formation of a new GHAD may be initiated by a petition signed by owners of at least ten percent (10%) of the real property to be included within the proposed district. This provision applies to the annexation of land to an existing GHAD by operation of §26581. The Vista Del Mar GHAD annexation petition has been executed and submitted to the Southwest GHAD Board. The adoption of this resolution setting a public hearing on the annexation is the first step in the formal annexation process.

- b. **REPORT** Presenting the Annual Pre-Winter Inspection Report (Recommend Acceptance)

The General Manager, William Wigginton of Geolex, Inc. has provided his annual report entitled the Pre-Winter Inspection Report for the Board's information.

ADJOURNMENT OF THE SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II

PITTSBURG POWER COMPANY

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: October 2, 2006 (Recommend Approval)
- b. **RESOLUTION 06-154** Approving the Carryover of FY 2005-2006 Pittsburg Power Company Capital Improvement and Administrative Project Balances at June 30, 2006 into the Current Fiscal Year 06-07 Budget for the Pittsburg Power Company (Recommend Adoption)

The Pittsburg Power Company of the City of Pittsburg has multi-year Capital Improvement Program (CIP) Projects and some administrative projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2006 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP projects.

ADJOURNMENT OF THE PITTSBURG POWER COMPANY

CITY COUNCIL MEETING

PUBLIC HEARING

1. **ORDINANCE 06-1276**
Combined w/CC 06-10651
Introduction of an Ordinance Amending Chapter 15.90 "Transportation Mitigation Fee," of the Pittsburg Municipal Code (Recommend Open and Continue to November 6, 2006 for Introduction and Waive First Reading)

The attached Ordinance and Resolution will adopt new local transportation mitigation fees based upon a Pittsburg Local Transportation Mitigation Fee (LTMF) Study Update report, dated October 2006, which was prepared by the City's consultant, Fehr & Peers. The report includes several options for updating the fee, which are summarized in Tables 9A and 9B of the report. The new fees will be based upon new growth projections and a revised list of transportation improvement projects necessary to mitigate development's local transportation impacts.

2. **RESOLUTION 06-10651**
Combined w/CC 06-1276
Adoption of a Resolution Approving and Adopting the Pittsburg Local Transportation Mitigation Fee (LTMF) Program Update Report Including a Revised Schedule of Local Transportation Mitigation Fees and a Revised List of Transportation Improvement Projects (Recommend Open and Continue to November 6, 2006)

See Executive Summary for Ordinance No. 06-1276.

3. **RESOLUTION 06-10652**
Combined w/RDA 06-1157
Approval of Amendment No. 2 to the Disposition, Development and Loan Agreement by and between the Redevelopment Agency of the City of Pittsburg and Gateway Mixed Used Development, a California Limited Partnership, and Making Certain Findings Herewith (Recommend Adoption)

See Executive Summary for Redevelopment Agency Resolution No. 06-1157.

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: October 2, 2006 (Recommend Approval)

- b. **ORDINANCE 06-1274** Adoption of an Ordinance Approving a Development Agreement with KB Home South Bay Inc. – AP-06-358 (DA) (Recommend Adoption)
- On October 2, 2006, the Council introduced and waived the reading of an Ordinance to approve a development agreement with KB Home South Bay Inc. The Council must now adopt the Ordinance for it to take effect.
- c. **ORDINANCE 06-1275** Amendments to Municipal Code Section 17.32.020 Relating to Park Dedication Requirements in New City Subdivisions (Recommend Adoption)
- The attached Ordinance, if adopted by the City Council, will clarify the procedure for park dedication and the imposition of in lieu fees within the City. The proposed amendments to the Municipal Code give the City the express authority to require the dedication of land, impose an in lieu fee, or a combination of both. Under the proposed Ordinance, the City Council will establish the fair market value of land for in lieu fee purposes by Resolution. The Ordinance also requires that land be valued at the time of final map acceptance. This is the second reading of the proposed Ordinance.
- d. **RESOLUTION 06-10653** Amending the AFSCME Management/Professional/Confidential Memorandum of Understanding (Recommend Adoption)
- The City initiated an independent study of the Payroll Technician and Human Resources Technician classification to verify the job duties and salary alignment with other City positions. The consultant recommended changes from Technician to Specialist and other modifications to the job descriptions, of which the City Manager has adopted in accordance with Personnel Rule 3.3. The consultant also recommended amending the pay for both of these positions and this item requires City Council approval.
- e. **RESOLUTION 06-10654** Approval of Clear Channel Outdoor Billboard Relocation Agreement (Recommend Adoption)
- The Council is being requested to approve an agreement with Clear Channel Outdoor which will result in the construction of one new billboard and the removal of four existing billboards.
- f. **RESOLUTION 06-10655** Approving the Carryover of FY 2005-2006 Capital Improvement and Administrative Project Balances at June 30, 2006 into the Current Fiscal Year 06-07 Budget for the City of Pittsburg (Recommend Adoption)

The City of Pittsburg has multi-year Capital Improvement Program (CIP) and some administrative projects which were not completed during the prior fiscal year. The balances remaining in each of these projects at June 30, 2006 need to be carried over into the current fiscal year's Budget in order to continue and/or complete these CIP projects.

- g. **RESOLUTION 06-10656** Establishing a Quarterly Monitoring Fee in Support of Municipal Code to Add Chapter 15.14 Entitled Maintenance of Boarded and Vacant Buildings (Recommend Adoption)

It is necessary to establish enforceable minimum standards for vacant buildings and to provide a self supporting program for enforcing these standards. The attached resolution if approved, will establish a fee in support of the monitoring of vacant buildings, with owners bearing the cost.

- h. **RESOLUTION 06-10657** Receive Fiscal Year 2005-2006 Year-End Financial Review and Adopt Resolution Authorizing Year-End Adjustments and Reimbursements to and from the General Fund (Recommend Adoption)

Staff has completed the review of the Fiscal Year 2005-2006 year-end financial status for all City and Redevelopment Agency funds in preparation for the annual audit process that will begin on October 22, 2006. The attached Fiscal Year 2005-2006 Year-End Financial Review Preliminary – “Unaudited” Report compares all actual revenues and expenses to the amended budget for all City and Redevelopment Agency funds. This report also sets forth procedures used in past and current fiscal years for reimbursement by Special Funds to the General Fund for monies advanced by the General Fund for specific administrative support and non-general fund programs.

ADJOURNMENT To: November 6, 2006

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.

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are video-taped for broadcast on Comcast Local Access Channel 26 typically the day after each meeting. For more information, please contact the City Clerk's office at 252-4850.

City Council Outside Agency/Liaison/ Sub-Committees Assignments – 2005-2006

Updated September 5, 2006

OUTSIDE AGENCY BOARDS

| <u>OUTSIDE AGENCY BOARDS</u> | <u>COUNCIL MEMBER(S)</u> | <u>TYPE</u> | <u>MEETS</u> | <u>STAFF</u> |
|-----------------------------------|-----------------------------------|-------------|---------------------------|--------------|
| ABAG | Michael Kee / William Glynn 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 | M. Rodriguez |
| Delta Diablo Sanitation | Nancy Parent / William Glynn Alt. | Standing | 2 nd Wednesday | J. Fuller |
| East County Habitat Conserv. | Will Casey / Ben Johnson Alt. | Standing | Monthly | M. Ayres |
| East County Water Mgt. | Michael Kee / William Glynn Alt. | Standing | Annual | J. Fuller |
| ePPAC | William Glynn / Ben Johnson Alt. | Standing | 2 nd Thursday | J. Sbranti |
| Fee & Finance Authority/TRANSPLAN | William Glynn / Ben Johnson Alt. | Standing | 2 nd Thursday | J. Sbranti |
| Tri-Delta Transit | Michael Kee & William Glynn | Standing | Last Wednesday | M. Rodriguez |
| Water Transit Authority Comm. | Will Casey / Ben Johnson Alt. | Standing | Monthly/Thursdays | J. Fuller |

LIAISON TO

| <u>LIAISON TO</u> | <u>COUNCIL MEMBER(S)</u> | <u>TYPE</u> | <u>MEETS</u> | <u>STAFF</u> |
|----------------------------------|---|-------------|--------------------------|--------------|
| East Bay League of Calif. Cities | Michael Kee / William Glynn Alt. | Standing | 3 rd Thursday | B. Nail |
| Library Commission | Nancy Parent / Will Casey | Standing | As needed | P. Flores |
| Mayor's Conference | Michael Kee / William Glynn Alt. | Standing | 1 st Thursday | M. Grisham |
| School District Liaison | Nancy Parent & Ben Johnson/William Glynn Alt. | Standing | Quarterly | P. Flores |

SUBCOMMITTEE

| <u>SUBCOMMITTEE</u> | <u>COUNCIL MEMBER(S)</u> | <u>TYPE</u> | <u>MEETS</u> | <u>STAFF</u> |
|--------------------------------|---|-------------|--------------------------|---------------------|
| Alternate Governance Structure | Michael Kee & William Glynn | Ad Hoc | As needed | M. Rodriguez/M. Fox |
| CAC/CDBG | Will Casey & Nancy Parent | Standing | As needed | A. Landry |
| California Theatre Study* | | | | |
| City/County Relations | Michael Kee / William Glynn Alt. | Standing | As needed | M. Grisham |
| Concord Naval Weapons Station | William Glynn / Ben Johnson | Ad Hoc | As needed | M. Rodriguez |
| Economic Development | Ben Johnson & Will Casey/Nancy Parent Alt. | Standing | Quarterly | B. Nail |
| Finance Subcommittee | Ben Johnson & Will Casey | Ad Hoc | As needed | M. Simons |
| Land Use Subcommittee | Ben Johnson & Nancy Parent/Will Casey Alt. | Ad Hoc | As needed | M. Ayres |
| Power Company Advisory | Nancy Parent & William Glynn | Standing | As needed | G. Evans |
| PEHDC | Will Casey & Ben Johnson | Standing | 1 st Thursday | G. Evans |
| RDA Subcommittee | Michael Kee & Nancy Parent/William Glynn Alt. | Standing | Quarterly | G. Evans |
| Sister City Committee | Michael Kee & William Glynn | Ad Hoc | As Needed | B. Nail |

*Combined w/RDA Subcommittee